



Emerging Issues:

Regulation Making – the Process and the Important Role Businesses Play

August 22 | 11:00 am - Noon

Presented by:

Marc Violante, Wisconsin Procurement Institute



Webinar Etiquette

PLEASE

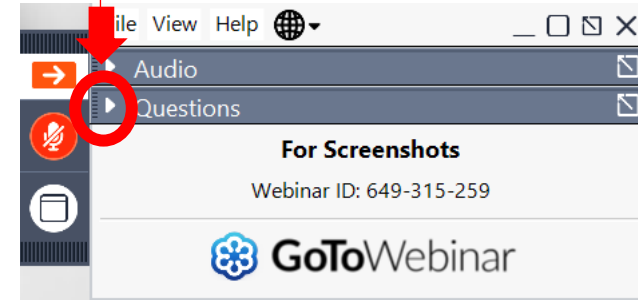
- Log into the GoToWebinar session with the name that you registered with online
- Place your phone or computer on MUTE
- Use the QUESTIONS option to ask your question(s).
 - We will share the questions with our guest speaker who will respond to the group

THANK YOU!



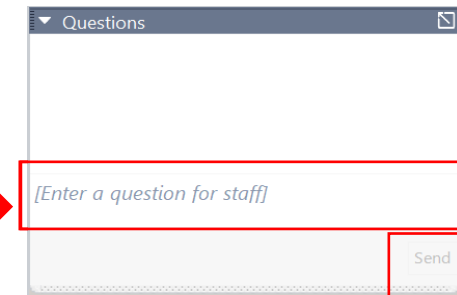
OPENING THE QUESTIONS BOX

Click here to access
within the Control Panel



USING THE QUESTIONS BOX

Type questions
here at any time
during a
presentation



Click Send when ready to submit a question





Assisting Wisconsin businesses compete in the government marketplace.

WPI is Wisconsin's APEX ACCELERATOR

The APEX Accelerators program, under management of the Department of Defense (DOD) Office of Small Business Programs (OSBP), plays a critical role in the Department's efforts to identify and engage with a wide range of businesses entering and participating in the defense supply-chain. The program provides the education and training that all businesses need to participate to become capable of participating in DOD and other government contracts.

WPI provides services to all of Wisconsin's 72 counties

- Individual counseling at our offices, client's facility or virtually
- Small group training – webinars and workshops
- Conferences including one on one buyer meetings – Marketplace, The Contracting Academy, Small Business Academy, Wisconsin Federal Contractor Forum, Acquisition Hour, Cyber Fridays, DOD Roadmap series, Government Opportunities Business Conference, End of Year Federal Contractor Update, Annual DOD Contract Management Update, Evening FAR sessions and more.....

www.wispro.org

WPI OFFICE LOCATIONS

■ MILWAUKEE

- *Technology Innovation Center*

■ MADISON

- *FEED Kitchens*
- *Dane County Latino Chamber of Commerce*
- *Wisconsin Manufacturing Extension Partnership (WMEP)*
- *Madison Area Technical College (MATC)*

