response to a formal complaint or charge, in
furtherance of an investigation, proceeding,
hearing, or action, including an investigation
conducted by the employer, or is consistent
with the Contractor’s legal duty to furnish
information.
(ii) The Contractor shall disseminate the
prohibition on discrimination in paragraph
c)(3)(ii) of this clause, using language
prescribed by the Director of the Office of
Federal Contract Compliance Programs
(OFCCP), to employees and applicants by—
(A) Incorporation into existing employee
manuals or handbooks; and
(B) Electronic posting or by posting a copy
of the provision in conspicuous places
available to employees and applicants for
employment.
* * * * *
8. Amend section 52.244–6 by
revising the date of the clause and
paragraph (c)(1)(vi) to read as follows:
52.244–6 Subcontracts for Commercial
Items.
* * * * *
Subcontracts for Commercial Items (Sept
2016)
(c)(1) * * * *
(vi) 52.222–26, Equal Opportunity
(Sept 2016) (E.O. 11246).
* * * * *
[FR Doc. 2016–23196 Filed 9–29–16; 8:45 am]
BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE
GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 2, 4, 6, 18, 19, and 52
[FAC 2005–91; FAR Case 2015–032; Item
IV; Docket No. 2015–0032; Sequence No.
1]
RIN 9000–AN13

Federal Acquisition Regulation; Sole
Source Contracts for Women-Owned
Small Businesses

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

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA have
adopted as final, with a minor edit, an
interim rule amending the Federal
Acquisition Regulation (FAR) to
implement regulatory changes made by
the Small Business Administration
(SBA) that provide for authority to
award sole source contracts to
economically disadvantaged
women-owned small business concerns
and to economically disadvantaged small
business concerns eligible under the
Women-Owned Small Business (WOSB)
Program.


FOR FURTHER INFORMATION CONTACT: Ms.
Mahruka Uddowla, Procurement
Analyst, at 703–605–2868 for
clarification of content. For information
pertaining to status or publication
schedules, contact the Regulatory
Secretariat Division at 202–501–4755.
Please cite FAC 2005–91, FAR Case
2015–032.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA published an
interim rule in the Federal Register at
80 FR 81888 on December 31, 2015, to
implement regulatory changes that the
SBA has made in its final rule published in
the Federal Register at 80 FR 55019,
on September 14, 2015, concerning sole
source award authority under the WOSB
Program. SBA’s final rule implements
the statutory requirements of paragraph
(a)(3) of section 825 of the Carl Levin and
Howard P. “Buck” McKeon National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2015, Public Law 113–291, granting contracting officers the authority to
award sole source contracts to economically disadvantaged women-owned small business (EDWOSB) concerns and to WOSB concerns eligible under the WOSB Program. Four
respondents submitted comments on the
interim rule.

II. Discussion and Analysis

The Civilian Agency Acquisition
Council and the Defense Acquisition
Regulations Council (the Councils)
reviewed the public comments in the
development of the final rule. All four
respondents expressed support of the
interim rule. Therefore, no further
change to the interim rule is required as
a result of the public comments, but
there is a minor edit to 19.1505(a)(1).

III. Applicability to Contracts at or
Below the Simplified Acquisition
Threshold and for Commercial Items,
Including Commercially Available
Off-the-Shelf Items

This rule adopts as final the
amendments to the FAR clauses at
52.219–29, Notice of Set-Aside for, or
Sole Source Award to, Economically
Disadvantaged Women-owned Small
Business Concerns, and 52.219–30,
Notice of Set-Aside for, or Sole Source
Award to, Women-Owned Small
Business Concerns Eligible Under the
Women-Owned Small Business
Program, in order to implement
paragraph (a)(3) of section 825 of the
NDAA for FY 2015. The Federal
Acquisition Regulatory Council,
pursuant to the authority granted in 41
U.S.C. 1905 and 1906, and the
Administrator, Office of Federal
Procurement Policy, pursuant to the
authority granted in 41 U.S.C. 1907, have
determined that the application of this
statutory authority to contracts at or
below the simplified acquisition
threshold and to contracts for
commercial items and commercially
available off-the-shelf items, is in the
best interests of the Federal
Government.

IV. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and
13563 direct agencies to assess all costs
and benefits of available regulatory
alternatives and, if regulation is
necessary, to select regulatory
approaches that maximize net benefits
(including potential economic,
environmental, public health and safety
effects, distributive impacts, and
equity). E.O. 13563 emphasizes the
importance of quantifying both costs
and benefits, of reducing costs, of
harmonizing rules, and of promoting
flexibility. This is not a significant
regulatory action and, therefore, was not
subject to review under section 6(b) of
E.O. 12866, Regulatory Planning and
Review, dated September 30, 1993. This
rule is not a major rule under 5 U.S.C.
804.

