

73.1212, 73.3527, 73.1943 and 76.1701 are still a part of the information collection and remain unchanged since last approved by OMB.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary.*

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## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Parts 211, 213, 242, 245, and 252

[Docket DARS-2018-0001]

#### Defense Federal Acquisition Regulation Supplement: Technical Amendments

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement (DFARS) to provide needed editorial changes.

**DATES:** Effective March 23, 2018.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jennifer L. Hawes, Defense Acquisition Regulations System, OUSD(AT&L)DPAP(DARS), Room 3B941, 3060 Defense Pentagon, Washington, DC 20301-3060. Telephone 571-372-6115; facsimile 571-372-6094.

**SUPPLEMENTARY INFORMATION:** This final rule amends the DFARS as follows:

1. Updates links to a website referenced in DFARS 211.275-2 and 252.211-7006.
2. Updates DFARS 213.106-2 and DFARS 252.213-7000 to reference the "Supplier Performance Risk System (SPRS)" in lieu of the "Past Performance Information Retrieval System (PIRS-SR)" and to provide updates links to websites.
3. Updates organizational names in three places at DFARS 242.002.
4. Amends DFARS 245.103-74 by removing "PGI 245.103-73" and adding "PGI 245.103-74" in its place.

#### List of Subjects in 48 CFR Parts 211, 213, 242, 245, and 252

Government procurement.

**Jennifer L. Hawes,**

*Regulatory Control Officer, Defense Acquisition Regulations System.*

Therefore, 48 CFR parts 211, 213, 242, 245, and 252 are amended as follows:

- 1. The authority citations for 48 CFR parts 211, 213, 242, 245, and 252 continue to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

#### PART 211—DESCRIBING AGENCY NEEDS

##### 211.275-2 [Amended]

- 2. Amend section 211.275-2(a)(2) introductory text by removing "[http://www.acq.osd.mil/log/sci/RFID\\_ship-to-locations.html](http://www.acq.osd.mil/log/sci/RFID_ship-to-locations.html)" and adding "[https://www.acq.osd.mil/log/sci/RFID\\_ship-to-locations.html](https://www.acq.osd.mil/log/sci/RFID_ship-to-locations.html)" in its place.

#### PART 213—SIMPLIFIED ACQUISITION PROCEDURES

##### 213.106-2 [Amended]

- 3. Amend section 213.106-2 by—
  - a. In paragraph (b)(i)(A)—
    - i. Removing "Past Performance Information Retrieval System (PIRS-SR)" and adding "Supplier Performance Risk System (SPRS)" in its place;
    - ii. Removing "PIRS-SR" and adding "SPRS" wherever it appears in the second sentence; and
    - iii. Removing "[www.ppirs.gov](http://www.ppirs.gov)" and adding "<https://www.ppirsrng.csd.disa.mil>" in its place; and
  - b. In paragraphs (b)(i)(B) and (b)(i)(C), removing "PIRS-SR" and adding "SPRS" in both places.

#### PART 242—CONTRACT ADMINISTRATION AND AUDIT SERVICES

- 4. Amend section 242.002 by—
  - a. Revising paragraph (b)(i)(C);
  - b. In paragraph (S-70)(ii), removing "Supply and Services Canada (SSC)" and adding "PWGSC, operating as PSPC," in its place; and
  - c. In paragraph (S-70)(iii), removing "SSC" and adding "PSPC" in its place.

The revision reads as follows:

##### 242.002 Interagency agreements.

(b)(i) \* \* \*

(C) Quality assurance requests performed for the Canadian Department of National Defence and pricing services performed for Public Works and Government Services Canada (PWGSC),

operating as Public Services and Procurement Canada (PSPC).

\* \* \* \* \*

#### PART 245—GOVERNMENT PROPERTY

##### 245.103-74 [Amended]

- 5. Amend section 245.103-74 by removing "PGI 245.103-73" and adding "PGI 245.103-74" in its place.

#### PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

##### 252.211-7006 [Amended]

- 6. Amend section 252.211-7006 by—
  - a. Removing the clause date "(DEC 2017)" and adding "(MAR 2018)" in its place;
  - b. In paragraph (b)(1)(ii) introductory text, removing "[http://www.acq.osd.mil/log/sci/RFID\\_ship-to-locations.html](http://www.acq.osd.mil/log/sci/RFID_ship-to-locations.html)" and adding "[https://www.acq.osd.mil/log/sci/RFID\\_ship-to-locations.html](https://www.acq.osd.mil/log/sci/RFID_ship-to-locations.html)" in its place.