■ CAMP DOUGLAS

- *Juneau County Economic Development Corporation (JCEDC)*

■ EAU CLAIRE

- *Western Dairyland*

■ FOND DU LAC

- *Envision Greater Fond du Lac*

■ GREEN BAY

- *NWTC Startup Hub*

■ LACROSSE

- *Veterans in Professions*

■ MANITOWOC

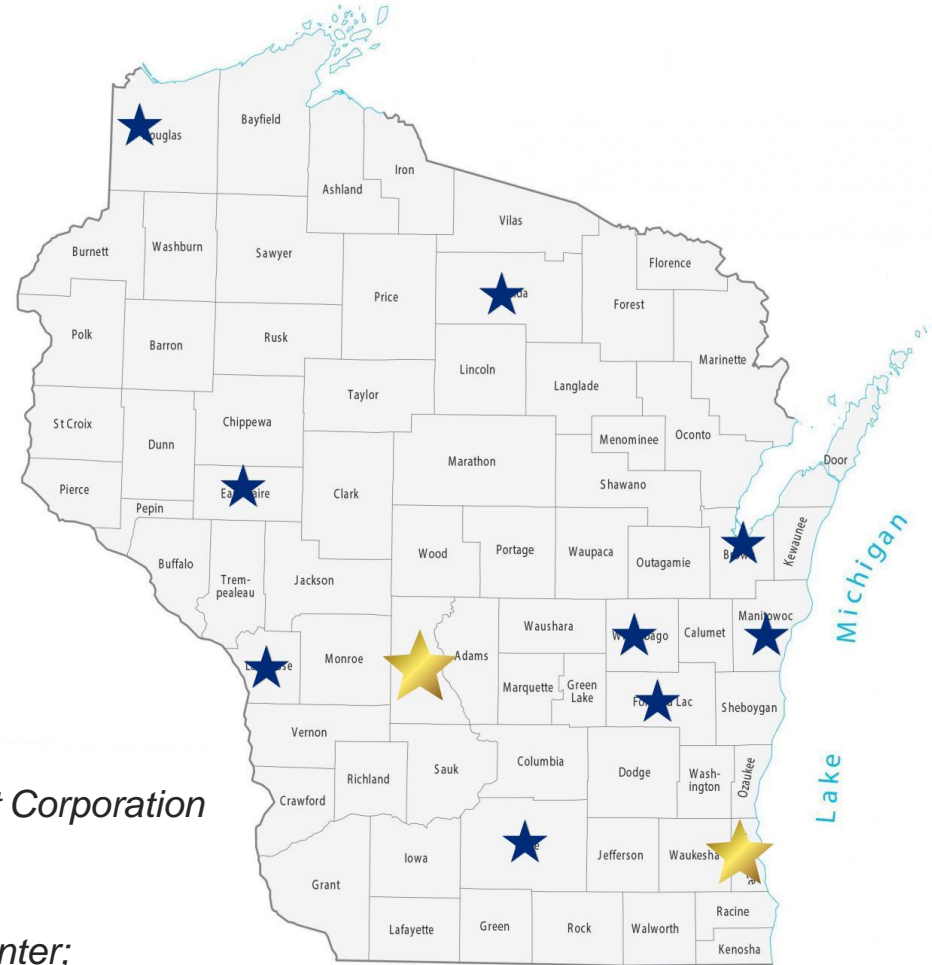
- *Progress Lakeshore*

■ OSHKOSH

- *Greater Oshkosh Economic Development Corporation*

■ SUPERIOR

- *Small Business Dev Center; UW Superior*



APEX ACCELERATORS

WISCONSIN APEX ACCELERATOR

UPCOMING EVENTS

- APR 1:00 pm - 2:00 pm
16 Acquisition Hour: SAM.gov – Tools for Contracting
- APR 9:00 am - 12:00 pm
24 Government Certification Workshop – State Certifications – Madison, WI
- APR 12:00 pm - 1:00 pm
24 Acquisition Hour: Overview of the Contractor Performance Assessment Reporting System (CPARS)
- APR April 30, 2024 - May 3, 2024
30 Lieutenant Governor's Small Business Academy
- MAY 8:00 am - 4:00 pm
16 10th Annual DoD Contract Management Update — Appleton, WI

Regulations - *The Process and the Important Role Businesses Play*

Marc N. Violante

Wisconsin Procurement Institute

August 22, 2024

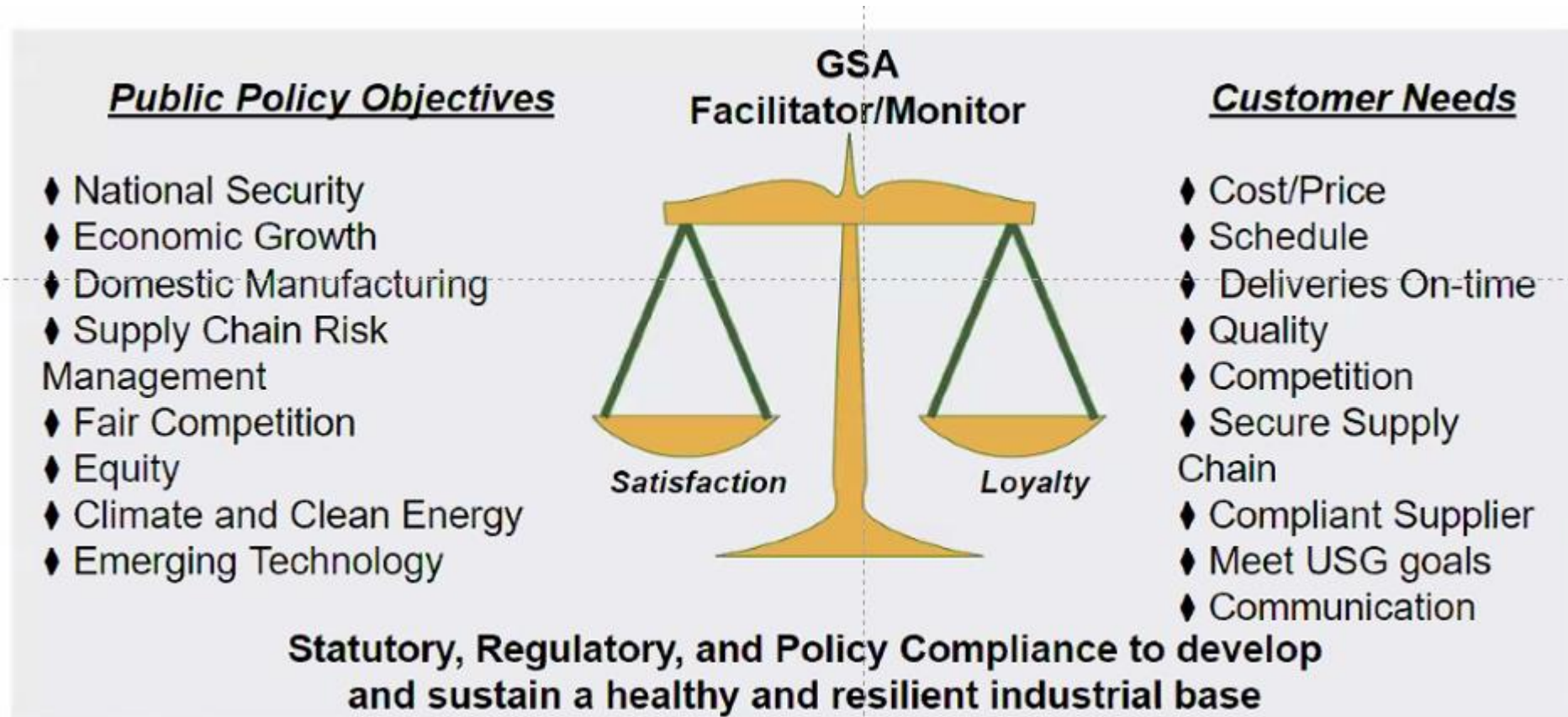
Background – *ever changing environment*