V. Regulatory Flexibility Act

DoD, GSA, and NASA have prepared a
Final Regulatory Flexibility Analysis
(FRFA) consistent with the Regulatory
Flexibility Act 5 U.S.C. 601, et seq. The
FRFA is summarized as follows:

This rule implements paragraph (a)(3) of
section 825 of the Carl Levin and Howard P.
‘Buck’ McKeon National Defense
Authorization Act for Fiscal Year 2015,
Public Law 113–291. (Fiscal Year 2015
NDAA). Section 825 of the Fiscal Year 2015
NDAA included language granting
contracting officers the authority to award
sole source contracts to Women-Owned
Small Businesses (WOSBs) and Economically
Disadvantaged Women-Owned Small
Businesses (EDWOSBs) under the WOSB
Program. The purpose of this rule is to
finalize the procedures whereby Federal
agencies may award sole source contracts to
WOSBs and EDWOSBs eligible under the
WOSB Program. The rule provides an
additional tool for Federal agencies to ensure
that WOSBs have an equal opportunity to
participate in Federal contracting and
ensures consistency among SBA’s
socioeconomic small business contracting
programs.
The interim rule, published at 80 FR 81888, on December 31, 2015, put the WOSB Program on a level playing field with other SBA Government contracting programs with sole source authority and provided an additional, needed tool for agencies to meet the statutorily mandated goal of 5 percent of the total value of all prime contract and subcontract awards for WOSBs.

There were no significant issues raised by the public in response to the initial Regulatory Flexibility Analysis provided in the interim rule.

This rule may have a positive economic impact on WOSB concerns. The Dynamic Small Business Supplemental Search (DSBS) lists approximately 41,500 firms as either WOSBs or EDWOSBs under the WOSB Program. An analysis of the Federal Procurement Data System from April 1, 2011 (the implementation date of the WOSB Program), through September 1, 2015, revealed that there were approximately 17,353 women-owned small business concerns that received obligated funds from Federal contract awards, task or delivery orders, and modifications to existing contracts, in an industry where a WOSB or EDWOSB sole source is authorized, and where the contract is valued at or below the thresholds for sole source contracts to WOSBs or EDWOSBs. Of those 17,353 women-owned small business concerns, 328 EDWOSBs and 974 WOSBs were eligible to participate in the WOSB Program (i.e., received set-asides under the WOSB Program), and could have received sole source awards. This rule could affect the smaller number of EDWOSBs and WOSBs than those eligible under the WOSB Program since the sole source authority can only be used where a contracting officer conducts market research in an industry where a WOSB or EDWOSB set-aside is authorized, and cannot identify two or more eligible EDWOSB or WOSB concerns that can perform at a fair and reasonable price, but identifies one WOSB or EDWOSB that can perform. In addition, the sole source authority for WOSBs and EDWOSBs is limited to contracts valued at $6.5 million or less for manufacturing contracts and $4 million or less for all other contracts.

This rule does not impose any new reporting, recordkeeping or other compliance requirements for small businesses. This rule does not duplicate, overlap, or conflict with any other Federal rules.

Interested parties may obtain a copy of the FRFA from the Regulatory Secretariat Division. The Regulatory Secretariat Division has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

VI. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 2, 4, 6, 18, 19, and 52

Government procurement.

Dated: September 19, 2016.

William F. Clark,
Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Interim Rule Adopted as Final With Change

Accordingly, the interim rule amending 48 CFR parts 2, 4, 6, 18, 19, and 52 which was published in the Federal Register at 80 FR 81888, on December 31, 2015, is adopted as a final rule with the following change:

PART 19—SMALL BUSINESS PROGRAMS

1. The authority citation for 48 CFR part 19 continues to read as follows:

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Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.
19.1505 [Amended]
2. Amend section 19.1505 by removing from paragraph (a)(1) “Program,” and adding “Program; and” in its place.
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[FR Doc. 2016–23197 Filed 9–29–16; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 2, 4, 9, 12, 19, 52, and 53

[FAC 2005–91; FAR Case 2015–022; Item V; Docket No. 2015–0022, Sequence No. 1]

RIN 9000–AN00

Federal Acquisition Regulation; Unique Identification of Entities Receiving Federal Awards

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

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to redesignate the terminology for unique identification of entities receiving Federal awards. The change to the FAR removes the proprietary standard or number.


SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA published a proposed rule in the Federal Register at 80 FR 72035 on November 18, 2015, to redesignate the terminology for unique identification of entities receiving Federal awards. The change to the FAR eliminates references to the proprietary Data Universal Numbering System (DUNS®) number, and provides appropriate references to the Web site where information on the unique entity identifier used for Federal contractors will be located. This final rule also establishes definitions of “unique entity identifier”, and “electronic funds transfer (EFT) indicator”. Ten respondents submitted comments on the proposed rule.

II. Discussion and Analysis

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) reviewed the comments in the development of the final rule. All ten respondents agreed with the rule. No changes were made to the rule as a result of those comments. A discussion of the comments is provided as follows:

A. Analysis of Public Comments

1. Alternatives to and Considerations for the Evaluation of a Nonproprietary Entity Identifier

Comment: Six respondents provided an alternative to the current entity identifier (e.g., Legal Entity Identifier (LEI), Contractor and Government Entity (CAGE) code) and four respondents provided additional considerations for the evaluation of alternatives for the entity identifier.

Response: The scope of this rule is limited to removing the proprietary standard or number. The Office of Management and Budget (OMB) and the Department of Treasury, in collaboration with the General Services Administration and the Award Committee for E-Government, are establishing a process for considering alternatives to existing entity identifiers, including soliciting information about viable options from and reaching out about nonproprietary alternatives to all sectors, including private companies, nonprofits, and Federal Government...