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1. DAR Council

The DAR Council (DARC) provides recommendations to DoD for publication of proposed, interim, and final rules to amend the DFARS. These recommendations are made based on reports provided by the DFARS Committees and/or the DAR case managers.

The Deputy Director, Defense Procurement and Acquisition Policy (DARS), is the DARC Director. For DFARS cases, the Council members are representatives of-

Army
Navy
Air Force
Defense Logistics Agency
Defense Contract Management Agency

2. DFARS Committees

a. Types of Committees

(1) **Standing DFARS Committees**. The standing DFARS committees are responsible for complex cases in their assigned DFARS parts. Complex cases are those that require expertise and/or deliberation by the DFARS committee. Complex cases in DFARS parts not listed in the following table will be assigned to either a standing DFARS committee or an Ad Hoc committee, depending on the nature of the case. The committees are comprised of "core" members and/or "rotational" members. Core members, or their designated representatives, attend all committee meetings. Rotational members are committee members for specific cases that impact their assigned areas of responsibility. Supplemental advisors may also support the committees on a particular case or for cases that involve a particular subject area. Supplemental advisors have no voting rights.

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The DARC Director establishes the composition of the standing DFARS committee membership. The current committees and their DFARS parts are:

Committee	DFARS Part(s)
<u>Construction/A-E Bonds</u>	228.1, 228.2, and 236
<u>Contract Administration</u>	204.7, 204.8, 242, 243, 244, and 249
<u>Contract Finance</u>	232
<u>Contract Placement</u>	201.6, 201.7, 204.1 thru 204.5, 205, 206, 207 (except 207.1 thru 207.3), 208 (except 208.4 and 208.11), 209.1 (shared with Debarment, Suspension and Ethics), 209.3, 210, 211, 214, 215 (except 215.4), 216, 217 (except 217.4), 248, and 251
<u>Contract Pricing</u>	215.4, 228.3, 230, and 242.73
<u>Contract Services</u>	207.3 and 237
<u>Cost Principles</u>	231
<u>Debarment, Suspension & Business Ethics</u>	203, 209.1 (shared with Contract Placement), 209.4, and 209.5
<u>Environmental</u>	223
<u>Government Property</u>	245
<u>International Acquisition</u>	225
<u>Labor</u>	222
<u>Patents, Data & Copyrights</u>	227
<u>Quality Assurance</u>	246
<u>Small Business</u>	219, 226, and Appendix I
<u>Streamlined Acquisitions/IT</u>	212, 213, and 239
<u>Systems Acquisition/R&D</u>	207.1, 207.2, 209.6, 209.7, 217.4, 234, and 235
<u>Taxes</u>	229
<u>Transportation</u>	247
<u>Utilities</u>	241

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The DARC Director maintains the official list of DFARS Committees, including member names, email addresses, and phone numbers. The information is also available at <http://www.acq.osd.mil/dpap/dars/organization/darcommit.htm>

(2) **Ad Hoc Committees**. Ad Hoc Committees are established on a case-by-case basis to handle special taskings. The DARC Director determines committee membership based on the special tasking.

(3) **DAR Staff**. The DAR staff is responsible for non-complex cases. The DARC Director is responsible for the assignment of DAR case managers to non-complex cases.

b. Appointment to Committees

Committee chairs, deputies, and members are nominated by their respective agencies. The committee chairs, deputies, and members are appointed by the DARC Director.

3. Roles and Responsibilities

a. DARC Director:

- Decide whether to open a new case or close an on-going case without DFARS changes. Except in rare instances, closing a case will be done with DARC input.
- Approve Case Management Records (CMRs) prepared by the DAR case managers in accordance with paragraph 4a and in the format at Attachment 2.
- Assign cases to the appropriate committee.
- Provide specific direction to the committees on case objectives when necessary.
- Approve/disapprove proposed due dates for committee reports, as well as any requests for due date extensions.

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- Obtain staff for all committees.
- Provide input on committee members' performance to their respective agency, and provide appropriate recognition for outstanding committee performance.
- Ensure committee members and their managers understand that DFARS cases are a high priority job assignment.
- Review committee reports and assess the responsiveness of the report to the tasking. If non-responsive, return the report to the committee for additional action.
- Provide timely, constructive feedback to committee chairs, deputies, and members on the quality and timeliness of committee findings and recommendations, reports, and related documents.
- Provide appropriate committee-related training to the chairs, deputies, and committee members.

b. DAR Council Policy Members:

For committees sponsored by the DARC policy member

- Provide a CMR to the DARC Director and DARC to open a new DFARS case, to task the committee to analyze public comments/prepare a draft final rule, and to submit a committee report to the DAR Council. The CMR shall be prepared in accordance with the format at Attachment 2. Any CMR that includes a tasking shall contain a due date for either the report or for the submittal of a timeline.
- Notify the DARC Director of any issues or problems the committee chair is confronting in completion of the assigned task;
- Review the committee reports for compliance with the requirements of this guide as well as case objectives;
- Provide timely feedback to the DARC Director on any problems regarding the quality and/or timeliness of committee reports; and
- Provide department or agency final policy views on matters before the DARC.