INDUSTRIAL BASE THREATS

- Foreign ownership, control, and Influence
- Fluctuations on demand
- Budget swings
- Workforce shortages
- Mergers & acquisitions that may lead to monopolies
- Drastic market changes
- Loss of critical infrastructure
- Cyber Intrusion
- Counterfeit and intellectual property theft
- Natural disasters and/or pandemics
- Geo-political conditions
- Lack of visibility into the supply chain
- Diminishing manufacturing sources and material shortages
- Lack of sustainability
- Others

A dynamic policy environment - In order to reduce the risks caused by these threats and support a resilient and secure industrial base, new policies and regulations are in development in areas such as cybersecurity, climate, and sustainability

Balancing Public Policy Objectives and Customer Needs



Bills, Laws, and Rules

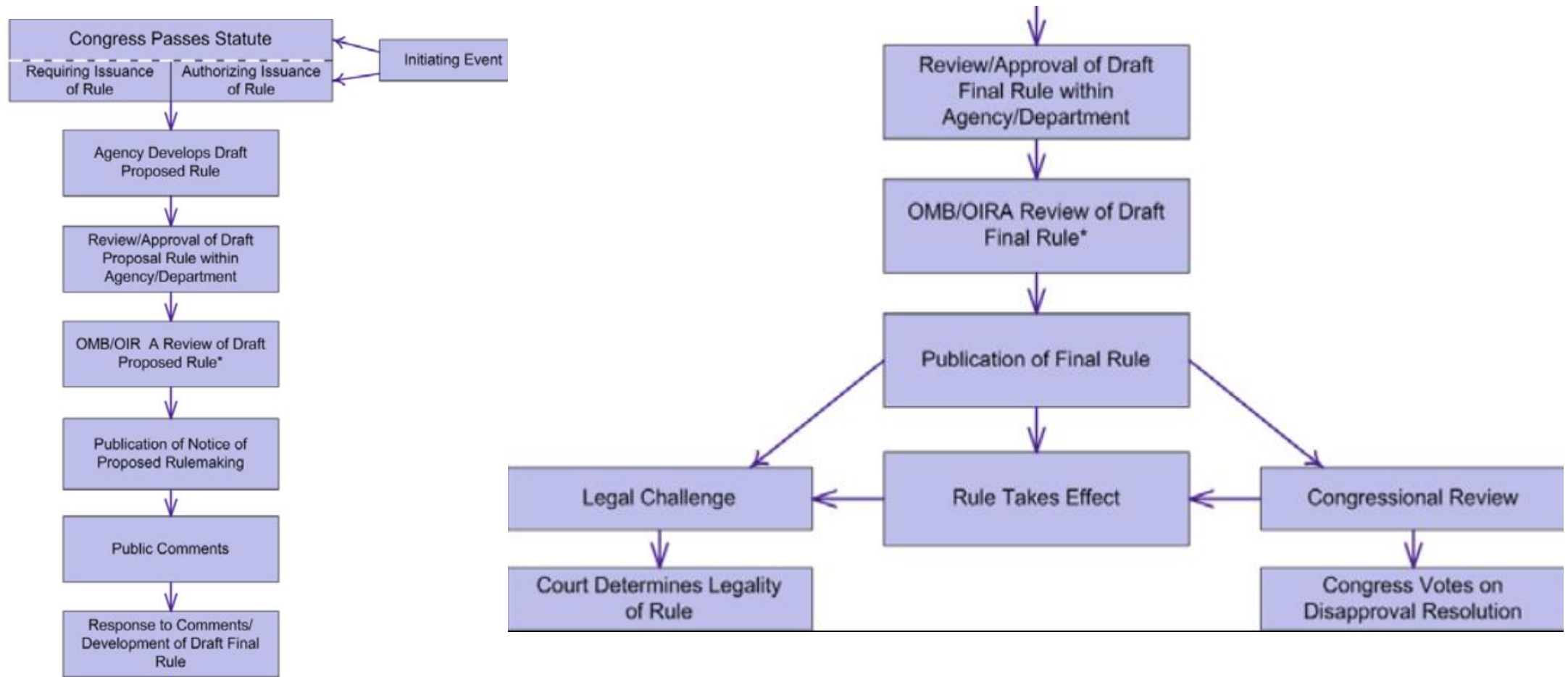
- Congress passes bills, the President signs bills into law, and federal agencies develop regulations to implement laws within their authority.
- Regulation initiators include laws, Executive Orders (EOs), environmental/technological changes, agency reviews.

The Goal – (strike a balance)

