

CEMP-CM  Engineer Regulation 15-1-29	Department of the Army U.S. Army Corps of Engineers Washington, DC 20314-1000	ER 15-1-29  15 August 1988
	Boards, Commissions, and Committees  CONSTRUCTION CONTRACTOR PERFORMANCE REVIEW TEAM FUNCTIONS	
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Regulation

No. ER 15-1-29

15 August 1988

Boards, Commissions and Committees  
CONSTRUCTION CONTRACTOR PERFORMANCE  
REVIEW TEAM FUNCTIONS

1. Purpose. This regulation prescribes the policy of USACE relating to contractors who willfully fail to perform in accordance with the terms of their contracts, or those who have a history of unsatisfactory performance on one or more contracts. It also defines the functions of the HQUSACE Construction Contractor Performance Review Team (CCPRT).

2. Applicability. This regulation applies to all HQUSACE elements and field operating activities (FOA).

3. References.

- a. FAR 9.406-2(b) Causes for debarment
- b. FAR 36.201 Evaluation of contractor performance

4. Policy. It is the policy of USACE to promptly and objectively evaluate contractor performance. Debarment will be proposed for any contractor who willfully fails to perform in accordance with the terms of the contract, or who has a history of unsatisfactory performance.

5. CCPRT Functions.

- a. Review and evaluate the performance history of construction contractors with final "unsatisfactory" performance evaluations, and FOA performance in initiating actions to debar nonresponsible contractors.
- b. Ensure that Command Inspections include a review of the FOA implementation of policies and regulations relating to debarment. The review will also ensure that the policies and regulations are effective and provide for fair and impartial treatment of contractors who have unsatisfactory performance evaluations.
- c. Review and provide recommendations on any changes needed to the Corps of Engineers sponsored training on performance evaluations.
- d. Review FDA nonresponsibility determinations and performance based debarment actions submitted to the Office Of The Chief Counsel (CECC).

6. Implementation.

a. Chief, Construction Division (CEEC-C) is the team proponent and will:

- (1) Provide general supervision and administration of the CCPRT.
- (2) Appoint the team chief.

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(3) Request that the Chief of CEPR, CECC and CEEC-C (or designee no lower than the deputy or assistant chief) form the basic team, which may be augmented as necessary for proper administration. When the contractor under review is a small business, the HQ SADBUE will be included as a member. Appointments to the team will be in writing.

b. Reviews and Debarment Recommendations. Construction Division, acting for the CCPRT, will review quarterly the "unsatisfactory" contractor evaluations in the Construction Contractor Appraisal Support System (CCASS), and will identify contractors with a history of two or more "unsatisfactory" evaluations. Copies of the "unsatisfactory" evaluations (SF 1420 and supporting documentation) along with all other SF 1420s filed for the same contractor will be furnished to the CCPRT. The CCPRT will convene to review the performance history of these contractors. If the CCPRT agrees that sufficient justification for debarment or suspension exists, a letter will be sent the contracting officer filing the last "unsatisfactory" evaluation. The letter will provide a synopsis of the CCPRT findings on the contractor\*s performance, and recommend that debarment action be initiated by the contracting officer.

c. None of the CCPRT activities shall prevent the contracting officer from initiating a performance based debarment action on his own.

FOR THE COMMANDER:

A handwritten signature in black ink, appearing to read 'Pat M. Stevens IV', with a long horizontal stroke extending to the right.

PAT M. STEVENS IV  
Colonel, Corps of Engineers  
Chief of Staff