



# Homeland Security

August 7, 2007

The Honorable Carolyn Maloney  
Subcommittee on Government Management, Organization,  
and Procurement  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Maloney:

During the hearing, "Federal Contracting: Do Poor Performers Keep Winning?" held on July 18<sup>th</sup>, you requested feedback on indicators that should be part of a centralized system and the number of systems currently in existence providing information indicative of a contractor's past performance. I consider the standard contractor performance report in the Past Performance Information Retrieval System (PPIRS) allows for the appropriate information to be available to a contracting officer in making a determination of responsibility. The categories that are evaluated and the ability to provide a rating based on an established range allows a contract administrator to give a complete, well-rounded picture of a contractor's performance.

As to your request for the number of systems currently in existence, I am enclosing a list compiled by my staff of Federal Government Business Systems related to contractor performance as well as a listing of other public sector, non-governmental or state/city systems or entities regarding business information that may be used as a source of information. As you know, only the Excluded Parties List System, PPIRS, and the Online Representations and Certifications Application are required to be consulted by a contracting officer prior to making an award. Depending upon the commodity or the service being contracted for, there are other sources a contracting officer would consult in making a determination of responsibility prior to making an award, such as the Department of Treasury's Listing of Approved Sureties in the award of a construction contract.

As I mentioned in my testimony, performing effective contract administration is one of my top three priorities. I appreciate your interest in improving contract administration in the Federal Government. I may be reached on (202) 447-5300, if you wish to discuss further.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Duke".

Elaine C. Duke  
Chief Procurement Officer

enclosure

**Federal Government Business Systems  
(Contractor performance)**

Name of System	Description	Other	FAR Part
<b>Excluded Parties List System (EPLS)</b>	The <b>Excluded Parties Listing Systems (EPLS)</b> is the electronic version of the Lists of Parties Excluded from Federal Procurement and Nonprocurement Programs (Lists), which identifies those parties excluded throughout the U.S. Government (unless otherwise noted) from receiving Federal contracts or certain subcontracts and from certain types of Federal financial and nonfinancial assistance and benefits. (GSA-IAE)	See SDN, "Denied Persons", and Entity List descriptions immediately below.	Part 9
<b>Other Govt Agency list interfaced with EPLS</b>	<b>Office of Foreign Assets Control (OFAC) List</b> (Department of Treasury)	<b>(1) SDN</b> - As part of its enforcement efforts, the U.S. Department the Treasury, Office of Foreign Assets Control (OFAC) publishes a list of individuals and companies owned or controlled by, or acting for or on behalf of, targeted countries. It also lists individuals, groups, and entities, such as terrorists and narcotics traffickers designated under programs that are not country-specific. Collectively, such individuals and companies are called "Specially Designated Nationals" or "SDN." Their assets are blocked and U.S. persons are generally prohibited from dealing with them. The Department of Treasury's Office of Foreign Assets Control (OFAC) List is <b>fully integrated in the EPLS database, with Search and Report capabilities. Users will no longer need to check separate lists within the EPLS website to determine all excluded parties.</b> While this list has been fully integrated into the EPLS database, it is also available at the OFAC web site at <a href="http://www.treas.gov/ofac">www.treas.gov/ofac</a>	Part 25.7
<b>Additional List for Contract Officer Consideration</b>	The Department of Commerce's Bureau of Industry and Security (BIS) maintains two lists -- the "Denied Persons List" and the "Entity List" for Contract Officer consideration. For those transactions that may involve exports from the U. S. or reexports of U.S.-origin items, parties (including U.S. Government officials) are encouraged to review the Export Administration Regs (15 C.F.R. 730) maintained by BIS.	<b>(2) 'The Denied Persons List'</b> is to prevent the illegal export of dual-use items before they occur; investigate and assist in the prosecution of violators of the Export Administration Regulations (EAR) and the Fastener Quality Act (FQA); and inform and educate exporters, freight forwarders, and manufacturers of their enforcement responsibilities under the EAR and FQA. The list is created by U.S. BIS's Export Enforcement (EE) program. Access the U.S. Department of Commerce, Bureau of Industry and Security's Denied Persons List at <a href="http://www.bis.doc.gov">www.bis.doc.gov</a> under <b>Lists to Check</b> <b>(3) The Entity List</b> contains a list of foreign end users involved in proliferation activities and informs the public of export license requirements related to these entities. The listing is based on the Enhanced Proliferation Control Initiative (EPCI), which has been implemented in the Export Administration Regulations, and has been created by the U.S. Department of Commerce, Bureau of Industry and Security. While this list will assist exporters in determining whether an entity poses proliferation concerns, it is not comprehensive. It does not relieve exporters of the responsibility to determine the nature and activities of their potential customers. Access to the list is at <a href="http://www.bis.doc.gov">www.bis.doc.gov</a> .	Not in FAR  Not in FAR