In government speak –

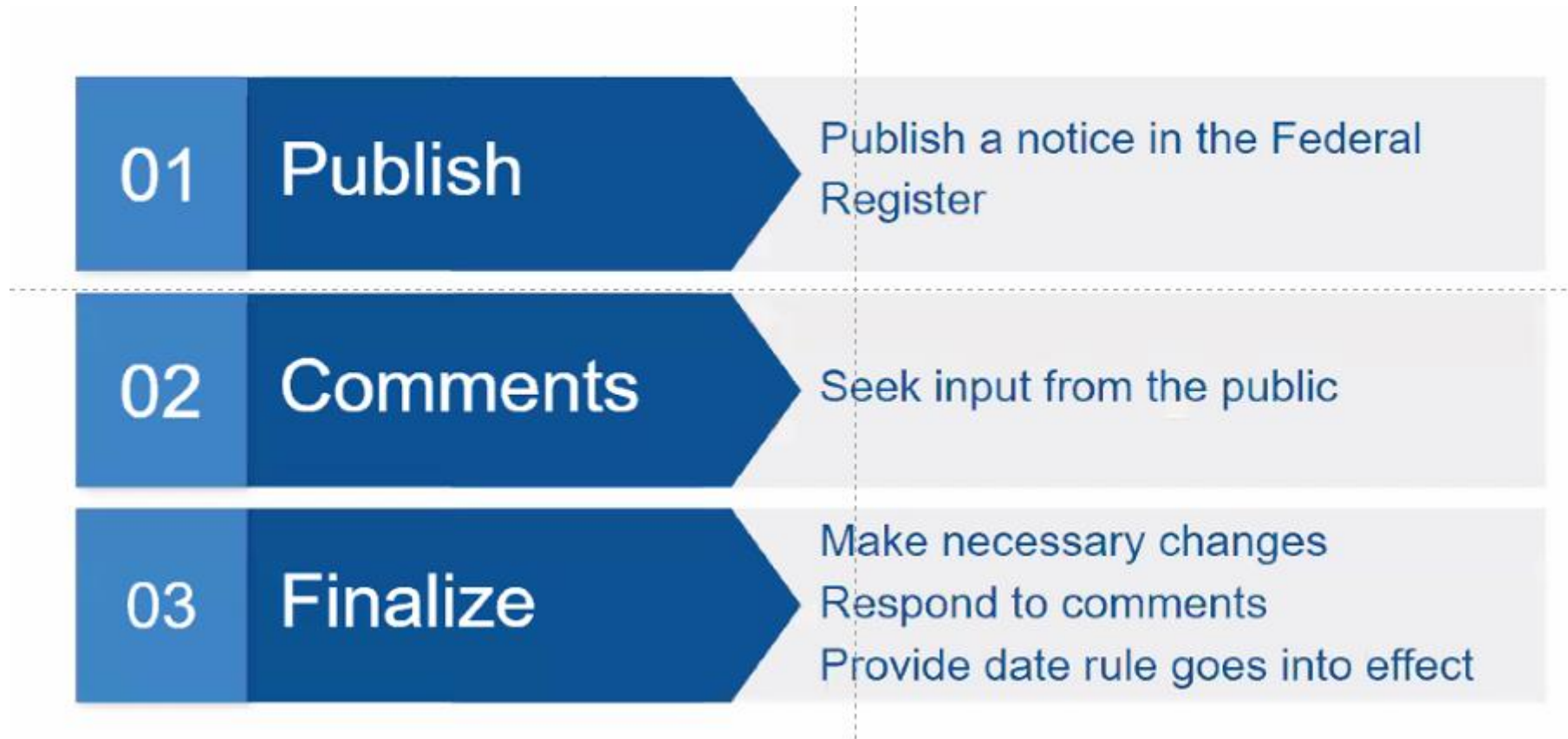
- “under E.O. 12866, agencies generally must “propose or adopt a regulation only upon a reasoned determination that the benefits” of the rule “justify its costs.”²³ “

Rulemaking Process



Congressional Research Service; The Federal Rulemaking Process: An Overview; page 2

The Rulemaking Process



Administrative Procedure Act (APA)* - summary

The Administrative Procedure Act (APA) is a key federal statute enacted in 1946 that governs how federal administrative agencies propose and establish regulations. Here are the main points:

1. **Rulemaking:** The APA sets out the procedures for both formal and informal rulemaking. Formal rulemaking involves a trial-like hearing process, while informal rulemaking typically involves notice-and-comment procedures.
2. **Adjudication:** The APA outlines the processes for formal adjudication, which includes hearings similar to court trials, and informal adjudication, which is less structured.
3. **Public Participation:** Agencies must publish notices of proposed rulemaking in the Federal Register and allow the public to comment on these proposals.
4. **Judicial Review:** The APA provides for judicial review of agency actions, allowing courts to review the legality of agency decisions.
5. **Transparency and Fairness:** The APA aims to ensure transparency, public participation, and fairness in the administrative process.

This act is fundamental in ensuring that federal agencies operate in a transparent and accountable manner.

*Copilot

Key points 41 U.S.C. § 1707*

41 U.S.C. § 1707 outlines the requirements for the publication of proposed procurement regulations, policies, procedures, and forms. Here are the key points:

1. **Public Comment Period:** Proposed regulations must be published in the Federal Register and open for public comment for at least 30 days¹.
2. **Significant Impact:** This applies to regulations that significantly affect the expenditure of appropriated funds or have a substantial impact on contractors or offerors¹.
3. **Contents of Notice:** The notice must include the text or a summary of the proposal, contact information for obtaining the full text, and a request for public comments¹.
4. **Waiver:** In urgent circumstances, the requirements can be waived, but the regulation will only be effective temporarily and must still be published with a 30-day comment period¹.

This ensures transparency and allows stakeholders to provide input on significant procurement regulations.

* Copilot

Regulations are part of everyday life!

