UNITED STATES DEPARTMENT OF COMMERCE
Chief Financial Officer and
Assistant Secretary for Administration
Washington, D.C. 20230

APR 2 2 2010

PROCUREMENT MEMORANDUM 2010-08

ACTION

MEMORANDUM FOR: **BUREAU PROCUREMENT OFFICIALS**
HEADS OF CONTRACTING OFFICES

FROM: Helen Hurcombe Helen Hurcombe
Senior Procurement Executive
and Director for Acquisition Management

SUBJECT: FAR Class Deviation: Limited Exception to Federal Awardee Performance and Integrity Information System Reporting Requirements [FAR 9.406-3(f)(1); 9.406-3(f)(2); 9.407-3(e)(1); 9.407-3(e)(2)]

Background
Federal Acquisition Regulation (FAR) Subparts 9.406-3(f)(1); 9.406-3(f)(2); 9.407-3(e)(1); and 9.407-3(e)(2) require that debarring and suspending officials input information in the Federal Awardee Performance and Integrity Information System (FAPIIS) on administrative agreements entered into to resolve a suspension or debarment proceeding. However, FAPIIS is not currently configured to accept this information.

Purpose
The purpose of this memorandum is to issue a class deviation in accordance with FAR 1.404 to provide an exception to reporting of administrative agreements entered into to resolve a suspension or debarment proceeding in FAPIIS. All other requirements of FAR Subpart 9.4 and Commerce Acquisition Manual (CAM) 1342.15 Contractor Performance remain in effect.

Effective Date
This class deviation is effective on April 22, 2010 and remains in effect until rescinded.

My point of contact for this matter is Lori Donovan, 202-482-1716 or **ldonovan@doc.gov**.

Attachment

cc: Acquisition Community
Acquisition Council

CLASS DEVIATION FROM THE FEDERAL ACQUISITION REGULATION

Subparts 9.4—Debarment, Suspension and Ineligibility

Determination and Findings

In accordance with Civilian Agency Acquisition Council (CAAC) Letter 2010-02, "Consultation for Class Deviations – Federal Awardee Performance and Integrity Information System at FAR Subpart 9.4", the Department of Commerce is authorizing a class deviation which provides an exception to the reporting requirements contained in FAR Subparts 9.406-3(f)(1); 9.406-3(f)(2); 9.407-3(e)(1); and 9.407-3(e)(2) for input of information regarding administrative agreements entered into to resolve a suspension or debarment proceeding.

Findings

FAR Subpart 9.4 was amended to provide for additional reporting requirements in FAPIIS relating to contractor performance and integrity with an effective date of April 22, 2010. FAPIIS is currently configured to provide for input of some of the required data. However, FAPIIS is not currently configured to accept information regarding administrative agreements as required by FAR Subparts 9.406-3(f)(1); 9.406-3(f)(2); 9.407-3(e)(1); and 9.407-3(e)(2). A class deviation is necessary so that Department debarring and suspending officials are granted an exception to these reporting requirements until such time as FAPIIS can accept the information.

Determination

In accordance with FAR 1.404, I hereby authorize this class deviation providing this limited exception for FAPIIS reporting requirements. Debarring and suspending officials are not required to input information on administrative agreements entered into to resolve a suspension or debarment proceeding regardless of the prescriptions found in FAR Subparts 9.406-3(f)(1); 9.406-3(f)(2); 9.407-3(e)(1); and 9.407-3(e)(2).

This class deviation will remain in effect until rescinded.

Helen Hurcombe

Approved:
Helen Hurcombe
Senior Procurement Executive and
Director for Acquisition Management

4/22/10

Date: