item, with a contractor that has been debarred, suspended, or proposed for debarment unless there is a compelling reason to do so. If a contractor intends to subcontract, other than a subcontract for a commercially available off-the-shelf item, with a party that is debarred, suspended, or proposed for debarment as evidenced by the parties’ inclusion in the EPLS (see 9.404), a corporate officer or designee of the contractor is required by operation of the clause at 52.209–6, Protecting the Government’s Interests when Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment, to notify the contracting officer, in writing, before entering into such subcontract. For contracts for the acquisition of commercial items, the notification requirement applies only for first-tier subcontracts. For all other contracts, the notification requirement applies to subcontracts at any tier. The notice must provide the following:

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Amend section 52.209–6 by—
   a. Revising the date of the clause;
   b. Redesignating paragraphs (a) through (c) as paragraphs (b) through (d), respectively; and adding a new paragraph (a);
   c. Revising the newly designated paragraphs (b), (c), and (d) introductory text; and
   d. Adding paragraph (e).
   The revised and added text reads as follows:

52.209–6 Protecting the Government’s Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment.

(a) Definition. Commercially available off-the-shelf (COTS) item, as used in this clause—
   (1) Means any item of supply (including construction material) that is—
      (i) A commercial item (as defined in paragraph (1) of the definition in FAR 2.101);
      (ii) Sold in substantial quantities in the commercial marketplace; and
      (iii) Offered to the Government, under a contract or subcontract at any tier, without modification, in the same form in which it is sold in the commercial marketplace;
   (2) Does not include bulk cargo, as defined in section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702), such as agricultural products and petroleum products.
   (b) The Government suspends or debars contractors to protect the Government’s interests. Other than a subcontract for a commercially available off-the-shelf item, the Contractor shall not enter into any subcontract, in excess of $30,000 with a Contractor that is debarred, suspended, or proposed for debarment by any executive agency unless there is a compelling reason to do so.
   (c) The Contractor shall require each proposed subcontractor whose subcontract will exceed $30,000, other than a subcontractor providing a commercially available off-the-shelf item, to disclose to the Contractor, in writing, whether as of the time of award of the subcontract, the subcontractor, or its principals, is or is not debarred, suspended, or proposed for debarment by the Federal Government.
   (d) A corporate officer or a designee of the Contractor shall notify the Contracting Officer, in writing, before entering into a subcontract with a party (other than a subcontractor providing a commercially available off-the-shelf item) that is debarred, suspended, or proposed for debarment (see FAR 9.404 for information on the Excluded Parties List System). The notice must include the following:

   * * * * *

   (e) Subcontracts. Unless this is a contract for the acquisition of commercial items, the Contractor shall include the requirements of this clause, including this paragraph (e) (appropriately modified for the identification of the parties), in each subcontract that—
      (1) Exceeds $30,000 in value; and
      (2) Is not a subcontract for commercially available off-the-shelf items.

(End of clause)

4. Amend section 52.212–5 by—
   a. Revising the date of the clause; and
   b. Redesignating paragraphs (b)(6) through (b)(44) as paragraphs (b)(7) through (b)(45), respectively; and adding a new paragraph (b)(6).
   The revised and added text reads as follows:

52.212–5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items.

Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items (DEC 2010)

(b) * * *

(6) 52.209–6, Protecting the Government’s Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment (DEC 2010) (31 U.S.C. 6101 note) (Applies to contracts over $30,000). (Not applicable to subcontracts for the acquisition of commercially available off-the-shelf items).

* * * * *

5. Amend section 52.213–4 by revising the date of the clause and paragraph (b)(2)(i) to read as follows:

52.213–4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items).

Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items) (DEC 2010)

(b) * * *

(2) * * *

(i) 52.209–6, Protecting the Government’s Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment (Applies to contracts over $30,000). (Not applicable to subcontracts for the acquisition of commercially available off-the-shelf items).