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c. DFARS Committee Chairs:

- Convene and preside at committee meetings.
- Ensure members are provided appropriate background materials prior to committee meetings (e.g., copies of tasking CMR and related documents).
- Submit a timeline for completion of the case. It is important to complete the report in a timely manner. Normally, cases should be completed in approximately 41 days. Some cases may take more than 41 days and some may take less, due to various circumstances such as case complexity and number of public comments. The recommended elapsed time for each step in the timeline (in calendar days) is as follows:

Strawman Drafted for Distribution to Committee	7 Days
Initial Committee Meeting	7 Days
Draft Final Report Prepared/Distributed for Committee Member Input	17 Days
Committee Member Input Provided on Final Draft Report	7 Days
Final Report Signed by Committee Chair	3 Days
Total Elapsed Time	41 Days

- Prior to committee meetings, assign the responsibility for the preparation of a case strawman to be used to initiate committee discussions.
- Obtain the appropriate expert and functional advice.
- Arrange for a Deputy Chair or another committee member to perform their duties during absences.
- Manage case workload and equitably assign to committee members the lead responsibility for drafting quality committee reports, proposed DFARS and PGI coverage, and recommendations that consider all relevant issues within established timelines.
- Obtain needed training for members.
- Meet established due dates and provide timely notification to the assigned DAR case manager and the DARC Director when extensions are needed. Requests for extensions shall include an explanation of the need for the extension. All extensions must be approved by DARC Director.

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- Prepare and submit quality, complete and accurate reports in accordance with paragraph 5d.
- Attend DARC meetings upon request.
- Ensure members are provided a full opportunity to provide timely input on all aspects of each case.
- Provide input to the DARC Director on members' performance and make recommendations to recognize outstanding committee member performance.
- Maintain records of attendance and coordination.
- Inform the DARC Director of any non-responsive members or agencies.
- Keep the DARC Director informed of any significant events affecting a particular case or the committee as a whole.

d. Committee Members:

- Review all provided materials in advance of committee meetings.
- Attend all meetings and participate in case discussions.
- Provide broad and/or specific acquisition expertise to develop rules for DoD application.
- At the direction of the committee chair-
 - o Assume lead responsibility for drafting quality strawman, draft/final reports, proposed DFARS and PGI coverage, and recommendations that consider all relevant information for deliberation by the full committee and for meeting the established due dates.
 - o Attend DARC meetings when requested.
- Keep the chair informed of any change in work status (e.g., leave, extended travel, or change in phone or email address).

DFARS Operating Guide**e. Supplemental Advisors:**

- Provide needed expert advice.
- Assist in research and in the development or review of strawman, proposed changes, and reports.

f. Case Managers:

- For cases assigned to a committee that is not sponsored by a DARC policy member, perform all the duties listed for DARC policy members sponsoring a committee. This includes preparing and distributing all CMRs (e.g., opening a new case, requesting a time extension, tasking the committee to analyze public comments/prepare a draft final rule, submitting a committee report to the DAR Council, etc.).
- For cases assigned to a committee that is sponsored by a DAR Council member, prepare and distribute CMR's except when the CMR is for (a) opening a new case, (b) tasking the committee to analyze public comments/prepare a draft final rule, or (c) submitting a committee report to the DAR Council.
- Prepare all CMR's in accordance with the format at Attachment 2, and obtain approval of those CMR's from the DARC Director. Any CMR that includes a tasking shall contain a due date for either the report or for the submittal of a timeline.
- Serve as committee members (if not the chair or deputy) for assigned cases.
- Schedule and present cases to the DARC.
- Maintain case record files and databases.
- Advise the DARC Director on the progress of committee assignments for assigned cases.
- Work with the DAR editor to process rules for publication (i.e., through OFPP, OIRA, and DoD).
- Provide committee members copies of the DFARS and PGI language and Federal Register Notices after the DARC has agreed to the rule.