CFR Titles

Title 1 :: General Provisions	Dec 29, 2022
Title 2 :: Grants and Agreements	Aug 02, 2024
Title 3 :: The President	Mar 17, 2015
Title 4 :: Accounts	Jul 18, 2024
Title 5 :: Administrative Personnel	Aug 15, 2024
Title 6 :: Domestic Security	May 13, 2024
Title 7 :: Agriculture	Aug 19, 2024
Title 8 :: Aliens and Nationality	Aug 09, 2024
Title 9 :: Animals and Animal Products	Jul 03, 2024
Title 10 :: Energy	Aug 19, 2024
Title 11 :: Federal Elections	Jul 01, 2024
Title 12 :: Banks and Banking	Aug 09, 2024
Title 13 :: Business Credit and Assistance	Aug 05, 2024
Title 14 :: Aeronautics and Space	Aug 12, 2024
Title 15 :: Commerce and Foreign Trade	Aug 06, 2024
Title 16 :: Commercial Practices	Aug 16, 2024
Title 17 :: Commodity and Securities Exchanges	Aug 15, 2024
Title 18 :: Conservation of Power and Water Resources	Jul 29, 2024
Title 19 :: Customs Duties	Aug 15, 2024
Title 20 :: Employees' Benefits	Jul 16, 2024
Title 21 :: Food and Drugs	Aug 16, 2024
Title 22 :: Foreign Relations	Aug 15, 2024
Title 23 :: Highways	Aug 12, 2024
Title 24 :: Housing and Urban Development	Aug 02, 2024
Title 25 :: Indians	Mar 22, 2024

Title 26 :: Internal Revenue	Aug 16, 2024
Title 27 :: Alcohol, Tobacco Products and Firearms	Jul 18, 2024
Title 28 :: Judicial Administration	Aug 09, 2024
Title 29 :: Labor	Aug 01, 2024
Title 30 :: Mineral Resources	Aug 19, 2024
Title 31 :: Money and Finance: Treasury	Aug 09, 2024
Title 32 :: National Defense	Aug 16, 2024
Title 33 :: Navigation and Navigable Waters	Aug 14, 2024
Title 34 :: Education	Aug 01, 2024
Title 35 :: Reserved	
Title 36 :: Parks, Forests, and Public Property	Aug 02, 2024
Title 37 :: Patents, Trademarks, and Copyrights	Aug 08, 2024
Title 38 :: Pensions, Bonuses, and Veterans' Relief	Aug 19, 2024
Title 39 :: Postal Service	Aug 16, 2024
Title 40 :: Protection of Environment	Aug 19, 2024
Title 41 :: Public Contracts and Property Management	Jul 03, 2024
Title 42 :: Public Health	Aug 06, 2024
Title 43 :: Public Lands: Interior	Aug 07, 2024
Title 44 :: Emergency Management and Assistance	Aug 15, 2024
Title 45 :: Public Welfare	Aug 16, 2024
Title 46 :: Shipping	Aug 13, 2024
Title 47 :: Telecommunication	Aug 16, 2024
Title 48 :: Federal Acquisition Regulations System	Aug 16, 2024
Title 49 :: Transportation	Aug 16, 2024
Title 50 :: Wildlife and Fisheries	Aug 16, 2024

Annual Editions of the CFR

- The official annual editions of the CFR are assembled from the material published in the e-CFR.
- Each of the 50 subject matter titles are republished each year on a staggered, quarterly basis, and appear in print and online.
- Annual editions: <https://www.govinfo.gov/app/collection/cfr/>

21 CFR Part 101 – Food Labeling

1. **Principal Display Panel:** This is the part of the label most likely to be seen by consumers. It must include the product's name and the net quantity of contents ¹.
2. **Information Panel:** This panel must include the name and address of the manufacturer, packer, or distributor, the ingredient list, and nutrition labeling ².
3. **Ingredient List:** Ingredients must be listed by their common or usual name in descending order of predominance by weight ³.
4. **Nutrition Labeling:** This includes information on serving size, calories, and nutrient content. Specific guidelines exist for different types of foods, including dietary supplements ².
5. **Health Claims:** Any health claims made on the label must meet specific requirements and be approved by the

Regulations: Everyday life

- Payment of Income Taxes 26 CFR Part 1
- Life preservers
 - The requirement for life preservers (personal flotation devices) on personal watercraft or pleasure boats is covered under **33 CFR Part 175**. This regulation mandates that all recreational vessels must carry U.S. Coast Guard-approved personal flotation devices (PFDs) for each person on board¹.
 - Additionally, **46 CFR Part 25** specifies that each vessel must have at least one wearable PFD for each person on board, and these PFDs must be readily accessible².

Rulemaking is an ongoing process!

