

FEDERAL CONTRACTING REVIEW FAR – DFARS CASES - 2018

NCMA-WISCONSIN

2018-YEAR END UPDATE

JANUARY 24, 2019

DARYL ZAHN, NCMA-WI, BOD, PAST PRESIDENT

CERTIFIED FEDERAL CONTRACT MANAGER (CFCM)

MANAGER, CONTRACTS & COMPLIANCE

DRS NAVAL POWER SYSTEMS, INC., MILWAUKEE, WI



OVERVIEW: FAR/DFARS CHANGES

FEDERAL ACQUISITION REGULATION (FAR)

- **FAR IS OVERSEEN BY 2 COUNCILS WORKING TOGETHER UNDER THE 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**

PUBLICATION OF RULES ON FEDERAL REGISTER



FEDERAL REGISTER

The Daily Journal of the United States Government

Rule

Federal Acquisition Regulation: Establishing a Minimum Wage for Contractors

A Rule by the [Defense Department](#), the [General Services Administration](#), and the [National Aeronautics and Space Administration](#) on 12/04/2015

PUBLISHED DOCUMENT



AGENCY:

Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).



ACTION:

Final rule.



SUMMARY:

DoD, GSA, and NASA have adopted as final, with changes, an interim rule amending the Federal Acquisition Regulation (FAR) to implement the Executive Order (E.O.) Establishing a Minimum Wage for Contractors, and a final rule issued by the Department of Labor (DOL).



DATES:

DOCUMENT DETAILS

Printed version:

[PDF](#)

Publication Date:

12/04/2015

Agencies:

[Department of Defense](#)
[General Services Administration](#)
[National Aeronautics and Space Administration](#)

Dates:

Effective: December 4, 2015.

Effective Date:

12/04/2015

Document Type:

Rule

Document Citation:

80 FR 75915

DATA IN FEDERAL REGISTER POSTING

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA published an interim rule in the **Federal Register** at [79 FR 74544](#) on December 15, 2014, to implement Executive Order (E.O.) 13658, Establishing a Minimum Wage for Contractors, and a final rule issued by DOL at [29 CFR part 10](#). A correction to the interim rule was published at [79 FR 75434](#) on December 18, 2014 establishing the rule's effective date as December 15, 2014. For a discussion of the FAR implementation of the E.O., see the interim rule. One respondent submitted a public comment on the interim rule.

II. Discussion and Analysis

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) reviewed the public comment submitted in the development of the final rule. A discussion of the comment follows.

A. Changes

The interim rule is converted to a final rule with only minor changes.

B. Analysis of Public Comment

One respondent submitted one comment.

Comment: Although the respondent was generally supportive of the intent of the E.O. raising the minimum wage for workers performing on or in connection with Federal contracts, the respondent expressed deep concern that the E.O. and the implementing FAR rule will have a negative impact on the employment of individuals with significant disabilities, specifically those who earn commensurate wages under special subminimum wage certificates issued by

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic environmental public health and safety effects distributive impacts

IV. Regulatory Flexibility Act

DoD, GSA, and NASA have prepared a Final Regulatory Flexibility Analysis (FRFA) consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. The FRFA is summarized as follows: Start Printed Page 75916

This rule is needed to implement Executive Order (E.O.) 13658, Establishing a Minimum Wage for Contractors, dated February 12, 2014, and associated Department of Labor (DOL) regulatory requirements at [29 CFR part 10](#).

The interim rule published December 15, 2014 (and correction published

Interim Rule Adopted as Final With Changes

Accordingly, the interim rule amending [48 CFR parts 22](#) and 52, which was published in the **Federal Register** at [79 FR 74544](#) on December 15, 2014, is adopted as final with the following changes:

1. The authority citation for [48 CFR parts 22](#) and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

2. Amend section 22.1904 by revising the first two sentences in paragraph (b)(1) and paragraph (b)(2) to read as follows:

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 2018-0002 IS THE SECOND CASE ISSUED IN FY18**
- **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 2018-D002 IS THE SECOND CASE ISSUED IN FY18**

COMMENTS TO PROPOSED RULINGS:

- **IF A PROPOSED RULE WILL AFFECT YOUR COMPANY,**
 - **READ THE PROPOSAL, DO YOUR BEST TO UNDERSTAND THE RAMIFICATIONS**
 - **PUT TOGETHER THE BEST THOUGHT OUT STATEMENT OF ISSUES**
 - **SEND COMMENTS TO THE NOTED LOCATIONS, BY THE SPECIFIED DATES.**
- **PROFESSIONAL ORGANIZATIONS SUCH AS NCMA, NDIA AND OTHERS WORK IN AN ADVOCACY ROLE FOR THEIR MEMBERS. USE THEM AS WELL.**

Federal Acquisition Regulation: Audit of Settlement Proposals

A Proposed Rule by the Defense Department, the General Services Administration, and the National Aeronautics and Space Administration on 09/14/2016



PUBLISHED DOCUMENT



AGENCY:

Department of Defense (DoD), General Services Administration (GSA), and the National Aeronautics and Space Administration (NASA).

