



Performance Based Acquisition (PBA)

December 4, 2007

Cleanup Division, USAEC

Our Mission: Provide installations that enable Soldier and Family readiness, and provide a quality of life that matches the quality of service they provide to the Nation.

Leading Change for Installation Excellence



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What's New this FY in PBA?

- Continue to focus on areas that require improvement, and begin a more formalized performance tracking
- Look for opportunities outside of Installation Restoration Program (IRP) to apply PBA
- Key FY08 focus areas include:
 - Pre-Award:
 - Application of a Statement of Objectives (SOO) approach versus a Performance Work Statement (PWS);
 - Pursuit of incentive fee PBA mechanism; and
 - Post-Award:
 - Review of Funding Requests
 - Development of metrics to monitor PBA performance.
 - Percent of major milestones (Remedy in Place (RIP)/Response Complete (RC)) met ahead of or on schedule; and/or



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Anticipated PBA Release Dates



Cleanup - Performance-Based Acquisitions (PBA) - Microsoft Internet Explorer

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Address <http://aec.army.mil/usaec/cleanup/pbc00.html>

- [U.S. Army Contracting Agency Northern Region](#)
 - [Central Contractor Registration](#)
 - [Army Single Face to Industry](#)
- **FY07/08 PBA Program**
 - [Memo from Assistant Chief of Staff for Installation Management \(38.9kb PDF\)](#)
 - [FY07/08 Anticipated RFQ Release Dates \(47.0kb PDF\) \(18 Oct 2007\) updated](#)
- **Success Stories**
 - [Small Businesses Receive Cleanup Contracts](#)
 - [PBC Takes Advantage of Open Approach](#)
 - [Fort Leavenworth](#)
 - [Fort Gordon](#)





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Tips for PBA Implementation

- Know the Tools Available to You
- Understand the Contractual Lines of Authority
- Seek Input Early when Something is "Brewing" - Help is Available



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Know the Tools Available to You



- Base Contract Language
- Task Order Language
- Specific PBA Scope



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Base Contract Language

- The Contractor will be responsible for addressing any and all unforeseen environmental, scheduling, and regulatory issues
- It is the Contractor's responsibility to comply with all applicable federal, state and local laws and regulations and to fulfill the performance objectives of this PWS in a manner that is consistent with any applicable orders or permits, all existing and future cleanup agreements or guidance for the Installation, and relevant Department of Defense (DoD) and Army policy, for the duration of the contract.



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Base Contract Language (cont.)

- All Army-owned property provided must be maintained by the Contractor in accordance with applicable maintenance requirements and may not be replaced by the Army should new equipment be required



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Base Contract Language (cont.)

- Remedy reviews conducted during the duration of the Task Order constitute a Government Inspection of Services
- If the Contractor is conducting RA(O) or LTM for a remedy that they did not implement or modify, correction of substantive remedy deficiencies are considered outside the scope



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Task Order Language

- Interim milestones proposed by the Contractor are subject to Army review and approval
- Remedial Action Operations (RAO)/Long Term Management (LTM) includes development of Exit/Ramp Down Strategies.
- Organizational conflicts of interest



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Specific PBA Scope

- Table 1 identifies the specific PBA scope performance requirements summary
 - Site Number (e.g. CSWP-001)
 - Performance Objective (e.g. RIP, RC, etc.)
 - Performance Objective Date (e.g. 30 September 2008)
 - Performance Standard (e.g. Army and Regulator acceptance)
- Army review times for deliverables
- Key Personnel



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Understand the Contractual Lines of Authority

- Role of Contracting Officer (KO)
- Role of Contracting Officer's Representative (COR)
- Role of Installation Restoration Program Manager (RPM)
- Role of the US Army Corp of Engineers (USACE)



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Role of KO

- Only a duly appointed KO has the authority to:
 - Enter into and administer a contract on behalf of the U.S. Government;
 - Change or terminate an existing contract; and
 - Make determinations and findings relating to the contract.



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Role of COR

- Authorized representative of the contracting officer, acting within the limits of his/her delegated authority
- Monitor's the contractor's performance and serves as the technical liaison between the contractor and the contracting officer



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Role of Installation Restoration Program Manager



- May be appointed to serve as COR (must be Department of Army Civilian)
- If not appointed as COR, may provide day-to-day contractor interaction and oversight, but cannot direct the contractor or reject or accept deliverables



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Role of the USACE

- USACE Project Manager (PM) may serve as COR on a Task Order issued on Assistance Chief for Installation Management (ACSIM) Indefinite Delivery/Indefinite Quantity (ID/IQ) contract at the request of the installation and USAEC
 - USACE PM may provide or coordinate USACE In-House technical support to the installation
- USACE PM should be COR on a Task Order issued on a USACE contract
 - USACE PM provides USAEC contract supervision and administration (S&A)



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Seek Input Early when Something is "Brewing"

- Contractor Quality/Performance Issues
- Requests for Modification
- Contractor Negotiations with the Regulators
- Remedy Selection: Optimized Capital and Long-Term Costs



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Contractor Quality/ Performance Issues

- The QASP details how and when the COR will monitor, evaluate, and document Contractor performance on the Task Order
- Assess the key milestones and deliverables according to two standards: quality and timeliness
 - Re-performance is required until the milestone/deliverable receives an acceptable rating
 - Re- performance is required regardless of cost or schedule constraints, unless the KO has opted to terminate the Task Order
 - If an acceptable rating is not achieved, the Government may reduce the contract price to reflect the reduced value of the services in accordance with FAR 52.246-4(e)



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Contractor Quality/ Performance Issues (cont.)

- At the end of every year, the COR will prepare a written Contractor Performance Assessment Report (CPAR) for the KO summarizing the overall results of his/her surveillance of the Contractor's performance during the previous 12 months
- The PBA team recommends using the QASP documentation process to provide input to the CPAR by rolling it up at the end the year



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Requests for Modification

- Goal is to eliminate the need to modify PBA contracts
- Change requests may be appropriate in some cases
- Each request needs to be reviewed carefully by the KO, COR, and/or technical contact
 - STEP #1: Review the PWS accompanying the award and subsequent PWS modification(s)
 - STEP #2: Review contractor questions and Government responses from the solicitation process
 - STEP #3: Review key documents provided at the time of the solicitation



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Contractor Negotiations with the Regulators

- Because the Army retains all liability, the Army needs to be involved in regulatory negotiations
- Contractors cannot negotiate on behalf of the Government, but can provide technical support and have a vested interest to do so to achieve their approach (and contractual performance objectives)



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Remedy Selection: Optimized Capital and Long-Term Costs

- Most PWSs contain an objective in Table 1 that requires the contractor optimize current and long-term costs
- PWS language is designed to prevent instances when the contractor may propose a cheaper remedy that meets the performance objective, but may cost the Army more in the long run after contract period ends



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END OF BRIEF

INSTALLATION MANAGEMENT COMMAND



“Sustain, Support and Defend”