

APD ALERT

Federal Awardee Performance and Integrity Information System (FAPIS) Deviation FAR Clause 52.209-8



Purpose

This Alert is to inform all contracting officers of the new requirements for public access to the information posted in the Federal Awardee Performance and Integrity Information System (FAPIS) accessible at the Past Performance Information Retrieval Web site <http://www.ppirs.gov/fapis.html>, and the steps required to comply with the new FAPIS requirement. This requirement applies to all contracts that meet performance evaluation requirements.

Background

Section 3010 of Public Law 111-212, enacted on July 29, 2010, requires information in FAPIS, except past performance reviews, to be posted on a publicly available Web site. An interim rule is under development to implement section 3010, and is expected to be published in December 2010.

The current FAR clause 52.209-8, Updates of Information Regarding Responsibility Matters (version dated APR 2010), was published to support the initial rollout of FAPIS. To begin the transition process and lessen the number of contracts that will require modification when the interim rule is published, the Civilian Agency Acquisition Council (CAAC) Chair issued a Consultation for Class Deviation memoranda letter recommending a class deviation for civilian agencies to authorize (see <https://www.acquisition.gov/comp/caac/caacletters/CAAC-Letter-2011-01.pdf>). The CAAC memoranda letter provided a deviation FAR clause 52.209-8 that complies with section 3010.

Contracting officers should read the CAAC class deviation memoranda letter to fully understand the deviation changes of FAR clause 52.209-8.

Procedure

Effective immediately, contracting officers should incorporate the deviation FAR clause 52.209-8 in all new solicitations and contracts. This clause only needs to be incorporated in contracts that meet performance evaluation requirements.

Contracting officers should ensure no information is posted in the system that would cause harm to contractors and protected by a disclosure exemption under FOIA.

APD Point of Contact:

If you have any questions regarding this alert, please contact the APOB on 301-504-1725, or via e-mail at APOB@ars.usda.gov.

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