ACTION:

Proposed rule.

SUMMARY:

DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to raise the dollar threshold requirement for the audit of prime contract settlement proposals and subcontract settlements from \$100,000 to \$750,000.

DATES:

Interested parties should submit written comments to the Regulatory Secretariat Division at one of the addresses shown below on or before November 14, 2016 to be considered in the formation of the final rule.

ADDRESSES:

Submit comments in response to FAR case 2015-039 by any of the following methods:

- **Regulations.gov:** <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching for "FAR Case 2015-039". Select the link "Comment Now" that corresponds with "FAR Case 2015-039." Follow the instructions provided on the screen. Please include your name, company name (if any), and "FAR Case 2015-039" on your attached document.
- **Mail:** General Services Administration, Regulatory Secretariat Division (MVCB), ATTN: Ms. Flowers, 1800 F Street NW., 2nd Floor, Washington, DC 20405.

Instructions: Please submit comments only and cite FAR Case 2015-039, in all

DOCUMENT DETAILS

Printed version:

[PDF](#)

Publication Date:

09/14/2016

Agencies:

[Department of Defense](#)
[General Services Administration](#)
[National Aeronautics and Space Administration](#)

Dates:

Interested parties should submit written comments to the

Document Type:

Proposed Rule

Document Citation:

81 FR 63158

Page:

63158-63159 (2 pages)

CFR:

48 CFR 49

Agency/Docket Numbers:

FAR Case 2015-039
Docket No. 2015-0039,
Sequence No. 1

RIN:

9000-AN26

Document Number:

2016-22070

DOCUMENT DETAILS

ENHANCED CONTENT

[regulations.gov](http://www.regulations.gov)

Docket Number:

[FAR-2015-0039](#)

Docket Name:

HOW TO KEEP CURRENT

- **FEDERAL REGISTER:**
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- **FREE REVIEW OPTIONS**
 - **NATIONAL CONTRACT MANAGEMENT ASSOCIATION (NCMA)**
 - [HTTP://WWW.WIFCON.COM/RULES.HTML](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/far_case_status.html)
 - [HTTP://WWW.ACQ.OSD.MIL/DPAP/DARS/CASE_STATUS.HTML](http://www.acq.osd.mil/dpap/dars/case_status.html)

2018: FAR CHANGES

- **FAR CASE 2018-001, TRADE AGREEMENTS THRESHOLDS, FINAL RULE ISSUED 1/24/2018**
 - **ISSUED A FINAL RULE AMENDING THE FEDERAL ACQUISITION REGULATION (FAR) TO INCORPORATE REVISED THRESHOLDS FOR APPLICATION OF THE WORLD TRADE ORGANIZATION GOVERNMENT PROCUREMENT AGREEMENT AND THE FREE TRADE AGREEMENTS, AS DETERMINED BY THE UNITED STATES TRADE REPRESENTATIVE.**
- **FAR CASE 2017-007, TASK- AND DELIVERY-ORDER PROTESTS, FINAL RULE ISSUED 5/1/2018**
 - **ISSUED A FINAL RULE AMENDING THE FEDERAL ACQUISITION REGULATION (FAR) TO RAISE THE THRESHOLD FOR TASK-AND DELIVERY-ORDER PROTESTS FROM \$10 MILLION TO \$25 MILLION (APPLICABLE TO DOD, NASA, AND THE COAST GUARD) AND TO REPEAL THE SUNSET DATE FOR THE AUTHORITY TO PROTEST THE PLACEMENT OF AN ORDER (FOR THE OTHER CIVILIAN AGENCIES), WHICH WAS ALSO PREVIOUSLY REPEALED BY THE GAO CIVILIAN TASK AND DELIVERY ORDER PROTEST AUTHORITY ACT OF 2016.**
- **FAR CASE 2017-008, DUTIES OF OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION, FINAL RULE ISSUED 5/1/2018**
 - **WITH A FINAL RULE, AMENDS THE FEDERAL ACQUISITION REGULATION (FAR) TO PROVIDE ADDITIONAL DUTIES FOR AGENCIES' OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION (OSDBU), AND FOR DOD'S OFFICE OF SMALL BUSINESS PROGRAMS (OSBP).**