Open FAR Cases

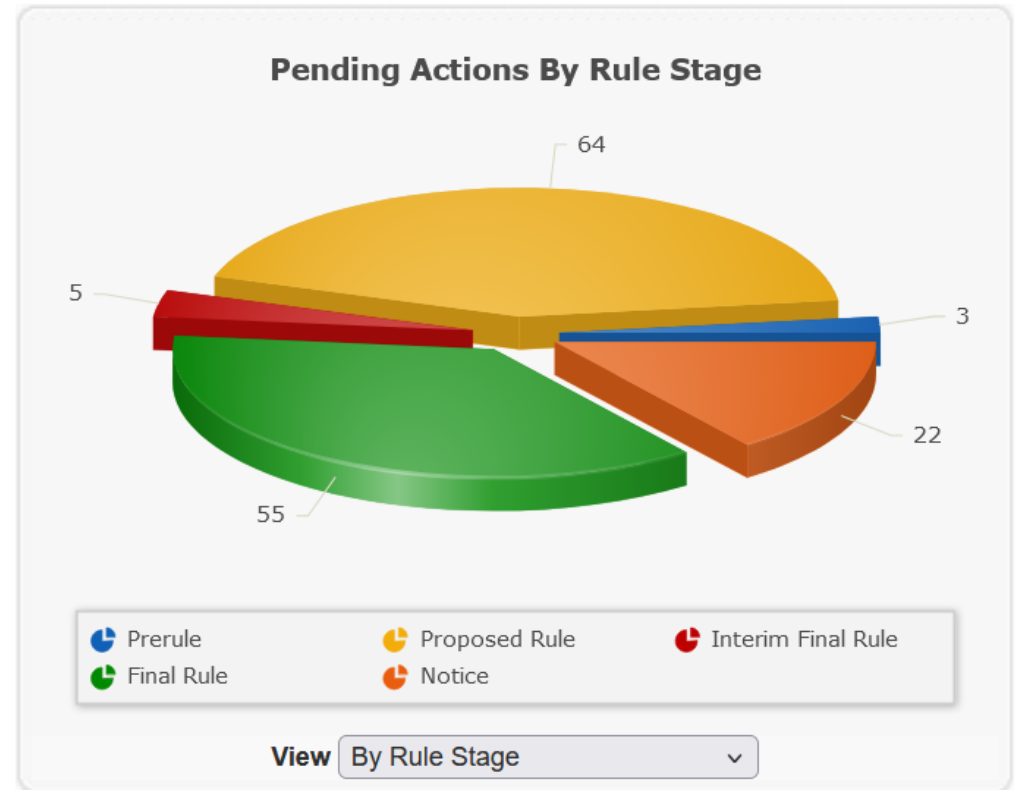
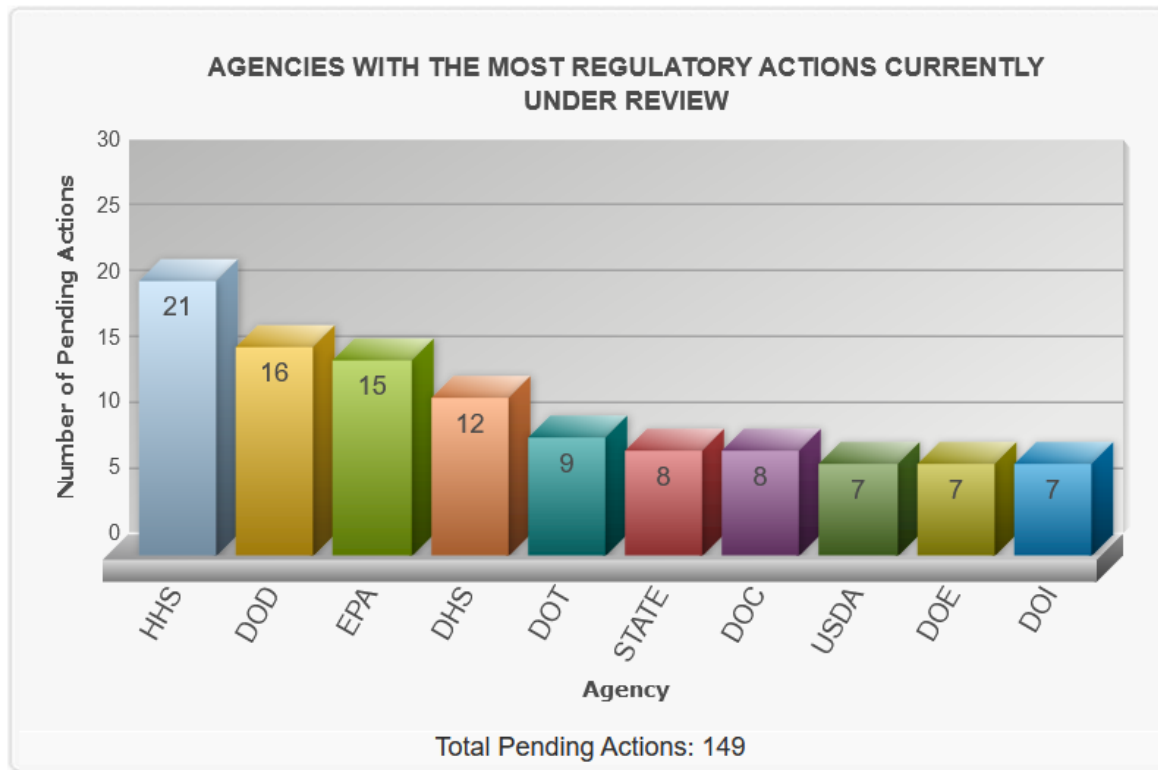
Case Number	Part Number	Title	Synopsis	Status
2024-005		Positioning, Navigation, and Timing Requirements for Federal Information Systems	This rule will implement minimum requirements for products, systems, and services that integrate or utilize Federal positioning, navigation, and timing (PNT) services in Federal information systems, in accordance with Section 4(d) of Executive Order 13095, and the controls (e.g., workflows, steps, and structures) outlined in the Federal Positioning, Navigation, and Timing Services Acquisition Guidance.	08/07/2024 DARC Director tasked Acquisition Technology and Information Team to draft proposed FAR rule. Report due 09/04/2024.
2024-004	22, 52	(S) Combating Trafficking in Persons—Definition and Agency Responsibilities	Implements section 108 of the Justice for Victims of Trafficking Act of 2015 (Pub. L. 114-22) and section 2 of the End Human Trafficking in Government Contracts Act of 2022 (Pub. L. 117-211) which updates the definition of “sex trafficking” and requires that, upon receipt of an Inspector General’s report substantiating an allegation of violations related to trafficking in persons by a contractor or subcontractor, the agency head refer the matter to their agency suspension and debarment official.	07/18/2024 Published proposed FAR rule in Federal Register (89 FR 58323). Public comment period ends 09/16/2024.