* * * * *

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 15, 31, and 52
[FAC 2005–47; FAR Case 2008–031; Item VI; Docket 2009–0034, Sequence 2]

RIN 9000–AL27

Federal Acquisition Regulation; Limitation on Pass-Through Charges

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 adopted as final, with changes, the interim rule amending the Federal Acquisition Regulation (FAR) to implement section 866 of the Duncan Hunter National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2009, which applies to executive agencies other than DoD. DoD is subject to section 852 of the John Warner NDAA for FY 2007, which is also implemented in this final rule. Section 866 requires the Councils to amend the FAR, and section 852 requires the Secretary of Defense to prescribe regulations to minimize excessive pass-through charges by contractors from subcontractors, or from tiers of subcontractors, that add no or negligible value, and to ensure that neither a contractor nor a subcontractor receives indirect costs or profit/fee (i.e., pass-through charges) on work performed by
a lower-tier subcontractor to which the
higher-tier contractor or subcontractor
adds no or negligible value.

DATES: Effective Date: January 12, 2011.

FOR FURTHER INFORMATION CONTACT: For
clarification of content, contact Mr. Edward Chambers, Procurement
Analyst, at (202) 501–3221. For
information pertaining to status or publication
schedules, contact the
Regulatory Secretariat at (202) 501–
4755. Please cite FAC 2005–47, FAR
Case 2008–031.

SUPPLEMENTARY INFORMATION:

A. Background

DoD, GSA, and NASA published an
interim rule in the Federal Register at
74 FR 52853, October 14, 2009, to
implement section 866 of the Duncan
Hunter NDAA for FY 2009 (Pub. L. 110–
417) as well as section 852 of the John
Warner NDAA for FY 2007 (Pub. L. 109–
364). These acts required the
Councils to amend the FAR to minimize
excessive pass-through charges by
contractors from subcontractors, or from
tiers of subcontractors, that add no or
negligible value, and to ensure that
neither a contractor nor a higher-tier
subcontractor receives indirect costs or
profit/fee (i.e., pass-through charges) on
work performed by a lower-tier
subcontractor to which the contractor or
higher-tier subcontractor adds no or
negligible value.

To enable agencies to ensure that
pass-through charges are not excessive,
the interim rule included a solicitation
provision and a contract clause
requiring offerors and contractors to
identify the percentage of work that will
be subcontracted, and when subcontract
by 70 percent of the total
cost of work to be performed, to provide
information on indirect costs and profit/
fee and value added with regard to the
subcontract work. Seventy percent was
selected as the threshold for this
information reporting requirement,
because it represents a substantial
amount of subcontracting.

To ensure that the Government can
make a determination as to whether or
not pass-through charges are excessive,
the interim rule incorporated a reporting
threshold that affords the contracting
officer the ability to understand what
functions the contractor will perform
(e.g., consistent with the contractor’s
disclosed practice) and thus will
provide added value, whether it be
before award, or if the contractor
subsequently decides to subcontract
substantially all of the effort. The rule
provides an additional mechanism for the
excessive pass-through charges for those
situations in which a contractor
subcontracts all, or substantially all, of
the performance of the contract, and
does not perform the subcontract
management functions, or other value-
added functions, that were charged to
the Government through indirect costs and
related profit/fee.

The final rule adopts the interim rule
with a minor change involving the
addition of two types of fixed-price
incentive contracts to the list of
contracts at FAR 15.408(n)(2)(i)(B)(2) for
DoD that are not subject to the
limitation on pass-through charges
clauses. These additions are fixed-price
incentive contracts awarded on the basis
of adequate price competition and
fixed-price incentive contracts for the
acquisition of a commercial item.

Section 852 of the John Warner NDAA
for FY 2007 (Pub. L. 109–364) is clear
that DoD contracts awarded on the basis
of adequate price competition, and DoD
contracts for the acquisition of a
commercial item are not subject to the
limitation on pass-through charges.

B. Discussion and Analysis

The FAR Secretariat received five
responses to the interim rule. These
responses included a total of 31
comments on 23 issues. Each issue is
discussed in the following sections.

Issue 1: Three respondents expressed
their support for the interim rule with
one respondent stating that they were in
favor of companies being responsible,
responsive, and capable of providing
adequate management systems to track
the level of subcontracting taking place
under specific contracts.

