



Open FAR Cases

as of October 05, 2012

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Case Number	Part Number	Title	Synopsis	Status
2012-033	12, 13, 16, 17, 18, 19, 2, 26, 32, 4, 52, 8, 9	System for Award Management Name Change, Phase 1 Implementation	This case provides updates to align with name changes pursuant to phase one of the System for Award Management (SAM) database implementation which was initiated on July 29, 2012. Phase 1 transition included the Central Contractor Registration database, the Online Representations and Certification Application, and the Excluded Parties Listing System.	09/12/2012 DARC Director tasked FAR Level Staff to review draft FAR revisions submitted by OSD/PDI. Report due 10/10/2012.
2012-032	46	(S) Higher-Level Contract Quality Requirements	Revises part 46 to Implement portion of section 818 of NDAA for FY 2012 requirements to provide a defined higher-level quality standard specific to "critical application items."	08/30/2012 FAR principals opened case for staff level proposed FAR rule. DAR staff processing.
2012-031		Accelerated Payment to Small Business Subcontractors	Implements OMB Policy memorandum M-12-16, providing Prompt Payment to Small Business Subcontractors, dated July 11, 2012.	07/25/2012 DARC Director tasked Acquisition Finance Team to draft interim FAR rule. Report Due 8/29/2012. Report Due 9/26/2012 (1st ext.) Report Due 10/10/2012 (2nd ext.)
2012-030	25, 4, 52	(S) Iran Threat Reduction	Implements section 311 and other applicable sections of titles II and III of Pub.L. 112-158, Iran Threat Reduction and Syria Human Rights Act of 2012.	10/02/2012 Draft interim FAR rule from FAR analyst to CAAC Legal. CAAC Legal reviewing. 10/3/2012, Received DoD Approval to Publish.
2012-029	1.106, 12.301, 13.302-5, 2.101, 4.4, 52.204, 52.212, 52.244	Contractor Access to Protected Information	Addresses contractor access to protected information, i.e., information provided by the Government (other than public information), generated for the Government, or provided by a third party and marked by the provider to indicate that protection is required.	10/04/2012 Draft proposed FAR rule from FAR analyst to OFPP. OFPP reviewing.
2012-028	42	(S) Contractor Comment Period--Past Performance Evaluations	Implements Governmentwide section 806(c) of Pub. L. 112-81 (NDAA for FY 2012), allowing contractors 14 calendar days to rebut past performance evaluations and requiring that past performance evaluations be included in the database within 14 days.	09/11/2012 OFPP identified draft proposed FAR rule issues. FAR and DAR staff responded to all issues 09/14.
2012-027	25.003, 25.11, 25.4, 252.212, 252.225	Free Trade Agreement--Panama	Implements the United States--Panama Trade Promotion Agreement, enacted into U.S. law on October 21, 2011 (Pub. L. 112-43).	07/19/2012 OIRA cleared interim FAR rule. FAR staff processing.

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Case Number	Part Number	Title	Synopsis	Status
2012-025		(S) Applicability of the Senior Executive Compensation Benchmark	Proposes retroactive implementation of section 803 of the National Defense Authorization Act for Fiscal Year 2012 (Pub L 112-81), which extends the limitation on allowability of compensation for certain contractor personnel from senior executives to all DoD, NASA and Coast Guard contractor employees.	09/19/2012 CAAC Chair sent draft proposed FAR rule to OIRA. OIRA reviewing.
2012-024	12.3, 4.12, 4.17, 52.2	Commercial and Government Entity Code	This case proposes the use of Commercial and Government Entity (CAGE) codes (NCAGE if foreign) for awards valued greater than the micropurchase threshold, and identification of the immediate corporate/organization parent and highest level corporate/organization parent during Central Contractor Registration (CCR). The goal is to provide for standardization across the Federal government, to facilitate data collection, and to support anti-counterfeiting efforts to uniquely identify vendors below the prime level.	08/29/2012 DARC agreed to draft proposed FAR rule. DAR staff processing.
2012-023	4.16, 4.6	Uniform Procurement Identificaiton	This case proposes (1) the use of Activity Address Codes (AACs) as the unique identifier for contracting offices and other offices in standard procurement transactions and (2) a standard for unique Procurement Instrument Identification Numbers (PIINs) and Supplementary Procurement Instrument Identification Numbers (SPIINs). The goal is to provide for standardization across the Federal government and to facilitate data tracking and collection.	09/17/2012 Case on hold at the direction of the FAR Principals pending analysis and coordination with other spending communities and governing boards.
2012-022	19	Contracts under the Small Business Administration 8(a) Program	This rule revises and/or clarifies FAR subpart 19.8 - "Contracting with the Small Business Administration (The 8(a) Program)"	10/03/2012 DARC received Acquisition Small Business Team draft proposed FAR rule from DAR staff. Discuss on 10/17/2012.
2012-018	15.404-1	Price Analysis Techniques	Clarifies at FAR 15.404-1(b)(2)(i) the use of the price analysis technique at 15.403-1(c)(1)(i) in order to establish a fair and reasonable price.,	09/26/2012 DARC Director tasked Finance Team to review public comments, draft final FAR rul). Report due 10/31/2012.
2012-017		(S) Expansion of Applicability of the Senior Executive Benchmark	Implements Section 803 of the National Defense Authorization Act for Fiscal Year 2012 (Pub L 112-81), which extends the limitation on allowability of compensation for certain contractor personnel from senior executives to all DoD, NASA and Coast Guard contractor employees.	09/19/2012 CAAC Chair sent draft interim FAR rule to OIRA. OIRA reviewing.

