

## **Reporting Other Contractor Information into Federal Awardee Performance and Integrity Information System (FAPIIS)**



### **Guiding Principles**

- Report other contractor information into FAPIIS through CPARS.
- The DOE Official Responsible for reporting the specific FAPIIS information is responsible for 100% reporting compliance.
- The DOE Agency Coordinator will submit OMB required reports to the OMB MAX site on a quarterly basis or as required.
- Other contractor information includes--
  - Terminations for cause or default;
  - Defective cost or pricing data;
  - Determinations of non-responsibility; and
  - Administrative agreements for debarment or suspension.

### **Federal Acquisition Regulation (FAR) Subparts**

- 8.4 Federal Supply Schedules – 8.406 Ordering activity responsibilities
- 9.1 Responsible Prospective Contractors – 9.104 Solicitation provisions and contract clauses and 9.105 Procedures
- 9.4 Debarment, Suspension and Ineligibility – 9.406 Debarment and 9.407 Suspension
- 12.4 Unique Requirements Regarding Terms and Conditions for Commercial Items - 12.403 Termination
- 15.4 Contract Pricing – 15.407 Special cost or pricing areas
- 42.15 Contractor Performance Information – 42.1503 Procedures
- 49.4 Termination for Default – 49.402 Termination of fixed-price contracts for default

### **DEAR and Acquisition Guide**

- Chapter 42.15 Contractor Performance Information

**This chapter has two sections. Section I provides a summary on reporting other contractor information into the Federal Awardee Performance Integrity Information System (FAPIS). Section II describes DOE's procedure on the use of the FAPIS module in the Contractor Performance Assessment Reporting System (CPARS). This update adds requirement for 100% reporting compliance. It describes methods that the DOE Official Responsible for Reporting FAPIS information should use to ensure compliance and to monitor the integrity of the information to support 100% reporting. It adds the OMB MAX quarterly reporting requirement by the DOE Agency Coordinator. Also, a table is added to list the available past performance and FAPIS training opportunities.**

## **Section I. OVERVIEW**

The Federal Awardee Performance and Integrity Information System (FAPIS) is intended to significantly enhance the scope of information available to contracting officers as they evaluate the integrity and performance of prospective contractors. FAPIS will include contracting officers' non-responsibility determinations (*i.e.*, agency assessments that prospective contractors do not meet requisite responsibility standards to perform for the Government), contract terminations for default or cause, agency defective pricing determinations, administrative agreements entered into by suspension and debarment officials to resolve a suspension or debarment, and contractor self-reporting of criminal convictions, civil liability, and adverse administrative actions. The system will collect this information, on an ongoing basis, from existing systems within the Government.

The Acquisition Guide has two chapters addressing the implementation of Federal Acquisition Regulation (FAR) Part 42.15 – Contractor Performance Information. Chapter 42.15, Contractor Performance Information, addresses DOE's application of CPARS and the evaluation and reporting of contractor performance. This chapter 42.16, Reporting Other Contractor Information into Federal Awardee Performance and Integrity Information System, addresses the data entry procedures and management for reporting other contracting information into the FAPIS module in CPARS.

## **Section II. Federal Awardee Performance and Integrity Information System (FAPIS) Module in CPARS**

The Federal Awardee Performance and Integrity Information System (FAPIS) is a web-enabled application that is used to collect other contractor performance information including terminations for cause or default, defective cost or pricing data, determinations of non-responsibility, and administrative agreements for debarment or suspension. Once records are completed in FAPIS, they become available in the PPIRS where they are used to support future acquisitions. Only Government personnel have access to FAPIS at [www.cpars.scd.disa.mil](http://www.cpars.scd.disa.mil).

To view the FAPIS records, there are two FAPIS data management reports. These reports are the FAPIS Public Report and the Contract Termination for Default-Cause Report.

The FAPIIS Public Report at [www.fapiis.gov](http://www.fapiis.gov) enables the public to view FAPIIS Report records (e.g., Terminations for Default, Terminations for Cause, Terminations for Material Failure to Comply, Non-responsibility Determinations, Recipient Not Qualified Determinations, Defective Pricing Determinations, Administrative Agreements, and Determinations of Contractor Fault reported to FAPIIS by Federal Government personnel). The website also has information on potential Federal Government awardees and to determine if the awardee has reported information in FAPIIS regarding any civil or criminal proceedings.