<https://www.acq.osd.mil/dpap/dars/opencases/farcasenum/far.pdf>

Applicable Websites

- Federal Register – www.fedreg.gov
- Federal eRulemaking Portal: <https://www.regulations.gov>
- Office of Information and Regulatory Affairs (ORIA) - Reginfo.gov
- Open FAR Cases -
<https://www.acq.osd.mil/dpap/dars/opencases/farcasenum/far.pdf>
- Open DFAR Cases –
 - <https://www.acq.osd.mil/dpap/dars/opencases/dfarscasenum/dfars.pdf>

ORIA Activity



Rule - defined

- Regulations generally start with an act of Congress, and are the means by which statutes are implemented and specific requirements are established.
- Rule or Regulations are acceptable
- The Administrative Procedure Act of 1946 defines a rule as
 - “the whole or part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy.”
- The procedures that federal agencies are required to follow in writing regulations are called the rulemaking process.

Rules and Rulemaking

- Formalized process
- Dynamic
- Ongoing
- Government-wide
- Transparent
- Invites public involvement
 - Individuals
 - Businesses
 - Groups
 - Meetings can be requested (results become public)

Thursday, August 22, 2024 Federal Register

08/22/2024

117 documents from 57 agencies (259 Pages)
 90 Notices 1 Presidential Document 9 Proposed Rules 17 Rules
 2 Significant Documents

DOCUMENT ISSUE TABLE OF CONTENTS

Agency for International Development

Notices

2024 Diversity, Equity, Inclusion, and Accessibility Bi-annual Survey

FR Document: 2024-18780
Citation: 89 FR 67929

[PDF](#) Page 67929 (1 page)
[Permalink](#)

Agriculture Department

Notices

Agency Information Collection Activities; Proposals, Submissions, and Approvals

FR Document: 2024-18829
Citation: 89 FR 67929

[PDF](#) Pages 67929-67930 (2 pages)
[Permalink](#)

FR Document: 2024-18830
Citation: 89 FR 67930

[PDF](#) Page 67930 (1 page)
[Permalink](#)

Bureau of Consumer Financial Protection

Proposed Rules

Financial Data Transparency Act Joint Data Standards

FR Document: 2024-18415
Citation: 89 FR 67890

[PDF](#) Pages 67890-67908 (19 pages)
[Permalink](#)

[Download Issue PDF](#)

[Subscribe](#)

GO TO A SPECIFIC DATE

August

« Prev

2024

»


S	M	T	W	T	F	S
28	29	30	31	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

DOCUMENTS BY AGENCY

- Agency for International Development 1
- Agriculture Department 2
- Bureau of Consumer Financial Protection 1
- Centers for Disease Control and Prevention 2
- Centers for Medicare & Medicaid Services 2

27

August 22, 2024

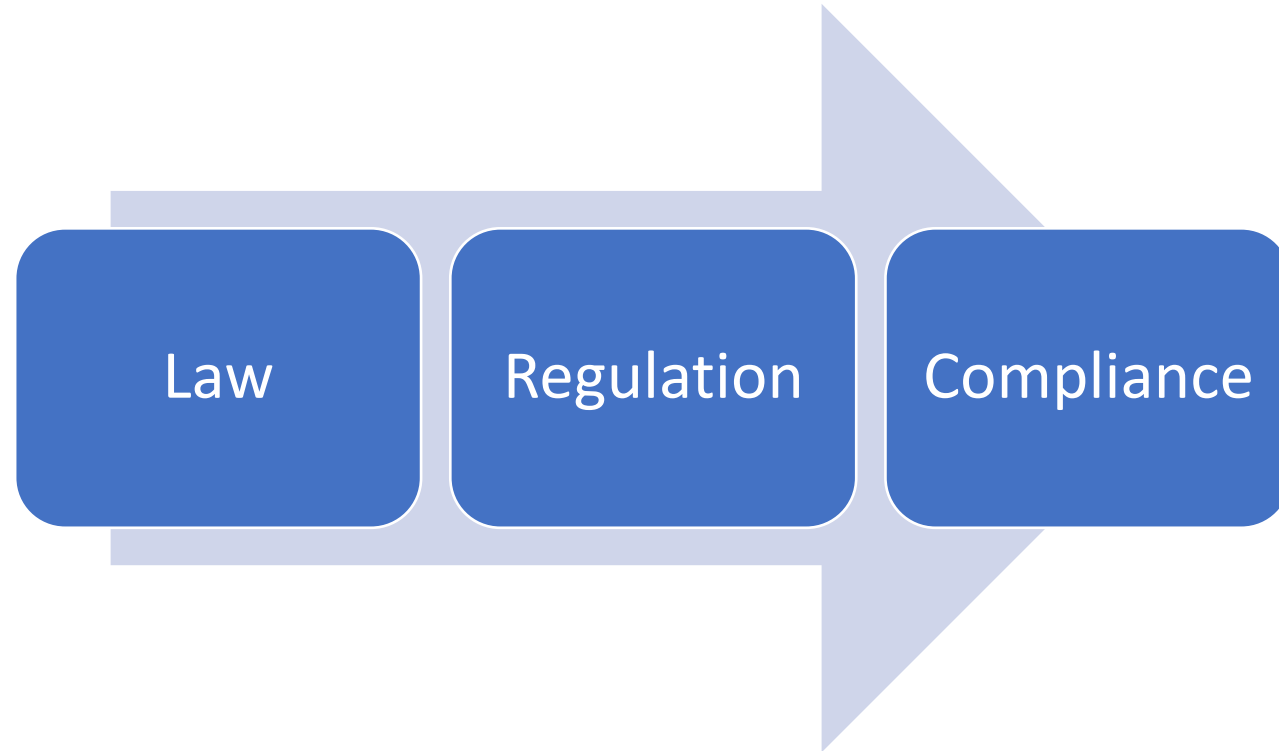


WPI Wisconsin
 Procurement
 Institute
An APEX Accelerator

“The Players”

