

FAC 2005-27 is summarized below and includes whether any DOE supplemental guidance will be issued.

Item I -- Correcting Statutory References Related to the Higher Education Act of 1965

(FAR Case 2007-020) (Final) 48 CFR Parts 2 and 52

Effective date: October 17, 2008.

This final rule amends the Federal Acquisition Regulation (FAR) to correct references to sections of the Higher Education Act of 1965 at FAR 2.101 and 52.2. These sections of the Act contain the definitions of minority institution and Hispanic-serving institution. The citations for these sections changed when the Higher Education Act of 1965 was amended by the Higher Education Amendments of 1998. This final rule updates the FAR accordingly. *No additional DOE supplemental guidance will be issued.*

Item II -- Changing the Name of the Office of Small and Disadvantaged Business Utilization for DoD

(FAR Case 2008-001) (Final) 48 CFR Parts 2 and 19

Effective date: October 17, 2008

This final rule amends the FAR to change the name of the “Office of Small and Disadvantaged Business Utilization” to the “Office of Small Business Programs” for the Department of Defense. Section 904 of the National Defense Authorization Act for Fiscal Year 2006, Public Law 109–163, re-designated the “Office of Small and Disadvantaged Business Utilization” to the “Office of Small Business Programs” for the Department of Defense, and the Departments of the Army, the Navy, and the Air Force. The office name change, as well as the change in the title of the director of the office, must be noted in the FAR. This case amends the FAR to make the necessary changes. *The DEAR part 919 will be revised in total to include incorporation of this designation as applicable.*

Item III -- Administrative Changes to the FPI Blanket Waiver and the JWOD Program Name

(FAR Case 2007-015) (Final) 48 CFR Parts 4, 8, 9, 18, 44, and 52

Effective date: October 17, 2008

This final rule amends the FAR to increase the blanket waiver threshold for small dollar-value purchases from Federal Prison Industries (FPI) by Federal agencies and to change the name of the JWOD Program to the AbilityOne Program. The FAR change reflects the threshold increase from \$2,500 to \$3,000. No waiver is required to buy from an alternative source below \$3,000. Customers may, however, still purchase from FPI at, or below, this threshold, if they so choose. *No additional DOE supplemental guidance will be issued.*

Item IV – Local Community Recovery Act of 2006

(FAR Case 2006-014) (Final) 48 CFR Parts 5, 6, 12, 18, 26, and 52

Effective date: October 17, 2008

This final rule amends the FAR implementing amendments to the Robert T. Stafford Disaster Relief and Emergency Assistance Act at 42 U.S.C. 5150. The Local Community Recovery Act of 2006 amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize set-asides for major disaster or emergency assistance acquisitions to businesses that reside or primarily do business in the geographic area affected by the disaster or emergency. Subsequently, Section 694 of the Department of Homeland Security Appropriations Act of 2007, Pub. L. 109-295, amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enact requirements for transitioning work under existing contracts. *The DEAR part 926 will be revised in total to include incorporation of this rule as applicable.*

Item V – Additional Requirements for Competition Advocate Annual Reports

(FAR Case 2007-007) (Final) 48 CFR Part 6

Effective date: October 17, 2008

This final rule amends the FAR to require that annual reviews by executive agency competition advocates be provided in writing to both the agency senior procurement executive and the agency chief acquisition officer, if designated, and that the reports specifically address the quality of planning, executing, and managing of task and delivery orders over \$1 million. The Administrator of the Office of Federal Procurement Policy (OFPP) issued a memorandum dated May 31, 2007, entitled "Enhancing Competition in Federal Acquisition", to executive agency chief acquisition officers and senior procurement executives that outlined several initiatives for enhancing competition in Federal acquisition. The agency competition advocates are required to describe initiatives that ensure task and delivery orders over \$1,000,000 issued under multiple award contracts are properly planned, issued, and comply with 8.405 and 16.505 in a report to the agency senior procurement executive and the agency chief acquisition officer. *DOE Competition Advocate and NNSA Competition Advocate will issue additional guidance as needed.*

Item VI – Contract Debts

(FAR Case 2005-018) (Final) 48 CFR Parts 12, 13, 32, 33, 36, 42, and 52

Effective date: October 17, 2008

This final rule amends the FAR to revise the policies and procedures for contract debts. The rule reorganizes FAR 32.6 to add clarity and provide a logical sequence. *A DEAR rule will update the numbering of the DEAR from 932.605 to 932.602 to conform to the FAR.*

Item VII – Subcontractor Request for Bonds

(FAR Case 2007-022) (Final) 48 CFR Part 12

Effective date: October 17, 2008

This final rule amends the FAR to clarify that the clause "Prospective Subcontractor Requests for Bonds" does not apply to commercial items. *No additional DOE supplemental guidance will be issued.*

