9.104-6 Federal Awardee Performance and Integrity Information System.

(a)

(1) Before awarding a contract in excess of the *simplified acquisition threshold*, the *contracting officer shall* review the performance and integrity information available in the Federal Awardee Performance and Integrity Information System (FAPIIS), (available at https://www.cpars.gov), including FAPIIS information from the *System for Award Management (SAM*) Exclusions and the Contractor Performance Assessment Reporting System (CPARS).

(2) In accordance with 41 U.S.C. 2313(d)(3), FAPIIS also identifies–

(i) An affiliate that is an immediate owner or subsidiary of the *offeror*, if any (see 52.204-17, Ownership or Control of *Offeror*); and

(ii) All predecessors of the *offeror* that held a Federal contract or grant within the last three years (see 52.204-20, Predecessor of *Offeror*).

(b)

(1) When making a responsibility determination, the *contracting officer shall* consider all the information available through FAPIIS with regard to the *offeror* and any immediate owner, predecessor, or subsidiary identified for that *offeror* in FAPIIS, as well as other *past performance* information on the *offeror* (see subpart 42.15).

(2) For evaluation of information available through FAPIIS relating to an affiliate of the *offeror*, see 9.104-3(c).

(3) For source selection evaluations of *past performance*, see 15.305(a)(2). *Contracting officers shall* use sound judgment in determining the weight and relevance of the information contained in FAPIIS and how it relates to the present *acquisition*.

(4) Since FAPIIS *may* contain information on any of the *offeror*'s previous contracts and information covering a 5-year period, some of that information *may* not be relevant to a determination of present responsibility, *e.g.*, a prior administrative action such as *debarment*, *suspension*, voluntary exclusion, or administrative agreement, that has expired or otherwise been resolved, or information relating to contracts for completely different *products* or services.

(5) Because FAPIIS is a database that provides information about prime contractors, the *contracting officer* posts information required to be posted about a subcontractor, such as trafficking in persons violations, to the record of the prime contractor (see 42.1503(h)(1)(v)). The prime contractor has the opportunity to post in FAPIIS any mitigating factors. The *contracting officer shall* consider any mitigating factors posted in FAPIIS by the prime contractor, such as degree of compliance by the prime contractor with the terms of FAR clause 52.222-50.

(c) If the *contracting officer* obtains relevant information from FAPIIS regarding criminal, civil, or administrative proceedings in connection with the award or performance of a Government contract;

terminations for default or cause; determinations of nonresponsibility because the contractor does not have a satisfactory performance record or a satisfactory record of integrity and business ethics; or comparable information relating to a grant, the *contracting officer shall*, unless the contractor has already been debarred, suspended, or has agreed to a voluntary exclusion-

(1) Promptly request such additional information from the *offeror* as the *offeror* deems necessary in order to demonstrate the *offeror*'s responsibility to the *contracting officer* (but see 9.405); and

(2) Notify, prior to proceeding with award, in accordance with agency procedures (see 9.406-3(a) and 9.407-3(a)), the agency official responsible for initiating *debarment* or *suspension* action, if the information appears appropriate for the official's consideration.

(d) The *contracting officer shall* document the contract file for each contract in excess of the *simplified acquisition threshold* to indicate how the information in FAPIIS was considered in any responsibility determination, as well as the action that was taken as a result of the information. A *contracting officer* who makes a nonresponsibility determination is required to document that information in FAPIIS in accordance with 9.105-2(b)(2).

Parent topic: 9.104 Standards.