

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 (FAPIS), (available at <https://www.cpars.gov>), including FAPIS 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\(d\)\(3\)](#), FAPIS 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 FAPIS with regard to the *offeror* and any immediate owner, predecessor, or subsidiary identified for that *offeror* in FAPIS, as well as other *past performance* information on the *offeror* (see [subpart 42.15](#)).

(2) For evaluation of information available through FAPIS 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 FAPIS and how it relates to the present *acquisition*.

(4) Since FAPIS *may* contain information on any of the *offeror's* previous contracts and information covering a five-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* or *suspension* that has expired or otherwise been resolved, or information relating to contracts for completely different *products* or *services*.

(5) Because FAPIS 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 FAPIS any mitigating factors. The *contracting officer shall* consider any mitigating factors posted in FAPIS 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 FAPIS 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 or suspended-

(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.