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<p><b>PPIRS</b>- Sponsored by the DOD E-Business Office and administered by the Naval Sea Logistics Center Detachment Portsmouth.</p>	<p>PPIRS is a government-wide application that provides pertinent contractor past performance information to the Federal acquisition community for use in making source selection decisions. PPIRS assists Federal acquisition officials make source selections by serving as the single source for contractor past performance data. PPIRS provides a query capability for authorized users to retrieve report card information detailing a contractor's past performance. Federal regulations require that report cards be completed annually by customers during the life of the contract. PPIRS functions as the central warehouse for performance assessment reports received from 6 feeder systems (See column to right).</p>	<p align="center"> <u>(1) Contractor Performance System (CPS) (NIH)</u>  <u>(2) Past Performance Data Base (PPDB)</u>  <u>(3) Past Performance Information Management System (PPIMS)</u>  <u>(4) Architect-Engineer Contract Administration Support System (ACASS)</u>  <u>(5) Construction Contractor Appraisal Support System (CCASS)</u>  <u>(6) Contractor Performance Assessment Reporting System (CPARS)</u> </p>	<p>FAR 42 &amp; OFPP Best Practices Guide - 2000</p>
<p><b>Business Partner Network (BPN) - CCR-DOD BTA</b></p>	<p>The BPN is the single source for vendor data for the Federal Government. It provides search unprecedented views into several key data bases across Federal Agencies.</p>	<p><u>(1) ORCA</u> - Online Representations and Certifications Application replaces most of the paper based Representations and Certifications (Reps and Certs) in Section K of solicitations with an Internet application.</p> <p><u>(2) CCR</u>- is a federally mandated and funded program. It is federally mandated that anyone who wishes to do business with the federal government under a FAR-based contract must be registered in CCR before being awarded the contract. Registration is a prerequisite before bidding on a contract. CCR also provides a central storage location for the vendor to supply its information, rather than with each federal agency separately. When information about a business should change, the change is made in one place for every federal government agency to have the up-to-date information.</p> <p><u>(3) eSRS</u> - FPDS Real Time Interface. On June 1, 2007 the Electronic Subcontracting Reporting System (eSRS) implemented a real time contract retrieval interface with the Federal Procurement Data System (FPDS). The interface permits contractors to enter their contract number into eSRS and have the data retrieved from FPDS and immediately made available for reporting in the eSRS. This is the OFFICIAL Site for the new electronic Subcontracting Reporting System (eSRS). The new eSRS creates higher visibility and introduce a more transparency into the process of gathering information on Federal subcontracting accomplishments.</p>	<p>FAR 4 &amp; OMB memo "Update to Electronic Subcontracting Reporting System (Nov 2005)"</p>

