



POLICY FLASH 2011-69

DATE: April 25, 2011

TO: Procurement Directors

FROM: Director, Policy Division 
Office of Procurement and Assistance Policy
Office of Procurement and Assistance Management

SUBJECT: Federal Awardee Performance and Integrity Information System (FAPIIS) – Public Access

SUMMARY: On April 15, 2011, the public side of the Federal Awardee Performance and Integrity Information System (FAPIIS) website was launched. This means that information posted to FAPIIS on and after this date, with the exception of past performance reviews, will be accessible by the public. Public access to information posted to FAPIIS prior to April 15, 2011, will be subject to the Freedom of Information Act (FOIA) process. (See paragraph (b)(3) of 52.209-9, Updates of Publicly Available Information Regarding Responsibility Matters (JAN 2011)).

Federal Acquisition Circular 2005-49, issued on January 24, 2011, added the FAPIIS – Public Access requirement to the Federal Acquisition Regulation (FAR). Since that time, notices of the requirement have been posted to the FAPIIS website, available at <http://www.cpars.csd.disa.mil/FAPISmain.htm>, as well as on the Central Contractor Registration website at <http://www.ccr.gov>.

Solicitations: FAC 2005-49 applied to solicitations issued on or after January 24, 2011. Contracting officers were encouraged, to the extent feasible, to amend existing solicitations in accordance with FAR 1.108(d), in order to include the clause at FAR 52.209–9, Updates of Publicly Available Information Regarding Responsibility Matters-(JAN 2011) in contracts to be awarded on or after January 24, 2011.

Contracts: Prior to April 15, 2011, contracting officers were to bilaterally modify existing contracts, including indefinite-delivery indefinite quantity contracts, that contained the outdated clause 52.209–8, Updates of Information Regarding Responsibility Matters, if a six-month

update was due on or after April 15, 2011. The modification was to replace the old clause 52.209–8 with the new clause 52.209–9 including its Alternate I. If the contracting officer was unable to negotiate this modification prior to April 15, 2011, the contracting officer had to obtain approval at least one level above the contracting officer to negotiate an alternate resolution.

Contracting officers are urged to take appropriate steps to ensure that any information posted by the contracting officer in the system on or after April 15, 2011, will not create a harm protected by a disclosure exemption under FOIA. For example, careful attention should be given to whether documentation supporting a non-responsibility determination or termination for default decision should be redacted before the determination or decision is posted in FAPIIS.

Information posted before April 15, 2011, will not be made publicly available through FAPIIS and will continue to be handled under FOIA.

Online training on use of the information contained in FAPIIS is currently being developed and is expected to be ready by June 1st. Further information on the online training will be disseminated through a subsequent Acquisition Alert.

This flash will be available online at the following website:
http://management.energy.gov/policy_guidance/policy_flashes.htm.

Questions concerning this policy flash should be directed to Barbara Binney at (202) 287-1340 or barbara.binney@hq.doe.gov.