

**52.209-7 Information Regarding Responsibility Matters.**

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**Information Regarding Responsibility Matters (JAN 2011)**

(a) \* \* \*

*Principal* means an officer, director, owner, partner, or a person having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a division or business segment; and similar positions).

\* \* \* \* \*

**52.209-8 [Removed and reserved]**

■ 6. Remove and reserve section 52.209-8.

■ 7. Add section 52.209-9 to read as follows:

**52.209-9 Updates of Publicly Available Information Regarding Responsibility Matters.**

As prescribed at 9.104-7(c), insert the following clause:

**Updates of Publicly Available Information Regarding Responsibility Matters (JAN 2011)**

(a) The Contractor shall update the information in the Federal Awardee Performance and Integrity Information System (FAPIS) on a semi-annual basis, throughout the life of the contract, by posting the required information in the Central Contractor Registration database at <http://www.ccr.gov>.

(b)(1) The Contractor will receive notification when the Government posts new information to the Contractor's record.

(2) The Contractor will have an opportunity to post comments regarding information that has been posted by the Government. The comments will be retained

as long as the associated information is retained, *i.e.*, for a total period of 6 years. Contractor comments will remain a part of the record unless the Contractor revises them.

(3)(i) Public requests for system information posted prior to April 15, 2011, will be handled under Freedom of Information Act procedures, including, where appropriate, procedures promulgated under E.O. 12600.

(ii) As required by section 3010 of Public Law 111-212, all information posted in FAPIS on or after April 15, 2011, except past performance reviews, will be publicly available.

(End of clause)

*Alternate I (JAN 2011).* As prescribed in 9.104-7(c)(2), redesignate paragraph (a) of the basic clause as paragraph (a)(1) and add the following paragraph (a)(2):

(2) At the first semi-annual update on or after April 15, 2011, the Contractor shall post again any required information that the Contractor posted prior to April 15, 2011.

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

[Docket FAR 2011-0077, Sequence 1]

**Federal Acquisition Regulation; Federal Acquisition Circular 2005-49; Small Entity Compliance Guide**

**AGENCY:** Department of Defense (DoD), General Services Administration (GSA),

**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.

and National Aeronautics and Space Administration (NASA).

**ACTION:** Small Entity Compliance Guide.

**SUMMARY:** This document is issued under the joint authority of DOD, GSA, and NASA. This *Small Entity Compliance Guide* has been prepared in accordance with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of rules appearing in Federal Acquisition Circular (FAC) 2005-49, which amend the Federal Acquisition Regulation (FAR). Interested parties may obtain further information regarding these rules by referring to FAC 2005-49, which precedes this document. The documents are also available via the Internet at <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. 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.

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.*

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