§ 102–117.280 What aspects of the TSP’s performance are important to measure?

Important TSP performance measures may include, but are not limited to the:

(a) TSP’s percentage of on-time deliveries;
(b) Percentage of shipments that include overcharges or undercharges;
(c) Percentage of claims received in a given period;
(d) Percentage of returns received on-time;
(e) Percentage of shipments rejected;
(f) Percentage of billing improprieties;
(g) Average response time on tracing shipments;
(h) TSP’s safety record (accidents, losses, damages or misdirected shipments) as a percentage of all shipments;
(i) TSP’s driving record (accidents, traffic tickets and driving complaints) as a percentage of shipments; and
(j) Percentage of customer satisfaction reports on carrier performance.

§ 102–117.285 What are my choices if a TSP’s performance is not satisfactory?

You may choose to place a TSP in temporary nonuse, suspension, or debarment if performance is unsatisfactory.

§ 102–117.290 What is the difference between temporary nonuse, suspension and debarment?

(a) Temporary nonuse is limited to your agency and initiated by the agency transportation officers for a period not to exceed 90 days for:
   (1) Willful violations of the terms of the rate tender;
   (2) Persistent or willful failure to meet requested packing and pickup service;
   (3) Failure to meet required delivery dates;
   (4) Violation of Department of Transportation (DOT) hazardous material regulations;
   (5) Mishandling of freight, damaged or missing transportation seals, improper loading, blocking, packing or bracing of property;
   (6) Improper routing of property;
   (7) Subjecting your shipments to unlawful seizure or detention by failing to pay debts;
   (8) Operating without legal authority;
   (9) Failure to settle claims according to Government regulations; or
   (10) Repeated failure to comply with regulations of DOT, Surface Transportation Board, State or local governments or other Government agencies.
   (b) Suspension is disqualifying a TSP from receiving orders for certain services under a contract or rate tender pending an investigation or legal proceeding. A TSP may be suspended on adequate evidence of:
      (1) Fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a contract for transportation;
      (2) Violation of Federal or State antitrust statutes;
      (3) Embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; and
      (4) Any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of the TSP as a transporter of the Government’s property or the HHG of its employees relocated for the Government.
   (c) Debarment means action taken to exclude a contractor from contracting with all Federal agencies. The seriousness of the TSP’s acts or omissions and the mitigating factors must be considered in making any debarment decisions. A TSP may be debarred for the following reasons:
      (1) Failure of a TSP to take the necessary corrective actions within the period of temporary nonuse; or
      (2) Conviction of or civil judgment for any of the causes for suspension.

§ 102–117.295 Who makes the decisions on temporary nonuse, suspension and debarment?

(a) The transportation officer may place a TSP in temporary nonuse for a period not to exceed 90 days.
(b) The serious nature of suspension and debarment requires that these sanctions be imposed only in the public