

**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 (FAPIS) ...	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 (FAPIS)  
(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  
(FAPIS), containing specific  
information on the integrity and  
performance of covered Federal agency  
contractors and grantees. FAPIS is  
available for use in award decisions at  
[www.ppirs.gov](http://www.ppirs.gov). Government input to  
FAPIS is accomplished at  
[www.cpars.csd.disa.mil](http://www.cpars.csd.disa.mil).FAPIS 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 FAPIS website, available  
at [www.ppirs.gov](http://www.ppirs.gov), before awarding a  
contract over the simplified acquisition  
threshold, consider all the information  
in FAPIS 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 FAPIS.

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 FAPIS; and

2. Update the information in FAPIS  
on a semi-annual basis, throughout the  
life of the contract, by entering the  
required information into FAPIS 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**