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g. Legal Support

Each DFARS committee is provided with legal support. This support includes a committee counsel, and may also include a committee deputy counsel. In addition support is also available from the DAR Council and the DoD Office of General Counsel. An outline of the duties/roles are summarized below:

Counsel. Counsels have been assigned to each of the DARC committees. The committee counsel assigned to each committee is that committee's point of contact for legal support. Any legal issues identified by the committee shall be directed to the assigned committee counsel. In addition, the committee counsel shall be on the general distribution list and included on all E-mails and other notifications/document distributions.

The committee counsel responsibilities include the following:

- Providing the committee with timely and informative legal input;
- Informing the DARC legal member of any legal issues where the issue or advice is novel, has a potentially far-reaching impact, or is otherwise likely to generate high visibility from within DoD, other parts of Government, or the public;
- Informing the committee chair when the committee deputy counsel will be the lead in providing legal support on a particular case or issue; and
- Attending committee meeting when requested by the committee chair. The committee counsel shall work with the committee chair to find a mutually agreeable meeting date that is, to the maximum extent practical, consistent with the established committee schedule. When necessary, the committee counsel may appoint a committee deputy counsel (if one is assigned to the committee) to attend in lieu of the committee counsel. In addition to these particular meetings, committee counsels are encouraged (but not required) to attend and participate in all other committee meetings. Attendance at committee meetings by teleconference is an acceptable alternative to accommodate the particular circumstances (e.g., the committee counsel is located outside the geographic area where the committee meeting is held).

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Committee Deputy Counsel. Some, but not all, of the DARC committees have been assigned committee deputy counsels. The committee deputy counsel is an alternate for the committee counsel when the committee counsel is not available. Thus, the committee deputy counsel shall be on the same general distribution list as the committee counsel.

The committee deputy counsel responsibilities include the following:

- Working any legal issued assigned to him/her by the committee counsel;
- Informing the committee counsel of the status and content of those issues.
- Attending meetings when requested by the committee counsel and/or committee chair. Committee deputy counsels, in consultation with the committee counsel, are also encouraged to attend and participate in all other committee meetings.

DARC Legal Member and DoD Office of General Counsel. Each committee legal counsel has been appointed a DARC legal member as his/her point of contact at the DARC. The DARC legal member is responsible for informing the applicable point of contact in the DoD Office of General Counsel of the key legal issues. Unless the DoD Office of General Counsel coordinates on any legal advice rendered to the DARC or DARC committee, the legal advice rendered is not being provided on behalf of the DoD Office of General Counsel.

4. Opening and Closing DFARS Cases

a. Opening New DFARS Cases. The DARC Director must approve the opening of all new DFARS cases. The CMR that opens the case shall include a due date or shall task the committee chair to provide a recommended due date based on a projected case completion schedule.

b. Closing DFARS Cases. Cases are closed when the final DFARS rule is published in the Federal Register. Cases may be closed without publication of a rule only with the approval of the DARC Director (after appropriate consultation with the DARC).

c. Placing DFARS Cases on Hold. Cases may only be placed on hold only with approval of the DARC Director.

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5. Standing DFARS Committee Procedures

a. Committee Tasking

The DFARS Committees are tasked using the CMR (see Attachment 2). The tasking CMR provides detailed information on what is expected of the committee, including any recommended course of action or conditions of implementation and the report due date, which should generally include input from the chair. The due date will be based on the complexity of the subject matter, case priority, coordination required, and existing committee workload.

b. Committee Meetings

Committees meet as frequently as necessary to complete their taskings by the established due dates. Committees must complete the tasking as outlined in the tasking CMR and may also propose alternative solutions with supporting rationale. Committees should begin discussions with a case strawman that contains, at a minimum, a summary of the issues (either the issues to be addressed by the committee or, in the case of published proposed/interim rules, a summary of the issues identified by the public comments).

c. Voting

Committees generally accomplish business on a consensus basis. If necessary, the chair may call for a vote to reach agreement. Each chair, deputy, and committee member has one vote. Supplemental advisors do not have a vote. In the case of a tie, the chair shall cast the deciding vote.

d. Committee Reports

Committees prepare reports in accordance with Attachment 1. The report should reflect the views of all members that concur with the report.

All Committee reports are addressed to the DARC Director. Chairs (or Acting Chairs) that are from the Services, DLA, or DCMA submit their reports through the DARC policy member from

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their service/agency. For all other chairs, the reports are submitted directly to the DARC Director.

