



Federal Register

**Tuesday,
March 23, 2010**

Part V

**Department of
Defense
General Services
Administration
National Aeronautics
and Space
Administration**

**48 CFR Chapter 1
Federal Acquisition Regulation; Federal
Acquisition Circular 2005–40:
Introduction, Small Entity Compliance
Guide, Federal Awardee Performance and
Integrity, Information System; Final Rules**

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Chapter 1**

[Docket FAR 2010–0076, Sequence 2]

**Federal Acquisition Regulation;
Federal Acquisition Circular 2005–40;
Introduction****AGENCIES:** Department of Defense (DoD),
General Services Administration (GSA),and National Aeronautics and Space
Administration (NASA).**ACTION:** Summary presentation of final
rule.**SUMMARY:** This document summarizes
the Federal Acquisition Regulation
(FAR) rule agreed to by the Civilian
Agency Acquisition Council and the
Defense Acquisition Regulations
Council (Councils) in this Federal
Acquisition Circular (FAC) 2005–40. A
companion document, the *Small Entity
Compliance Guide* (SECG), follows this
FAC. The FAC, including the SECG, is
available via the Internet at [http://
www.regulations.gov](http://www.regulations.gov).**DATES:** For effective date, see separate
document, which follows.**FOR FURTHER INFORMATION CONTACT:** The
analyst whose name appears in the table
below. Please cite FAC 2005–40 and the
specific FAR case number. For
information pertaining to status or
publication schedules, contact the FAR
Secretariat at (202) 501–4755.**RULE LISTED IN FAC 2005–40**

Subject	FAR case	Analyst
Federal Awardee Performance and Integrity Information System (FAPIIS) ...	2008–027	Gary.

SUPPLEMENTARY INFORMATION: A
summary for the FAR rule follows. For
the actual revisions and/or amendments
made by this FAR case, refer to FAR
Case 2008–027.FAC 2005–40 amends the FAR as
specified below:**Federal Awardee Performance and
Integrity Information System (FAPIIS)
(FAR case 2008–027)**This final rule adopts, with changes,
the proposed rule published in the
Federal Register on September 3, 2009
(74 FR 45579); and amends the 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, Federal Awardee Performance
and Integrity Information System
(FAPIIS), containing specific
information on the integrity and
performance of covered Federal agency
contractors and grantees. FAPIIS is
available for use in award decisions at
www.ppirs.gov. Government input to
FAPIIS is accomplished at
www.cpars.csd.disa.mil.FAPIIS is intended to significantly
enhance the scope of information
available to contracting officers as they
evaluate the integrity and performance
of prospective contractors competing for
Federal contracts and to protect
taxpayers from doing business withcontractors that are not responsible
sources. This final rule impacts
Government contracting officers and
contractors. The Government
contracting officers will be required to—

- Check the FAPIIS website, available
at www.ppirs.gov, before awarding a
contract over the simplified acquisition
threshold, consider all the information
in FAPIIS and PPIRS when making a
responsibility determination, and notify
the agency official responsible for
initiating debarment or suspension
action if the information appears
appropriate for the official's
consideration; and

- Enter a non-responsibility
determination into FAPIIS.

The contractor will be required to:

1. Confirm, at the time of offer
submission, information pertaining to
criminal, civil and administrative
proceedings through which a requisite
determination of fault was made, and
report this information into FAPIIS; and

2. Update the information in FAPIIS
on a semi-annual basis, throughout the
life of the contract, by entering the
required information into FAPIIS via the
Central Contractor Registration
database, available at [http://
www.ccr.gov](http://www.ccr.gov).

Dated: March 18, 2010.

Al Matera,*Director, Acquisition Policy Division.***Federal Acquisition Circular**Federal Acquisition Circular (FAC)
2005-40 is issued under the authority of
the Secretary of Defense, the
Administrator of General Services, and
the Administrator for the National
Aeronautics and Space Administration.Unless otherwise specified, all
Federal Acquisition Regulation (FAR)
and other directive material contained
in FAC 2005-40 is effective April 22,
2010.

Dated: March 17, 2010.

Linda W. Neilson,*Deputy Director, Defense Procurement and
Acquisition Policy (Defense Acquisition
Regulation System).*

Dated: March 16, 2010.

Rodney P. Lantier,*Acting Senior Procurement Executive, Office
of Acquisition Policy, U.S. General Services
Administration.*

Dated: March 15, 2010.

William P. McNally,*Assistant Administrator for Procurement,
National Aeronautics and Space
Administration.*

[FR Doc. 2010–6330 Filed 3–22–10; 8:45 am]

BILLING CODE 6820–EP–S