GSA Office of Governmentwide Policy

CIVILIAN AGENCY ACQUISITION LETTER 2010-02

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MEMORANDUM FOR CIVILIAN AGENCIES OTHER THAN NASA

FROM: AL MATERA
CHAIRMAN
CIVILIAN AGENCY ACQUISITION COUNCIL

SUBJECT: Consultation for Class Deviations – Federal Awardee Performance and Integrity Information System (FAPIIS) at FAR Subpart 9.4.

On March 23, 2010, the FAR Council published a final rule in the Federal Register (75 FR 14058), which amended the Federal Acquisition Regulation (FAR) to implement section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. Section 872 requires the establishment of a data system containing specific information on the integrity and performance of covered Federal agency contractors and grantees. The data system titled, the Federal Awardee Performance and Integrity Information System (FAPIIS) is available at www.ppirs.gov and www.cpars.csd.disa.mil.

FAPIIS is designed to improve the Government's ability to evaluate the business ethics and expected performance of prospective contractors and grantees, and protect the Government from doing business with entities that are not responsible sources.

In addition to providing one-stop access to the Excluded Parties List System (EPLS) and the Past Performance Information Retrieval System (PPIRS), FAPIIS will collect and house information relating to:

- contracting officials' determinations of non-responsibility (i.e., agency assessments that awardees do not meet requisite responsibility standards to perform for the Government);
- terminations for default or cause;
- agency defective pricing determinations; and
- awardee self-reporting of criminal convictions, civil liability, and adverse administrative actions.

The FAPIIS rule requires that contracting officials, debarring and suspending officials and awardees enter various types of information in the data system. Specifically, FAR

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9.406-3(f)(1) and 9.407-3(e)(1) requires that debarring and suspending officials input in FAPIIS, information on administrative agreements entered into to resolve a suspension or debarment proceeding. However, at present, the FAPIIS data system is not configured to accept information pertaining to administrative agreements. A future version of the system scheduled to launch in late summer 2010, will have the capability to accept this information so that suspending and debarring officials will be able to fully comply with the FAPIIS requirement.

Until such time as FAPIIS is updated to collect information on administrative agreements, it is recommended that civilian agencies, other than NASA, authorize a class deviation from the FAR provisions at 9.406-3(f)(1) and 9.407-3(e)(1), in accordance with FAR 1.404. This memorandum constitutes consultation with the Chairperson of the CAAC.

If you have questions or require additional information regarding this memo or the FAPIIS requirement, please contact Millisa Gary at (202) 501-0699, or by email at millisa.gary@gsa.gov .