If the chair cannot submit a required report by the established report due date, the chair must request an extension from the DARC Director and provide an explanation of why the extension is needed. The chair must submit requests for extensions to the DARC Director through their respective DARC policy member or the DAR case manager, as applicable. If requested, the committee chair will submit periodic progress reports.

e. **Minority Opinions**

If a committee member or members do not concur with the committee report, the member(s) may submit a minority opinion. Members must submit the minority opinion to the chair in time for the committee to prepare a rebuttal. The chair may establish a due date for the minority opinion. Both the minority opinion and the rebuttal are included in the committee report. The minority opinion should include a detailed discussion of the basis of the dissent and the suggested alternative.

6. **DARC Deliberations**

The DARC deliberates cases using either-

a. **Formal Discussion**. Formal discussions are used for **complex cases** and some **non-complex cases**. A formal discussion means that the DARC meets and deliberates the case.

b. **"Reclama"**. "Reclama" is an expedited review that does not require formal discussion (e.g., concurrence/input is requested via email rather than holding formal discussions). This streamlined procedure is used for many (but not all) **non-complex cases**. The procedure is also used for cases previously discussed by the DARC or when a proposed or interim rule is being converted to a final rule without change and there were no significant public comments received.

DFARS Operating Guide**7. Marking Changes**

Committees must **not** use the Microsoft Word track changes function in any document submitted to the DARC (e.g., DFARS revisions). Changes to documents that will be submitted for publication must be made using the following conventions. Deviation from this format requires prior approval of the DARC Director.

First revision:

Deletions from baseline: ~~Strikethrough~~

Additions to baseline: **[Bolded and bracketed]**

Moving coverage from DFARS to PGI: **[Bolded, bracketed, and *Italicized*]**

Second revision:

Start with the first revision, showing baseline, deletions and additions of the first revision.

New deletions from baseline: ~~Strikethrough and underline.~~

New additions to baseline: **[Bolded and bracketed and underlined]**

Reinstatement of previously deleted text: ~~Remove strikethrough and add underline.~~

Deletion of previously added text: ~~**[Bolded, bracketed, strikethrough, and underline]**~~

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Third revision:

Start with the second revision, showing baseline, and the deletions and additions of the first and second revisions.

New deletions: ~~Strikethrough and double underline.~~

New additions: **[Bolded and bracketed and double underlined]**

Reinstatement of previously deleted text: Remove strikethrough and add double underline.

Deletion of previously added text: ~~**[Bolded, bracketed, strikethrough, and double underline]**~~

Subsequent revisions beyond the third revision:

Use colors to show changes.

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Examples

<p>Original: (3) "Domestic concern," as used in this part, means a concern incorporated in the United States or an unincorporated concern having its place of business in the United States.</p>	<p>Revision 1: (3) "Domestic concern," as used in this part, means[- (i) A]a concern[firm] incorporated in the United States [(including a subsidiary that is incorporated in the United States, even if the corporation is a foreign concern);] or [(ii) A]an unincorporated concern[firm] having its place of business in the United States.</p>	<p>Revision 2: (3[6]) "Domestic concern," as used in this part, means[- a. A]a concern[firm] incorporated in the United States [(including a subsidiary that is incorporated in the United States, even if the <u>parent</u> corporation is a foreign concern);] or [(ii) A]an unincorporated concern[firm] having its [principal] place of business in the United States.</p>	<p>Revision 3: (3[67]) "Domestic concern," as used in this <u>part,</u> means[- (i) A]a concern[firm] incorporated in the United States [(including a subsidiary that is incorporated in the United States, even if the <u>parent</u> corporation is a foreign concern);] or [(ii) A]an unincorporated concern[firm] having its [principal] place of business in the United States.</p>	<p>Revision 4: (3[67]) "Domestic concern," <u>as used in this part,</u> means[- (i) A]a concern[firm] incorporated in the United States [(including a subsidiary or affiliate that is incorporated in the United States, even if the <u>parent</u> corporation is a foreign concern);] or [(ii) A]an unincorporated concern [firm] (e.g., sole proprietorships or unincorporated partnerships) having its [principal] place of business in the United States.</p>
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8. Disclosure of DARC Materials

Background:

The DARC is part of the rulemaking process for DoD. Thus, the rulemaking activities of the DARC staff and DARC members are DARC activities subject to various privileges against disclosure. Such prohibited disclosure includes not only public disclosure, but disclosure beyond the group of DARC staff and DoD personnel tasked with providing input to the DARC's rulemaking activities.

