

USPTO Should Improve Acquisition Planning and Vendor Performance Management to Prevent Schedule Delays and Unnecessary Costs Related to the SDI-NG Contract

FINAL REPORT NO. OIG-21-010-A

NOVEMBER 19, 2020



U.S. Department of Commerce
Office of Inspector General
Office of Audit and Evaluation



November 19, 2020

MEMORANDUM FOR: Andrei Iancu
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

FROM: Frederick J. Meny, Jr.
Assistant Inspector General for Audit and Evaluation

SUBJECT: *USPTO Should Improve Acquisition Planning and Vendor Performance Management to Prevent Schedule Delays and Unnecessary Costs Related to the SDI-NG Contract*
Final Report No. OIG-21-010-A

Attached for your review is the final report on the audit of the United States Patent and Trademark Office's (USPTO's) Software Development and Integration-Next Generation (SDI-NG) contracts. Our audit objective was to determine whether USPTO provided adequate oversight of SDI-NG contracts. To address this objective, we specifically assessed whether USPTO provided adequate oversight of (1) the acquisition planning process and (2) vendor performance.

Overall, we found that USPTO did not provide adequate oversight of the SDI-NG Bridge. Specifically, we found the following:

- I. USPTO did not timely plan and compete a follow-on SDI-NG contract.
- II. USPTO did not adequately document and use vendor performance information.

In its October 26, 2020, response to our draft report, USPTO concurred with all of our recommendations and described actions it has taken, or will take, to address them. USPTO's formal response is included within the final report as appendix B.

Pursuant to Department Administrative Order 213-5, please submit to us an action plan that addresses the recommendations in this report within 60 calendar days. This final report will be posted on OIG's website pursuant to sections 4 and 8M of the Inspector General Act of 1978, as amended (5 U.S.C. App., §§ 4 & 8M).

We appreciate the cooperation and courtesies extended to us by your staff during this audit. If you have any questions or concerns about this report, please contact me at (202) 482-1931 or Amni Samson, Director for Audit and Evaluation, at (571) 272-5561.

Attachment

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Report in Brief

November 19, 2020

Background

To fulfill its mission, the United States Patent and Trademark Office (USPTO) relies on multiple information technology (IT) systems that support nearly all of its operations. USPTO has long acknowledged its aging IT infrastructure as a challenge. Additionally, USPTO has identified an ongoing need for IT contractors to provide software development and integration services for its commercial and customized software and database applications.

In October 2011, USPTO awarded a competitive 5-year Software Development and Integration–Next Generation (SDI-NG) contract with a ceiling value of \$236 million to 10 contractors. USPTO did not solicit and award a follow-on contract by the time the SDI-NG contract expired in 2016. In order to prevent a lapse in services, USPTO noncompetitively awarded a 2-year bridge contract (SDI-NG Bridge) with a \$480 million ceiling to eight vendors from the SDI-NG contract. Since its award in September 2016, USPTO extended the SDI-NG Bridge multiple times to allow USPTO to plan a follow-on contract.

Why We Did This Review

Our audit objective was to determine whether USPTO provided adequate oversight of SDI-NG contracts. To address this objective, we specifically assessed whether USPTO provided adequate oversight of (1) the acquisition planning process and (2) vendor performance.

UNITED STATES PATENT AND TRADEMARK OFFICE

USPTO Should Improve Acquisition Planning and Vendor Performance Management to Prevent Schedule Delays and Unnecessary Costs Related to the SDI-NG Contract

OIG-21-010-A

WHAT WE FOUND

Overall, we found that USPTO did not provide adequate oversight of the SDI-NG Bridge. Specifically, we found the following:

- I. USPTO did not timely plan and compete a follow-on SDI-NG contract.
- II. USPTO did not adequately document and use vendor performance information.

WHAT WE RECOMMEND

We recommend that the Under Secretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office direct the Director of the Office of Procurement to do the following:

1. Strengthen requirements for documentation of significant decisions and changes to milestones for key procurement actions, such as submission of procurement request package and release of solicitation.
2. Establish specific conditions and justifications that govern the use of alternative competition methods in the *Patent and Trademark Acquisition Guidelines (PTAG)*.
3. Develop policies and procedures to restrict the use of bridge contracts, including: adequate justification for use and length of bridge contracts, management review and approval of contract and extensions, and planned actions to award a follow-on contract.
4. Revise *PTAG* to consider past performance when awarding task orders under SDI-NG Bridge and follow-on contracts.
5. Revise the Acquisition File Documentation form to document consideration of vendor performance prior to exercise of option periods.
6. Revise the Contractor Performance Assessment Rating System policy to ensure that it complies with requirements of the Federal Acquisition Regulation (FAR).

We recommend that the Under Secretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office direct the Chief Information Officer to do the following:

7. Modify policies, procedures, and related staff training materials on vendor performance monitoring to clarify the purpose and requirements for each of USPTO's performance monitoring tools.
8. Ensure vendor performance monitoring tools are able to document and report vendor performance information in accordance with USPTO policies and the FAR.
9. Develop a comprehensive vendor performance evaluation report that aggregates vendor performance information from Vendor Management Division tools and other sources as appropriate.

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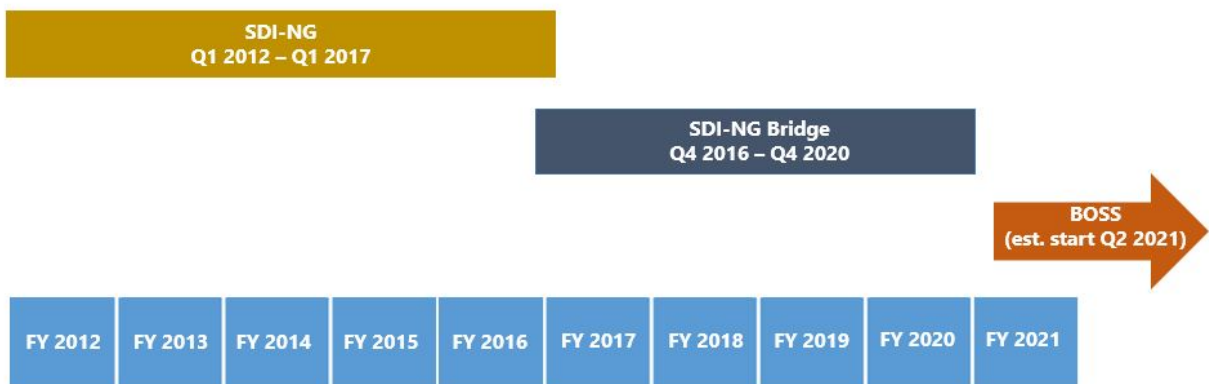
Cover: Herbert C. Hoover Building main entrance at 14th Street Northwest in Washington, DC. Completed in 1932, the building is named after the former Secretary of Commerce and 31st President of the United States.