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Case Number	Part Number	Title	Synopsis	Status
2012-016	52.228-3	Defense Base Act	Revises FAR 52.228-3, Workers' Compensation Insurance (Defense Base Act), to ensure contractors are aware of their legal responsibilities to promptly report injuries to the Department of Labor, and pay injured employees in a timely manner.	08/06/2012 CAAC Legal concurrence with draft proposed FAR rule. FAR staff preparing to send to OFPP.
2012-015	19	Small Business Set-Asides for Research and Development Contracts	Clarifies language regarding the use of small business set-asides for R&D contracts.	08/10/2012 Published proposed FAR rule in Federal Register (77 FR 47797). Public comment period ending 10/09/2012 has been extended to November 7, 2012.
2012-014	19	Small Business Status Protests and Appeals	Amends the FAR to clarify procedures for initial appeal and eligibility decisions for all small business programs	09/10/2012 Draft proposed FAR rule from FAR analyst to CAAC Legal. CAAC Legal reviewing.
2012-013	52.209-10, 52.212-5, 9.108	(S) Prohibition Against Contracting with Inverted Domestic Corporations	Implements section 738 of the Consolidated Appropriations Act 2012 (Pub. L. 112-74), Division C, Title VII. Section 738 prohibits use of FY 2012 funds for contracts with any foreign entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such entity.	09/20/2012 Draft final FAR rule from FAR analyst to OFPP. OFPP reviewing.
2012-012	25.003, 25.4, 52.212, 52.225	Free Trade Agreement--Colombia	Implements the United States--Colombia Trade Promotion Agreement enacted into U.S. law on October 21, 2011 (Pub. L. 112-042). Effective May 15, 2012.	09/13/2012 Draft final FAR rule from FAR analyst to OFPP. OFPP reviewing.
2012-010	17.5	(S) Interagency Acquisitions: Compliance by Non-Defense Agencies with Defense Procurement Requirements	Implements section 817 of the FY12 NDAA (Pub. L. 112-81), which amends section 801(d) of the NDAA for FY 2008 (U.S.C. 2304 note), Compliance with Defense Procurement Requirements. The amendment clarifies compliance requirements by non-defense agencies when procuring property and services on behalf of DoD.	10/02/2012 Interim FAR rule to FARSEC for preparation of FAC.
2012-009	42.15	(S) Documenting Contractor Performance	Implements parts of section 806 of NDAA for FY 2012 (Pub. L. 112-81).	09/06/2012 Published second proposed FAR rule in Federal Register (77 FR 54864). Public comment period ends 11/05/2012.

