

Federal contractors: Challenging CPARS ratings



William Beckley | Friday, October 30, 2020

If your company is involved in federal government contracting, you are all too familiar with the Contractor Performance Assessment Reporting System (CPARS). With the government's increased focus on past performance, the quality of your CPARS ratings can be the difference between being awarded a contract and walking away empty-handed. It is now imperative that government contractors pay particular attention to their CPARS ratings and take action immediately when they are unfairly evaluated.

Upon receipt of a CPARS rating, contractors will typically be invited to rebut the evaluation within 14 days, FAR 42.1503(d). Contractors are thereby afforded the opportunity to refute any negative evaluations set forth by the government. When a contractor rebuts the evaluation of a contracting officer (CO), the CO's superior then reviews the evaluation to determine whether the rating was justified. Oftentimes, this process will result in a resolution of the disputed ratings. However, if the government agency refuses to amend its ratings based on the contractor's rebuttal, then the determination may be challenged in a Contract Disputes Act (CDA) action through the Federal Court of Claims or Boards of Contract Appeals. While the courts will not direct the agency to assign particular ratings, it will remand with instruction to provide an evaluation in accordance with applicable regulations.

The failure to challenge a CPARS rating immediately can have lasting impacts. For instance, the Federal Court of Claims has recently held that a contractor may not challenge a CPARS rating as part of a bid protest. *Colonna's Shipyard, Inc. v. United States*, 146 Fed. Cl. 519 (2020). Thus, a contractor must challenge

Federal contractors Challenging CPARS ratings?utm_campaign=NEW Newsletter – Business Advocate Digest

a CPARS rating immediately, or else risk that rating being used against it in an award decision.

If you have received a negative CPARS evaluation, contact one of the attorneys below to protect your past performance history.



William Beckley

[Team member bio](#)