Introduction

To fulfill its mission, the United States Patent and Trademark Office (USPTO) relies on multiple information technology (IT) systems that support nearly all of its operations. USPTO has long acknowledged its aging IT infrastructure as a challenge. Additionally, USPTO has identified an ongoing need for IT contractors to provide software development and integration services for its commercial and customized software and database applications.

In October 2011, USPTO awarded a competitive 5-year Software Development and Integration–Next Generation (SDI-NG) contract with a ceiling value of \$236 million to 10 contractors. USPTO did not solicit and award a follow-on contract by the time the SDI-NG contract expired in 2016. In order to prevent a lapse in services, USPTO noncompetitively awarded a 2-year bridge contract (SDI-NG Bridge) with a \$480 million ceiling to eight vendors from the SDI-NG contract. Since its award in September 2016, USPTO extended the SDI-NG Bridge multiple times to allow USPTO to plan a follow-on contract. USPTO anticipates the follow-on contract—referred to as Business Oriented Software Solutions (BOSS)¹—will have a 10-year period of performance and be valued at more than \$1 billion. Under these contracts, USPTO completes specific projects by awarding discrete task orders² to the pool of vendors.

Figure 1. USPTO Software Development and Integration Contracts



Source: OIG analysis of USPTO contract documentation

Because of USPTO’s reliance on IT systems and the amount of money invested in these software development contracts, it is crucial that USPTO provide oversight of vendors’ performance. As such, USPTO has assigned contract oversight responsibilities to various personnel within its Office of Procurement as well as its Office of the Chief Information Officer

¹ Originally titled “Software Development and Integration–Next Generation 2,” USPTO renamed the planned follow-on contract “BOSS” in 2019. For clarity, we use the current title—i.e., BOSS—throughout this report.

² The type of contract used for SDI-NG and the follow-on contracts allows flexibility for USPTO to quickly issue task orders, which are orders for services placed against an established contract.

(OCIO). Task order managers (TOMs) and contracting officer's representatives (CORs) within OCIO primarily oversee vendor performance at the task order and contract levels, respectively. Contracting officers and contract specialists within the Office of Procurement oversee contracts and rely upon TOMs and CORs to inform them of performance problems. Contracting officers have authority to take action against contractors that perform inadequately, up to and including termination of the task order or contract. They also determine whether to exercise option periods under task orders and contracts.

Contracting officers, TOMs, and CORs work together to monitor and take action when vendor performance is inadequate. They use tools developed by OCIO's Vendor Management Division (VMD) to help document and share vendor performance information. During SDI-NG Bridge, USPTO staff used three main VMD-developed tools: Performance Spotlight, Sprint Review Tool, and Task Order Insight.

Objective, Findings, and Recommendations

Our audit objective was to determine whether USPTO provided adequate oversight of SDI-NG contracts. To address this objective, we specifically assessed whether USPTO provided adequate oversight of (1) the acquisition planning process and (2) vendor performance. See appendix A for a more detailed description of our objective, scope, and methodology.

Overall, we found that USPTO did not provide adequate oversight of the SDI-NG Bridge. Specifically, we found the following:

- I. USPTO did not timely plan and compete a follow-on SDI-NG contract.
- II. USPTO did not adequately document and use vendor performance information.

Effective policies and processes govern the planning, award, administration, and oversight of acquisition efforts, with a focus on assuring that these efforts achieve intended results. During the course of our audit, USPTO improved its written policies and procedures related to acquisitions and vendor performance management. However, its contract oversight continues to warrant further improvement.

I. USPTO Did Not Timely Plan and Compete a Follow-On SDI-NG Contract

Proper acquisition planning can decrease the length of the acquisition process and eliminate potential problems at time of award. For ongoing requirements—such as USPTO’s software development and integration—proper planning must be conducted to avoid a gap in service when contracts expire. When federal agencies are unable to put in place a follow-on contract before a contract expires, they may use what is commonly referred to as a *bridge contract*.³ However, since bridge contracts are almost always noncompetitive, the agency risks paying more than it normally would for goods and services due to a lack of competition and inefficient use of staff and resources.⁴

USPTO began planning to compete a follow-on contract more than a year before the SDI-NG contract expired in October 2016. However, USPTO did not complete the acquisition process for the follow-on contract in time and instead noncompetitively awarded and repeatedly extended the SDI-NG Bridge. Now, 4 years after the original SDI-NG contract was set to expire, USPTO has not awarded a competitive follow-on contract, and the noncompetitive SDI-NG Bridge remained in place until September 2020. As a result, USPTO risked paying more for goods and services because it did not competitively award the contract.

³ A *bridge contract* refers to a short-term contract awarded to an incumbent contractor to prevent a gap in services.

⁴ U.S. Government Accountability Office (GAO), April 2016. *2016 Annual Report: Additional Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Other Financial Benefits*, GAO-16-375SP. Washington, DC: GAO, 146-7.

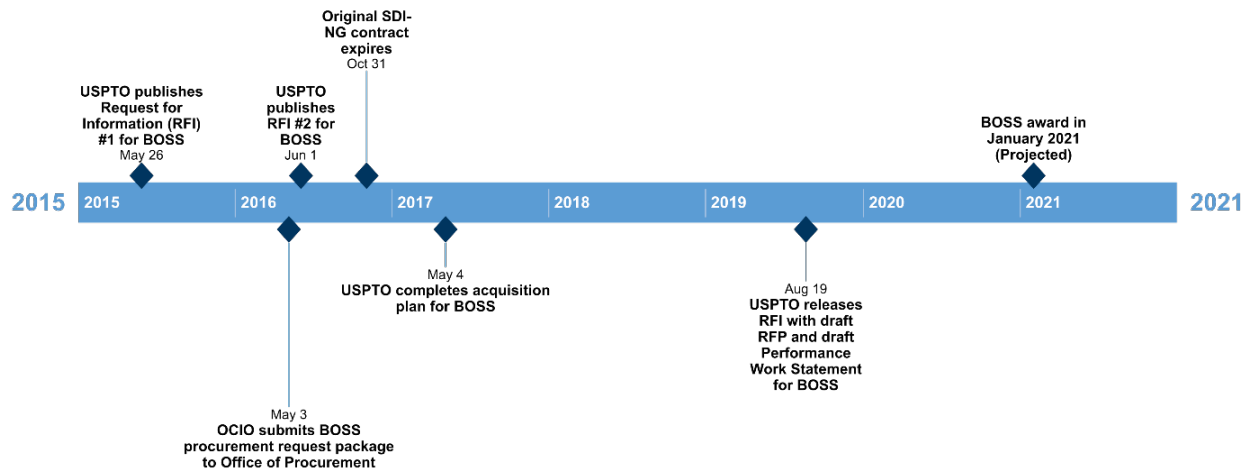
A. *Inadequate acquisition planning caused USPTO to award and repeatedly extend a noncompetitive bridge contract*

USPTO’s Office of Procurement provides average timeframes to complete procurement actions based on different categories of acquisitions. For contracts that are similar in size and type to the BOSS contract, an estimated 340 days are needed to compete and award a contract once the procurement request package is complete.