The DARC Committee structure is part of the DARC's rulemaking process. Committee members and committee counsels act on behalf of the DARC in fulfilling their DARC committee duties. Any records, files or materials created by the committee members or committee counsels in fulfilling their duties are part of the work-product of the DARC committee, and by extension, part of the work-product of the DARC, and are subject to the various privileges available to the DARC against disclosure. The privileges extend to records created by other DoD personnel tasked with providing input to the rulemaking process, e.g., subject matter experts within the Military Services or Defense Agencies who provide their DARC Policy Members with input, comments, recommendations, etc.

Privileges. The most common privileges applicable to the DARC are:

(A) *Deliberative Process Privilege.* Activities performed on behalf of the DARC and DARC committees by the DARC staff, and DoD personnel tasked with providing input to the DARC, are all part of rulemaking for DoD. Thus, DARC activities are subject to the deliberative process privilege. This privilege permits the Government to withhold materials relating to policy formulation from public disclosure. The purpose of this privilege is to encourage open and independent discussion among those who develop Government policy. Any records (including files, E-mails, or any other documents) created by the DARC staff and DoD personnel tasked with providing input to the DARC (including DARC members, DARC committee members or committee counsels in fulfilling their duties, and DoD personnel tasked with providing input) are part of the work-product of the DARC and are therefore subject to this privilege. All participants

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in the process must therefore assure that they do not distribute records in a manner that results in public disclosure.

(B) Attorney-Client Privilege. The attorney-client privilege protects from public disclosure those matters that are the subject of confidential communications between the attorney and the committee members, DARC members, or DARC staff as representatives of the client.

(C) Attorney Work-Product Privilege. The work-product privilege protects from public disclosure materials (e.g., legal advice, work-product) prepared by, or for, the attorney in connection with matters on which DoD might face litigation.

More than one of these privileges may be applicable concurrently. These privileges are applicable in various circumstances, including FOIA (Freedom of Information Act) requests and litigation, even when the DoD is not a party to the litigation.

Markings: To ensure that all parties are aware of protected status of DARC documents, all DARC documents pertaining to rulemaking, including emails and Committee documents, shall be marked with the following legend:

"THIS IS A DARC DOCUMENT SUBJECT TO PRIVILEGES AGAINST DISCLOSURE. FURTHER DISTRIBUTION OF THIS DOCUMENT IS LIMITED TO WITHIN THE GOVERNMENT, ONLY FOR THE FURTHERANCE OF DARC RULEMAKING ACTIVITIES, AND MUST INCLUDE THIS LEGEND."

Waiver: The Committee members do not have the authority to waive any applicable privileges on behalf of the Government. When a committee member believes that a waiver of applicable privileges is necessary, that member shall notify the DARC Director, who will take any appropriate action.

9. DFARS Committee Operating Guide Updates

a. Requesting changes

Requested changes to this guide should be submitted by email to the DFARS Committee Operating Guide editor at DFARS@OSD.mil, and should include the subject line: "DFARS

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Operating Guide". Updates to this DFARS Operating Guide shall be considered for approval when four changes have been requested or six months have elapsed since the last update, unless the requested change is of a critical nature.

b. Summary of revisions

A summary of revisions made to the guide are shown below:

Version 1: Initial Guide

Version 2: Changes are as follows:

1. Revised the draft sample report to eliminate the specific name of the DARC chair.
2. Added coverage on the roles and responsibilities for committee legal support.
3. Added coverage on the disclosure of DARC materials.
4. Clarified responsibilities of DARC Council members vs. case managers in regards to drafting CMR's for cases.
5. Added an E-Business Systems Checklist so that the systems personnel will be notified regarding DFARS revisions are being made that will impact those systems.
6. Added an attachment on the proper use of asterisks.
7. Revised the CMR document to change "Assessment" to "Timeline". This provides a more accurate description of what the team is required to provide.

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Report Format

Date

**MEMORANDUM FOR: DIRECTOR, DEFENSE ACQUISITION REGULATIONS
COUNCIL (DARC)**

**THRU DARC Policy Member [Only for chairs from the
Services, DLA, or DCMA:]**

SUBJECT: (Same as subject line in tasking CMR)

1. Case Summary. Provide a synopsis of the case (e.g., the date the committee was tasked, a description of the tasking, and the report date).

2. Recommendation. Summarize the committee's recommendations, including proposed DFARS and/or PGI changes (attach the proposed DFARS and PGI language as TAB A and TAB B, respectively).

3. Background. Define the problem and issues, including any redefinition of the problem, if appropriate. Identify any information required to place the case in appropriate context.

