

FAC 2005-49 is summarized below and states whether any DOE supplemental guidance will be issued.

Public Access to the Federal Awardee Performance and Integrity Information System

(FAR Case 2010–016) (Interim)

48 CFR Parts 1, 9, 12, and 52

Effective date: January 24, 2011

This interim rule amends the FAR to implement section 3010 of the Supplemental Appropriations Act, 2010 (Pub. L. 111–212), enacted July 29, 2010. Section 3010 requires that the Administrator of the General Services post all information contained in the Federal Awardee Performance and Integrity Information System (FAPIIS), excluding past performance reviews, on a publicly available Web site. This interim rule notifies contractors that FAPIIS data, excluding past performance reviews, will be available to the public after a certain date, and creates a new FAR clause to support the posting of information in FAPIIS. Contracting officers are encouraged to the extent feasible to amend existing solicitations in accordance with FAR 1.108(d), in order to include this revised clause in contracts to be awarded on or after the effective date of this rule.

Applicability: This rule applies to solicitations issued on or after January 24, 2011. Contracting officers are encouraged, to the extent feasible, to amend existing solicitations in accordance with FAR 1.108(d), in order to include the clause at FAR 52.209–9 in contracts to be awarded on or after January 24, 2011. Prior to April 15, 2011, contracting officers shall bilaterally modify existing contracts, including indefinite-delivery indefinite quantity contracts, that contain the clause 52.209–8, Updates of Information Regarding Responsibility Matters, if a six-month update will be due on or after April 15, 2011. The modification shall replace the clause 52.209–8 with a new clause 52.209–9, Updates of Publicly Available Information Regarding Responsibility Matters, Alternate I (JAN 2011). If the contracting officer is unable to negotiate this modification prior to April 15, 2011, the contracting officer shall obtain approval at least one level above the contracting officer to negotiate an alternate resolution.

No additional DOE supplemental guidance will be issued.

- **To view FAC 2005-49 go to the Federal Register Browse weblink at <http://www.gpoaccess.gov/fr/browse.html> and search for the Federal Register Volume 76, Number 15 for Monday, January 24, 2011.**