

DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Chapter 1

[Docket FAR—2007—0002, Sequence 7]

**Federal Acquisition Regulation;
Federal Acquisition Circular 2005–22;
Small Entity Compliance Guide**

AGENCIES: 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 the
Secretary of Defense, the Administrator
of General Services and the
Administrator of the National
Aeronautics and Space Administration.
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 rules
appearing in Federal Acquisition
Circular (FAC) 2005–22 which amend

the FAR. An asterisk (*) next to a rule
indicates that a regulatory flexibility
analysis has been prepared. Interested
parties may obtain further information
regarding these rules by referring to FAC
2005–22 which precedes this document.
These documents are also available via
the Internet at [http://
www.regulations.gov](http://www.regulations.gov).

FOR FURTHER INFORMATION CONTACT
Laurieann Duarte, FAR Secretariat, (202)
501-4225. For clarification of content,
contact the analyst whose name appears
in the table below.

LIST OF RULES IN FAC 2005–22

Item	Subject	FAR case	Analyst
I	Implementation of Section 104 of the Energy Policy Act of 2005	2006–008	Clark.
II	Contractor Code of Business Ethics and Conduct	2006–007	Woodson.

SUPPLEMENTARY INFORMATION:

Summaries for each FAR rule follow.
For the actual revisions and/or
amendments to these FAR cases, refer to
the specific item number and subject set
forth in the documents following these
item summaries.

FAC 2005–22 amends the FAR as
specified below:

**Item I—Implementation of Section 104
of the Energy Policy Act of 2005 (FAR
Case 2006–008)**

This final rule implements Section
104 of the Energy Policy Act of 2005.
Section 104 requires that all
acquisitions of energy consuming-
products and all contracts that involve
the furnishing of energy-consuming
products require acquisition of ENERGY

STAR® or Federal Energy Management
Program (FEMP) designated products.
The final rule provides a clause for the
Contracting Officer to insert in
solicitations and contracts to ensure that
suppliers and service and construction
contractors recognize when energy-
consuming products must be ENERGY
STAR® or FEMP-designated.

**Item II—Contractor Code of Business
Ethics and Conduct (FAR Case 2006–
007)**

This final rule amends Federal
Acquisition Regulation (FAR) Parts 2, 3,
and 52 to address the requirements for
a contractor code of business ethics and
conduct and the display of Federal
agency Office of the Inspector General
(OIG) Fraud Hotline Posters. In response

to public comments, this final rule
reduces the burden on small entities by
making the requirements for a formal
training program and internal control
system inapplicable to small businesses.
If a small business subsequently finds
itself in trouble ethically during the
performance of a contract, the need for
a training program and internal controls
will likely be addressed by the Federal
Government at that time, during a
criminal or civil lawsuit or debarment
or suspension.

Dated: November 16, 2007.

Al Matera,

Director, Office of Acquisition Policy.

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