

Federal Contracting Review FAR – DFARS Cases - 2015

NCMA-WI
2015-Year End Update
December 10, 2015

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Overview: FAR/DFARS Changes

Federal Acquisition Regulation (FAR)

- FAR is overseen by 2 councils working together under Office of Procurement Policy (OFPP)
 - Defense Acquisition Regulatory Council (DARC) chaired by DOD with NASA
 - Civilian Agency Acquisition Council (CAAC) chaired by General Services Administration (GSA)
 - GSA leads the FAR Secretariat to track case load / status of FAR update requirements

Defense Federal Acquisition Regulation Supplement (DFARS)

- DFARS is administered by the Department of Defense (DoD)

Overview: FAR/DFARS Changes

- Standard practice: FAR Changes are published as PROPOSED in the Federal Register and “the Public” is offered to review and comment
- After the proper time-span for comments has elapsed, the FAR Councils will do one of the following:
 - Publish the FAR update as FINAL with no changes to the proposed rule
 - Publish the FAR updates as FINAL with minor updates to the proposed rule based on comments received
 - Update and re-publish a Proposed FAR update based on comments
 - Publish Interim Rules while proposed updates are returned to public for further comments

Overview: FAR/DFARS Changes

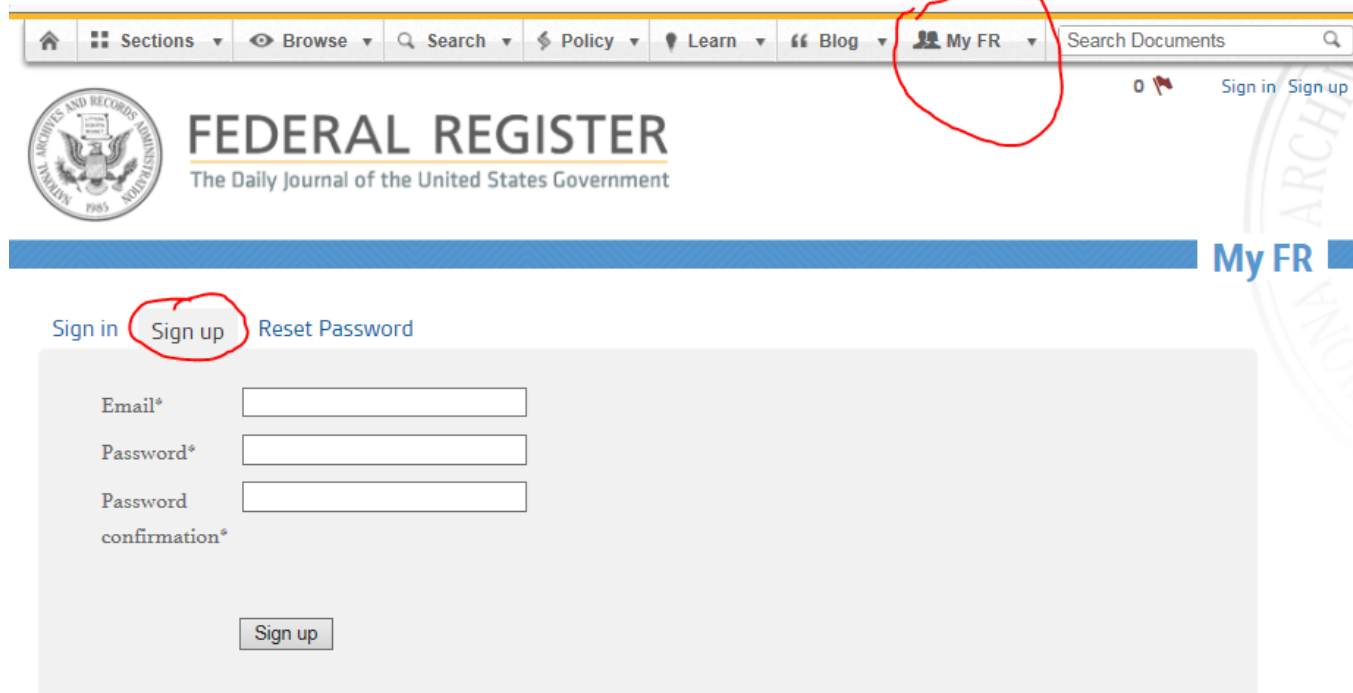
- FAR “Cases” are tracked based on a numbering scheme:
 - First four digits are the Government Fiscal year
 - Last four digits are the sequential number of case issued
 - i.e. FAR case 2015-0002 is the second case issued in FY15
- DFARS “Cases” are tracked based on similar scheme:
 - First four digits are the Government Fiscal year
 - Last four digits begin with “D” for DOD followed by sequential number of case issued
 - i.e. DFARS case 2015-D002 is the second case issued in FY15