2018: FAR CHANGES

- **FAR 2017-004, LIQUIDATED DAMAGES RATE ADJUSTMENT, FINAL RULE ISSUED 5/1/2018**
 - **ISSUED A FINAL RULE AMENDING THE FEDERAL ACQUISITION REGULATION (FAR) TO ADJUST FOR INFLATION THE RATE OF LIQUIDATED DAMAGES ASSESSED FOR VIOLATIONS OF THE OVERTIME PROVISIONS OF THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT.**
- **FAR 2015-039, AUDIT OF SETTLEMENT PROPOSALS, FINAL RULE ISSUED 5/1/2018**
 - **ISSUED A FINAL RULE AMENDING THE FEDERAL ACQUISITION REGULATION (FAR) TO RAISE THE DOLLAR THRESHOLD REQUIREMENT FOR THE AUDIT OF PRIME CONTRACT SETTLEMENT PROPOSALS AND SUBCONTRACT SETTLEMENTS FROM \$100,000 TO ALIGN WITH THE THRESHOLD FOR OBTAINING CERTIFIED COST OR PRICING DATA.**
- **FAR 2017-001, PAID SICK LEAVE FOR FEDERAL CONTRACTORS, FINAL RULE, ISSUED 8/22/2018**
 - **AMENDS THE FEDERAL ACQUISITION REGULATION (FAR) TO ADOPT AN INTERIM RULE AS A FINAL RULE TO IMPLEMENT THE EXECUTIVE ORDER (E.O.), ESTABLISHING PAID SICK LEAVE FOR FEDERAL CONTRACTORS. THE INTERIM RULE ALSO IMPLEMENTED A FINAL RULE ISSUED BY THE DEPARTMENT OF LABOR.**

2018: FAR CHANGES

- **FAR 2016-007, NON-RETALIATION FOR DISCLOSURE OF COMPENSATION INFORMATION, FINAL RULE ISSUED 8/22/2018**
 - **ISSUED A FINAL RULE AMENDING THE FEDERAL ACQUISITION REGULATION (FAR) TO IMPLEMENT THE EXECUTIVE ORDER (E.O.), NON-RETALIATION FOR DISCLOSURE OF COMPENSATION INFORMATION. THE INTERIM RULE ALSO IMPLEMENTED A FINAL RULE ISSUED BY THE DEPARTMENT OF LABOR.**
- **FAR 2015-005, SYSTEM FOR AWARD MANAGEMENT REGISTRATION, FINAL RULE ISSUED 9/26/2018**
 - **ISSUED A FINAL RULE AMENDING THE FEDERAL ACQUISITION REGULATION (FAR) TO UPDATE THE INSTRUCTIONS FOR REGISTRATION IN THE SYSTEM FOR AWARD MANAGEMENT AND CLARIFY THE TIMING OF REGISTRATION IN THE SYSTEM FOR AWARD MANAGEMENT.**
- **FAR 2018-009, ONE DOLLAR COINS, FINAL RULE, ISSUED 9/26/2018**
 - **AMENDS THE FEDERAL ACQUISITION REGULATION (FAR) TO PROVIDE AN EXCEPTION FOR BUSINESS OPERATIONS CONDUCTED BY A CONTRACTOR WHILE PERFORMING UNDER A GOVERNMENT CONTRACT FROM THE REQUIREMENT TO ACCEPT AND DISPENSE \$1 COINS.**

2018 DFARS CHANGES

- **DFARS CASE 2018-D004, STATE OF SPONSOR OF TERRORISM-NORTH KOREA, FINAL RULE ISSUED 1/31/2018**
 - **FINAL RULE AMENDING THE DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT (DFARS) TO IMPLEMENT THE DESIGNATION BY THE DEPARTMENT OF STATE OF NORTH KOREA AS A STATE SPONSOR OF TERRORISM.**
- **DFARS CASE 2016-D006, PROCUREMENT OF COMMERCIAL ITEMS, FINAL RULE ISSUED 1/31/2018**
 - **DOD IS ISSUING A FINAL RULE AMENDING THE DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT (DFARS) RELATING TO COMMERCIAL ITEM ACQUISITIONS.**
- **DFARS CASE 2016-D011, AMENDMENT TO MENTOR-PROTÉGÉ PROGRAM, FINAL RULE ISSUED 3/23/2018**
 - **DOD IS ISSUING A FINAL RULE AMENDING THE DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT (DFARS) THAT PROVIDES AMENDMENTS TO THE DOD PILOT MENTOR-PROTÉGÉ PROGRAM.**