4. Discussion and Analysis. Address all relevant issues in the committee's deliberation, including-

a. A thorough analysis of all issues associated with the case and the complete rationale for the recommended action;

b. An explanation of each proposed DFARS and/or PGI revision;

c. A recommendation as to whether or not any proposed provisions or clauses should be applicable to the procurement of commercial items;

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d. An explanation of any special requirement to delay the effective date of the proposed revision, such as time needed to conduct intensive training on a complex revision, or time required to reprogram automated systems; and

e. When analyzing public comments on a proposed or interim rule, a thorough review and analysis of all comments for incorporation in the Federal Register notice for any resulting final (or second proposed or interim) rule. When duplicate or similar comments are received, comments shall be grouped and discussed by general topic. For each issue, the report should describe the comment and provide a team response in sufficient detail to fully understand the respondent's position and the committee rationale. The DARC Director will decide whether late comments should be considered. If late comments received before the committee completes its report are to be considered, they should be handled the same as timely comments. If late comments received after the committee completes its report are to be considered, the committee sponsor will task the committee to submit a report addendum.

Example-

DoD published the interim rule in the Federal Register at 70 FR 11740 on March 9, 2005, with a request for comments by May 9, 2005. One respondent submitted a comment in response to the interim rule. The comment is addressed below.

5. Alternative Approaches. Address all alternatives that the committee considered, including pros and cons of each. Identify any alternatives that might reduce the burden on small businesses and why the committee did not recommend them. Explain if there are no viable alternatives.

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a. Discuss how and to what degree the proposed change will affect Government and contractor operations. For the effect on the Government, address any impact on the contracting officer or the solicitation, negotiation, award, or administration process.

b. Identify, and quantify if possible, any expected cost impact to the Government or contractors resulting from the proposed change.

c. Provide an assessment of the impact of the proposed change on existing automated systems, if known.

7. Training. Address if DFARS and/or PGI changes warrant development of training material. Attach a completed training form to the Committee Report (Attachment 3).

8. Impact on Business Systems. Attach a completed business systems checklist to the committee Report (Attachment 7). This checklist is required for all cases to document the impact on business systems. However, in addition to this checklist, if the committee is aware that the case could have a significant impact on business systems, the committee chair should request the participation of business systems personnel during the development of the report.

9. Collateral Requirements.

a. Address if the changes are significant revisions (see FAR 1.501-1) that require public comment.

b. Identify if there will be any new or modified information collection requirements that may require OMB approval under the Paperwork Reduction Act.

c. If the Regulatory Flexibility Act (Act) applies, include the appropriate analysis as required by the Act as a TAB.

d. Provide the rationale if the committee determines that any of these statutory requirements are not applicable.

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10. Concurrences. Identify the committee member with lead responsibility for the report, list all members who participated in committee deliberations, and indicate which members concur. Provide an explanation of any minority opinions by voting or nonvoting members (attach copy of the minority opinion and other supporting documentation as a TAB). List as nonresponsive any members (or agencies, as appropriate) that failed to participate in committee deliberations or respond to requests for final coordination in a reasonable time.

11. Signature. The Committee Chair (or Acting Chair) dates and signs the report.

12. Enclosures. Include a complete list of enclosures identified as Tabs A, B, C, etc. Tabs may include, as applicable—

a. DFARS Text/Clauses: Submit recommended additions, deletions, or revisions to DFARS text and clauses as TAB A to the committee report. Cite the appropriate authority if the revisions are based on public law or Executive order. The baseline is always the current DFARS.

b. PGI Text/Training/Policy: Submit recommended additions, deletions, or revisions to PGI text, training, and/or policy as TAB B to the committee report (this should be TAB A if there are no recommended DFARS changes associated with the case). The baseline is always the current PGI.

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c. Minority Opinions: Provide minority opinion and rebuttal.

d. Matrix of Public Comments: Group public comments by topic area or category and indicate which of the respondents provided each comment. Include a table or matrix, similar to the following, which lists all respondents and tracks public comment categories to respondents.

List of respondents on (*Proposed or Interim*) Rule:

<u>Number</u>	<u>Name of Respondent</u>
1.	ABC, Incorporated
2.	R. L. Brown, Assoc.
3.	Parry and Sons
4.	Johnson and Jones, Ltd.