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Case Number	Part Number	Title	Synopsis	Status
2012-007	16.5	(S) Extension of Sunset Date for Protests of Task and Delivery Orders	Implements section 813 of the NDAA for FY 2012 (Pub. L. 112-81), which extends the sunset date for protests against the award of task and delivery orders for Title 41 civilian agencies to September 30, 2016.	10/03/2012 No public comments received. Proposed final rule sent to DARC for reclama on 10/10/2012.
2012-006	49, 52	Grounds for Termination for Default	Considers grounds for contract termination for default.	07/10/2012 Case on hold at the direction of Director, DPAP, pending further research.
2012-001	10, 11, 12, 13, 16, 17, 2, 3, 35, 37, 4, 42, 7, 8	Performance of Inherently Governmental and Critical Functions	Implements OFPP Policy Letter 11-01, Performance on Inherently Governmental and Critical Functions (76 FR 56227), published on September 12, 2011.	09/04/2012 Draft proposed FAR rule from FAR analyst to OFPP. OFPP reviewing.
2011-029	25.3, 52.225	(S) Contractors Performing Private Security Functions	Implements section 862 of the NDAA for FY 2009 (Pub.L. 110-181), section 853 of the NDAA for FY 2009 (P.L. 110-417) and sections 831 and 832 of the NDAA for FY 2011 (Pub.L. 111-383), and MOU signed by DoD, State, and U.S. AID, to provide (1) regulations addressing selection, training, equipping, and conduct of personnel performing private security functions in areas of contingency operations; (2) a contract clause, and (3) remedies.	09/27/2012 DARC Director tasked Acquisition Environmental and Labor Law Team to review public comments, draft final FAR rule. Report due 10/31/2012.
2011-028	22.001, 22.1001, 22.12, 52.212-5, 52.222	Nondisplacement of Qualified Workers	Implements Department of Labor regulation (76 FR 53720, August 30, 2011) implementing Executive Order 13495, Nondisplacement of Qualified Workers Under Service Contracts (January 30, 2009), to provide for transition of qualified workers from predecessor contracts to successor contracts for services.	09/11/2012 Draft final FAR rule from FAR analyst to OFPP. OFPP reviewing.
2011-025	12.207, 16.505, 16.601, 8.404	Changes to Time-and-Material and Labor-Hour Contracts and Orders	Provides additional guidance addressing the actions required when raising the ceiling price or otherwise changing the scope of work for a T&M/LH contract or order.	10/03/2012 DARC Director tasked Planning and Methods Team to draft final FAR rule. Report due 10/31/2012.
2011-024	16, 19, 38, 52.219-27, 52.219-29, 52.219-3, 52.219-30, 52.219-6, 8	(S) Set-Asides for Small Business	Provides initial implementation of section 1331 of the Small Business Jobs Act (PL 111-240) to provide authority to set-aside part or parts of multiple-award contracts, and task and delivery orders under multiple-award contracts. Further implementation will follow, pending issuance of SBA regulations.	04/27/2012 Case on hold at the direction of FAR principals, pending finalization of SBA regulations.

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Case Number	Part Number	Title	Synopsis	Status
2011-023	28.204-3, 52.228-14	Irrevocable Letters of Credit	Removes FAR reference to OFPP Pamphlet No. 7, which implements OFPP Policy Ltr 91-4, and which was rescinded by 65 FR 16968 on Mar 30, 2000. Considers whether additional FAR guidance is necessary to replace the guidance in the rescinded OFPP pamphlet.	07/17/2012 DAR staff notified FAR staff of DARC differences from CAAC suggested changes. DAR and FAR staff resolving draft proposed FAR rule open issues.
2011-020	12.301, 2.101, 4.16, 42.3, 52.204-XX, 7.105	Basic Safeguarding of Contractor Information Systems	Addresses safeguarding of unclassified information that does not meet the standard for National Security classification under Executive Order 12958, as amended. It addresses unclassified information that is pertinent to the national interests of the United States or originated by entities outside the U.S. Federal Government, and under law or policy requires protection from disclosure, special handling safeguards, and prescribed limits on exchange or dissemination.	08/24/2012 Published proposed FAR rule in Federal Register (77 FR 51496). Public comment period ends 10/23/2012.
2011-019	31.205	Updated Post Retirement Benefit References	Corrects inconsistencies in FAR 31.205-6(o)(2)(iii)(A) regarding references to Financial Accounting Standards (FAS) 106 to conform to the reorganization of the Financial Accounting Standards Board (FASB) Accounting Standards Codification (ASC) of generally accepted accounting principles.	09/26/2012 DARC agreed to draft final FAR rule. DAR staff processing.
2011-018	1, 19-28, 2-17, 30-33, 36-39, 41-44, 46-48, 50-53, multiple	(S) Positive Law Codification of Title 41	Updates references to Title 41 and conforming changes throughout the FAR. Public Law 111-350 (Jan 4, 2011) enacted a new positive law codification of Title 41 U.S.C. "Public Contracts".	09/18/2012 Published proposed FAR rule in Federal Register (77 FR 57950). Public comment period ends 11/19/2012.
2011-011	31.205-41	(S) Unallowability of Costs Associated with Foreign Contractor Excise Tax	Implements the requirements of Title III and Title IV of the James Zadroga 9/11 Health and Compensation Act of 2010 (H.R. 847), for the unallowability of costs associated with the excise tax on payments to certain foreign contractors.	10/05/2012 CAAC Legal concurrence with draft final FAR rule. FAR staff preparing to send to OFPP after DoD approval to publish.
2011-010	1.106, 12.301, 4.17, 42.302, 52.204, 52.212-4, 7.105	Sharing Cyber Threat Information	Establishes mechanisms for cleared contractors who have unclassified US Government information resident on or transiting through contractor information systems to share cyber threat information.	11/28/2011 Case on hold pending policy review.