We found that there were delays in USPTO’s planning process for BOSS. For example, USPTO began planning for BOSS in May 2015—more than a year prior to the SDI-NG expiration in October 2016 (see figure 2 for the timeline). However, OCIO did not submit the BOSS procurement request package to the Office of Procurement until May 2016, only 181 days before expiration of the original SDI-NG contract. This fell short of the estimated 340 days needed to process an acquisition of similar size and complexity.

USPTO staff told us that there were multiple reasons for the delays, including staff shortages in the Office of Procurement, a vacancy in the Chief Information Officer (CIO) position, and changes in acquisition strategy.⁵ Due to lack of documentation and staff turnover, we could not directly attribute any of these reasons as justification for the planning delay.

Figure 2. BOSS Acquisition Timeline



Source: OIG analysis of USPTO contract documentation

When OCIO submitted the BOSS procurement request package in May 2016, USPTO had already proceeded with a noncompetitive bridge contract prior to submission of the

⁵ USPTO originally intended to utilize Federal Acquisition Regulation (FAR) Part 15 procedures for BOSS; however, after several internal discussions, USPTO decided in October 2017 to shift from a FAR Part 15 procurement to a *Patent and Trademark Acquisition Guidelines (PTAG) 6.1.1 Alternative Competition*, which would allow the agency to determine which companies are ‘most likely to succeed’ and limit solicitation release to those companies. USPTO elected to go this route because it would significantly reduce the time and risk associated with evaluating a high number of proposals anticipated under the FAR Part 15 framework.

BOSS procurement package to allow sufficient time to put BOSS in place.⁶ USPTO continued planning and releasing information for SDI-NG Bridge and BOSS in parallel, which caused confusion among potential vendors about the status and expected timeline for BOSS. USPTO maintained in its response to questions from potential vendors that it would award BOSS before the SDI-NG contract expired, even as it was actively planning for SDI-NG Bridge.

After SDI-NG Bridge was awarded noncompetitively in September 2016, USPTO continued to plan for BOSS, but repeatedly fell behind its own estimated schedule. USPTO did not document the explanation or justification for these schedule changes either internally or in its public notices. A senior procurement official stated that there were several reasons for the delay including (1) staffing shortage, (2) time needed to develop a new, creative way to utilize *PTAG* for the acquisition (instead of FAR Part 15), and (3) lack of a CIO and resulting reluctance to approve an SDI-NG follow-on contract in case the new CIO did not like the project; however, we could not confirm whether any of these reasons directly contributed to the delay. In July 2017, USPTO posted a public notice for BOSS projecting (1) a draft request for proposal (RFP) in August 2017, and (2) the award of contracts in the first quarter of FY 2019. In January 2018, USPTO posted an update stating that it would not meet its previously announced schedule “[d]ue to the size and complexity of the requirement,” but still anticipated releasing a solicitation within that same fiscal year. USPTO provided no further public information until June 2019, nearly 2 years past its initial estimated date for the release of the RFP.

We determined that USPTO would not be able to award the BOSS contract before the SDI-NG Bridge contract expired in September 2020. The BOSS milestone estimates stated that USPTO would release the draft RFP in July 2018 and award the contract in January 2020. USPTO did not meet the deadline because it did not release a draft RFP until August 2019, more than 400 days after its estimate, and now projects that it will award the contract on January 31, 2021. This aligns with our analysis and calculation, which indicated that USPTO may not be able to award the BOSS contract until February 2021—more than 4 months after SDI-NG Bridge was set to expire. Despite the delay, USPTO allowed SDI-NG Bridge to expire in September 2020. While this removes the risks associated with SDI-NG Bridge, USPTO will likely face challenges in fulfilling any software development and integration needs prior to the award of BOSS. Also, as USPTO continues to delay BOSS, it loses out on the planned improvements included in this new contract.

B. USPTO awarded and extended a noncompetitive bridge contract without adequate justification

USPTO is allowed certain exemptions from FAR requirements related to competition.⁷ However, *PTAG* states that USPTO will attempt to conduct its procurements on a

⁶ OCIO submitted a procurement request package for SDI-NG Bridge on April 13, 2016, nearly a month before submitting the package for BOSS.

⁷ Under the Patent and Trademark Office Efficiency Act, as codified, (35 U.S.C. 2(b)(4)(A)), USPTO has the authority to enter into contracts with exemptions from certain statutory requirements, resulting in exemptions to FAR Parts 6 and 15. FAR Part 6 “prescribes policies and procedures to promote full and open competition in the

competitive basis under the FAR when “reasonable,” and requires that contracting officers explain their decisions regarding the use of competition.

We examined the SDI-NG Bridge acquisition plan and related documentation and determined that USPTO did not properly document its decision to award SDI-NG Bridge noncompetitively. While the SDI-NG Bridge acquisition plan contained all the elements required by the PTAG, OCIO did not complete the market survey memorandum for the SDI-NG Bridge as required by Procurement Memorandum 2016-02.⁸ When we inquired about this, USPTO stated that because PTAG was used to award the Bridge to eight vendors from the original contract, subsequent market research was not needed. However, we note that USPTO would still need to document its rationale for limiting competition in the memorandum.

Furthermore, USPTO’s policies and procedures do not contain guidance related to bridge contracts, even though this type of contract presents unique risks and challenges. Therefore, we applied the Department’s *Commerce Acquisition Manual (CAM)*⁹ as a best practice to determine whether the noncompetitive award of the SDI-NG Bridge was reasonable. CAM states the lack of advance planning is not adequate justification for contracting without full and open competition. However, we found that USPTO put the SDI-NG Bridge in place noncompetitively primarily due to delays in planning for BOSS.

We also found the form used to document the justification to extend the SDI-NG Bridge contract only required the signatures of the program office representative and contracting officer. According to the GAO’s *Standards of Internal Control for the Federal Government*, an effective system of internal controls includes reviews by management comparing “actual performance to planned or expected results.”¹⁰ While the Director of the Office of Procurement and the Office of General Law did approve the extension, this was not required by USPTO’s policy. Without routine management review of the justification to extend bridge contracts, USPTO could take on additional risk posed by noncompetitive contracts.