Matrix:

Respondent	Comment	
	A	B
1.	X	
2.	X	
3.	X	
4.	X	X

Comment:

A. The rule fails to address the direction in Section 1010 of the statute.

B. The information collection requirement is burdensome and unnecessary.

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Case Management Record

DFARS Case: 200X-XXX		Date Submitted: Enter Date
Title: Enter Case Title		
Recommended Due Date: _____		Insert date and check appropriate box
<input type="checkbox"/> Timeline	<input type="checkbox"/> Reclama	
<input type="checkbox"/> Coordination	<input type="checkbox"/> Report	
<input type="checkbox"/> Discussion	<input type="checkbox"/> Other	
Priority 1 or 2*	Submitted By Identify person submitting CMR	Origination Code Enter Code**
Case Manager(s) Enter DARC case manager		Case References Enter any applicable case references
DFARS/PGI Cite Identify affected DFARS/PGI cites		
Cognizant Committee Identify Committee		
Coordination Identify organizations/parties that should be consulted		
<p>Recommended Actions:</p> <p>For a new case, provide background and other relevant summary information, including case timeline or date by which the assigned DFARS committee chair will provide a timeline.</p> <p>For a follow-on CMR to discuss a report submitted by a chair or case manager, identify the committee's recommended action (e.g., DARC discuss proposed, interim or final rule).</p> <p>Example for a new case: This is a new DFARS case to delete the Xxxx Program in DFARS xx.x. We are removing the DFARS coverage because the legislative authority for the Program terminated xxxxx xx, xxxx. Report due (or timeline for submitting report due) by xx/xx/xx.</p> <p>Example for follow-on CMRs on a case: Attached is the Xxxxxx Committee report dated xxxx xx, providing an analysis of the impact of the case. The Committee recommends a draft proposed DFARS rule as shown at TAB A. All Committee members concurred with the report.</p>		
<p>*Priorities: 1 = Statutory or very high priority; 2 = all other</p> <p>**Origination codes: A-Army;; D-DLA; E-Executive Branch (OFPP/OMB); F-Air Force; G-GAO; I-DoDIG; L-Legislation, M-DCMA; N-Navy; O-OSD; P-Public; R-DCAA.</p>		

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DFARS Case Training Form

Purpose of this form: To identify the DFARS cases that require Defense Acquisition University training curricula.

Date: _____ **Case No.** _____

Committee: _____

General Topic of Case:

Case Manager (Name/e-mail/phone number):

Training Required for DoD Contracting Workforce:

Yes _____ (Continue with rest of form)

No _____ (File form with case documentation)

Brief Description of Case (include scope, impact, etc.):

Training Mode Recommended (check one or more):

Rapid Deployment Training _____

Continuous Learning Module _____

Change to Contracting Course Curriculum _____

FAX to: Ray Ward (DAU) @ 703-805-3011

DFARS Case #:
Title:
DARC Case Manager:
Date Opened:

DFARS Case Business Systems Checklist

Please complete the following set of questions. If the answer is “Yes” to at least one of the questions, a copy of this checklist shall be provided to the Chair of the DFARS Streamlined Acquisitions/Information Technology Committee and to the offices identified below.

1. Does this case establish any new DFARS clauses/provisions? If so, list the new DFARS clauses/provisions.

Yes No

2. Does this case change the text of any DFARS clauses/provisions? If so, list the DFARS clauses/provisions.

Yes No

3. Does this case change the prescription of any DFARS clauses/provisions? If so, list the DFARS clauses/provisions.

Yes No

4. Does this case require collection of any data, or a change in collection of any data (e.g., changes in terms, definitions, thresholds or method of reporting data)? If so, describe the new or revised data collection requirement and state where it is located in the DFARS.

Yes No

DFARS Case Business Systems Checklist

5. Does this case affect anything in DFARS Part 204 (i.e., line item structure, contractual instrument identification, contract reporting requirements, etc.)? If so, list the specific section of DFARS Part 204 and what is affected.

Yes No

6. Does this case require a new DoD Standard Form, or change an existing Standard Form? If so, list the new or revised DoD Standard form.

Yes No

7. Does this case create a new or modified DoD reporting requirement? If so, state the FAR section that imposes the new or modified DoD reporting requirement.

Yes No

Send completed document by E-mail to:

- Defense Procurement & Acquisition Policy (DPAP) / Policy – Teresa.brooks@osd.mil
- Business Transformation Agency (BTA) / Transformation Priorities & Requirements – lisa.romney@bta.mil

Use of Asterisks

If you add or revise only certain units of a section, the amendatory language must state exactly which units are added or revised, and only those units are printed. Use asterisks to represent text which is not changed.

Use of 5 asterisks. Use 5 asterisks to show that a whole paragraph, including its subordinate paragraphs, is not changed.

In this example, the 5 asterisks before revised paragraph (d) show that paragraphs (a), (b) and (c) remain unchanged. The 5 asterisks that follow revised paragraph (d) show that the remaining text in the section is also unchanged.