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2011-001	11.002, 12.301, 15.305, 15.604, 2.101, 3.000, 3.12, 3.603, 37.110, 42.1204, 50.205-1, 52.203, 7.105, 9.000, 9.5	(S) Organizational Conflicts of Interest and Unequal Access to Information	Implements section 841 of the NDAA for FY 2009 (Pub. L. 110-147). Section 841 requires consideration of how to address the current needs of the acquisition community with regard to Organizational Conflicts of Interest. Separately addresses the issues regarding unequal access to information.	09/01/2011 CAAC Chair tasked FAR Acquisition Ethics and International Law Team to review public comments and draft final FAR rule. Report due 10/26/2011... Report Due 8/15/2012 (6TH ext.) Report Due 9/26/2012 (7th ext.) Report Due 10/31/2012 (8th ext.)
2010-014	1.106, 19.708, 4.1102, 4.1103, 4.1105, 4.1402, 4.603, 4.604, 4.605, 4.606, 4.607, 52.204-5, 52.204-6, 52.204-7, 52.204-XX, 52.204-YY, 52.212-1, 52.212-4	Updates to Contract Reporting and Central Contractor Registration	Restricts the use of the generic Data Universal Numbering System numbers for contract reporting to the Federal Procurement Data System and the Central Contractor Registration.	09/20/2012 OIRA cleared final FAR rule. FAR staff processing.
2010-013	24, 52	Privacy Training	Creates a FAR clause to require contractors that (1) need access to a system of records, (2) handle personally identifiable information, or (3) design, develop, maintain, or operate a system of records on behalf of the Government, have their personnel complete privacy training. This addition complies with subsections (e) (agency requirements) and (m) (Government contractors) of the Privacy Act (5 U.S.C. 552a).	03/23/2012 Draft final FAR rule from FAR analyst to OFPP. OFPP reviewing. DoD ATP received 07/23/2012.
2010-010	17.504, 37.103, 4.17, 52.204, 8.404	(S) Service Contracts Reporting Requirements	Implements section 743 of Division C of FY 2010 Consolidated Appropriations Act (P.L. 111-117), which requires agencies to develop inventories of their service contracts, including number and work location of contractor employees.	07/30/2012 Draft final FAR rule at OFPP.
2010-008	4.1502, 52.204-11	Recovery Act Subcontract Reporting Procedures	Revises implementation of section 1512 of the American Recovery and Reinvestment Act (ARRA) to update requirements for reporting first-tier subcontracting data for new contracts using Recovery Act funds.	06/09/2011 OFPP identified draft final FAR rule issues. OFPP, FAR and DAR staff resolving issues.

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Case Number	Part Number	Title	Synopsis	Status
2010-001	23, 52.223	(EO) Sustainable Acquisition	Implements Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance (10/5/2009), and Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management (1/24/2007), requiring agencies to leverage acquisitions to foster markets for sustainable technologies, products, and services.	08/10/2012 Draft final FAR rule at OFPP.
2009-024	52.208-9, 8.0, 8.402, 9.405	Priorities for the Use of Supply Sources	Clarifies the order of priority of sources at FAR Part 8.002 for agencies to consider when acquiring goods and services.	09/06/2012 Published proposed FAR rule, correction, in Federal Register (77 FR 54872). Adds an Initial Regulatory Flexibility Analysis. Public comment period ends 10/09/2012.
2009-016	1, 12, 14, 15, 19, 2, 22, 26, 4, 52.204-8, 52.212-3, 52.212-5, 52.219-1, 52.219-10, 52.219-22, 52.219-24, 52.219-25, 52.219-26, 52.219-3, 52.219-4, 52.219-8, 52.226-2, 53.219	Constitutionality of Federal Contracting Programs for Minority-Owned and other Small Businesses	Implements the decision of the Rothe case in which the U.S. Court of Appeals for the Federal Circuit found 10 USC 2323 unconstitutional and a District Court decision mandated by the US Court of Appeals to enjoin all application of 10 USC 2323. This case deletes FAR text based on 10 USC 2323. This includes deletion of--(1) the Price Evaluation Adjustment (PEA) for small disadvantaged businesses (19.11); (2) the use of an evaluation factor at the prime contractor level to give credit to offerors qualified as a Small Disadvantaged Business (portions of 19.12); and (3) related contract clauses.	06/12/2012 Draft final FAR rule from FAR analyst to OFPP. OFPP reviewing.
2009-009	4.15, 52.204-11, 52.212-5	(S) American Recovery and Reinvestment Act of 2009 (the Recovery Act) - Reporting Requirements	Implements section 1512 of the American Recovery and Reinvestment Act (Pub. L. 111-5). Section 1512 requires contractors to report on their use of Recovery Act funds.	06/09/2011 OFPP identified draft interim FAR rule issues. OFPP, FAR and DAR staff resolving issues.