

**DEPARTMENT OF DEFENSE****GENERAL SERVICES  
ADMINISTRATION****NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION****48 CFR Chapter 1****Federal Acquisition Circular 2005–02;  
Introduction**

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

and National Aeronautics and Space  
Administration (NASA).

**ACTION:** Summary presentation of final  
rule.

**SUMMARY:** This document summarizes  
the Federal Acquisition Regulation  
(FAR) rule agreed to by the Civilian  
Agency Acquisition Council in this  
Federal Acquisition Circular (FAC)  
2005–02. 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.acqnet.gov/far>.

**DATES:** For effective date, see separate  
document which follows.

**FOR FURTHER INFORMATION CONTACT:** The  
FAR Secretariat, at (202) 501–4755, for  
information pertaining to status or  
publication schedules. For clarification  
of content, contact the analyst whose  
name appears in the table below in  
relation to the FAR case. Please cite  
FAC 2005–02, FAR case 2004–002.  
Interested parties may also visit our  
Web site at <http://www.acqnet.gov/far>.

Item	Subject	FAR case	Analyst
I .....	Procurement Program for Service-Disabled Veteran-Owned Small Business Concerns .....	2004–002	Cundiff.

**SUPPLEMENTARY INFORMATION:** A  
summary of the FAR rule follows. For  
the actual revisions and/or amendments  
to this FAR case, refer to the specific  
item number and subject set forth in the  
document following this item summary.

FAC 2005–02 amends the FAR as  
specified below:

**Procurement Program for Service-  
Disabled Veteran-Owned Small  
Business Concerns (FAR Case 2004–  
002)**

This final rule provides for set-aside  
and sole source procurement authority  
for service-disabled veteran-owned  
small business (SDVOSB) concerns. It  
amends the Federal Acquisition  
Regulation (FAR) interim rule that was  
published in the **Federal Register** at 69  
FR 25274, May 5, 2004, to implement  
Section 308 of the Veterans Benefits Act  
of 2003, Procurement Program for Small  
Business Concerns Owned and  
Controlled by Service-Disabled Veterans  
(Pub. L. 108–183). The interim rule  
provided that contracting officers may:  
(1) Award contracts on the basis of  
competition restricted to service-  
disabled veteran-owned small  
businesses (SDVOSB) if there is a  
reasonable expectation that two or more  
SDVOSB concerns will submit offers  
and that the award can be made at a fair  
market price, or (2) award a sole source  
contract to a responsible SDVOSB  
concern when there is not a reasonable  
expectation that two or more SDVOSB  
concerns would offer, the anticipated  
contract price (including options) will  
not exceed \$5 million (for  
manufacturing) or \$3 million otherwise,  
and the contract award can be made at  
a fair and reasonable price. This final  
rule is published in conjunction with  
two rules published by the Small  
Business Administration (SBA).

Dated: March 16, 2005.

**Rodney P. Lantier,**  
*Director, Contract Policy Division.*

**Federal Acquisition Circular**

Federal Acquisition Circular (FAC)  
2005–02 is issued under the authority of  
the Secretary of Defense, the  
Administrator of General Services, and  
the Administrator for the National  
Aeronautics and Space Administration.

Unless otherwise specified, all  
Federal Acquisition Regulation (FAR)  
and other directive material contained  
in FAC 2005–02 is effective March 23,  
2005.

Dated: March 16, 2005.

**Deidre A. Lee,**  
*Director, Defense Procurement and  
Acquisition Policy.*

Dated: March 16, 2005.

**Patricia A. Brooks,**  
*Acting Senior Procurement Executive, Office  
of the Chief Acquisition Officer, General  
Services Administration.*

Dated: March 15, 2005.

**Tom Luedtke,**  
*Deputy Chief Acquisition Officer, National  
Aeronautics and Space Administration.*  
[FR Doc. 05–5655 Filed 3–22–05; 8:45 am]

**BILLING CODE 6820–EP–M**

**DEPARTMENT OF DEFENSE****GENERAL SERVICES  
ADMINISTRATION****NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION****48 CFR Parts 4, 5, 13, 15, 19, 42, 44,  
and 53**

[FAC 2005–02; FAR Case 2004–002]

**RIN 9000-AJ92**

**Federal Acquisition Regulation;  
Procurement Program for Service-  
Disabled Veteran-Owned Small  
Business Concerns**

**AGENCIES:** Department of Defense (DoD),  
General Services Administration (GSA),  
and National Aeronautics and Space  
Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** The Civilian Agency  
Acquisition Council and the Defense  
Acquisition Regulations Council  
(Councils) have agreed on a final rule  
amending the Federal Acquisition  
Regulation (FAR) governing the  
procurement program for Service-  
Disabled Veteran-Owned Small  
Business Concerns (SDVOSB). The final  
rule retains the interim rule with  
changes. The final rule deletes  
commissary or exchange resale items  
from a list of actions excluded from the  
SDVOSB program and modifies protest  
procedures. The final rule also includes  
technical corrections adding service-  
disabled veteran-owned small, veteran-  
owned small, and HUBZone small  
business concerns to the list of  
socioeconomic programs, and makes  
changes to the Optional Form 347,  
Order for Supplies and Services,  
Standard Form 1447, Solicitation/  
Contract, and Standard Form 1449,