25.302-5 Remedies.

(a) In addition to other remedies available to the Government-

(1) The *contracting officer may* direct the contractor, at its own expense, to remove and replace any contractor or subcontractor personnel performing private security functions who fail to comply with or violate applicable requirements. Such action *may* be taken at the Government's discretion without prejudice to its rights under any other contract provision, e.g., *termination for default*;

(2) The *contracting officer shall* include the contractor’s failure to comply with the requirements of this section in appropriate databases of *past performance* and consider any such failure in any responsibility determination or evaluation of *past performance*; and

(3) In the case of award-fee contracts, the *contracting officer shall* consider a contractor’s failure to comply with the requirements of this subsection in the evaluation of the contractor’s performance during the relevant evaluation period, and *may* treat such failure as a basis for reducing or denying award fees for such period or for recovering all or part of award fees previously paid for such period.

(b) If the performance failures are severe, prolonged, or repeated, the *contracting officer shall* refer the matter to the appropriate *suspending and debarring official*.

Parent topic: 25.302 Contractors performing private security functions outside the United States.