Response: The Councils acknowledge
their support for the interim rule.

Issue 2: One respondent recommended
that guidance should be
provided to assist contracting officers
with implementing the rule. The
respondent cited several examples of
what should be in that guidance.

Response: The Councils disagree with
the inclusion of such implementation
guidance in the FAR. Agencies will
provide supplemental guidance and
training to implement this rule, as
appropriate.

Issue 3: One respondent recommended
that the clause language incorporate
GAO recommendations relative to “requiring contracting
officials to take risk into account when
determining the degree of assessment
needed.”

Response: The Councils do not concur
with the respondent’s recommendation.

Issue 4: One respondent
recommended that the final rule be
written such as to “serve as a tool to
ensure consistency to the extent
practicable between contractor’s
proposals and actual performance rather
than to serve as a basis to disallow cost
after inurement.”

Response: The Councils do not concur
with the respondent’s recommendation.

Unless otherwise required under the
contract, contractors have the right to
revise and manage workload under the
contract as they see fit. The clauses
provide sufficient protection to the
Government for such cases where the
contractor revises the workload from
what had been negotiated to a situation
where excessive pass-through charges
exist.

Issue 5: One respondent
recommended that the final rule be
written such as to “carefully consider
the potential effects on those small
businesses performing as prime
contractors on contract set-asides given
that small business prime contractors
could experience significant financial
impacts as a result of disallowed pass-
through costs under this rule.”

Response: The Councils do not concur
with the respondent’s recommendation.

Section 866 of the FY 2009 NDAA does
not set forth an exclusion for small
businesses under this rule.

Issue 6: One respondent
recommended that the final rule should
reconcile DoD policies to avoid
confusion. Specifically, they assert that
the Wynne memorandum dated July 12,
2004, and the policies enacted in the
Weapons Systems Acquisition Reform
Act of 2009 are contrary to this rule,
which “exerts pressure on contracting
officials to keep work in-house to
address the reporting requirement.”

Response: The Councils do not concur
with the respondent’s recommendation.

The Councils do not agree that there are
conflicts between this rule and DoD
policy. Competition and teaming
arrangements are not hindered by this
regulation, and subcontracting efforts
are not limited to 70 percent of the total
effort. The 70 percent threshold triggers
an information reporting requirement.

This rule is emphasizing that value is to be
added by the contractor to the
subcontracted effort.

Issue 7: One respondent
recommended that “a distinction be
made with regard to G&A applied to
contracts versus applied profit. This
will serve to protect the contractor’s
recovery of allowable G&A if incurred
in accordance with CAS and the
contractor’s disclosure practices, while
focusing the Government’s attention to
the negotiated item of profit.”
Response: The Councils do not concur with the respondent’s recommendation. The Councils disagree that a distinction should be made with regard to G&A applied to contracts versus applied profit because the statutes prohibit application of overhead to excessive pass-through charges, as well as profit.

Issue 8: One respondent recommended that the rule should use the threshold in FAR 15.403–4 to ensure a consistent minimum threshold among all executive agencies in lieu of multiple thresholds currently in the rule. The respondent believed that if the Councils utilize the threshold in FAR 15.404–4, the rule “will exclude a significant number of subcontracts from this burdensome requirement but still cover the vast majority of the total value of subcontracts.”

Response: The Councils do not concur with the respondent’s recommendation. By statute, civilian agencies are required to establish the threshold at the simplified acquisition threshold, while DoD established its threshold at the threshold for obtaining cost or pricing data in FAR 15.403–4.

Issue 9: One respondent recommended that the provision and clause be amended to include definitions of “total cost of the work” and “total cost of work.” As such, the respondent recommended that “FAR 52.215–22 be amended to provide that, for purposes of determining whether the 70 percent subcontracting threshold is reached, the ‘total cost of the work’ to be performed by the prime contractor or a higher-tier subcontractor shall include the prime contractor’s or higher-tier subcontractor’s direct and indirect costs of the work, excluding applicable profit or fee, to be performed under the contract or higher-tier subcontractor, as the case may be, and the ‘total cost of the work’ to be performed by each subcontractor to the prime contractor or to a higher-tier subcontractor shall include its direct and indirect costs, including applicable profit or fee, of the work to be performed under its subcontract.”

