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48 CFR Chapter 1 and Parts 1, 9, 12, et al.
Federal Acquisition Regulations; Rules

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

[Docket FAR 2011–0076, Sequence 1]

**Federal Acquisition Regulation;
Federal Acquisition Circular 2005–49;
Introduction****AGENCY:** Department of Defense (DoD),
General Services Administration (GSA),and National Aeronautics and Space
Administration (NASA).**ACTION:** Summary presentation of rules.**SUMMARY:** This document summarizes
the Federal Acquisition Regulation
(FAR) rules agreed to by DOD, GSA, and
NASA in this Federal Acquisition
Circular (FAC) 2005–49. 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 dates see separate
documents, which follow.**FOR FURTHER INFORMATION CONTACT:** The
analyst whose name appears in the table
below in relation to each FAR case.
Please cite FAC 2005–49 and the
specific FAR case number. For
information pertaining to status or
publication schedules, contact the
Regulatory Secretariat at (202) 501–
4755.

LIST OF RULE IN FAC 2005–49

Subject	FAR case	Analyst
Public Access to the Federal Awardee Performance and Integrity Information System (Interim)	2010–016	Loeb.

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 2010–016.FAC 2005–49 amends the FAR as
specified below:**Public Access to the Federal Awardee
Performance and Integrity Information
System (FAR Case 2010–016) (Interim)**This interim rule amends the FAR to
implement section 3010 of the
Supplemental Appropriations Act, 2010
(Pub. L. 111–212), enacted July 29,
2010. Section 3010 requires that the
Administrator of the General Services
post all information contained in the
Federal Awardee Performance and
Integrity Information System (FAPIS),
excluding past performance reviews, on
a publicly available Web site.This interim rule notifies contractors
that FAPIS data, excluding past
performance reviews, will be available
to the public after a certain date, and
creates a new FAR clause to support the
posting of information in FAPIS.
Contracting officers are encouraged to
the extent feasible to amend existing
solicitations in accordance with FAR
1.108(d), in order to include this revised
clause in contracts to be awarded on or
after the effective date of this rule.

Dated: January 19, 2011.

Michael O. Jackson,*Acting Director, Office of Governmentwide
Acquisition Policy.*

[FR Doc. 2011–1324 Filed 1–21–11; 8:45 am]

BILLING CODE 6820–EP–P**DEPARTMENT OF DEFENSE****GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Parts 1, 9, 12, and 52**[FAC 2005–49; FAR Case 2010–016; Docket
2010–0016, Sequence 1]**RIN 9000–AL94****Federal Acquisition Regulation; Public
Access to the Federal Awardee
Performance and Integrity Information
System****AGENCIES:** Department of Defense (DoD),
General Services Administration (GSA),
and National Aeronautics and Space
Administration (NASA).**ACTION:** Interim rule.**SUMMARY:** DoD, GSA, and NASA are
issuing an interim rule amending the
Federal Acquisition Regulation (FAR) to
implement section 3010 of
Supplemental Appropriations Act,
2010. Section 3010 requires that the
information in the Federal Awardee
Performance and Integrity Information
System (FAPIS), excluding past
performance reviews, shall be made
publicly available. This interim rule
notifies contractors of this new statutory
requirement for public access to FAPIS
and creates a new FAR clause to support
the posting of information in FAPIS
consistent with section 3010. All
information posted in FAPIS on or after
April 15, 2011, except for past
performance reviews, will be publicly
available.**DATES:** *Effective Date:* January 24, 2011.*Comment Date:* Interested parties
should submit written comments to the
Regulatory Secretariat on or before
March 25, 2011 to be considered in the
formulation of a final rule.*Applicability Date:* This rule applies
to solicitations issued on or after
January 24, 2011. Contracting officers
are 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
in contracts to be awarded on or after
January 24, 2011. Prior to April 15,
2011, contracting officers shall
bilaterally modify existing contracts,
including indefinite-delivery indefinite-
quantity contracts, that contain the
clause 52.209–8, Updates of Information
Regarding Responsibility Matters, if a
six-month update will be due on or after
April 15, 2011. The modification shall
replace the clause 52.209–8 with a new
clause 52.209–9, Updates of Publicly
Available Information Regarding
Responsibility Matters, Alternate I (JAN
2011). If the contracting officer is unable
to negotiate this modification prior to
April 15, 2011, the contracting officer
shall obtain approval at least one level
above the contracting officer to negotiate
an alternate resolution.**ADDRESSES:** Submit comments
identified by FAC 2005–49, FAR Case
2010–016, by any of the following
methods:

- *Regulations.gov:* [http://
www.regulations.gov](http://www.regulations.gov). Submit comments
via the Federal eRulemaking portal by
inputting “FAR Case 2010–016” under
the heading “Enter Keyword or ID” and
selecting “Search.” Select the link
“Submit a Comment” that corresponds