USPTO limited the solicitation and awarded the contract to eight vendors from the SDI-NG contract. By awarding and extending the SDI-NG Bridge contract noncompetitively, USPTO may have paid more for services than it would have if it had acquired the services competitively. A 2014 study found that competitive contracting methods can yield an average cost savings of 17 percent over noncompetitive methods

acquisition process.” (See FAR 6.000.) FAR Part 15 “prescribes policies and procedures governing competitive and noncompetitive negotiated acquisitions. A contract awarded using other than sealed bidding procedures is a negotiated contract.” (See FAR 15.000.) The FAR is codified in title 48 of the Code of Federal Regulations.

⁸ USPTO Office of Procurement, December 2015. *Documentation Requirements for Limiting Competition*, Procurement Memorandum 2016-02. Alexandria, VA: USPTO OCFO, 1–2.

⁹ CAM 1316.1, § 3 (March 2016).

¹⁰ GAO, September 2014. *Standards for Internal Control in the Federal Government*, GAO-14-704G. Washington, DC: GAO, 46.

for service contracts.¹¹ Based on the 75 task orders awarded under SDI-NG Bridge from FYs 2017–2019 that were collectively valued at approximately \$276.1 million, a 17 percent cost savings equates to approximately \$46.9 million that USPTO potentially could have avoided. However, because the contract’s period of performance did not end until September 2020, the amount that USPTO potentially could have saved likely exceeds this figure.

II. USPTO Did Not Adequately Document and Use Vendor Performance Information

USPTO has policies to document and communicate important vendor performance information, as well as a suite of tools to track and manage vendor performance. However, despite the FAR’s emphasis on using performance-related information to inform vendor decisions,¹² we found that USPTO did not adequately document and use vendor performance information because it lacked adequate policies and procedures. As a result, USPTO is at risk of failing to correct inadequate vendor performance, as well as awarding task orders to vendors with poor performance records.

A. USPTO did not consider past performance information when making vendor-related decisions for SDI-NG Bridge

The FAR considers a contractor’s past performance on previously awarded contracts or orders to be an important element of every evaluation for commercial contracts and holds such performance as relevant for future source selection.¹³ We found for the SDI-NG Bridge, USPTO only evaluated potential vendors based on pricing and did not consider past performance. While USPTO does not require an evaluation of past performance, it is a best practice and an essential data point when evaluating vendor qualifications. As a result, USPTO did not obtain assurance that selected vendors were fully qualified to complete tasks under the contract.

We also found that USPTO did not consider past performance information in vendor selection when awarding task orders. We interviewed several members of USPTO’s staff—some at managerial levels—who told us that this would be helpful to them in managing vendor performance.

We further found that USPTO did not adequately document its consideration of past performance when exercising the options at the contract and task order levels. The FAR requires the contracting officer to review and consider a contractor’s past

¹¹ Healy, P.A., et al., September 2014. *The Value of Competitive Contracting*. Monterey, CA: Naval Postgraduate School, 45–46.

¹² FAR 42.1501 states that past performance (including the ratings and supporting narratives) is relevant information, for future source selection purposes, regarding a contractor’s actions under previously awarded contracts or orders.

¹³ See FAR 12.206 and 42.1501. Past performance includes factors such as the contractor’s conformity with requirements, cost controls, adherence to schedules, and business-like concern.

performance before exercising an option.¹⁴ USPTO documents its compliance with this requirement on the Acquisition File Documentation (AFD) form. We reviewed the AFD forms for the SDI-NG Bridge option year and for a judgmental sample of five task orders and found that they contained insufficient information describing how USPTO considered performance. Further, the forms did not indicate if and how contracting officers considered the performance information collected by TOMs and CORs prior to approving exercise of the option.

We also analyzed a judgmental sample of five task orders with documented performance issues and an option period that USPTO exercised. These task orders had multiple performance issues in the base period, and 70 percent of documented issues were assigned the highest severity level.¹⁵ The existence of performance issues would not necessarily preclude the exercise of the options under these task orders, but the decision to exercise the option should include an explanation or justification. Without documenting the decision to exercise the option, USPTO is at risk of continuing to expend funds for task orders with inadequate vendor performance. In fact, for two of the five task orders in our sample, USPTO documented as many or more issues in the option period than in the base period.

B. USPTO did not enter vendor performance information into the Contractor Performance Assessment Rating System (CPARS)

The FAR requires federal agencies to prepare past performance evaluations at least annually, as well as at the time of work completion.¹⁶ Federal agencies must then enter these evaluations into CPARS—the government-wide evaluation reporting tool—for all past performance reports on contracts and orders. Because federal agencies rely on evaluations in CPARS when making award decisions, it is imperative for the evaluation to include detailed, quality information on the vendor performance.

Prior to October 2019, the Office of Procurement did not have policies or procedures in place that required performance information entry in CPARS. We verified that USPTO did not enter SDI-NG Bridge contractor-related information into CPARS during the scope of our audit and, therefore, was not in compliance with the FAR. USPTO nevertheless recognized the need, as multiple documents referenced or expressed an intent to utilize CPARS, including the SDI-NG Bridge acquisition plan and solicitation. USPTO staff told us that they were aware that entering performance information into CPARS is a government-wide requirement. They also expressed concern that vendors

¹⁴ FAR 17.207(c) requires contracting officers to consider and make a written determination about the contractor's past performance evaluations on other contract actions, specifically reviewing for acceptable performance and satisfactory ratings, before exercising an option.

¹⁵ Performance Spotlight includes a field for the TOM to assign a severity level to an issue. There are four possible severity levels, where the highest prompts the TOM to escalate the matter to the COR for action. Examples of issues at the highest severity level in our sample include unsatisfactory deliverable quality, poor productivity, and inability to meet deadlines.

¹⁶ FAR 42.1502 states "past performance evaluations shall be prepared at least annually and at the time the work under a contract or order is completed" and that "past performance information shall be entered into CPARS, the government-wide evaluation reporting tool for all past performance reports on contracts and orders."

may have a reduced incentive to perform well on SDI-NG task orders because USPTO does not document performance information in CPARS for use on future contracts. USPTO cited staffing issues and challenges outputting data from their financial management system as reasons for not previously entering information in CPARS. Since USPTO does not enter performance information into CPARS, its ability to manage vendor performance is limited.

