



# United States Department of the Interior

OFFICE OF THE SECRETARY

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## Department of the Interior Acquisition Policy Release (DIAPR) 2011-07

**Subject:** Temporary Need for Contracting Officers to Check the Excluded Parties List System and the Federal Awardee Performance Integrity Information System When Performing an Eligibility Status Check on an Individual

**References:** Federal Acquisition Regulation (FAR), 48 C.F.R. Part 9.4, FAR 52.209-5, and FAR 52.209-6

- 1. Purpose:** This DIAPR provides guidance regarding a temporary issue with the use of the Federal Awardee Performance Integrity Information System (FAPIIS) by Contracting Officers (COs) when checking the award participation eligibility status of individuals, for purposes of contractor responsibility determinations under FAR 9.405(d) and contractor certification checks under FAR 52.209.
- 2. Effective Date:** Effective upon issuance.
- 3. Expiration Date:** No expiration until superseded or cancelled.
- 4. Background and Explanation:** The FAR at 48 C.F.R. § 9.405 requires the CO to review the Excluded Parties List System (EPLS) twice in the award process to ensure that a contractor debarred, suspended, or proposed for debarment under the FAR does not improperly receive an award. Under Section 9.405(d) (1), the initial check of the EPLS is performed after the opening of bids or receipt of proposals. Section 9.405(d) (2) states that "bids received from any listed contractor in response to an invitation for bids shall be entered on the abstracts, and rejected unless the agency head determines in writing that there is a compelling reason to consider the bid." Section 9.405(d) (3) states that, "Proposals, quotations, or offers received from any listed contractor shall not be evaluated for award or included in the competitive range, nor shall discussions be conducted with a listed offeror during a period of ineligibility, unless the agency head determines, in writing, that there is a compelling reason to do so. If the period of ineligibility expires or is terminated prior to award, the [CO] may, but is not required to, consider such proposals, quotations, or offers." Section 9.405(d) (4), in turn, requires a final EPLS check by the CO "immediately prior to award" to ensure that no award is made to a listed contractor.

FAR 52.209-5(a) requires the contractor to certify, among other things, that both it and its principals are not presently suspended, proposed for debarment, debarred, or declared ineligible for contract award.

FAR 52.209-6 in turn requires, for most subcontracts, that the contractor require its subcontractors to disclose whether, at the time of proposed subcontract award, the subcontractor or its principals are suspended, proposed for debarment, or debarred.

In 2010, to facilitate CO responsibility determinations, the Federal Awardee Performance and Integrity Information System (FAPIIS) was developed to provide specific information on the integrity and performance of covered Federal agency contractors and grantees. FAR 9.104-6 requires COs to use FAPIIS in making their responsibility determination. FAPIIS is designed to draw information from a number of separate databases, including EPLS. DUNS numbers are assigned to organizational entities, but not individuals. FAPIIS, however, currently requires the presence of a DUNS number in order to pull database information, in this case from EPLS. It has been discovered, in the course of checking for individuals through FAPIIS, that the system is not detecting EPLS listings.

**5. Action Required:**

Until the FAPIIS system is corrected to display individuals from the EPLS, COs should check **both** FAPIIS and the EPLS, at [www.epls.gov](http://www.epls.gov), to ascertain the eligibility status for individuals.

**6. Additional Information:**

Please disseminate this guidance within your bureau. It will also be available on the web at <http://www.doi.gov/pam/diapr.html>. You may contact David M. Sims, Debarment Program Manager at 202-254-5551, or [david\\_sims@ios.doi.gov](mailto:david_sims@ios.doi.gov) if you have any questions regarding this policy.



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