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<b>Dun and Bradstreet (D&amp;B)</b> (Commercial Website)	The D-U-N-S Number is used to identify businesses around the world. D&B's global database contains more than 110 million business records from over 190 countries. The U.S. Government determined that the best approach to maintain the accuracy and consistency of the name and address standardization of business records was to leverage a best practice system widely used in corporate America and around the globe.	Not a government system but designated to support FAR requirements	FAR 4 & 9
<b>Department of the Treasury's Listing of Approved Sureties</b>	This Treasury Department Circular 570 is published annually, solely for the information of Federal bond-approving officers and persons required to give bonds to the United States.	<a href="http://fms.treas.gov/c570/index.html">http://fms.treas.gov/c570/index.html</a>	FAR 28.201
<b>Treasury Offset Program (TOP)</b>	The Treasury Offset Program is a centralized offset program, administered by the Financial Management Service's (FMS) Debt Management Services (DMS), to collect delinquent debts owed to federal agencies and states (including past-due child support), in accordance with 26 U.S.C. § 6402(d) (collection of debts owed to federal agencies), 31 U.S.C. § 3720A (reduction of tax refund by amount of the debts), and other applicable laws.	Debt Check is an Internet-based system for use by federal agencies and outside lenders engaged in making federal loans, loan insurance, and loan guarantees. Agencies can search the FMS Debt Check Database to confirm whether applicants for federal financial assistance owe delinquent, non-tax debt to the federal government or owe delinquent child support. Queries are submitted individually on line or by batch (a future operation). If records indicate that a debt is owed, the lending agency informs the loan applicant of the debt, and the loan applicant will likely contact the creditor agency to pay or otherwise resolve the debt, or get confirmation that the debt is not valid or that some other error was made. Until the debt is resolved, the applicant would potentially be barred from receiving the loan, loan insurance, or loan guarantee. Additional information is posted on the FMS web site at <a href="http://fms.treas.gov/debt">http://fms.treas.gov/debt</a>	Debt Check Program information on program implementation is pending a FAR change –FAR Case 2006-026
<b>Department of Labor's VETS 100 Database</b>	Except for commercial items or contracts that do not exceed the simplified acquisition threshold, contracting officers must not obligate funds appropriated for a fiscal year to enter into a contract for the procurement of personal property and nonpersonal services (including construction) with a contractor that has not submitted a required annual Form VETS-100, Federal Contractor Veterans' Employment Report (VETS-100 Report),	To verify if a proposed contractor is current with its submission of the VETS-100 Report, the contracting officer may—query the Department of Labor's VETS 100 Database at <a href="http://www.vets100.com/Vets100Search.htm">http://www.vets100.com/Vets100Search.htm</a>	FAR 22.13

**Government Agency System or Entity – Relating to Business information**

Name of System/Entity	Description	Other Information
<b>HHS</b>	The Social Security Act authorizes the Secretary of HHS to seek civil monetary penalties (CMPs) and assessments for many types of conduct. The Secretary of HHS has delegated many of these CMPs to the OIG. In most cases for which the OIG may seek CMPs, the OIG may also seek exclusion from participation in all Federal health care programs. Many of the OIG's CMPs are in the Civil Monetary Penalties Law ("CMPL"), 42 U.S.C. § 1320a-7a, and the OIG's CMPs codified elsewhere in the Social Security Act adopt by reference many of the provisions of the CMPL.	<a href="http://oig.hhs.gov/fraud/enforcement/administrative/cmp/cmp_items.html#2">http://oig.hhs.gov/fraud/enforcement/administrative/cmp/cmp_items.html#2</a>
<b>DoD Standards of Conduct Office (DoD/GC-SOCO)</b>	This is a list of all companies who had more than \$25,000 in contracts with DoD in FY 2004. The list can be used when reviewing financial disclosure forms (to determine if a company is a DoD contractor). It can also be used when applying ethics regulations that deal with "prohibited sources," such as the rules on gifts from outside sources (5 CFR 2635.202) or the rules on fundraising in a personal capacity (5 CFR 2635.808).	<a href="http://www.defenselink.mil/dodgc/defense_ethics/resource_library/contractors04.pdf">http://www.defenselink.mil/dodgc/defense_ethics/resource_library/contractors04.pdf</a>
<b>Bid Protests and Contract Appeals</b>	The list to the right of this block covers several key sites of court decisions on contracts. Note: Civilian agency appeal boards were consolidated into the CBCA in January 2007. The CBCA's authority extends to all agencies other than the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the National Aeronautics and Space Administration, the United States Postal Service, the Postal Rate Commission, and the Tennessee Valley Authority.	Website where courts decisions can be retrieved is at <a href="http://www.wifcon.com/courtgao.htm">http://www.wifcon.com/courtgao.htm</a> To include: (1) Government Accountability Office Bid Protest Decisions (2) Armed Services Board of Contract Appeals (ASBCA) (3) Civilian Board of Contract Appeals (CBCA) Decisions (4) U.S. Postal Service Procurement Protest Decisions (5) GAO Comptroller General Decisions - Government Printing Office (Searchable Site) (6) American Arbitration Association (7) Federal Mediation and Conciliation Service (FMCS) (8) United States Court of Appeals for the Federal Circuit (9) United States Court of Federal Claims. (10) Federal Aviations Administration's Office of Dispute Resolution for Acquisition – under the FAA's Acquisition Management System (also used by TSA) (11) SBA's Office of Hearings and Appeals.
<b>Federal Audit Clearinghouse</b>	The Federal Audit Clearinghouse operates on behalf of the Office of Management and Budget (OMB) and its primary purposes are: Support OMB oversight and assessment of Federal award audit requirements; Assist Federal cognizant and oversight agencies in obtaining OMB Circular A-133 data and reporting packages; and Help auditors and auditees minimize the reporting burden of complying with Circular A-133 audit requirements.	Grants - Financial Assistance

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<b>Name of System/Entity</b>	<b>Description</b>	<b>Other Information</b>
<b>Defense Federal Acquisition Regulation Supplement</b>	When the debarring official decides that debarment is not necessary, the official may require the contractor to enter into a written agreement which includes— (A) A requirement for the contractor to establish, if not already established, and to maintain the standards of conduct and internal control systems prescribed by Subpart 203.70; and (B) Other requirements the debarring official considers appropriate. Before the debarring official decides not to suspend or debar in the case of an indictment or conviction for a felony, the debarring official must determine that the contractor has addressed adequately the circumstances that gave rise to the misconduct, and that appropriate standards of ethics and integrity are in place and are working.	There is no public website for administrative agreements. It is our understanding that the Interagency Suspension and Debarment Council (ISDC) is intending to discuss solutions for centralized management of administrative agreements.
<b>U.S. Securities and Exchange Commission EDGAR Online</b>	Edgar is an online source of "as reported" content from public companies, funds and investors. EDGAR, the Electronic Data Gathering, Analysis, and Retrieval system, performs automated collection, validation, indexing, acceptance, and forwarding of submissions by companies and others who are required by law to file forms with the U.S. Securities and Exchange Commission (SEC).	<a href="http://www.sec.gov/edgar/searchedgar/webusers.htm">http://www.sec.gov/edgar/searchedgar/webusers.htm</a>
<b>Defense Contract Management Agency (DCMA) Contract Integrity Center</b>	DCMA is the Department of Defense (DoD) component that works directly with Defense suppliers to help ensure that DoD, Federal, and allied government supplies and services are delivered on time, at projected cost, and meet all performance requirements. Provide legal advice and/or services to DCMA organizations and customers, DOD investigative agencies, and the Department of Justice, on fraud, waste, abuse and corruption issues involving defense contractors and their employees.	<a href="http://home.dcma.mil/cntr-dcmac-y/index.htm">http://home.dcma.mil/cntr-dcmac-y/index.htm</a>
<b>Small Business Administration's Dynamic Small Business Search</b>	SBA's Dynamic Small Business Search, formerly known as PRONET, is an Internet-based database of information on more than 195,000 small, disadvantaged, 8(a), HUBZone, and women-owned businesses. It is free to federal and state government agencies as well as prime and other contractors seeking small business contractors, subcontractors and/or partnership opportunities. SBA's Dynamic Small Business Search is open to all small firms seeking federal, state and private contracts.	<a href="http://dsbs.sba.gov/dsbs/dsp_dsbs.cfm">http://dsbs.sba.gov/dsbs/dsp_dsbs.cfm</a>
<b>Federal, State, and Local Governments' Federal Assistance Award Data System</b>	The Federal Assistance Award Data System (FAADS) is a central collection of selected, computer-based data on Federal financial assistance award transactions, compiled quarterly.	<a href="http://www.census.gov/govs/www/faads.html">http://www.census.gov/govs/www/faads.html</a>