The FAR outlines minimum evaluation factors required for each CPARS assessment. While the FAR does not require CPARS reporting at the task order level, performance information on individual task orders is necessary to determine an overall performance rating for the contract. Although USPTO did not enter performance information in CPARS for the SDI-NG Bridge, we assessed whether the performance information USPTO collected¹⁷ for a sample of 30 task orders would satisfy applicable evaluation factors. We selected four applicable factors: (1) technical (quality of product or service), (2) cost control, (3) schedule/timeliness, and (4) management or business relations. We found that USPTO did not collect the necessary information to complete CPARS. Only 6 of 30 task orders in our sample contained all of the applicable evaluation factors. Additionally, most task orders did not contain information on cost control, and more than one-third lacked information on schedule/timeliness. We determined that USPTO's procedures and vendor performance monitoring tools did not direct personnel to collect the appropriate information to meet the CPARS evaluation factors. As a result, USPTO could not contribute valuable performance information for other federal agencies to use when selecting vendors.

During the course of our audit, the Office of Procurement adopted a policy that requires USPTO officials to enter performance information in CPARS for a portion of USPTO's contracts.¹⁸ While introducing this policy is an important step, the policy is inadequate because it does not detail the source of the performance information or how it should be collected. It also requires evaluations only at the end of a contract, rather than annually as required by FAR 42.1502.

C. USPTO did not adequately document vendor performance in accordance with its internal policies

OCIO's *Vendor Performance Information Policy* requires that the TOM and COR document and review vendor performance at least once per month using VMD-designated performance tools to determine if performance is meeting contract requirements and expectations.¹⁹ The policy elaborates that any positive or negative performance information should include specific actions, accomplishments, delays,

¹⁷ We reviewed the information in VMD-designated tools, as OCIO policy requires that these tools form the basis of any vendor performance evaluations in CPARS.

¹⁸ USPTO Office of Procurement, December 2019. *Implementation of CPARS*, Procurement Memorandum 2020-02. Alexandria, VA: USPTO OCFO, 1–5.

¹⁹ USPTO OCIO, June 2010. *Vendor Performance Information Policy*, OCIO-POL-29. Alexandria, VA: USPTO OCIO, part V, section A.

issues, requests for information, and the effect of these actions in accordance with the contract.

USPTO staff monitors and documents vendor performance using OCIO tools—Performance Spotlight, Sprint Review Tool, and Task Order Insight. (Table I contains a description of each tool.) We collected a judgmental sample of 30 SDI-NG Bridge task orders from these tools. We found that USPTO did not adhere to its internal performance monitoring documentation policies and procedures for these task orders. For example, USPTO did not document performance on a monthly basis. Only 225 of 413 (54 percent) of the months we reviewed had performance information documented. We determined that this was likely due to inadequate tools, as USPTO did not introduce Task Order Insight to document a monthly performance rating until October 2018. While Task Order Insight introduced a way to monitor monthly performance that did not previously exist, several USPTO staff questioned the purpose of this tool. While staff acknowledged its potential value to track monthly project progress, they expressed dissatisfaction with the lack of criteria to guide inputs, subjectivity, and redundancy with other performance monitoring tools.

We found the following issues in our sample:

- When a TOM or COR identifies a performance issue in Task Order Insight or the Sprint Review Tool, they should enter it into Performance Spotlight to facilitate and track resolution of the issue. However, we found instances of poor vendor performance noted in the Sprint Review Tool and Task Order Insight that did not have a corresponding entry in Performance Spotlight.
- Several Performance Spotlight entries did not describe the effect of the issue on the project. For example, one entry stated that “guidance to the team needs to be improved by the [contractor] task management” and was marked at the highest severity level; however, it did not state the consequences or impact of the lack of guidance on the overall project.
- More than one-third of Performance Spotlight entries did not include a description of how the issue was resolved, and the majority of entries did not include a date of resolution.

Table I. USPTO Vendor Performance Monitoring Tools

Performance Monitoring Tools			
Features	Performance Spotlight	Sprint Review Tool	Task Order Insight
	Completed by TOM	Completed by TOM	Completed by TOM and TOM's supervisor
	Reviewed by COR	Reviewed by COR	Reviewed by COR
	Documents notably strong or weak performance	Documents completion of a sprint (Agile task orders only)	Documents monthly project progress
	<u>Entry includes:</u> <ul style="list-style-type: none"> • brief description • extended description • type of report • severity • status • comments regarding status of resolution 	<u>Entry includes:</u> <ul style="list-style-type: none"> • predictability planning rating • productivity rating • quality rating • general performance comments 	<u>Entry includes:</u> <ul style="list-style-type: none"> • TOM rating • supervisor rating
	Capacity for highly detailed entries via multiple fields	<ul style="list-style-type: none"> • Capacity for detailed entries via one field • The "rating" fields are restricted to four options 	<ul style="list-style-type: none"> • No capacity for detailed entries • Rating fields restricted to "On Track" or "Off Track"
	Used throughout contract	Used throughout contract	Usage began October 2018

Source: OIG analysis of USPTO performance monitoring tools

We determined that USPTO was unable to provide an overall assessment of vendor performance because its performance monitoring tools are fragmented and not aligned with its policies. The lack of a comprehensive performance assessment makes it more difficult for USPTO to input information into CPARS and manage or correct vendor performance issues. We reviewed USPTO's plans to consolidate information from several vendor performance monitoring tools into a performance summary designed to enhance user functionality, provide a "continuous improvement feedback loop" for both USPTO and vendors, and feed into CPARS entries. However, USPTO has not yet implemented this capability.

Recommendations

We recommend that the Under Secretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office direct the Director of the Office of Procurement to do the following:

- I. Strengthen requirements for documentation of significant decisions and changes to milestones for key procurement actions, such as submission of procurement request package and release of solicitation.

2. Establish specific conditions and justifications that govern the use of alternative competition methods in the *PTAG*.
3. Develop policies and procedures to restrict the use of bridge contracts, including: adequate justification for use and length of bridge contracts, management review and approval of contract and extensions, and planned actions to award a follow-on contract.
4. Revise *PTAG* to consider past performance when awarding task orders under SDI-NG Bridge and follow-on contracts.
5. Revise the AFD form to document consideration of vendor performance prior to exercise of option periods.
6. Revise the CPARS policy to ensure that it complies with requirements of the FAR.

We recommend that the Under Secretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office direct the Chief Information Officer to do the following:

7. Modify policies, procedures, and related staff training materials on vendor performance monitoring to clarify the purpose and requirements for each of USPTO's performance monitoring tools.
8. Ensure vendor performance monitoring tools are able to document and report vendor performance information in accordance with USPTO policies and the FAR.
9. Develop a comprehensive vendor performance evaluation report that aggregates vendor performance information from VMD tools and other sources as appropriate.

Summary of Agency Response and OIG Comments

On October 26, 2020, we received USPTO's response to our draft report. In response to our draft report, USPTO concurred with all of our recommendations and described actions it has taken, or will take, to address them.

