DFARS Case 2024-D016

Past Performance of Affiliate Companies of Small Business Concerns

Final Rule

PART 215—CONTRACTING BY NEGOTIATION

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**SUBPART 215.3—SOURCE SELECTION**

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**215.305 Proposal evaluation.**

(a)(2) **[*Past performance evaluation.*]**

(A) *~~Past performance evaluation.~~* When a past performance evaluation is required by FAR 15.304, and the solicitation includes the clause at FAR 52.219-8, Utilization of Small Business Concerns, the evaluation factors shall include the past performance of offerors in complying with requirements of that clause. When a past performance evaluation is required by FAR 15.304, and the solicitation includes the clause at FAR 52.219-9, Small Business Subcontracting Plan, the evaluation factors shall include the past performance of offerors in complying with requirements of that clause.

(B) Contracting officers shall consider an offeror’s failure to make a good faith effort to comply with its comprehensive subcontracting plan under the Test Program described at [219.702-70](https://www.acq.osd.mil/dpap/dars/dfars/html/current/219_7.htm#219.702-70) as part of the evaluation of the past performance.

**[(C) When evaluating the past performance of an offeror that is a small business concern in response to a competitive solicitation, contracting officers shall consider relevant past performance information provided for affiliates of the offeror.]**