Item VIII – Extension of authority for Use of Simplified Acquisition Procedures for Certain Commercial Items

(FAR Case 2008-002) (Final) 48 CFR Part 13

Effective date: September 17, 2008

This final rule amends the FAR to implement Section 822 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110-181). Section 822 amends Section 4202(e) of the Clinger-Cohen Act of 1996 (division D of Pub. L. 104-106; 110 Stat. 652; 10 U.S.C. 2304 note) by extending until January 1, 2010, the timeframe in which an agency may use simplified procedures to purchase commercial items in amounts greater than the simplified acquisition threshold, but not exceeding \$5,500,000 (\$11 million for acquisitions as described in 13.500(e)). *No additional DOE supplemental guidance will be issued.*

Item IX – Enhanced Competition for Task and Delivery Order Contracts – Section 843 of the Fiscal Year 2008 National Defense Authorization Act

(FAR Case 2008-006) (Interim) 48 CFR Part 13

Effective date: September 17, 2008 Public comments are due November 17, 2008.

This interim rule amends the FAR to implement the Fiscal Year 2008 National Defense Authorization Act, Section 843 "Enhanced Competition for Task and Delivery Order Contracts" (FY08 NDAA). Section 843 of the FY08 NDAA stipulates several requirements regarding enhancing competition within Federal contracting.

Applicability date: FAR 16.503 and 16.504, as amended by this rule, are applicable to single award task or delivery order contracts awarded on or after May 27, 2008. FAR 16.505, as amended by this rule, is applicable to orders awarded on or after May 27, 2008 on existing contracts as well as new contracts. *Additional DOE supplemental guidance and/or training may be provided during FY 09.*

Item X – Online Representations and Certifications Application Review

(FAR Case 2006-025) (Final) 48 CFR Part 23

Effective date: September 17, 2008

This final rule amends the FAR to revise the prescription for use of clauses for the use of Environmental Protection Agency-designated products and toxic chemical release reporting. The interim rule is adopted as final, without change. *No additional DOE supplemental guidance will be issued.*

Item XI – Cost Accounting Standards (CAS) Administration and Associated Federal Acquisition Regulation Clauses

(FAR Case 2007-002) (Interim) 48 CFR Part 30 and 52

Effective date: October 17, 2008 Public comments are due November 17, 2008.

This interim rule amends the FAR to revise the contract clauses related to the administration of the Cost Accounting Standards (CAS) to maintain consistency between the FAR and CAS. *No additional DOE supplemental guidance will be issued.*

Item XII – CAS Administration

(FAR Case 2006-004) (Final) 48 CFR Part 30 and 52

Effective date: October 17, 2008

This final rule amends the FAR to implement revisions to the regulations related to the administration of the Cost Accounting Standards (CAS) as they pertain to contracts with foreign concerns, including United Kingdom (U.K.) concerns. The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed to adopt a proposed rule, published in the Federal Register at 71 FR 58338, October 3, 2006, as a final rule, with minor changes. The minor changes to 30.201-4(c) clarify that clause 52.230-4 need not be included in contracts with foreign concerns otherwise exempt from CAS coverage, and that foreign concerns do not include foreign governments, or their agents or instrumentalities. *No additional DOE supplemental guidance will be issued.*

Item XIII – Accepting and Dispensing of \$1 Coin

(FAR Case 2006-027) (Final) 48 CFR Part 37 and 52

Effective date: September 17, 2008

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed to adopt as final, with change, the interim rule amending the FAR) to implement Section 104 of the Presidential \$1 Coin Act of 2005. Section 104 requires that entities that operate any business on any premises owned or controlled by the United States be capable of accepting and dispensing \$1 coins on January 1, 2008. Subsequent to this, Pub. L. 110-147 amended 31 U.S.C. 5112(p)(1)(A), to allow an exception from the \$1 coin dispensing capability requirement for vending machines that do not receive currency denominations greater than \$1.

Applicability Date: This rule applies to all service contracts that involve business operations conducted in U.S. coins and currency, including vending machines, on any premises owned by the United States or under the control of any agency or instrumentality of the United States. The clause shall be placed in all such solicitations and contracts on and after the effective date of this rule. Those applicable contracts in existence before January 1, 2008, that do not already have the clause shall be modified to include the clause; those contracts that have the August 2007 edition of the clause shall be modified if the contractor requests, to include the newer version contained in this

FAC, without requiring consideration from the contractor. *No additional DOE supplemental guidance will be issued.*

Item XIV – Technical Amendments

48 CFR Part 15 and 52

Effective date: September 17, 2008

This document makes amendments to the FAR in order to make editorial changes to FAR 404-1 and 52.212-5. *No additional DOE supplemental guidance will be issued.*

Attachment 2 is the FAC 2005-27.