We have summarized USPTO's response within this section, as well as provided our comments to USPTO's response. USPTO's complete response, which also included technical comments, is included within this final report as appendix B.

Agency response. USPTO stated that its August 2019 RFI for BOSS contained a draft performance work statement, but not the draft RFP.

OIG response. We reviewed the documentation associated with the August 2019 RFI and confirmed that it included a draft RFP as an attachment. However, we revised the report to clarify that the release was an RFI that included a draft RFP and performance work statement.

Agency response. USPTO stated that the SDI-NG Bridge extension was in fact approved by the Director of the Office of Procurement and underwent legal review, though these approvals were not required by USPTO's policy. USPTO noted that it did not provide this documentation to us during our fieldwork.

OIG response. We appreciate USPTO providing this additional documentation in response to the draft report, and we have updated the report to include this approval history. However, given the risks posed by bridge contracts, we remain concerned that USPTO policy did not require approval beyond the contracting officer. We continue to recommend that USPTO revise its policies to require management approvals of bridge contracts and extensions.

Agency response. USPTO disputed the draft report's conclusion that USPTO potentially paid more for services than it could have because the SDI-NG Bridge contract was awarded noncompetitively. USPTO stated that SDI-NG Bridge task orders were competed among SDI-NG Bridge contractors, enabling opportunities for cost savings despite awarding the overall SDI-NG Bridge contract noncompetitively. USPTO also noted that it reviewed pricing of SDI-NG Bridge in FY 2020 and found prices to be competitive when compared to other federal contracts.

OIG response. Although USPTO competed the SDI-NG Bridge task orders among vendors, we disagree that this mitigated the risks posed by awarding the SDI-NG Bridge contract noncompetitively. The SDI-NG Bridge solicitation stated that task orders would be priced based on the pricing approved in the overall contract. Because the pricing in the contract was not subject to competitive pressures, the effect of competition at the task order level would necessarily be limited. Further, the contract did not require that task orders include cost as an evaluation factor. While USPTO reviewed pricing of SDI-NG Bridge in FY 2020 it does not contradict our finding that by awarding and extending the SDI-NG Bridge contract

noncompetitively, USPTO could have paid more for services than it would have if it had acquired the services competitively.

We are pleased that USPTO concurs with our recommendations and look forward to receiving USPTO's action plan that will provide details on its corrective actions.

Appendix A: Objective, Scope, and Methodology

The objective of our audit was to determine whether USPTO provided adequate oversight of SDI-NG contracts. Specifically, we assessed whether USPTO provided adequate oversight of (1) the acquisition planning process and (2) vendor performance. Our audit scope was the SDI-NG Bridge contract, which included task orders awarded under the contract from FYs 2017–2019.

To accomplish our objective, we performed the following actions:

- Obtained an understanding of USPTO’s SDI-NG contracts by interviewing USPTO personnel responsible for acquisition and oversight of contractor performance.
- Reviewed documentation (such as USPTO acquisition planning documents, and solicitation documentation) to determine whether USPTO provided adequate oversight of acquisition planning.
- Reviewed the following documents:
 - The CAM and FAR
 - *GAO Standards for Internal Control in the Federal Government*, dated September 2014
 - *PTAG*, dated October 3, 2013
 - *PTAG Desktop Guidebook*, dated January 2014
 - *PM 2020-02: Implementation of CPARS*, dated October 29, 2019
 - *PM 2016-12: Documentation Requirements for Limiting Competition*, dated December 2, 2015
 - *COR/TOM Instructions Memo*, dated February 2018
 - *Vendor Performance Information Policy (OCIO-POL-29)*, dated June 29, 2010
 - *GAO 2016 Annual Report: Additional Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Other Financial Benefits*, dated April 2016
 - *The Value of Competitive Contracting*. Healy, P.A., et al., September 2014
- Selected a judgmental sample (30) of SDI-NG Bridge task orders and analyzed documentation associated with those task orders, such as task order award files and performance monitoring tool data, to determine whether USPTO adequately documented and reported vendor performance for SDI-NG Bridge. We included in our sample all task orders in the SDI-NG Bridge contract that had at least one Performance Spotlight entry before July 15, 2019. This resulted in 30 task orders in the sample out of the 75 SDI-NG Bridge task orders that were awarded through FY 2019.
- Analyzed performance monitoring tool data, contract files, and task order files to determine if USPTO used performance information when selecting vendors and exercising options.

We gained an understanding of internal controls significant within the context of the audit objective by interviewing USPTO officials, reviewing relevant policies and procedures, and reviewing documentation. Although we could not independently verify the reliability of all the information provided by USPTO, we compared it with other available supporting documents to determine data consistency and reasonableness. From these efforts, we believe the information we obtained is sufficiently reliable for this report. While we identified and reported on internal controls deficiencies, no incidents of fraud, illegal acts, violations, or abuse were detected within our audit. We identified control weaknesses regarding management's oversight of SDI-NG contracts. We relied on computer-processed data from USPTO's financial management system, Momentum, and assessed its reliability by interviewing USPTO officials knowledgeable about the data. We determined that the data were sufficiently reliable for the purposes of this report.

We conducted our fieldwork from June 2019 through December 2019 under the authority of the Inspector General Act of 1978, as amended (5 U.S.C. App.), and Department Organization Order 10-13, dated April 26, 2013. We performed our audit fieldwork at USPTO offices in Alexandria, Virginia.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

Appendix B: Agency Response

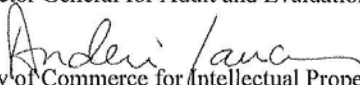


UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 26 2020

MEMORANDUM FOR: Frederick J. Meny Jr.
Assistant Inspector General for Audit and Evaluation

FROM: Andrei Iancu 
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

SUBJECT: Response to Draft Report, "USPTO Should Improve Acquisition
Planning and Vendor Performance Management to Prevent
Schedule Delays and Unnecessary Costs Related to the SDI-NG
Contract"

Executive Summary

The United States Patent and Trademark Office (USPTO or Agency) appreciates the effort the Inspector General (IG) made in reviewing the Agency's oversight and monitoring of contractors' performance on the Systems Development and Integration Next Generation (SDI-NG) Information Technology (IT) contract. The USPTO is committed to ensuring that the proper level of oversight is provided in the performance of its acquisition management responsibilities.