Response: The Councils do not concur with the respondent’s recommendation. The Councils believe that the respondent’s recommended definitions are not necessary, as they are universally understood within the acquisition community.

Issue 10: Two respondents believed that the determination of value-added work should be made by 30 days, consider work to be performed before contract award and not during contract performance. One respondent recommended that “the rule be placed in FAR Part 15 (for example, in 15.404–1, Proposal Analysis) rather than in a clause to to contract and emphasize the basic contract formation policy that contracts should not be entered into where the contracting officer determines after a thorough proposal analysis that an offeror adds no or negligible value to the proposed acquisition.” The respondent believed that the pass-through rule, as currently written, “would unfairly continue to subject contractors to continuing post-award reviews by the government of pass-through charges and potential disallowances throughout the life of the contract which is unjustified, inappropriate, onerous, and not required by sections 866 or 852 of the NDAA.” Similarly, another respondent recommended that FAR 52.215–23 be changed to add language from Alternate I to the standard clause, thus mandating that contracting officers determine prior to award that the contractor will add value. The respondent also recommended that FAR 52.215–23(c) be changed “to require the contracting officer to make a determination as to whether the contractor will, in fact, provide ‘added value’, thereby putting the contractor on notice as to whether it can apply indirect costs and profit to work performed by subcontractors.” This determination should be required to be made in a reasonable time not to exceed 30 days and if no determination made by 30 days, consider work to be value-added.

Response: The Councils do not concur with the respondent’s recommendations. The statute’s requirements are not limited only to pre-award contracts but instead set forth the requirements to ensure that neither a contractor nor a subcontractor receives indirect costs or profit on work performed by a lower-tier subcontractor to which the higher-tier contractor or subcontractor adds no or negligible value at any time.

Issue 11: One respondent recommended that the final rule include an exemption for cost accounting standard (CAS)-covered contracts since allocability and allowability of pass-through charges are already covered in CAS and cost principles.

Response: The Councils do not concur with the respondent’s recommendation. The statutes do not set forth an exclusion for CAS-covered contracts. Furthermore, CAS does not ensure that the Government does not pay excessive pass-through charges as required by the statutes.

Issue 12: One respondent recommended that the final rule include an exemption for contracts issued subject to the Truth In Negotiations Act (TINA) requirements since already existing cost or pricing data requirements would provide necessary data relative to pass-through charges.

Response: The Councils do not concur with the respondent’s recommendation. The statutes do not set forth an exclusion for contracts subject to TINA. Furthermore, TINA does not ensure that the Government does not pay excessive pass-through charges as required by the statutes.

Issue 13: Two respondents recommended that the final rule include an exemption for all commercial item acquisitions since, as currently written, commercial items/services procured by DoD through time-and-materials or labor-hour contracts could be subject to the pass-through clause. One of these respondents believed that applying these requirements to commercial contracts would be unnecessary; contrary to TINA; inconsistent with the Federal Acquisition Streamlining Act, as well as the Services Acquisition Reform Act; and exceed Congressional authority.

Response: The Councils do not concur with these respondents’ recommendations. The statutes do not set forth an exemption for commercial item/service time-and-materials or labor-hour contracts. Furthermore, the Councils do not believe it would be within the spirit of the statute to implement such exemptions.

Issue 14: Two respondents recommended that FAR 52.215–23(e) be removed as redundant or re-worded to specifically address what additional record or data the contracting officer requires access to that is not currently addressed by FAR 52.215–2.
Response: The Councils do not concur with the respondent’s recommendation. The audit and records FAR clause at 52.215–2 does not provide access to all of the necessary records to show excessive pass-through charges. The final rule maintains the access to records FAR provision at 52.215–23(e) because it is needed to fully implement the statutes and ensure that the Government is paying excessive pass-through charges.

