



Department of Energy
National Nuclear Security Administration
Washington, DC 20585



MEMORANDUM FOR: SITE OFFICE CONTRACTING OFFICERS
DIRECTOR, OFFICE OF BUSINESS SERVICES,
NNSA SERVICE CENTER

FROM: DAVID O. BOYD, DIRECTOR *David O. Boyd* 10/19/2009
OFFICE OF ACQUISITION AND SUPPLY MANAGEMENT

SUBJECT: Performance Evaluation Plan/Performance Evaluation Report
Posting Requirements

Numerous questions and inquiries arise each year regarding the availability of Performance Evaluation Plans (PEPs) and Performance Evaluation Reports (PERs). Upon my recent review of NNSA's current PER release policy and as the NNSA Senior Procurement Executive, I have determined that NNSA PERs will not be published or provided to the public on a routine basis. This determination is based on the application of FAR 42.1503(b), that PERs are source selection information. Consequently, the information on an individual award fee period will not be released to the public until it is no longer useful for past performance evaluation purposes. FAR 42.1503(c) also follows this thought by defining this period (for which the information may be used to provide source selection information) to be three years after completion of contract performance, which I have interpreted as being three years following completion of the award fee period. Therefore, The Government may release PERs for performance periods at least three years old (e.g. the upcoming FY-09 PERs may be released three years after the December 2009 FDO determination, or no sooner than December 2012). All PERs released to the public must be reviewed and, if necessary, redacted for sensitive or classified information pursuant to Departmental security requirements.

Although the PERs themselves will not be released for 3 years, as indicated above, NNSA will be releasing a summary of the award fees at the end of each year in which they are determined. At the end of each FDO meeting, NA-63 and NA-10 will release a summary of the award fee determinations (see attached sample, which includes the contractor's name, amount of fee available, amount of fee earned, and percentage of fee earned). This is the same information that will be contained in your contract modification officially authorizing the contractor to receive payment.

In addition, the contractors may themselves release PERs earlier than the 3-year time restriction. The data released in these PERs must be mutually agreed upon and, if necessary, redacted to ensure compliance with Departmental security requirements.



PEPs should be incorporated into the contract via an annual contract modification. PEPs need to be reviewed by the contractor and federal officials pursuant to Departmental security requirements and marked/processed accordingly.

The issuance and posting of contract modifications should diminish the number of media requests for this information. Requestors can be directed to the www.doeal.gov website where modifications are to be posted. NNSA Policy Letter, NAP 4B, will be modified to reflect changes stated in this Memo.

Please contact Mr. Stephen Law at 202/586-4321 for any questions regarding this matter.

Cc:

Site Office Managers

Service Center Manager

NA-10

NA-17

NA-172.3

NA-60

FORMAT FOR NNSA HQ AWARD FEE DETERMINATIONS

Contractor _____

Amount of Fee Available _____

Amount of Fee Earned _____

Percent Earned _____