##### 252.213-7000 [Amended]

- 7. Amend section 252.213-7000 by—
  - a. Revising the section heading.
  - b. In the clause title, removing "Past Performance Information Retrieval System—Statistical Reporting" and adding "Supplier Performance Risk System" in its place;
  - c. Removing the clause date "(JUN 2015)" and adding "(MAR 2018)" in its place;
  - d. In paragraph (a)—
    - i. Removing "Past Performance Information Retrieval System-Statistical Reporting (PIRS-SR)" and adding "Supplier Performance Risk System (SPSR)" in its place; and
    - ii. Removing "<http://www.ppirs.gov/>" and adding "<https://www.ppirsrng.csd.disa.mil/>" in its place;
  - e. In paragraphs (b) and (c), removing "PIRS-SR" and adding "SPRS" wherever it appears; and
  - f. In paragraph (d)—
    - i. Removing "PIRS-SR" and adding "SPRS" wherever it appears;
    - ii. Removing "[https://www.ppirs.gov/pdf/PIRS-SR\\_UserMan.pdf](https://www.ppirs.gov/pdf/PIRS-SR_UserMan.pdf)" and adding "[https://www.ppirsrng.csd.disa.mil/pdf/PIRS-SR\\_UserMan.pdf](https://www.ppirsrng.csd.disa.mil/pdf/PIRS-SR_UserMan.pdf)" in its place; and
    - iii. Removing "[https://www.ppirs.gov/pdf/PIRS-SR\\_DataEvaluationCriteria.pdf](https://www.ppirs.gov/pdf/PIRS-SR_DataEvaluationCriteria.pdf)" and adding "[https://www.ppirsrng.csd.disa.mil/pdf/SPRS\\_DataEvaluationCriteria.pdf](https://www.ppirsrng.csd.disa.mil/pdf/SPRS_DataEvaluationCriteria.pdf)" in its place.

The revision reads as follows:

**252.213–7000 Notice to Prospective Suppliers on Use of Supplier Performance Risk System in Past Performance Evaluations.**

\* \* \* \* \*

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**DEPARTMENT OF DEFENSE**

**Defense Acquisition Regulations System**

**48 CFR Part 219 and Appendix I to Chapter 2**

[Docket DARS–2016–0033]

RIN 0750–AJ05

**Defense Federal Acquisition Regulation Supplement: Amendment to Mentor-Protégé Program (DFARS Case 2016–D011)**

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act for Fiscal Year 2016 that provides amendments to the DoD Pilot Mentor-Protégé Program.

**DATES:** Effective March 23, 2018.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jennifer D. Johnson, telephone 571–372–6100.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

DoD published a proposed rule in the **Federal Register** at 81 FR 65610 on September 23, 2016, to propose revisions to the DFARS to implement section 861 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2016 (Pub. L. 114–92). Section 861 provides several amendments to the DoD Pilot Mentor-Protégé Program (“the Program”), including new reporting requirements for mentor firms to provide information to DoD’s Office of Small Business Programs to support decisions regarding continuation of particular mentor-protégé agreements. In addition, section 861 adds new eligibility criteria; adds limitations on a protégé firm’s participation in the Program; adds new elements to mentor-protégé agreements; extends the Program for three years to September 30, 2021; and amends requirements for business development assistance provided by a mentor firm and for

reimbursement of fees assessed by the mentor firm.

**II. Discussion and Analysis**

One respondent submitted a public comment in response to the proposed rule. DoD reviewed the public comment in the development of the final rule.

*A. Summary of Significant Changes From the Proposed Rule*

There are no changes made to the final rule as a result of the public comment; however, one conforming change is made.

*B. Analysis of Public Comments*

*Comment:* The respondent requested that DoD revise the Program’s eligibility criteria for protégé firms to include Historically Black Colleges and Universities (HBCUs) and Minority Institutions (MIs). Allowing HBCUs and MIs to participate in the Program as protégés would provide the opportunity for teaming arrangements with DoD prime contractors, as well as good research opportunities.

*Response:* The eligibility criteria are based on the statutory authority for the Program (10 U.S.C. 2302 note), which provides that a “disadvantaged small business concern” meeting certain criteria may participate as a protégé in the Program. The statutory definition of “disadvantaged small business concern” does not include HBCUs or MIs. Therefore, the statute does not support the inclusion of HBCUs and MIs as protégés. However, HBCUs and MIs have a role in the Program as providers of assistance to protégé firms.

*C. Other Changes From the Proposed Rule*

A conforming change is made to the definition of “nontraditional defense contractor” in Appendix I, Paragraph I–101.2, to reflect the definition for this term that was established in the final rule “Procurement of Commercial Items (DFARS Case 2016–D006)” (see 83 FR 4431, dated January 31, 2018). Several Appendix I references are revised to reflect that, as of February 1, 2018, the Office of Small Business Programs is now organizationally located within DoD under Acquisition and Sustainment (A&S) in lieu of Acquisition Technology and Logistics (AT&L).

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

This final rule does not add any new provisions or clauses or impact any existing provisions or clauses.

**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. Executive Order 13771**

This rule is not subject to E.O. 13771, because this rule is not a significant regulatory action under E.O. 12866.

**VI. Regulatory Flexibility Act**

A final regulatory flexibility analysis (FRFA) has been prepared consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The FRFA is summarized as follows:

This final rule amends the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 861 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2016, which provides amendments to the DoD Pilot Mentor-Protégé Program (“the Program”). Specifically, section 861 provides new reporting requirements for mentor firms that will provide information to DoD’s Office of Small Business Programs to support decisions regarding continuation of particular mentor-protégé agreements. In addition, section 861 adds new eligibility criteria; adds limitations on a protégé firm’s participation in the Program; adds new elements to mentor-protégé agreements; extends the Program for three additional years; and amends requirements for business development assistance provided by a mentor firm and for reimbursement of fees assessed by the mentor firm. The objectives of this rule are to implement statutory amendments to the Program and to provide DoD’s