DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 2, 15, 17, 37 and 52

[FAC 2021–03; Item IV; Docket No. FAR–2020–0052; Sequence No. 4]

Federal Acquisition Regulation; Technical Amendments

AGENCY: 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 needed editorial changes.


FOR FURTHER INFORMATION CONTACT: Ms. Lois Mandell, Regulatory Secretariat (MVCB), at 202–501–4755 or GSARegSec@gsa.gov. Please cite FAC 2021–03, Technical Amendments.

Supplementary Information: In order to update certain elements in 48 CFR parts 2, 15, 17, 37, and 52 this document makes editorial changes to the FAR.

List of Subjects in 48 CFR Parts 2, 15, 17, 37, and 52

Acquisition Policy, Office of Government-Wide Policy.

PART 17—SPECIAL CONTRACTING METHODS

17.502 1 [Amended]

4. Amend section 17.502–1 by—

a. Removing from the sixth sentence of paragraph (a)(1)(i) “Policy” and “‘acq/iac__’” adding “Policy (OFPP)” and “‘acq/iac__’” in their place; respectively; and

b. Removing from paragraph (b) introductory text “Office of Federal Procurement Policy (OFPP)” and adding “OFPP” in its place.

PART 37—SERVICE CONTRACTING

37.103 [Amended]

5. Amend section 37.103 in paragraph (d) by removing “42 U.S.C. 13041, as amended,” and adding “34 U.S.C. 20351” in its place.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

52.212–3 [Amended]

6. Amend section 52.212–3 by—

a. Revising the date of the provision; and

b. Revising paragraph (f)(2);

c. Revising the table in paragraph (g)(1)(ii), and the undesignated tables in (g)(1)(iii), (g)(2), and (g)(3);

d. Revising the tables in (g)(4) and (g)(5)(i)(ii); and

e. Revising the paragraph (i)(1).

The revisions read as follows:

52.212–3 Offeror Representations and Certifications—Commercial Items.

Offeror Representations and Certifications—Commercial Items (Feb 2021)

<table>
<thead>
<tr>
<th>Line item No.</th>
<th>Country of origin</th>
</tr>
</thead>
<tbody>
<tr>
<td>(g)(1)</td>
<td>* * * *</td>
</tr>
<tr>
<td>(ii)</td>
<td>* * *</td>
</tr>
</tbody>
</table>

[List as necessary]
Line item No. | Country of origin
---|---

(i) * * *
(1) Listed end products.

<table>
<thead>
<tr>
<th>Listed end product</th>
<th>Listed countries of origin</th>
</tr>
</thead>
</table>

7. Amend section 52.212–5 in Alternate II by—
■ a. Revising the date of the Alternate; and
■ b. Revising paragraphs (e)(1)(ii)(R)(1) and (2) to read as follows:

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

Alternate II (Feb 2021). * * *
(e)(1) * * *
(ii) * * *
(R) _ (1) 52.224–3, Privacy Training
(2) Alternate I (Jan 2017) of
52.224–3.

* * * * *

8. Amend section 52.213–4 by—
■ a. Revising the date of the clause; and
■ b. Adding paragraph (a)(2)(ix).

The revision and addition read as follows:

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

Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items) (Feb 2021)

<table>
<thead>
<tr>
<th>Material (if none, insert None)</th>
<th>Identification No.</th>
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</thead>
</table>

9. Amend section 52.222–18 by revising the date of the provision and the undesignated table in paragraph (b) to read as follows:

52.222–18 Certification Regarding Knowledge of Child Labor for Listed End Products.

Certification Regarding Knowledge of Child Labor for Listed End Products (Feb 2021)

| (b) * * * |

10. Amend section 52.223–3 by revising the date of the clause and the undesignated table in paragraph (b) to read as follows:

52.223–3 Hazardous Material Identification and Material Safety Data.

Hazardous Material Identification and Material Safety Data (Feb 2021)

| (b) * * * |

11. Amend section 52.225–2 by revising the date of the provision and paragraph (b) to read as follows:

52.225–2 Buy American Certificate.

Buy American Certificate (Feb 2021)

| (b) Foreign End Products |

12. Amend section 52.225–4 by—
■ a. Revising the section heading and the date of the provision;
■ b. Revising the table in paragraphs (b) and (c);
■ c. Revising the date of Alternate II and the undesignated table in paragraph (b) of Alternate II; and
■ d. Revising the date of Alternate III and the table in paragraph (b) of Alternate III.

The revisions read as follows:

52.225–4 Buy American—Free Trade Agreements—Israeli Trade Act Certificate.
Buy American—Free Trade Agreements—Israeli Trade Act Certificate (Feb 2021)

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<thead>
<tr>
<th>Line item No.</th>
<th>Country of origin</th>
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[List as necessary]

13. Amend section 52.225–6 by revising the date of the clause and paragraph (b) to read as follows:

52.225–6 Trade Agreements Certificate.

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<th>Line item No.</th>
<th>Country of origin</th>
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Trade Agreements Certificate (Feb 2021)

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<th>Country of origin</th>
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</table>

[14. Amend section 52.225–9 by revising the date of the clause and paragraph (b)(2) to read as follows:]

52.225–9 Buy American—Construction Materials.

<table>
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<tr>
<th>Line item No.</th>
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Buy American—Construction Materials (Feb 2021)

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[14. Amend section 52.225–9 by revising the date of the clause and paragraph (b)(2) to read as follows:]

52.225–13 Restrictions on Certain Foreign Purchases.

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[15. Amend section 52.225–13 by—]

16. Amend section 52.229–12 by—

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR–2020–0051, Sequence No. 8]

Federal Acquisition Regulation; Federal Acquisition Circular 2021–03; Small Entity Compliance Guide

AGENCY: 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 DOD, GSA, and NASA. 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 the rules appearing in Federal Acquisition Circular (FAC) 2021–03, which amends the Federal Acquisition Regulation (FAR). Interested parties may obtain further information regarding these rules by referring to FAC 2021–03, which precedes this document.

DATES: January 14, 2021.

ADDRESSES: The FAC, including the SECG, is available via the internet at https://www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact the analyst whose name appears in the table below. Please cite FAC 2021–03 and the FAR Case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or GSARegSec@gsa.gov. An asterisk (*) next to a rule indicates that a regulatory flexibility analysis has been prepared.