

List of Subjects in 48 CFR Parts 204, 212, and 252

Government procurement.

Jennifer D. Johnson,

Regulatory Control Officer, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 204, 212, and 252 are amended as follows:

- 1. The authority citation for 48 CFR parts 204, 212, and 252 continues to read as follows:

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

PART 204—ADMINISTRATIVE AND INFORMATION MATTERS

- 2. Amend section 204.804 by adding paragraph (4) to read as follows:

204.804 Closeout of contract files.

* * * * *

(4) When using the clause at 252.204–7022, Expediting Contract Closeout, to expedite contract closeout, determine the residual dollar amount upon completion of all applicable closeout requirements of FAR 4.804.

- 3. Add section 204.804–70 to read as follows:

204.804–70 Contract clause.

Use the clause at 252.204–7022, Expediting Contract Closeout, in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, when the contracting officer intends to expedite contract closeout through the mutual waiver of entitlement to a residual dollar amount of \$1,000 or less determined at the time of contract closeout.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

- 4. Amend section 212.301 by adding paragraph (f)(ii)(M) to read as follows:

212.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

* * * * *

(f) * * *
(ii) * * *

(M) Use the clause at 252.204–7022, Expediting Contract Closeout, as prescribed in 204.804–70.

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PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

- 5. Add section 252.204–7022 to read as follows:

252.204–7022 Expediting Contract Closeout

As prescribed in 204.804–70, use the following clause:

Expediting Contract Closeout (MAY 2021)

(a) At the conclusion of all applicable closeout requirements of Federal Acquisition Regulation 4.804, the Government and Contractor shall mutually agree on the residual dollar amount remaining on the contract. Both the Government and Contractor agree to waive payment of any residual dollar amount of \$1,000 or less to which either party may be entitled at the time of contract closeout.

(b) A residual dollar amount includes all money owed to either party at the end of the contract and as a result of the contract, excluding amounts connected in any way with taxation or a violation of law or regulation.

(c) For purposes of determining residual dollar amounts, offsets (e.g., across multiple contracts or orders) may be considered only to the extent permitted by law.

(End of clause)

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DEPARTMENT OF DEFENSE**Defense Acquisition Regulations System****48 CFR Parts 207, 213, 215, 242, 252, and 253**

[Docket DARS–2021–0001]

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 May 20, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer D. Johnson, Defense Acquisition Regulations System, OUSD(A&S)DPC(DARS), Room 3B938, 3060 Defense Pentagon, Washington, DC 20301–3060. Telephone 571–372–6100.

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

1. At DFARS 207.106, deletes a redundant paragraph that duplicates paragraph (S–70)(2)(ii).
2. Updates internet addresses at DFARS 213.301 paragraph (4), DFARS 242.202 paragraph (e)(1)(A), and DFARS 253.303.

3. Amends the table at DFARS 215.404–71–3, paragraph (c), to correct a typographical error in the term “Cost-plus-incentive-fee” in the “Contract Type” column; and removes unnecessary punctuation in the column titled “Designated Range (percent)”.

4. In paragraph (e) of the clause at DFARS 252.204–7007, replaces references to the Online Representations and Certifications Application (ORCA) with references to the System for Award Management (SAM); deletes duplicate text; and makes other minor editorial changes.

5. Corrects a typographical error in the title of the provision at DFARS 252.204–7017, and capitalizes the heading for DFARS 252.235–7003.

List of Subjects in 48 CFR Parts 207, 213, 215, 242, 252, and 253

Government procurement.

Jennifer D. Johnson,

Regulatory Control Officer, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 207, 213, 215, 242, 252, and 253 are amended as follows:

- 1. The authority citation for 48 CFR parts 207, 213, 215, 242, 252, and 253 continues to read as follows:

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

PART 207—ACQUISITION PLANNING**207.106 [Amended]**

- 2. Amend section 207.106 by removing the duplicative paragraph (S–70)(2)(ii) following paragraph (S–70)(2)(v).