The Contract Termination for Default-Cause Report, available in the Federal Procurement Data System-Next Generation (FPDS-NG or FPDS), reflects the “Termination for Default (complete or partial)” and “Termination for Cause” data for the date range specified. It provides information on contracts that were terminated for default or cause. DOE can use this FPDS report to monitor and compare their reporting of these actions into FAPIIS to measure their FAPIIS compliance. The information can be used to help analyze and monitor the contractors terminated, frequency of these actions, and review the rationale for these actions. This report is available at [www.fpds.gov](http://www.fpds.gov) under Reports | Standard Reports, then click “How”.

#### **A. Roles and Responsibilities for FAPIIS Module**

- **FAPIIS Data Entry User (contracting officer, contract specialist, debarring official, or suspending official)**

- Reviews the current version of the FAPIIS user manual at <https://www.cpars.csd.disa.mil>.
- Takes FAPIIS training (on-site or on-line).
- Creates, updates and completes FAPIIS records in a timely manner.
- 100% reporting compliance is expected.
- Monitors the status of records that he/she has started or completed.
- Completes his/her records that are started, but not completed.
- On a monthly and quarterly basis, ensures actions that require FAPIIS reporting are completed.
- Will notify the responsible contract specialist or contracting officer about related actions that require a contractor performance evaluation into CPARS, ACASS or CCASS.
- Updates user profile as necessary.
- Provides user feedback as necessary.

- **Focal Point (CPARS point of contact at contracting activities)**

- Reviews the current version of the FAPIIS user manual at <https://www.cpars.csd.disa.mil>.
- Takes FAPIIS training (on-site or on-line).
- Provides access to alternate(s) and is responsible for any alternate(s).
- Provides access to FAPIIS for Data Entry User(s) within own contracting activity,

- Assists the FAPIIS Data Entry User(s) in implementing the FAPIIS process by providing training and helping with administrative matters to ensure that records are completed in a time manner.
  - Monitors and checks the status of pertinent records that have been started but are not yet completed and marked for release to PPIRS.
  - Conducts quarterly reviews to ensure that 100% of the information required is reported accurately and timely by the contracting officers for all applicable terminations for default or for cause, non-responsibility determinations, defective cost or pricing determinations and whether the contracting officers monitor the contractors reporting of integrity information for civil proceedings and criminal convictions.
- **Alternate Focal Point (at contracting activities)**
    - Reviews the current version of the FAPIIS user manual at <https://www.cpars.csd.disa.mil>.
    - Takes FAPIIS training (on-site or on-line).
    - Provides access to FAPIIS for Data Entry User(s) within own contracting activity
    - Assists the FAPIIS Data Entry User(s) in implementing the FAPIIS process by providing training and helping with administrative matters to ensure that records are completed in a time manner.
    - Monitors and checks the status of pertinent records that have been started but are not yet completed and marked for release to PPIRS.
    - Assists the Focal Point in quarterly reviews to ensure that 100% of the information required is reported.
  - **Agency Point of Contact (Agency Coordinator)**  
(On-line CPARS information will title this position as the Command Point of Contact)
    - Authorizes access to FAPIIS Focal Point(s).
    - Monitors the status of records across DOE that have been started or completed to ensure 100% reporting compliance.
    - Enters or uploads any OMB required reports at the OMB MAX site on quarterly basis. For details, see Office of Federal Procurement Policy's (OFFP) March 6, 2013 memorandum *Improving the Collection and Use of Information about Contractor Performance and Integrity*.

## **B. Other Contractor Information -- Reporting Criteria and Responsibility for Submitting and Completing FAPIIS**

1. In order to ensure consistent, comprehensive, timely, and meaningful FAPIIS documentation, the other contractor information shall be collected for all contract actions that require reporting into the Federal Procurement Data System-Next Generation (FPDS-NG) in accordance with FAR Subpart 4.6 – Contract Reporting. See Chapter 42.15, Section II.C., Types of Contract Actions to Report in CPARS, for details.