## Government Agency System or Entity – Relating to Business information

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<b>Interagency Suspension and Debarment Committee</b>	The ISDC website provides ready access to the regulations, executive orders, & case law underlying the federal government suspension, debarment & exclusion processes. It also provides points of contact with federal agencies involved in these processes.	<a href="http://www.epa.gov/isdc">http://www.epa.gov/isdc</a>
<b>Federal Procurement Data System – Next Generation (FPDS-NG)</b>	The FPDS-NG collects historical and statistical data to meet the information needs of Congress, federal agencies, and the public. FPDS-NG stores information on over \$250 billion worth of federal contracts awarded each year for goods and services. After registration (it is open to the public for data searches) users can view federal agencies contracts info to include the nature and value of actions. FPDS-NG will eventually integrate with every government procurement system in real time. Records of contract awards going back to FY 1979 are online.	Federal Procurement Data System – Next Generation (FPDS-NG): <a href="https://www.fpds.gov/">https://www.fpds.gov/</a>
<b>Defense Logistics Agency (DLA) Internet Bid Board System (DIBBS)</b>	The DLA-BSM Internet Bid Board System (DIBBS) provides the capability to search for, view, and submit secure quotes on Requests For Quotations (RFQs) for items of supply included in the DLA Business System Modernization (BSM) Program. DIBBS also allows users to search and view Request For Proposals (RFPs), Invitations For Bid (IFBs), Awards and other procurement information related to BSM. This replaces the DLA Procurement Gateway which contained existing and prospective contracts info.	<a href="https://www.dibbs.bsm.dla.mil/Awards/">https://www.dibbs.bsm.dla.mil/Awards/</a> <a href="https://progate.daps.dla.mil/home/">https://progate.daps.dla.mil/home/</a>
<b>Federal Business Opportunities FedBizOpps Gateway</b>	FedBizOpps.gov is the single government point-of-entry (GPE) for Federal procurement opportunities over \$25,000. Government buyers are able to publicize their business opportunities by posting information directly to FedBizOpps via the Internet. Through one portal - FedBizOpps - commercial vendors seeking Federal markets for their products and services can search, monitor and retrieve opportunities solicited by the entire Federal contracting community. The Defense Reutilization and Marketing Service (DRMS) uses FedBizOpps for its contracts disposing of surplus DoD equipment and property.	<a href="http://www.fedbizopps.gov/">http://www.fedbizopps.gov/</a>
<b>IG Net</b>	IG Net contains statutory resources and is a gateway for the Inspectors General of 57 Federal Agencies & Departments.	<a href="http://www.ignet.gov">http://www.ignet.gov</a>

**Government Agency System or Entity – Relating to Business information**

<b>Name of System/Entity</b>	<b>Description</b>	<b>Other Information</b>
<p><b>National Procurement Fraud Task Force</b></p>	<p>The National Procurement Fraud Task Force was created by the Department of Justice to promote the prevention, early detection and prosecution of procurement fraud. The Task Force is chaired by the Assistant Attorney General for the Criminal Division of the Department of Justice, and includes the FBI, the Department of Justice Inspector General and other federal Inspectors General, defense investigative agencies, federal prosecutors from United States Attorneys offices across the country, as well as the Criminal, Civil, Antitrust and Tax Divisions of the Department of Justice. The Task Force's emphasis will be to increase civil and criminal enforcement where it can have the greatest effect, including defective pricing, product substitution, misuse of classified and procurement sensitive information, false claims, grant fraud, labor mischarging, fraud involving foreign military sales, ethics and conflict of interest violations, and public corruption associated with procurement fraud. The Task Force also will focus on maximizing information sharing and take significant leadership in addressing issues such as grant fraud, relations with the private sector, training and legislation.</p>	<p><a href="http://www.usdoj.gov/criminal/npftf/">http://www.usdoj.gov/criminal/npftf/</a></p>