PART 213—SIMPLIFIED ACQUISITION PROCEDURES

- 3. Amend section 213.301 by revising paragraph (4) to read as follows:

213.301 Governmentwide commercial purchase card.

* * * * *

(4) Guidance on DoD purchase, travel, and fuel card programs is available in the “Department of Defense Government Charge Card Guidebook for Establishing and Managing Purchase, Travel, and Fuel Card Programs” at https://www.acq.osd.mil/dpap/pdi/pc/policy_documents.html. Additional guidance on the fuel card programs is available at <https://www.dla.mil/Energy/Offers/Products/GovernmentFuel/>.

PART 215—CONTRACTING BY NEGOTIATION

215.404–71–3 Contract type risk and working capital adjustment.

■ 4. Amend section 215.404–71–3 by revising the paragraph (c) table to read as follows:

* * * * *
(c) * * *

| Contract type | Notes | Normal value (percent) | Designated range (percent) |
|--|-------|------------------------|----------------------------|
| Firm-fixed-price, no financing | (1) | 5 | 4 to 6 |
| Firm-fixed-price, with performance-based payments | (6) | 4 | 2.5 to 5.5 |
| Firm-fixed-price, with progress payments | (2) | 3 | 2 to 4 |
| Fixed-price incentive, no financing | (1) | 3 | 2 to 4 |
| Fixed-price incentive, with performance-based payments | (6) | 2 | 0.5 to 3.5 |
| Fixed-price with redetermination provision | (3) | | |
| Fixed-price incentive, with progress payments | (2) | 1 | 0 to 2 |
| Cost-plus-incentive-fee | (4) | 1 | 0 to 2 |
| Cost-plus-fixed-fee | (4) | 0.5 | 0 to 1 |
| Time-and-materials (including overhaul contracts priced on time-and-materials basis) | (5) | 0.5 | 0 to 1 |
| Labor-hour | (5) | 0.5 | 0 to 1 |
| Firm-fixed-price, level-of-effort | (5) | 0.5 | 0 to 1 |

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

■ 5. Amend section 242.202 by revising paragraph (e)(1)(A) to read as follows:

242.202 Assignment of contract administration.

(e)(1)(A) In special circumstances, a contract administration office may request support from a component not listed in the Federal Directory of Contract Administration Services Components (available via the internet at <https://piee.eb.mil/pcm/xhtml/unauth/index.xhtml>).

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 6. Amend section 252.204–7007 by—
■ a. Removing the clause date “(NOV 2020)” and adding “(MAY 2021)” in its place; and
■ b. Revising paragraph (e).
The revision reads as follows:

252.204–7007 Alternate A, Annual Representations and Certifications.

(e) The Offeror has completed the annual representations and certifications electronically via the SAM website at <https://www.acquisition.gov/>. After reviewing the SAM database information, the Offeror verifies by submission of the offer that the

representations and certifications currently posted electronically that apply to this solicitation as indicated in FAR 52.204–8(c) and paragraph (d) of this provision have been entered or updated within the last 12 months, are current, accurate, complete, and applicable to this solicitation (including the business size standard applicable to the NAICS code referenced for this solicitation), as of the date of this offer, and are incorporated in this offer by reference (see FAR 4.1201); except for the changes identified below [*Offeror to insert changes, identifying change by provision number, title, date*]. These amended representation(s) and/or certification(s) are also incorporated in this offer and are current, accurate, and complete as of the date of this offer.

| FAR/DFARS provision No. | Title | Date | Change |
|-------------------------|-------|------|--------|
| | | | |

Any changes provided by the Offeror are applicable to this solicitation only, and do not result in an update to the representations and certifications located in the SAM database.

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■ 7. Amend section 252.204–7017 by revising the clause title and date to read as follows:

252.204–7017 Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services—Representation.

Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services—Representation (May 2021)

■ 8. Revise the section heading for 252.235–7003 to read as follows:

252.235–7003 Frequency Authorization.

PART 253—FORMS

■ 9. Revise section 253.303 to read as follows:

253.303 Agency forms.

DoD forms are available at <https://www.esd.whs.mil/Directives/forms/>.

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