

i. Each civil or criminal proceeding, or any administrative proceeding in connection with the award or performance of a contract or grant with the Federal government during the period when the proceeding results in one or more of the following:

A. A criminal proceeding resulting in a conviction.

B. A civil proceeding resulting in a finding of fault and liability that results in payment of a monetary amount of \$5,000 or more.

C. An administrative proceeding resulting in a finding of fault and liability that results in payment of a monetary fine or penalty of \$5,000 or more; or payment of a monetary reimbursement, restitution, or damages in excess of \$100,000.

D. A disposition of the matter by consent or compromise with an acknowledgment of fault by the covered person if the proceeding could have led to any of the outcomes specified in subparagraphs A, B, or C above.

ii. Each Federal contract and grant awarded to the person that was terminated due to default.

iii. Each Federal administrative agreement entered into between the person and the Federal Government to resolve a suspension or debarment proceeding.

iv. Each final finding by a Federal official that the person has been determined not to be a responsible source pursuant to subparagraph (C) or (D) of section 4(7) of the OFPP Act (41 U.S.C.403(7)).

v. Such other information as shall be provided for purposes of this section in the FAR.

vi. To the maximum extent practical, information similar to that mentioned in subparagraphs I, ii, and iii, in connection with the award or performance of a contract or grant with a State Government.

A new solicitation provision has been developed for inclusion in solicitations expected to result in a contract of \$500,000 or more. A new provision (FAR 52.209-XX, Information Regarding Responsibility Matters) will require each offeror to check a box indicating whether it has, or has not, current Federal Government contracts and grants totaling \$10,000,000 or more. If the offeror checks the box indicating that it does not currently have contracts and grants of at least \$10,000,000, that is the extent of the information collection. If, however, the offeror checks the box indicating that it does currently have contracts and grants of at least \$10,000,000, and the offeror has not updated its Central Contactor Registration (CCR) database in the last

six months, then the offeror is obligated to go to the CCR web site and enter the following information:

“52.209-XX (c)

(1) (i) Whether the offeror, and/or any of its principals, has or has not, within the last five years, been involved in a civil or criminal proceeding, or any administrative proceeding, in connection with the award to or performance by the offeror of a Federal or State contract or grant, to the extent that such proceeding resulted in any of the following dispositions:

(A) In a criminal proceeding, a conviction.

(B) In a civil proceeding, a finding of fault and liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more.

(C) In an administrative proceeding, a finding of fault and liability that results in—

(1) The payment of a monetary fine or penalty of \$5,000 or more; or

(2) The payment of a reimbursement, restitution, or damages in excess of \$100,000.

(D) To the maximum extent practicable and consistent with applicable laws and regulations, in a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise with an acknowledgment of fault by the Contractor if the proceeding could have led to any of the outcomes specified in subparagraphs (i), (ii), or (iii).

(ii) If the offeror checked “has” to the information request in (b)(1)(i), the offeror shall provide the requested information with regard to each occurrence.”

In addition, the final rule includes a new clause that requires Contractors to semi-annually update of the information in Federal Awardee Performance and Integrity Information Systems (FAPIS).

The final rule requires for every solicitation of \$500,000 or more that the offeror respond whether it has, or has not, current contracts and grants under performance that total at least \$10,000,000. Only if the offeror responds affirmatively is there any further information collection requirement. Given that the amount of current Federal contracts and grants is basic knowledge for any firm, the estimated number of hours for this initial response is 0.1 hours. Using data from the Federal Procurement Data System—Next Generation (FPDS-NG), we estimate that there will be approximately 12,000–14,000 contracts over \$500,000 each year. Estimating between five and six responses to each solicitation, then believe there will be 80,000 responses annually to the “has/has not” question.

We expect that 5,000 contractors will answer the first question affirmatively and then will have to enter data into the website. We have used a burden estimate of 0.5 hours to enter the company’s data into the website. This time estimate does not include the time

necessary to maintain the company’s information internally. Most large businesses and some small businesses probably have established systems to track compliance. At this time, all or most Government contractors have entered relevant company data in the Central Contractor Registration (CCR) in accordance with another information collection requirement. Therefore, the estimate includes an average of 100 hours per year for recordkeeping for each of the 5,000 respondents to the request for additional information, for a total of 500,000 annual recordkeeping hours.

**Annual Reporting Burden**

*Initial response:*

Respondents .....	8,000
Responses per respondent .....	× 10
Total annual responses .....	80,000
Total response burden hours .....	8,000

*Additional response:*

Total annual responses .....	10,000
Total response burden hours .....	5,000
Recordkeeping hours .....	500,000
Total burden hours .....	505,000

*Obtaining Copies of Proposals:*

Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street, NW., Room 4041, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-00XX, Information Regarding Responsibility Matters, in all correspondence.

Dated: February 23, 2010.

**Al Matera,**

*Director, Acquisition Policy Division.*

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**BILLING CODE 6820-EP-P**

**GENERAL SERVICES ADMINISTRATION**

**Notice of Availability Record of Decision for the Update to the Master Plan for the Consolidation of the Food and Drug Administration Headquarters at the Federal Research Center at White Oak in Silver Spring, MD**

**AGENCY:** U.S. General Service Administration (GSA); National Capital Region.

**ACTION:** Notice; record of decision.

**SUMMARY:** Pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality Regulations (40 CFR parts 1500-1508), GSA Order PBS P1095.1F (Environmental considerations in decisionmaking, date October 19, 1999), and the GSA Public

Buildings Service NEPA Desk Guide, GSA has signed a Record of Decision (ROD) for the update to the Master Plan to support the consolidation of the Food and Drug Administration (FDA) Headquarters at the Federal Research Center at White Oak in Silver Spring, Maryland. The ROD identifies that Alternative 2: Dispersed Density Action Alternative, as defined in the *FDA Headquarters Consolidation Master Plan Update Final Supplemental Environmental Impact Statement (EIS)* (GSA, July 2009), is the alternative selected for implementation. The complete ROD can be viewed at: <http://www.gsa.gov/ncrnepea>.