2. The following other contractor information shall be reported into FAPIIS.

- **Non-responsibility determination:** In accordance with FAR 9.105-2, the contracting officer shall sufficiently document the determination of non-responsibility and timely submit it within 3 working days in FAPIIS if—
  - The contract is valued at more than the simplified acquisition threshold;
  - The determination of non-responsibility is based on lack of satisfactory performance record or lack of satisfactory record of integrity and business ethics; and
  - The Small Business Administration does not issue a Certificate of Competency.
- **Termination for cause:** In accordance with FAR 8.406-4 and 12.403(c)(4), the contracting officer shall ensure that information related to termination for cause notices and any amendments are reported within 3 business days. This includes reporting any subsequent notice of the conversion to a termination for convenience or withdrawal.
- **Defective cost or pricing:** In accordance with FAR 15.407-1, the contracting officer shall ensure that information relating to the contracting officer's final determination for defective cost or pricing data, to include subsequent changes, is reported within 3 business days. This includes reporting any changes to the final determination in the event of the following:
  - Contracting officer's decision in accordance with the Contract Disputes Act;
  - Board of Contract Appeals decision; or
  - Court decision.
- **Termination for default:** In accordance with FAR 49.402 regarding termination of fixed price contracts, the contracting officer shall ensure that information relating to the termination for default notice and a subsequent withdrawal or conversion to a termination for convenience is reported within 3 business days.
- **Administrative agreement:**
  - **Debarment:** In accordance with FAR 9.406-3 and when FAPIIS module has this feature, the debarring official shall enter requested information into FAPIIS regarding the results of the administrative agreement to resolve a debarment proceeding and timely submit this information within 3 business days. The debarring official is responsible for the accuracy of the documentation.
  - **Suspension:** In accordance with FAR 9.407-3 and when FAPIIS module has this feature, the suspending official shall enter requested information into FAPIIS

regarding the results of the administrative agreement to resolve a suspension proceeding and timely submit this information within 3 business days. The suspension official is responsible for the accuracy of the documentation.

3. Reports (records) not completed within 30 days are automatically deleted.
4. Before uploading any attachment into FAPIIS make sure the document does not contain information that should not be disclosed and also ensure that the document is properly marked, e.g. “For Official Use – Source Selection Information – See FAR 2.101 and 3.104,” as appropriate.
5. FAPIIS reporting requires 100% compliance. For **DOE provided information**, the DOE official responsible for reporting should conduct reviews at least quarterly (preferably more frequently) to ensure that 100% of the information required is reported in FAPIIS. For **contractor provided information**, the contracting officer should take reasonable steps, such as sampling or conducting routine data quality reviews, to ensure that the required integrity information on criminal convictions, civil liability, and adverse administrative proceedings is being reported. For example, if a contracting officer becomes aware of a conviction, or is notified by a third party regarding a civil judgment or adverse administrative proceeding, the contracting officer should check the validity of the information to assess if it should be documented in the system.

Depending on the type of FAPIIS information to be reported and monitored, the DOE Official Responsible for Reporting FAPIIS information should review the methods for monitoring integrity information table and implement these methods or other effective methods to ensure the integrity of the information reported. The table is an excerpt from the OFFP’s March 6, 2013 memorandum *Improving the Collection and Use of Information about Contractor Performance and Integrity*.

**Methods for Monitoring Integrity Information**

<b><u>FAPIIS Information</u></b>	<b><u>Timeframe for Entering Records in FAPIIS</u></b>	<b><u>Official Responsible For Reporting FAPIIS information</u></b>	<b><u>Monitoring Compliance Note: Agencies should monitor compliance weekly or monthly to reach quarterly compliance targets</u></b>	<b><u>System of record used to monitor compliance</u></b>	<b><u>Quarterly Compliance Target</u></b>
Terminations for Default or for Cause	3 Working Days	CO	Use FPDS Standard Report, <i>Contract Termination for Default-Cause Report</i> , to compare FPDS records to FAPIIS termination for default or for cause records.	FPDS and FAPIIS	100%
Non-responsibility Determinations	3 Working Days	CO	Sample solicitation and contract files on a routine basis.	Contract file/ FAPIIS	100%
Defective Cost or Pricing Determinations	3 Working Days	CO	Sample contract files on a routine basis.	Contract file/ FAPIIS	100%
Administrative Agreements (excluding individuals)	3 Working Days	Suspension/ Debarment Officials (SDOs)	Check with the Suspension and Debarment Officials (SDOs) on a routine basis.	Agency SDO file/FAPIIS	100%
Contractor Reported Integrity Information – Civil proceedings and Criminal convictions	Prior to award and on a semiannual basis (IAW FAR 52.209-8)	Contractor	Sampling, random inspection of the FAPIIS and other relevant sources.	FAPIIS	100%

**C. CPARS Evaluations**

A CPARS evaluation is separate and distinct from a FAPIIS report. When a contract action requires an evaluation report in accordance with Chapter 42.15 and a FAPIIS report, the following action is required:

- For CPARS evaluation, the Assessing Official Representative or the Assessing Official is responsible to ensure the CPARS evaluation includes the relevant other contractor information in the evaluation.
- For Architect-Engineer Contract Administration Support Systems (ACASS) or

Construction Contractor Appraisal Support System (CCASS) evaluation, the Assessing Official Representative or the Assessing Official is responsible to ensure the ACASS or CCASS evaluation includes the relevant other contractor information in the evaluation.