Pursuant to the recommendations in the draft report, the USPTO will institute a Plan of Action and Milestones, as outlined in this response. The plan is based on two key clarifications of information presented in the draft report. The Agency has provided technical comments on these key areas as well. First, while the SDI-NG Bridge itself was not competed, all of the task orders issued subsequently under the SDI-NG Bridge for specific IT services were competed among the pool of vendors to whom the Agency awarded the bridge contract, thus enabling competition and potential cost savings at the task order level. Second, despite an anticipated award date of the second quarter of fiscal year 2021 for the follow-on contract, Business Oriented Software Solutions (BOSS), the ordering period for the SDI-NG Bridge ended, as intended, on September 29, 2020. The Agency is pursuing other competitive contracting options for IT services, such as Governmentwide Acquisition Contracts, to ensure that no gaps in service occur between the SDI-NG Bridge and BOSS ordering periods.

Notwithstanding the clarifications offered above, and as detailed in the technical comments, the USPTO generally concurs with the report's recommendations, which align with improvements currently being made as well as those already implemented. Our detailed response to each recommendation follows.

Response to Recommendations

IG recommendation that the Under Secretary of Commerce for Intellectual Property and Director of the USPTO direct the Director of the Office of Procurement to (1): Strengthen requirements for documentation of significant decisions and changes to milestones for key procurement actions, such as submission of procurement request package and release of solicitation.

USPTO Response:

The USPTO concurs with this recommendation. The Office of Procurement will review and update as appropriate two existing policies to ensure file documentation accurately captures details and tracking changes in procurement status on a regular basis. The two policies are: (1) Procurement Memorandum (PM) 2020-05, "Acquisition Package Requirements," dated August 28, 2020, which provides guidance on what documentation is required when the program office submits a procurement request package to the Office of Procurement through eAcquisitions, our acquisition workflow software; and (2) PM 2017-01, "Procurement Review and Approval Requirements and Procedures," dated April 5, 2017, which outlines the specific review requirements for individual contract actions, including what documents must be included in the file prior to the issuance of a solicitation. The Office of Procurement will offer training to applicable members of the acquisition community when updates to these policies are made.

IG recommendation that the Under Secretary of Commerce for Intellectual Property and Director of the USPTO direct the Director of the Office of Procurement to (2): Establish specific conditions and justifications that govern the use of alternative competition methods in the PTAG.

USPTO Response:

The USPTO concurs with this recommendation. The USPTO will review and update as appropriate two existing policies to ensure they are effective in justifying the use of the USPTO's alternative competition methods allowed in the Patent and Trademark Acquisition Guidelines (PTAG). The two policies are: (1) PM 2016-04, "Documentation Requirements for Limiting Competition," dated November 4, 2019, which provides clear guidance on how to document the use of the USPTO's procurement flexibilities that govern alternative competition methods, as outlined in the PTAG; and (2) PM 2013-06, "Publicizing Contract Actions in accordance with the Federal Acquisition Regulations (FAR) and the revised PTAG," dated December 12, 2013, which provides guidance on how and when to notify the contractor community that the USPTO intends to leverage an alternative competition method, in accordance with the PTAG. Previously, there was no Government Accountability Office (GAO) precedent regarding the parameters of the USPTO's PTAG 6.1.1 Alternative Competition Method market research. Recently, however, the GAO issued a decision in CGI Federal, Inc.; Ascendant Services, LLC, B-418807 and B-418807.2, 2020 CPD ¶ 276, August 18, 2020, that helps define the appropriate use of PTAG 6.1.1. The USPTO will review this new GAO decision when developing new Agency guidance on the use of PTAG 6.1.1 Alternative Competition Method market research.

IG recommendation that the Under Secretary of Commerce for Intellectual Property and Director of the USPTO direct the Director of the Office of Procurement to (3): Develop policies and procedures to restrict the use of bridge contracts, including: adequate justification for use and length of bridge contracts, management review and approval of contract and extensions, and planned actions to award a follow-on contract.

USPTO Response:

The USPTO concurs with this recommendation. The USPTO has already issued a new policy, PM 2020-04, "Guidance Regarding Options at the USPTO," dated August 28, 2020, to restrict the Period of Performance for orders to no more than 12 months after the expiration date of the base Indefinite Delivery Vehicle to discourage the use of bridge contracts. Additionally, the USPTO will review PM 2016-04, "Documentation Requirements for Limiting Competition," dated November 4, 2019, which provides clear guidance on how to document the extension to an existing vehicle on a noncompetitive basis, to ensure that it supports the Agency's goals of collaborative acquisition planning among all acquisition community stakeholders and compliance with schedules by both the contracting officer (CO) and contracting officer representative. Through these efforts and continuous monitoring, the USPTO aims to ensure follow-on contracts are awarded in a timely manner and to minimize the use of bridge contracts.

IG recommendation that the Under Secretary of Commerce for Intellectual Property and Director of the USPTO direct the Director of the Office of Procurement to (4): Revise PTAG to consider past performance when awarding task orders under SDI-NG Bridge and follow-on contracts.

USPTO Response:

The USPTO concurs with the recommendation to consider past performance when awarding task orders under SDI-NG Bridge and follow-on contracts. The USPTO will analyze existing policy to ensure past performance is appropriately considered when using its alternative competitive flexibilities. Currently, PM 2020-04, "Guidance Regarding Options at the USPTO," requires the CO to consider the contractor's past performance prior to exercising any options on the USPTO's contracts. Further, the Agency will review PM 2020-02, "Implementation of CPARS," dated October 29, 2019, for compliance with the Federal Acquisition Regulations (FAR). If the Agency determines that existing policy is in conflict with or duplicative of the FAR, the Agency will rescind the applicable policy and direct employees to comply with the relevant portions of the FAR.

IG recommendation that the Under Secretary of Commerce for Intellectual Property and Director of the USPTO direct the Director of the Office of Procurement to (5): Revise the AFD form to document consideration of vendor performance prior to exercise of option periods.

USPTO Response:

The USPTO concurs with this recommendation. The Agency is taking measures to update the Acquisition File Documentation (AFD) to more specifically consider vendor performance prior to exercising an option period. The Agency will review PM 2014-02, "Acquisition File Documentation," dated August 17, 2018, to determine what updates need to be made based on

new policies that were issued since the last update of the forms in August of 2018. The Agency's review of its policies requiring a change to the AFD will include PM 2020-04, "Guidance Regarding Options at the USPTO," dated August 28, 2020, which requires COs to consider the contractor's past performance prior to exercising any options on the USPTO's contracts and orders. The Office of Procurement will be responsible for updating the AFD to reflect the requirements of PM 2020-04 and any other relevant policies.

IG recommendation that the Under Secretary of Commerce for Intellectual Property and Director of the USPTO direct the Director of the Office of Procurement to (6): Revise the CPARS policy to ensure that it complies with requirements of the FAR.