**FOR FURTHER INFORMATION CONTACT:**

Suzanne Hill, NEPA Lead, General Services Administration, National Capital Region, at (202) 205-5821.

**SUPPLEMENTARY INFORMATION:** *Decision:*

It is the decision of the Acting Regional Administrator of GSA, National Capital Region to: Implement Alternative 2: Dispersed Density Action Alternative. This alternative includes the following:

- (1) Construction of facilities to accommodate the increase of FDA employees from 7,719 to 8,889;
- (2) Construction of a new office building on the northwestern portion of the site;
- (3) Relocation of the 21,000-square foot Child Care Center and 25,000-square foot Broadcast Studio;
- (4) Construction of a 10,000-square foot fitness center;
- (5) Expansion of the CUP by 50,000-square feet and construction of a thermal water storage tank;
- (6) Construction of a 300,000 gallon elevated water storage tank for potable water; and
- (7) Elimination of the need for an antenna farm because of advances in technology.

**Background**

In 1997, GSA completed an environmental impact statement that analyzed the impacts from the consolidation of 5,974 FDA employees at the FRC. In 2005, GSA also completed a supplemental environmental impact statement that analyzed the impacts of increasing the number of employees from 5,947 to 7,720 and the impacts of creating a new eastern access point into the FRC. In September 2007, new legislation was enacted that expanded FDA's mandate to support the Prescription Drug User Fee Act (PDUFA) and the Medical Device User Fee and Modernization Act (MDUFMA). In order for FDA to fulfill the legislated mandates, additional employees may be

needed, and the new legislation will likely result in an increase of employees at the FRC from 7,720 to 8,889. The increase in the campus population is needed to conduct the complex and comprehensive reviews necessary for new drugs and medical devices.

The purpose of the action is to update the Master Plan for the FDA Campus at FRC to accommodate employee growth from 7,720 to 8,889 within the 130 acres appropriated by Congress for the FDA Campus. Need for the proposed action is to continue to support FDA Headquarters consolidation at FRC and provide the necessary office and laboratory space to support the expanded PDUFA and MDUFMA programs.

The ROD documents the specific components of and rationale for GSA's decision. This decision is based on analyses contained in the Draft Supplemental EIS issued March 2009; the Final Supplemental EIS issued in July 2009; the comments of Federal, state, and local agencies, members of the public, and elected officials; and other information in the administrative record.

Issued September 2, 2009 by Sharon J. Banks, Acting Regional Administrator, General Services Administration, National Capital Region.

February 16, 2010.

**Patricia T. Ralston,**

*Director, Portfolio Management, Public Buildings Service, National Capital Region.*

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**GENERAL SERVICES ADMINISTRATION**

**Notice of Intent To Prepare an Environmental Impact Statement for the Otay Mesa Land Port of Entry**

**AGENCY:** General Services Administration.

**ACTION:** Notice of Intent.

**SUMMARY:** The General Services Administration (GSA) announces its intent to prepare an Environmental Impact Statement (EIS) for the modernization of the Otay Mesa Land Port of Entry (LPOE) in San Diego, California. The project will modernize the existing port to improve its functionality, capacity, and security.

The facility currently handles all traffic modes, including commercial vehicles, buses, privately operated vehicles (POVs), and pedestrians. Built in 1984 and expanded in 1994 to accommodate new commercial facilities and southbound commercial traffic, the

existing 10 commercial and 13 POV booths no longer meet the Department of Homeland Security (DHS) security standards and are incapable of adequately handling current and projected traffic volumes.

GSA proposes to modernize the current port by remodeling, improving and expanding the existing facility through the acquisition of approximately 10 acres of land along the eastern boundary of the port. The modernized POV port will accommodate 24 primary booths for northbound inspection with future accommodation of another 12 booths. Roadway modifications within the port will be designed to improve traffic circulation through the LPOE and to enhance pedestrian safety. The commercial import facility will accommodate 12 primary booths and be modified to safely expedite truck inspections and decrease wait times. Energy conservation and sustainability provisions will be applied throughout the facility.

The EIS will evaluate the potential environmental impacts associated with alternatives to implement the proposed action described below, including the No Action Alternative:

**Alternative 1—POV/Commercial LPOE:** GSA will modernize the existing Otay Mesa LPOE to accommodate 12 commercial lanes and a combination of 24 POV/bus lanes. Approximately 10 acres of adjacent land on the east side of the LPOE will be acquired which will modernize the facility to accommodate modern operational requirements.

**Alternative 2—Multimodal/Commercial LPOE:** GSA will modernize the existing Otay Mesa LPOE as mentioned in Alternative 1 and integrate long range pedestrian and public transit capabilities.

**Alternative 3—No Action:** Continue operations at the existing LPOE facilities as they are currently configured.

**FOR FURTHER INFORMATION CONTACT:** Maureen Sheehan by phone at 253-931-7548 or by e-mail at [Maureen.Sheehan@gsa.gov](mailto:Maureen.Sheehan@gsa.gov).

**SUPPLEMENTARY INFORMATION:** The scoping process has involved newspaper announcements in the San Diego Union Tribune on June 18, 2009 and in the Hispanos Unidos Spanish language newspaper on June 19, 2009. A project fact sheet has been distributed among likely stakeholders and one notice was placed in the July/August 2009 edition of the Otay Action Newsletter distributed by the Otay Mesa Chamber of Commerce. All announced open house was held within the community at the Otay Mesa Holiday