#### **D. Records Retention for Other Contractor Information**

Reports prepared in FAPIIS should be maintained in electronic form. The FAPIIS records are retained for 5 years following the action date in FAPIIS and PPIRS.

#### **E. E-mail Notifications**

To facilitate the recording process, FAPIIS application will send e-mail notifications to the Government and the contractor. A list of the e-mail notifications is as follows:

- **Command POC Member assigned**
- **Focal Point assigned**
- **Alternate Focal Point assigned**
- **FAPIIS Data Entry assigned**
- **FAPIIS Data Entry assigned/records transferred**
- **Weekly reminders to complete FAPIIS records**
- **Overdue notification (record incomplete)**
- **Contractor notification that FAPIIS record is available in PPIRS**

#### **F. FAPIIS Training**

The Focal Point is responsible for ensuring that the FAPIIS Alternate Focal Point(s) and the Data Entry User(s) are knowledgeable about FAPIIS and the training that is available to them. Training for the Government is offered monthly via webcast and the calendar can be found on the CPARS web site. The FAPIIS class is highly recommended to all DOE employees who are or may become a FAPIIS Focal Point, a FAPIIS Alternate Focal Point, and/or a FAPIIS Data Entry User. See the following table for list of all available past performance and FAPIIS training opportunities. The table is an excerpt from the OFFP's March 6, 2013 memorandum *Improving the Collection and Use of Information about Contractor Performance and Integrity*.



<b>Past Performance and FAPIIS Training Opportunities</b>		
<b>Course</b>	<b>Description</b>	<b>Course Information</b>
DOD CPARS and FAPIIS Training.	Provides information on how to use CPARS and FAPIIS.  Upon completion, students receive a Certificate of Completion and continuous learning points (CLP).	Seminar, Online Training, and training material available at <a href="http://www.cpars.gov/allapps/cpcbt/df.htm">http://www.cpars.gov/allapps/cpcbt/df.htm</a> .
DOD PPIRS Training	Provides information about PPIRS and the valuable source selection sensitive information shared across federal government agencies and its use in source selection and contract award decisions.	Schedule of PPIRS classes is available at <a href="https://www.ppirs.gov/webtrain/webtrain.htm">https://www.ppirs.gov/webtrain/webtrain.htm</a> .
DOD <i>Past Performance Information Course – CLC 028</i> .	Provides relevant information to all acquisition personnel required to participate in this contract administration function. Upon completion, students receive 3 CLPs.	The course schedule is available at <a href="http://www.dau.mil">www.dau.mil</a> .
FAI – 4 minute multi-media FAPIIS overview.	Explains what the FAPIIS module why it is important, how it impacts the acquisition and grants communities, as well as how the system interrelates with other systems containing similar Information.	FAI website available at <a href="http://www.fai.gov/FAPIIS/trailer/module.htm">http://www.fai.gov/FAPIIS/trailer/module.htm</a> .
FAI <i>Federal Awardee Performance and Integrity and Information System (FAPIIS) - FAC 019</i> .	Provides guidance on how to consider the FAPIIS information. Upon completion, students will receive 1 CLP.	This course is available on the Defense Acquisition University (DAU) website at <a href="http://www.dau.mil">www.dau.mil</a> . Note: FAPIIS courseware was developed by FAI and tested and hosted on the DAU website.
<b>Note:</b> It is highly recommended that these courses be made available to all agency acquisition personnel responsible for reporting and using performance and integrity information. Questions about the training should be directed to DOD, DAU, or FAI points of contact listed on their respective websites, or you may seek information from your agency Acquisition Career Manager.		

## G. Points of Contact

- Questions regarding FAPIIS policy may be directed to the Office of Policy, Contract and Financial Assistance Policy Division, MA-611, at (202) 287-1330.
- Questions on how to use the FAPIIS system may be e-mailed to the DOE Agency Coordinator, Systems Division, MA-662, at [HQProcurementSystems@hq.doe.gov](mailto:HQProcurementSystems@hq.doe.gov).