How to keep current

- Federal Register:
 - <https://www.federalregister.gov/>
- Pay options
- Free review options
 - National Contract Management Association (NCMA)
 - <http://www.wifcon.com/rules.html>
- Open FAR / DFARS Cases:
 - http://www.acq.osd.mil/dpap/dars/far_case_status.html
 - http://www.acq.osd.mil/dpap/dars/case_status.html

Account on Federal Register


- <https://www.federalregister.gov/>



The screenshot shows the top navigation bar of the Federal Register website. The 'My FR' dropdown menu is highlighted with a red circle. Below the navigation bar, the Federal Register logo and the text 'FEDERAL REGISTER The Daily Journal of the United States Government' are visible. A blue bar with the text 'My FR' is also present. In the main content area, the 'Sign in' and 'Sign up' buttons are shown, with 'Sign up' circled in red. Below these buttons is a form with three input fields: 'Email*', 'Password*', and 'Password confirmation*', and a 'Sign up' button.

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Professional Organizations

- NCMA, WPI, NDIA
 - Newsletters, Events, etc.

NCMA <ncma@ncmahq.org>

Contract Management News December 2, 2015

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What's New

The Never-Ending Appeals Process At VA Hurts All Vets
PSC Says DHS Request Could Eliminate Competition
Congress Weighs In On Defense Procurement Cases

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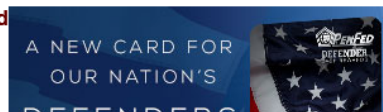
WEEKLY INSIDER
News and analysis for industry and government professionals

Tuesday, December 1, 2015

DEFENSE E-BRIEF

Defense Innovation Initiative Burdened by High Expectations

National Defense - 11/30/2015
The spotlight on the Pentagon's innovation initiative and the opening of a new office near



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ACQUISITION ALERT

SMALL BUSINESS: Action Needed to Determine Whether DOD's Comprehensive Subcontracting Plan Test Program Should Be Made Permanent

Research on the Web

- <http://www.wifcon.com/rules.html>





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| Federal Acquisition Regulation | Department of Defense | Civilian Agencies | White House, OMB, OFPP, CASB |
|--|---|--|---|
| <p>Federal Acquisition Circular 2005-85</p> <p>Introduction. (December 4, 2015)</p> <p>FAR Case 2015-011: Prohibition on Contracting with Corporations with Delinquent Taxes or a Felony Conviction. Interim. (December 4, 2015)</p> <p>FAR Case 2015-013: Further Amendments to Equal Employment Opportunity. Final. (December 4, 2015)</p> <p>FAR Case 2015-036: Updating Federal Contractor Reporting of Veterans' Employment. Interim (December 4, 2015)</p> <p>FAR Case 2013-015: Pilot Program for Enhancement of Contractor Employee Whistleblower Protections. Final (December 4,</p> | <p>Department of Defense</p> <p>Department of Defense</p> <p>Defense Transportation Regulation, Part IV. (December 1, 2015)</p> <p>Contracting Support of Deployed Department of Defense Personnel and Units. (pdf) (December 1, 2015)</p> <p>Defense Federal Acquisition Regulation</p> <p>Technical Amendments. (November 30, 2015)</p> <p>DFARS Case 2015-D031: Eliminate Data Collection Requirement. (November 20, 2015)</p> <p>DFARS Case 2015-D007: Photovoltaic Devices from the U.S. (November 20, 2015)</p> | <p>Civilian Agencies</p> <p>National Aeronautics and Space Administration</p> <p>Safety and Health Measures and Mishap Reporting. (November 25, 2015)</p> <p>NFS Case 2015-N004: NASA Capitalization Threshold. (November 25, 2015)</p> <p>Agency for International Development Acquisition Regulation</p> <p>Various Administrative Changes and Clauses. (November 12, 2015)</p> <p>Department of Veterans Affairs</p> <p>VA Veteran-Owned Small Business Verification Guidelines. (November 6, 2015)</p> | <p>White House, OMB, OFPP, CASB</p> <p>Office of Government Ethics</p> <p>Solicitation and Acceptance of Gifts from Outside Sources. (November 27, 2015)</p> <p>Office of Management and Budget</p> <p>M-16-04: Cybersecurity Strategy and Implementation Plan (CSIP) for the Federal Civilian Government. (See page 20) (November 2, 2015)</p> <p>M-16-03: Fiscal Year 2015-2016 Guidance on Federal Information Security and Privacy Management Requirements. (See page 3) (November 2, 2015)</p> <p>Office of Federal Procurement Policy</p> |