2018 DFARS CHANGES

- **DFARS CASE 2015-D013, TEMPORARY EXTENSION OF TEST PROGRAM FOR COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS, FINAL RULE ISSUED 4/13/2018**
 - **FINAL RULE AMENDING THE DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT (DFARS) TO IMPLEMENT REVISIONS TO THE TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.**
- **DFARS CASE 2017-D032, SAFE ACCESS TO PROJECTS IN AFGHANISTAN, FINAL RULE ISSUED 4/13/2018**
 - **DOD IS ISSUING A FINAL RULE AMENDING THE DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT (DFARS) THAT PROHIBITS USE OF FUNDS FOR CERTAIN PROGRAMS AND PROJECTS OF THE DEPARTMENT OF DEFENSE IN AFGHANISTAN THAT CANNOT BE SAFELY ACCESSED BY UNITED STATES GOVERNMENT PERSONNEL.**
- **DFARS CASE 2017-D039, EDUCATIONAL SERVICE AGREEMENTS, FINAL RULE ISSUED 4/13/2018**
 - **DOD IS ISSUING A FINAL RULE AMENDING THE DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT (DFARS) TO REMOVE LIMITING LANGUAGE RELATED TO EDUCATIONAL SERVICE AGREEMENTS. THIS DELETION WILL ALLOW DOD TO MAKE AGREEMENTS THAT PERMIT PAYMENT FOR MASTERS OF LAWS DEGREES AND OTHER LEGAL TRAINING PROGRAMS, IN ACCORDANCE WITH APPLICABLE LAW, REGULATION, AND POLICY.**

2018 DFARS CHANGES

- **DFARS CASE 2017-D033, DEFINITION OF "INFORMATION TECHNOLOGY", FINAL RULE ISSUED 4/13/2018**
 - **FINAL RULE AMENDING THE DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT (DFARS) TO RELOCATE THE DEFINITION OF INFORMATION TECHNOLOGY WITHIN THE DFARS.**
- **DFARS CASE 2017-D004, CONSOLIDATION OF CONTRACT REQUIREMENTS, FINAL RULE ISSUED 4/13/2018**
 - **DOD IS ISSUING A FINAL RULE AMENDING THE DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT (DFARS) TO REMOVE OUTDATED COVERAGE OF CONSOLIDATION OF CONTRACT REQUIREMENTS.**
- **DFARS CASE 2016-D015, COMPETITION FOR RELIGIOUS-RELATED SERVICES CONTRACTS, FINAL RULE ISSUED 4/13/2018**
 - **DOD IS ISSUING A FINAL RULE AMENDING THE DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT (DFARS) CLARIFYING THE COMPETITION REQUIREMENTS FOR THE ACQUISITION OF RELIGIOUS-RELATED SERVICES CONTRACTS ON A UNITED STATES MILITARY INSTALLATION.**

2018 DFARS CHANGES

- **DFARS CASE 2018-D005, STATEMENT OF PURPOSE FOR DEPARTMENT OF DEFENSE ACQUISITION, FINAL RULE ISSUED 5/04/2018**
 - **FINAL RULE AMENDING THE DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT (DFARS) TO REVISE THE DFARS TO INCLUDE A STATEMENT OF PURPOSE.**
- **DFARS CASE 2015-D030, PROMOTING VOLUNTARY POST-AWARD DISCLOSURE OF DEFECTIVE PRICING, FINAL RULE ISSUED 5/04/2018**
 - **DOD IS ISSUING A FINAL RULE AMENDING THE DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT (DFARS) TO STATE THAT, IN THE INTEREST OF PROMOTING VOLUNTARY CONTRACTOR DISCLOSURES OF DEFECTIVE PRICING IDENTIFIED BY THE CONTRACTOR AFTER CONTRACT AWARD, DOD CONTRACTING OFFICERS HAVE DISCRETION TO REQUEST A LIMITED-SCOPE OR FULL-SCOPE AUDIT, AS APPROPRIATE FOR THE CIRCUMSTANCES.**
- **DFARS CASE 2016-D013, AMENDMENTS RELATED TO SOURCES OF ELECTRONIC PARTS, FINAL RULE ISSUED 5/04/2018**
 - **DOD IS ISSUING A FINAL RULE AMENDING THE DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT (DFARS) THAT MAKES CONTRACTORS AND SUBCONTRACTORS SUBJECT TO APPROVAL (AS WELL AS REVIEW AND AUDIT) BY APPROPRIATE DOD OFFICIALS WHEN IDENTIFYING A CONTRACTOR-APPROVED SUPPLIER OF ELECTRONIC PARTS.**