USPTO Response:

The USPTO concurs with this recommendation. The Agency has already initiated a review of PM 2020-02, "Implementation of Contractor Performance Assessment Reporting System (CPARS)," dated October 29, 2019, to assess compliance with the FAR. Upon completion of the review and analysis, the USPTO will make the necessary revisions to the PM or rescind the policy in favor of the FAR.

IG recommendation that the Under Secretary of Commerce for Intellectual Property and Director of the USPTO direct the Chief Information Officer to (7): Modify policies, procedures, and related staff training materials on vendor performance monitoring to clarify the purpose and requirements for each of USPTO's performance monitoring tools.

USPTO Response:

The USPTO concurs with this recommendation. The Agency will update the Vendor Performance Information Policy, OCIO-POL-29, to define the purpose and relationship between the Office of the Chief Information Officer (OCIO) vendor performance monitoring tools and the Contractor Performance Assessment Rating System (CPARS). The USPTO will update related training information and conduct refresher training on the requirements of each performance tool. Additionally, the Agency's Office of Procurement and OCIO will collaborate to ensure OCIO vendor performance monitoring tools align with and support CPARS reporting, in accordance with Agency policy and the FAR.

IG recommendation that the Under Secretary of Commerce for Intellectual Property and Director of the USPTO direct the Chief Information Officer to (8): Ensure vendor performance monitoring tools are able to document and report vendor performance information in accordance with USPTO policies and the FAR.

USPTO Response:

The USPTO concurs with this recommendation. The OCIO's primary course of action retires the Sprint Review Tool and integrates the Task Order Insight Tool into the Performance Spotlight creating a single performance monitoring tool that complies with USPTO policies and the FAR. The single improved performance tool will enable users to enter performance feedback aligned with the CPARS factors: Technical (quality of products or services), Cost Control, Schedule/Timeliness, Management or Business Relations, Small Business Subcontracting, and Other.

The OCIO's alternate course of action, if analysis reveals the integration costs outweigh the value, retires both the Sprint Review Tool and the Performance Spotlight and modifies the Task Order Insight Tool to comply with USPTO policies and the FAR. The improved Task Order Insight Tool will enable users to enter performance feedback aligned to the CPARS factors and track it to resolution.

IG recommendation that the Under Secretary of Commerce for Intellectual Property and Director of the USPTO direct the Chief Information Officer to (9): Develop a comprehensive vendor performance evaluation report that aggregates vendor performance information from VMD tools and other sources as appropriate.

USPTO Response:

The USPTO concurs with this recommendation. The OCIO will leverage lessons learned from the "Vendor Scorecard" pilot to develop a comprehensive Vendor Performance Evaluation report or dashboard that aggregates vendor performance information contained in the OCIO's Vendor Management Division (VMD) vendor performance monitoring tools.

Conclusion

In closing, the USPTO appreciates the report's findings and recommendations. The Agency remains committed to improving the quality and outcomes of our IT procurement policies and practices. The Director of the Office of Procurement and the Chief Information Officer have already begun initiating improvements to implement the report's recommendations and are confident in the Agency's abilities to satisfy these recommendations in a timely manner. We look forward to working with the IG in the future as we continue our efforts to improve our oversight of the acquisition and vendor performance monitoring processes.

If additional information is needed, please contact:

Alina Sadoveanu, Director, Office of Procurement, by phone at 703-447-6990 or by email at Alina.Sadoveanu@USPTO.GOV.

**USPTO Technical Comments to OIG Draft Report:
“USPTO Should Improve Acquisition Planning and Vendor Performance Management to
Prevent Schedule Delays and Unnecessary Costs Related to the SDI-NG Contract”
(September 2020)**

Page 3 (total page count), cc line:

Dan Sullivan is no longer the Acting Director of the Office of Procurement. Alina Sadoveanu is now the Director of the Office of Procurement.

Page 8 (total page count), Figure 2:

In August 2019, the USPTO issued the Business Oriented Software Solutions (BOSS) Request for Information (RFI) under the Patent and Trademark Acquisition Guidelines (PTAG) 6.1.1 Alternative Competition Method market research rather than the draft Request for Proposal (RFP). A draft Performance Work Statement was issued with the RFI, but not the entire RFP. The RFP was updated and released on May 29, 2020, to the 24 vendors the PTAG 6.1.1 Alternative Competition Method market research deemed the most likely to successfully meet the Agency’s needs and eligible to participate in an alternative competition.

Page 9 (total page count), last paragraph:

BOSS will not be awarded prior to the expiration of the SDI-NG Bridge contracts. BOSS proposals were received in July 2020, and the current award estimation is January 31, 2021.

Page 10 (total page count), Paragraph 4, Sentence 1, “We also found the form used to document the justification to extend the SDI-NG Bridge contract only required the signatures of the program office representative and contracting officer.”:

Because the modification extended the ordering period but did not increase the contract ceiling, contracting officer approval was the highest approval needed. However, due to the high visibility of the action, the Office of General Law and the Director of the Office of Procurement reviewed the sole source justification. The logs documenting those reviews were accidentally omitted from the information provided to the IG but are attached with this response.

Page 10 (total page count), Paragraph 5, Sentence 2, “By awarding and extending the SDI-NG Bridge contract noncompetitively, USPTO may have paid more for services than it would have if it had acquired the services competitively.”:

No services were procured via the SDI-NG Bridge contract. Services were procured through task orders that were competed among all SDI-NG Bridge holders, which enabled opportunities for cost savings. Although few orders were competed prior to the SDI-NG Bridge contract, competition of orders was a requirement under the SDI-NG Bridge.

Page 11 (total page count), Paragraph 1, Sentence 2, “Based on the 75 task orders awarded under SDI-NG Bridge from FYs 2017-2019 that were collectively valued at approximately \$276.1 million, a 17 percent cost savings equates to approximately \$46.9 million that USPTO potentially could have avoided.”:

This is an inaccurate statement, as the task orders were competed; therefore, cost savings were realized. It is inaccurate to state that savings were missed due to a lack of competition when the task orders awarded under the SDI-NG Bridge were, in fact, competed. In addition, during FY

USPTO Technical Comments to OIG Draft Report:
**“USPTO Should Improve Acquisition Planning and Vendor Performance Management to
Prevent Schedule Delays and Unnecessary Costs Related to the SDI-NG Contract”**
(September 2020)

2020, the USPTO compared the SDI-NG Bridge rates to various Governmentwide Acquisition Contracts and found they were competitive.

Page 11 (total page count), Paragraph 1, Last Sentence, “However, because the contract’s period of performance does not end until September 2020—and the agency may need to extend the bridge contract further if it does not award BOSS by then—the amount that USPTO potentially could save may continue to grow.”:

The SDI-NG Bridge contracts were not extended beyond September 29, 2020.