



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

**Acquisition Procedures
Update (APU) No. 13-02
May 22, 2013**

MEMORANDUM FOR BUREAU CHIEF PROCUREMENT OFFICERS

FROM: Cathy C. Higginbotham, Senior Procurement Executive (Acting)

SUBJECT: Class Deviation from the Federal Acquisition Regulation (FAR), Past Performance Reporting for Personal Services Contracts

Purpose: To promote the efficient use of Department resources by exempting past performance evaluations of personal services contracts (PSCs) from being entered into the Past Performance Information Retrieval System (PPIRS).

Effective Date: Upon issuance.

Expiration Date: This class deviation will remain in effect until canceled or superseded.

Background: The Department of the Treasury's Office of Technical Assistance (OTA) has the statutory authority (per 22 U.S.C. §2151aa(d)(3)(A)) required by FAR 37.104(b) to enter into PSCs. FAR 42.1502 requires past performance evaluations for most all contracts which exceed the simplified acquisition threshold. PSCs are not exempted from this reporting requirement. In order to create a database of these evaluations, FAR 41.1503(c) requires that "[a]gencies shall submit [required] past performance reports electronically to...PPIRS..." without exception.

Entering past performance evaluations for PSCs into PPIRS is not favored for three primary reasons. First, past performance ratings of PSCs are, by their very nature, more akin to personal performance reviews than the evaluations of entities as found in PPIRS. It would be inadvisable to make such highly personal evaluations available across government. Second, as only a few agencies have the authority to award PSCs, only a small portion of those who have PPIRS access could potentially use the evaluations in support of local contract awards. Third, PSC evaluations in PPIRS are unlikely to be used as PSCs are usually hired through an application and interview process separate and distinct from the standard contract solicitation procedure.

Required Bureau Action: Contracting Officers (COs) should no longer enter past performance reports for PSCs into CPARS or PPIRS. However, COs must continue to complete past performance evaluations for all current and future PSCs as required by the FAR and store them in the contract file.

Additional Information: Questions about this policy may be directed to Porter Glock at Porter.Glock@treasury.gov, telephone (202) 622-7096.

Department of the Treasury
FAR Class Deviation 01-13

Part 42—CONTRACT ADMINISTRATION AND AUDIT SERVICES

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Subpart 42.15—Contractor Performance Information

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42.1503 Procedures. **(DEVIATION)**

(c) Agencies shall submit past performance reports electronically to the Past Performance Information Retrieval System (PPIRS) at www.ppirs.gov. The process for submitting such reports to PPIRS shall be in accordance with agency procedures. **Past performance reports for personal services contracts, discussed in 37.104, shall be maintained in the contract file and not submitted to PPIRS.**