2018 DFARS CHANGES

- **DFARS CASE 2018-D026, MODIFICATION OF DFARS CLAUSE RIDING GANG MEMBER REQUIREMENTS, FINAL RULE ISSUED 5/30/2018**
 - **FINAL RULE AMENDING THE DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT (DFARS) TO REVISE THE DFARS TO CLARIFY THE AGENCY THAT CONDUCTS THE BACKGROUND CHECK PROCEDURES THAT ARE REQUIRED FOR CONTRACTORS WHO PERFORM WORK ON U.S.-FLAG VESSELS UNDER DOD CONTRACTS FOR OCEAN TRANSPORTATION SERVICES.**
- **DFARS CASE 2017-D027, MICRO-PURCHASE THRESHOLD, FINAL RULE ISSUED 5/30/2018**
 - **DOD IS ISSUING A FINAL RULE AMENDING THE DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT (DFARS) THAT INCREASES THE MICRO-PURCHASE THRESHOLDS FOR CERTAIN DEPARTMENT OF DEFENSE ACQUISITIONS.**
- **DFARS CASE 2018-D024, DELEGATION OF SPECIAL EMERGENCY PROCUREMENT AUTHORITY, FINAL RULE ISSUED 5/30/2018**
 - **DOD IS ISSUING A FINAL RULE AMENDING THE DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT (DFARS) THAT PROVIDES NEW SPECIAL EMERGENCY PROCUREMENT AUTHORITIES TO THE HCA. THIS FINAL RULE ALSO MAKES CONFORMING CHANGES TO NONSTATUTORY EMERGENCY ACQUISITION FLEXIBILITIES RELATING TO ITEM-UNIQUE IDENTIFICATION, RECEIPT OF ONLY ONE OFFER, AND LIMITATIONS ON TIME-AND-MATERIALS CONTRACTS.**

2018 DFARS CHANGES

- **DFARS CASE 2015-D028, OFFSET COSTS, FINAL RULE ISSUED 6/29/2018**
 - **FINAL RULE AMENDING THE DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT (DFARS) TO REVISE THE DFARS RELATED TO COSTS ASSOCIATED WITH INDIRECT OFFSETS UNDER FOREIGN MILITARY SALES (FMS) AGREEMENTS AND EXPAND ON THE PRIOR INTERIM RULE GUIDANCE RELATED TO FMS OFFSET COSTS.**
- **DFARS CASE 2015-D024, UNDEFINITIZED CONTRACT ACTION DEFINITIZATION, FINAL RULE ISSUED 6/29/2018**
 - **DOD IS ISSUING A FINAL RULE AMENDING THE DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT (DFARS) TO PROVIDE A MORE TRANSPARENT MEANS OF DOCUMENTING THE IMPACT OF COSTS INCURRED DURING THE UNDEFINITIZED PERIOD OF AN UNDEFINITIZED CONTRACT ACTION ON ALLOWABLE PROFIT.**
- **DFARS CASE 2018-D052, UPDATE OF CLAUSE ON SECTION 8(A) DIRECT AWARD, FINAL RULE ISSUED 10/31/2018**
 - **DOD IS ISSUING A FINAL RULE AMENDING THE DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT (DFARS) TO REMOVE AN OBSOLETE REQUIREMENT FROM A DFARS CLAUSE.**

2018 DFARS CHANGES

- **DFARS CASE 2018-D016, MENTOR-PROTEGE PROGRAM MODIFICATIONS, FINAL RULE ISSUED 10/31/2018**
 - **DOD IS ISSUING A FINAL RULE AMENDING THE DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT (DFARS) THAT PROVIDES MODIFICATIONS TO THE DOD PILOT MENTOR-PROTÉGÉ PROGRAM.**

2018 DFARS CHANGES

DURING 2018 DFARS REPEALED A NUMBER OF DFARS PROVISIONS AND CLAUSES AS FOLLOWS:

- **REPEAL OF DFARS PROVISION "REPRESENTATION REGARDING COMBATING TRAFFICKING IN PERSONS", DFARS CASE 2018-D0003, 5/30/2018**
- **REPEAL OF DFARS PROVISION "ALTERNATIVE LINE ITEM STRUCTURE", DFARS CASE 2017-D045, 5/30/2018**
- **REPEAL OF RESTRICTIONS ON CHEMICAL WEAPONS ANTIDOTE, DFARS CASE 2018-D006, 5/30/2018**
- **REPEAL OF DFARS PROVISION ALTERNATE A, SYSTEM FOR AWARD MANAGEMENT, DFARS CASE 2017-D044, 5/30/2018**
- **REPEAL OF DFARS CLAUSE RIGHT OF FIRST REFUSAL OF EMPLOYMENT-CLOSURE OF MILITARY INSTALLATIONS, DFARS CASE 2018-D002, 5/30/2018**

2018 DFARS CHANGES

DURING 2018 DFARS REPEALED A NUMBER OF DFARS PROVISIONS AND CLAUSES AS FOLLOWS:

- **REPEAL OF DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT CLAUSE REQUIREMENTS, DFARS CASE 2018-D030, 6/29/2018**
- **REPEAL OF DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT CLAUSE PRICING ADJUSTMENTS, DFARS CASE 2018—D032, 6/29/2018**
- **REPEAL OF INDEPENDENT RESEARCH AND DEVELOPMENT TECHNICAL INTERCHANGE, DFARS CASE 2017-D041, 8/24/2018**
- **REPEAL OF DFARS CLAUSE, REMOVAL OF CONTRACTOR'S EMPLOYEES, DFARS CASE 2018-D042, 8/24/2018**
- **REPEAL OF DFARS CLAUSE INDEFINITE QUANTITIES--NO FIXED CHARGES, DFARS CASE 2018-D034, 9/28/2018**

2018 DFARS CHANGES

DURING 2018 DFARS REPEALED A NUMBER OF DFARS PROVISIONS AND CLAUSES AS FOLLOWS:

- **REPEAL OF DFARS CLAUSE INDEFINITE QUANTITIES--FIXED CHARGES, DFARS CASE 2018-D039, 9/28/2018**
- **REPEAL OF DFARS CLAUSE AWARD FEE, DFARS CASE 2018-D037, 9/28/2018**
- **REPEAL OF DFARS CLAUSE ADDITIONAL SERVICES, DFARS CASE 2018-D027, 9/28/2018**
- **REPEAL OF DFARS PROVISION BONDS OR OTHER SECURITY, DFARS CASE 2018-D036, 10/31/2018**
- **REPEAL OF DFARS CLAUSE OPTION FOR SUPERVISION AND INSPECTION SERVICES, DFARS CASE 2018-D041, 10/31/2018**
- **REPEAL OF DFARS CLAUSE ACQUISITION STREAMLINING, DFARS CASE 2018-D033, 10/31/2018**

2018 FAR/DFARS TAKE-AWAY

- **{FIRST: A BIG THANK YOU TO CAROL MURPHY-WPI, FOR PULLING THIS DATA TOGETHER}**
- **THE FY 2019 FEDERAL ACQUISITION REGULATION (FAR) WAS AVAILABLE NOVEMBER 13, 2018. FEDERAL ACQUISITION CIRCULARS (FAC) WILL BE RENUMBERED SO THE NEXT ONE WILL BE FAC 2019-01.**
- **THE NUMBER OF FAR / DFARS UPDATES FOR 2018 WAS DRAMATICALLY REDUCED FROM “USUAL” YEARS:**
 - **ONE OF THE REASONS FOR THIS REDUCTION IS THE REVIEW EFFORTS BEING PERFORMED BY A FEDERAL GOVERNMENT MANDATED GROUP KNOWN AS THE SECTION 809 PANEL.**
 - **REQUIREMENT FROM EXECUTIVE BRANCH EO TO ELIMINATE 2 FAR REQUIREMENTS FOR EVERY 1 NEW PROPOSED CLAUSE.**
- **DOD DFARS UPDATES AND WAIVERS USED TO IMPLEMENT MANY OF THE 809 PANEL INITIAL RECOMMENDATIONS ALREADY.**
- **WHICH OF COURSE IS THE SEGWAY TO THE DISCUSSION OF THE SECTION 809 PANEL.**