Issue 15: One respondent recommended that the 70 percent threshold be raised to 90 percent which reflects the level initially contemplated by Congress in the Senate version of the bill (section 844 of S2766). The respondent believed there was no basis for the 70 percent threshold.

Response: The Councils disagree with this recommendation. As permitted by section 852 of the “John Warner NDAA for FY 2007”, the Councils have identified 70 percent as the threshold whereby a greater risk is assumed by the Government in paying excessive pass-through charges. The Councils consider this 70 percent threshold reasonable, because it affords the parties an opportunity to address subcontracting management requirements above this level in more detail and to ensure the contracting officer is able to determine the disclosed subcontract management functions are of benefit to the Government. The statute requires that the Government not pay excessive pass-through charges on any contract, subcontract, or order. Issue 16: One respondent recommended that the flowdown provisions of the solicitation provision and clause be limited to first-tier subcontractors. The respondent believed that there was little benefit in micro-managing pass-through charges deep into the supply chain.

Response: The Councils do not concur with the respondent’s recommendation. It is very apparent from the language of the statutes that Congressional intent is to flow down this requirement beyond the first-tier subcontractor level.

Issue 17: One respondent recommends that the final rule include a set of narrowly defined definitions for all key terms, such as, but not limited to “no or negligible value”, “substantial value”, and “added value”.

Response: In general, the Councils do not concur with the respondent’s recommendation. The Councils believe that the respondent’s recommended definitions are not necessary, as they are universally understood within the acquisition community. However, the rule does provide definitions of five of the more commonly understood terms, including “no or negligible value” and “added value”.

Issue 18: One respondent recommended that the definition of “added value” in FAR 52.215–23(a), where “e.g.” is included in parentheses, be changed to “including, but not limited to”.

Response: The Councils do not concur with the respondent’s recommendation. The term “e.g.” means for example, which does not imply that these functions are all inclusive.

Issue 19: One respondent recommended that the pass-through provision and clause be limited to only sole source contracts (firm-fixed-price, time and materials, or otherwise) below the TINA threshold.

Response: The Councils do not concur with the respondent’s recommendation. The statutes do not limit implementation of the requirements on such a limited basis.

Issue 20: One respondent recommended that the intent of FAR 52.215–23(d) be clarified since, as written, it is an open invitation to contracting officers to revisit contract terms and price agreements after the fact, which is unfair and unproductive, and further be clarified as to how this section will be implemented in light of other contract compliance requirements and/or other operative contract clauses.

Response: The Councils do not concur with the respondent’s recommendation. This is not an invitation to revisit contract terms or price agreements. This is a compliance function performed under, and in conjunction with, standard contract administration.

Issue 21: One respondent recommended that the final rule specifically address small business goals. The respondent did not want to have the rule inadvertently discourage substantial subcontracting to small firms that do provide value added solutions. In general, the respondent recommended clarifying intent and wording of the final rule to prevent contracting officers from leaving out legitimate small firms or discouraging prime contractors from subcontracting. Specifically, the respondent recommended that the following language be added to the rule, “not intended to penalize companies with substantial small business goals that may on individual task orders exceed 70 percent”.

Response: The Councils disagree with including the respondent’s recommended language. It is not the Government’s intention to establish a disincentive company from achieving their small business subcontractor goals. This rule merely requires that the Government not pay excessive pass-through charges to contractors who add no or negligible value. The contracting officer has the discretion to make the determination whether the contractor has added value.

Issue 22: One respondent recommended that the definition of value-added at FAR 52.215–23(a) be “expanded to include all activities with respect to subcontractor sourcing, selection, negotiation, and administration that facilitate performance of services and delivery of goods to the Government and reduce Government’s risk.”

Response: The Councils disagree. The recommended language is too broad and does not adhere to the intent of the statute. The interim rule language provided examples for the contracting officer to consider, but ultimately this is a contracting officer determination.

Issue 23: One respondent recommended that the Defense Federal Acquisition Regulation Supplement (DFARS) language in the second interim rule that was published in the Federal Register at 73 FR 27464, May 13, 2008, be eliminated since it is no longer required based upon this rule.

