

DFARS Change Notice 20020426

DoD published 1 proposed, 2 interim, and 4 final DFARS rules in the Federal Register on April 26, 2002. The interim and final rules apply to solicitations issued on or after April 26, 2002, except as otherwise permitted by FAR 1.108(d). The proposed and interim rules solicit public comments, which are due by June 25, 2002. A summary of each rule follows:

Interim Rules:

Competition Requirements for Purchases from a Required Source (DFARS Case 2002-D003)

This interim rule requires departments and agencies to conduct market research before purchasing a product listed in the Federal Prison Industries (FPI) Schedule, to determine whether the FPI product is comparable to products available from the private sector that best meet the Government's needs in terms of price, quality, and time of delivery. If the FPI product is not comparable, the contracting officer must use competitive procedures to acquire the product and must consider a timely offer from FPI.

Affected subparts/sections: DFARS Table of Contents; Part 208 Table of Contents; 208.6; Part 210 Table of Contents; 210.0

The Federal Register notice for this rule is available [here](#).

A Microsoft Word format document showing all additions and deletions made by this rule is [here](#).

Codification and Modification of Berry Amendment (DFARS Case 2002-D002)

This interim rule amends policy pertaining to requirements for the acquisition of domestic food, clothing, fabrics, specialty metals, and hand or measuring tools. The rule updates statutory references in the DFARS text, and clarifies the DFARS text by specifying that (1) the domestic source requirements apply to listed items acquired either as end products or as components of end products; and (2) for foods manufactured or processed in the United States, an exception to the domestic source requirement applies regardless of where the foods (and any component) were grown or produced.

Affected subparts/sections: 225.70; 252.212; 252.225

The Federal Register notice for this rule is available [here](#).

A Microsoft Word format document showing all additions and deletions made by this rule is [here](#).

Final Rules:

Changes to Profit Policy (DFARS Case 2000-D018)

This final rule amends profit policy to reduce the emphasis on facilities investment, add general and administrative expense to the cost base used in determining profit objectives, increase emphasis on performance risk, and encourage contractor cost efficiency.

Affected subparts/sections: Part 215 Table of Contents; 215.4

The Federal Register notice for this rule is available [here](#).

A Microsoft Word format document showing all additions and deletions made by this rule is [here](#).

Balance of Payments Program (DFARS Case 2000-D020)

This final rule adds DFARS policy on the Balance of Payments Program to replace FAR policy on this subject that is being eliminated. The Balance of Payments Program provides a preference for the acquisition of domestic supplies and construction materials for use outside the United States.

Affected subparts/sections: DFARS Table of Contents; Part 225 Table of Contents; 225.0; 225.3; 225.11; 225.75; Part 252 Table of Contents; 252.225

The Federal Register notice for this rule is available [here](#).

A Microsoft Word format document showing all additions and deletions made by this rule is [here](#).

NAFTA Procurement Threshold (DFARS Case 2002-D007)

This final rule implements the determination of the U.S. Trade Representative to increase the dollar threshold for application of the North American Free Trade Agreement to procurement of supplies from Mexico, from \$54,372 to \$56,190.

Affected subparts/sections: 225.11

The Federal Register notice for this rule is available [here](#).

A Microsoft Word format document showing all additions and deletions made by this rule is [here](#).

**Research and Development Streamlined Contracting Procedures
(DFARS Case 2001-D002)**

This final rule eliminates the requirement for posting of solicitations at the Research and Development Streamlined Solicitation/Contract website. Posting of solicitations at this website is no longer necessary, because contracting activities now make proposed contract actions available to the public through the Governmentwide point of entry (FedBizOpps).

Affected subparts/sections: 235.70

The Federal Register notice for this rule is available [here](#).

A Microsoft Word format document showing all additions and deletions made by this rule is [here](#).

Proposed Rule:

Foreign Military Sales Customer Involvement (DFARS Case 2002-D005)

This proposed rule adds policy regarding the participation of foreign military sales (FMS) customers in the development of contracts that DoD awards on their behalf. The objective is to provide FMS customers with more visibility into the contract pricing and award process, while protecting against unauthorized disclosure of contractor proprietary data.

The Federal Register notice for this rule is available [here](#).

A Microsoft Word format document showing all additions and deletions proposed by this rule is [here](#).