**Other Public Sector, Non-Governmental or State/City Systems or Entity regarding Business Information**

<b>System, Entity or Database Name</b>	<b>Description</b>	<b>Who owns/created</b>
<b>VENDEX Database</b>	Pursuant to the Procurement Policy Board (PPB) Rules and the New York City Charter, the City may award contracts only to responsible contractors. A responsible contractor is defined as one that has the technical capability and financial capacity to fully perform the requirements of the contract, as well as the business integrity to justify the award of public tax dollars. For each solicitation, the City agency must make a determination of vendor responsibility prior to awarding a contract. The PPB Rules state certain factors that may affect a contractor's responsibility such as financial resources, technical qualifications and performance. For a list of factors that affect a contractor's responsibility, please consult PPB Rule 2-08(b). Under the PPB Rules, each Agency Chief Contracting Officer (ACCO) is directed to use several different sources of information to support determinations of responsibility or non-responsibility.	<p><a href="http://www.nyc.gov/html/mocs/html/programs/responsibility.shtml">http://www.nyc.gov/html/mocs/html/programs/responsibility.shtml</a></p> <p>The NYC Vendor Search provides detailed information about vendors that do business with the City of New York and their principals. Vendor and principal information available in this application is obtained through VENDEX questionnaires.</p>
<b>Federal Contractor Misconduct Database</b>	POGO created a database in 2002 which includes criminal, civil, and administrative cases as well as investigation findings.	Project on Government Oversight (POGO)
<b>Better Business Bureau</b>	Searchable database of information and/or complaints on businesses	<a href="http://search.bbb.org/search.html">http://search.bbb.org/search.html</a>
<b>Gateway to State and Territorial Government websites</b>	<a href="http://www.usa.gov/Agencies/State_and_Territories.shtml">http://www.usa.gov/Agencies/State_and_Territories.shtml</a>	
<b>Gateway to Local Government websites</b>	<a href="http://www.usa.gov/Agencies/local.shtml">http://www.usa.gov/Agencies/local.shtml</a>	
<b>National Association of State Procurement Officials</b>	Map link directory of state procurement directors:	<a href="http://www.naspo.org/directors/">http://www.naspo.org/directors/</a>
<b>Thomas Register On line Catalog</b>		<a href="http://www.thomasnet.com/index.html">http://www.thomasnet.com/index.html</a>
<b>Defense Industry Initiative (DII)</b>	DII is a consortium of U.S. defense industry contractors which subscribes to a set of principles for achieving high standards of business ethics and conduct.	<a href="http://www.dii.org/">http://www.dii.org/</a>
<b>Government Industry Data Exchange Program (GIDEP)</b>	GIDEP is a cooperative activity between government and industry participants seeking to reduce or eliminate expenditures of resources by sharing technical information essential during research, design, development, production and operational phases of the life cycle of systems, facilities and equipment. GIDEP serves as the DOD Central Information System database for Government-wide receiving and exchanging of information among agencies about nonconforming products and materials.	<a href="http://www.gidep.org/">http://www.gidep.org/</a>

**Other Public Sector, Non-Governmental or State/City Systems or Entity regarding Business Information**

<b>System, Entity or Database Name</b>	<b>Description</b>	<b>Who owns/created</b>
<p><b>Ethics and Compliance Officer Association</b></p>	<p>The Ethics Officer and Compliance Officer Association (ECO) is a non-consulting, member-driven association exclusively for individuals who are responsible for their company's ethics, compliance, and business conduct programs. The only organization of its kind, it is the largest group of corporate ethics and compliance practitioners in the world. The ECOA is a non-profit, 501(c)(6) association, which derives all of its revenue from members' dues, conferences and other meeting fees, and financial contributions.</p>	<p><a href="http://www.theecoa.org/">http://www.theecoa.org/</a></p>