Example: Use of 5 asterisks.

Revise paragraph (d) of 166.15 to read as follows:

166.15 State status.

* * * * *

(d) The following States issue licenses under cooperative agreements with the Animal and Plant Health Inspection Service, but do not have primary enforcement responsibility under the Act: Kentucky, Maryland, Puerto Rico, Texas, and Washington.

* * * * *

Use of 3 asterisks. Use 3 asterisks when you change text at a subordinate level. This shows that the higher level paragraphs remain unchanged.

In this example, the 5 asterisks before paragraph (b) show that paragraph (a) remains unchanged. The 3 asterisks following "(b)" show that (b)(1) through (b)(4) remain unchanged, and the 3 asterisks following "(5)" show that the introductory text of (b)(5) is unchanged.

The 5 asterisks that follow revised paragraph (b)(5)(i) show that the remaining text in the section is unchanged.

Example: Use of 3 asterisks.

Revise 202.3(b)(5)(i) to read as follows:

202.3 Registration of copyright.

* * * * *

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(b) * * *

(5) * * *

(i) The Library of Congress receives two complimentary copies promptly after publication of each issue of the serial.

* * * * *

We strongly recommend that you use no more than 3 paragraph levels. Use of more than 3 paragraph levels makes your rule hard to read and use.

The smallest unit you may revise is a sentence. When you revise only a sentence of a paragraph, use 3 asterisks to show that the remaining sentences in the paragraph are unchanged.

Example:

Revise the first sentence of 416.916 to read as follows:

416.916 What will happen if I fail to submit medical and other evidence?

You (and, if you are a child, your parent, guardian, relative, or other person acting on your behalf) must cooperate in furnishing us with, or in helping us to obtain or identify, available medical or other evidence about your impairment(s). * * *

Example: Use of both 3 and 5 asterisks in the same document.

PART 216--REGULATIONS GOVERNING THE TAKING Part Heading AND IMPORTING OF MARINE MAMMALS

1. The authority citation for part 216 Authority Citation continues to read as follows:

Authority: 16 U.S.C. 1361-1407.

2. Revise paragraph (b)(1)(v), the Amendatory Language first sentence of paragraphs (b)(3) and (c)(2), and paragraph (c)(4)(i) introductory text; and add paragraph (b)(1)(vi) to 216.24 to read as follows:

216.24 Taking and related acts Section Heading incidental to commercial fishing operations.

* * * * * Indicates Paragraph (a) Unchanged

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(b) * * *	Indicates Paragraph (b) Introductory Text Unchanged
(1) * * *	Indicates Paragraphs (b)(1) Introductory Text And (b)(1)(I) through (Iv) Unchanged
(v) Category 5: Other gear. Commercial fishing operations utilizing trolling, gillnets, hook and line gear, and any gear not classified under paragraphs (b)(1)(i) and (b)(1)(ii) of this section.	Revises Paragraph (b)(1)(v)
(vi) Category 6: Commercial passenger fishing vessel operation. Commercial fishing operations from a commercial passenger fishing vessel for the purpose of active sport fishing as defined in 216.3.	Adds Paragraph (b)(1)(vi)
* * * * *	Indicates Paragraph (b)(2) Unchanged
(3) Submit the original and two copies of the application for general permit to the Assistant Administrator. * * *	Revises First Sentence of Paragraph (b)(3) Indicates Remainder of Paragraph (b)(3) Unchanged
* * * * *	Indicates Paragraphs (b)(4) through (7) Unchanged
(c) * * *	Indicates Paragraph (c) Introductory Text and (c)(1) Unchanged
(2) Operator's certificate of inclusion. You must hold a valid operator's certificate of inclusion if you are the person in charge of and actually controlling fishing operations (after this referred to as the operator) on a vessel engaged in commercial fishing operations for which a Category 2 or Category 6 general permit is required under this subpart. You may not transfer this certificate. You have a valid certificate only for a vessel having a valid vessel certificate of inclusion for the same	Revises Paragraph (c)(2).

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category. In order to receive a certificate of inclusion, the operator must satisfactorily complete required training. You must renew your operator's certificate of inclusion annually.

* * * * *

Indicates Paragraph
(c)(3) Unchanged

(4) * * *

Indicates Paragraph
(c)(4) Introductory
Text Unchanged

(i) Category 1, 3, 4, 5, and 6
applications:

Revises Paragraph
(c)(4)(i)
Introductory Text

* * * * *

Indicates Remainder of
Section Unchanged