Research on the Web

The screenshot displays the Federal Register website interface. At the top, there is a navigation bar with links for Sections, Browse, Search, Policy, Learn, Blog, and My FR. A search box labeled "Search Documents" is on the right. Below the navigation bar is the Federal Register logo and the text "FEDERAL REGISTER The Daily Journal of the United States Government". The main content area features a blue header with the word "Rule" and a title: "Federal Acquisition Regulation: Prohibition on Contracting With Corporations With Delinquent Taxes or a Felony Conviction". Below the title, it states "A Rule by the Defense Department, the General Services Administration, and the National Aeronautics and Space Administration on 12/04/2015". There are social media icons for Facebook, Twitter, and Email. A grey box indicates "This document has a comment period that ends in 60 days (02/02/2016)". A green button says "SUBMIT A FORMAL COMMENT". On the right side, there are navigation links for "Previous Document" and "Next Document", a "LEGAL DISCLAIMER" box, "Font Controls" with plus, minus, and font size icons, and a box with "PDF", "DEV", "PRINT", and "PUBLIC INSPECTION" icons. At the bottom right, there is a "Publication Date:" label.

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Rule

Federal Acquisition Regulation: Prohibition on Contracting With Corporations With Delinquent Taxes or a Felony Conviction

A Rule by the Defense Department, the General Services Administration, and the National Aeronautics and Space Administration on 12/04/2015

This document has a comment period that ends in 60 days (02/02/2016) [SUBMIT A FORMAL COMMENT](#)

ACTION Interim Rule.

SUMMARY DoD, GSA, and NASA are issuing an interim rule amending the Federal Acquisition Regulation (FAR) to implement sections of the Consolidated and Further Continuing Appropriations Act, 2015, to prohibit the Federal Government from entering into a contract with any corporation having a delinquent Federal tax liability or a felony conviction under any Federal law, unless the agency has considered suspension or debarment of the corporation and has made a

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2013-001 Ending Trafficking in Persons

- Significant updates to the FAR clauses related to Ending Trafficking in Humans.
 - Human Trafficking Revised FAR 9.104-6, Federal Awardee Performance and Integrity Information System (FAPIIS), to notify contractors that any information about a subcontractor is posted to the record of the prime contractor; however, prime contractors will have the opportunity to post in FAPIIS any mitigating factors or information.
 - Revised FAR 22.1701, Applicability and 52.222-50,
 - Revised FAR 22.1702, Definitions, and FAR 52.222-50
 - Revised FAR 22.1703, Policy, and FAR 52.222-50
 - Revised FAR 22.1704, Violations and remedies, and FAR 52.222-50

Inflation Adjustment of Acquisition–Related Thresholds.

- FAR Case 2014-022/ DFARS case 2014-D025
 - The micro-purchase base threshold of \$3,000 (FAR 2.101) is increased to \$3,500
 - The simplified acquisition threshold (FAR 2.101) of \$150,000 is unchanged.
 - The FedBizOpps preaward and post-award notices (FAR part 5) remain at \$25,000 because of trade agreements.
 - The threshold for use of simplified acquisition procedures for acquisition of commercial items (FAR 13.500) is raised from \$6.5 million to \$7 million.
 - The cost or pricing data threshold (FAR 15.403–4) and the statutorily equivalent Cost Accounting Standard threshold are raised from \$700,000 to \$750,000.
 - The prime contractor subcontracting plan (FAR 19.702) floor is raised from \$650,000 to \$700,000, and the construction threshold of \$1,500,000 stays the same.
 - The threshold for reporting first-tier subcontract information including executive compensation will increase from \$25,000 to \$30,000 (FAR subpart 4.14 and section 52.204–10).

Rule to Watch:

- DFARS Case 2013-D034 Evaluating Price Reasonableness for Commercial Items.
 - Attempted Change to Commercial Item definition
 - Attempting change to what will and won't be allowed as far as justification for pricing.
- Proposed FAR Case 2015-022 Unique Identification of Entities Receiving Federal Awards
 - The current use of the Dun & Bradstreet (DUNS) number is being evaluated. Changes may be somewhat transparent to business, or could mean businesses will need to update, revise, or go to new source of information to do business with the Federal Government.