Response: Although this comment is outside the scope of this case, the language has been removed from the DFARS (DFARS Case 2006–D057, 75 FR 48278, effective August 10, 2010).

C. Regulatory Planning and Review

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

D. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because we do not expect a significant number of entities to propose excessive pass-through charges under contracts or subcontracts, and the information required from offerors and contractors regarding pass-through charges is minimal.

E. Paperwork Reduction Act

The Paperwork Reduction Act does apply; however, these changes to the FAR do not impose additional information collection requirements to
the paperwork burden previously approved under OMB Control Number 9000–0173.

List of Subjects in 48 CFR Parts 15, 31, and 52
Government procurement.
Dated: November 24, 2010.

Millisa Gary,
Acting Director, Acquisition Policy Division.

Interim Rule Adopted as Final With Changes
Accordingly, the interim rule amending 48 CFR parts 15, 31, and 52, which was published in the Federal Register at 74 FR 52853, October 14, 2009, is adopted as final with the following changes:

PART 15—CONTRACTING BY NEGOTIATION

1. The authority citation for 48 CFR part 15 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Amend section 15.408 by—

a. Removing from paragraph (n)(2)(i)(B)(2)(iii) the word “or”;

b. Removing the period from the end of paragraph (n)(2)(i)(B)(2)(iv) and adding a semicolon in its place; and

c. Adding paragraphs (n)(2)(i)(B)(2)(v) and (n)(2)(i)(B)(2)(vi) to read as follows:

15.408 Solicitation provisions and contract clauses.

* * * * *

(n)(2)(i) * * *

(B) * * *

(v) A fixed-price incentive contract awarded on the basis of adequate price competition; or

(vi) A fixed-price incentive contract for the acquisition of a commercial item.

[FR Doc. 2010–30566 Filed 12–10–10; 8:45 am]
BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES
ADMINISTRATION

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION

48 CFR Parts 3, 5, 7, and 10
(FAC 2005–47; Item VII; Docket 2010–0110, Sequence 1)

Federal Acquisition Regulation; Technical Amendments

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

ACTION: Final rule.

SUMMARY: This document makes amendments to the Federal Acquisition Regulation (FAR) in order to make editorial changes.

DATES: Effective Date: December 13, 2010.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, 1275 First St., NE., Washington, DC 20417, (202) 501–4755, for information pertaining to status or publication schedules. Please cite FAC 2005–47, Technical Amendments.

SUPPLEMENTARY INFORMATION: This document makes amendments to the Federal Acquisition Regulation (FAR) in 48 CFR parts 3, 5, 7, and 10 for purposes of updating.

List of Subjects in 48 CFR Parts 3, 5, 7, and 10
Government procurement.
Dated: November 24, 2010.

Millisa Gary,
Acting Director, Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 3, 5, 7, and 10 as set forth below:

1. The authority citation for 48 CFR parts 3, 5, 7, and 10 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 3—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

3.104–1 [Amended]

2. Amend section 3.104–1 by removing from the definition “Federal agency procurement,” in the second sentence, the word “innovative” and adding the word “innovation” in its place.

PART 5—PUBLICIZING CONTRACT ACTIONS

5.601 [Amended]


PART 7—ACQUISITION PLANNING

7.105 [Amended]


DEPARTMENT OF DEFENSE

GENERAL SERVICES
ADMINISTRATION

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION

48 CFR Chapter 1
(Docket FAR 2010–0077, Sequence 9)

Federal Acquisition Regulation; Federal Acquisition Circular 2005–47; Small Entity Compliance Guide

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

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued under the joint authority of the Secretary of Defense, the Administrator of General Services and the Administrator of the National Aeronautics and Space Administration. 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) 2005–47, which amend the FAR. An asterisk (*) next to a rule indicates that a regulatory flexibility analysis has been performed. Interested parties may obtain further information regarding these rules by referring to FAC 2005–47, which precedes this document. These 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 2005–47 and the specific FAR case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at (202) 501–4755.