

5 KEY TAKEAWAYS

Fighting Back Against Negative Contractor Performance Assessment Report System (CPARS) Reviews

Kilpatrick Townsend's [Gunjan Talati](#) and [Chris Henel](#), members of the firm's Government Contracting Team, recently presented a webinar in collaboration with Federal Publications Seminars. With over 300 in attendance, they addressed the important issue of fighting back against negative Contractor Performance Assessment Report System (CPARS) reviews. As part of the presentation, Gunjan and Chris discussed the current case law and provided alternative strategies for dealing with negative CPARS reviews.

5 key takeaways from the presentation include:

1

It pays to fight negative CPARS ratings. Negative CPARS reviews can have a significant adverse impact on future procurements. Companies should fight back against negative CPARS ratings when possible.

The Federal Acquisition Regulations (FAR) has detailed procedures for how CPARS reviews are to be conducted. The regulations include definitions for ratings. When you evaluate your ratings, crosswalk them against the regulations.

2

Negotiations with the agency are your best chance to overturn negative ratings. Don't be afraid to engage the agency in a dialogue about why you believe the ratings should be changed.

3

Stick to the facts. When you rebut CPARS ratings, utilize objective, verifiable facts to show an agency why its ratings should be changed.

4

You can appeal. Though the law on CPARS appeals is still evolving, you do have the ability to appeal a negative rating to a Board of Contracts Appeal or the Court of Federal Claims if you provided a rebuttal and followed the contract's disputes procedures.

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