- President
- Congress
- Agencies
- FAR Council*
- DAR Council*
- Industry
- Families
- Individuals

*Acquisition Related



New Final Rules

- For example, the number of final rules published each year is generally in the range of 3,000-4,500, according to the Office of the Federal Register.
- Some of those rules have a large effect on the economy, and others have a significant legal and/or policy effect, even if the direct economic effects of the regulation are minimal.
- On the other hand, many federal rules are routine in nature and impose minimal regulatory burden, if any.



Federal Register

- In print since the 1930's
- provides documentation of the government's regulatory and other actions
- This report serves to inform Congress's understanding of federal rulemaking by analyzing different ways to measure and assess trends in federal rulemaking activity.
- The report provides data on and analysis of the total number of rules issued each year, as well as information on other types of rules, such as "major" rules, "significant" rules, and "economically significant" rules.


There is new rule – regulation





- Does it address the correct items?
- Are the implementation requirements necessary?
- What will it achieve?
- How difficult – costly will it be to implement?
- Does it apply?
- How did the new rule come to be?
- What could have been done about it?

Viewing Rules in the Federal Register

 Current Issue	117 documents from 57 agencies (259 Pages) 90 Notices 1 Presidential Document 9 Proposed Rules 17 Rules 2 Significant Documents	
 Public Inspection	Special Filing <i>updated on 4:15 PM on Wednesday, August 21, 2024</i> 9 documents from 8 agencies 6 Notices 3 Rules	Regular Filing <i>updated on 8:45 AM on Wednesday, August 21, 2024</i> 115 documents from 57 agencies 88 Notices 1 Presidential Document 9 Proposed Rules 17 Rules

Search Federal Register Documents

Enter a search term or citation  **954,183 documents**

Note: Documents older than 1994 are not searchable but can be found by FR citation.

Searching the Federal Register

Documents **Public Inspection** 0

Find* 2024-004 1 document [Subscribe](#) CSV/Excel, JSON

Document Category Notice Presidential Document
 Proposed Rule Rule

Agency Agriculture Department
Defense Department

[More Filters](#) [View Advanced Query Options](#) [Search](#) [Reset](#)

DOCUMENTS FOUND **1** [RELEVANT](#) [NEWEST](#) [OLDEST](#)

PR [Federal Acquisition Regulation: Combating Trafficking in Persons-Definition and Agency Responsibilities](#)

by the Defense Department, the General Services Administration, and the National Aeronautics and Space Administration on 07/18/2024.

to be considered in the formation of the final rule. ADDRESSES: Submit comments in response to FAR Case 2024-004 to the Federal eRulemaking portal at <https://www.regulations.gov> by searching for "FAR Case 2024-004". Select the link "Comment Now" that corresponds with "FAR Case 2024-004". Follow the instructions provided on the "Comment Now" screen. Please include your name, company name (if any), and "FAR Case 2024-004" on your attached document. If your comment cannot be submitted using <https://www.regulations.gov>, call or email

Types of Rules

- Major Rules
 - Significant Rules
 - Economically Significant
-
- Rules are posted to the Code of Federal Regulations (CFR). The CFR
 - contains all of the generally applicable rules of the Federal government with current or future effect.

Types of Rules

Proposed Rule	Interim Rule	Final Rule
<ul style="list-style-type: none"> * No immediate change to the FAR * Gives the public a chance to comment before the rule goes into effect * Predecessor to a final rule 	<ul style="list-style-type: none"> * Takes effect upon publication in the Federal Register * Gives the public a chance to comment following the interim rule * Predecessor to a final rule 	<ul style="list-style-type: none"> * Takes effect after publication in the Federal Register * Does not provide a comment period
<p>FAR and GSAR are issued under 41 U.S.C 1707, not under the Administrative Procedure Act publication requirements of 5 U.S.C. 553</p>		<ul style="list-style-type: none"> * Usually issued after issuance of a proposed or interim rule * A final rule may be issued without public comment if: <ul style="list-style-type: none"> • It affects only the internal operating procedures of the Government, or • Has no significant cost or administrative impact on the public.

Rules and ongoing actions

- After a final rule is published, the regulatory process enters the
 - compliance,
 - interpretation, and
 - review phase after a final
- Interpretive Rules
 - Additional guidance to understand what is required
- Additional actions
 - Remove
 - Modify
 - Let it stand

Periodic Reviews

- Law or Presidential Directive may require
- Agency review based on petition from the public
- Reviews based upon changing environment - circumstances

“Major” Rules

- (A) an annual effect on the economy of \$100,000,000 or more;
- (B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

The term does not include any rule promulgated under the Telecommunications Act of 1996 and the amendments made by that Act.⁴⁴

“Significant Rule”

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in this Executive order.⁵⁰

“Economically Significant” Rules

- “Economically significant” rules are those rules that fall into category (1) of “significant” rules—
- that is, those rules that may
- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.
- For rules that are considered “economically significant,” agencies are required to complete a detailed cost-benefit analysis under Section 6(a)(3)(C) of E.O. 12866.⁵⁶

Economically Significant

- the issuing agency is generally required to perform a cost-benefit analysis and submit the rule for review to the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA)

How to Participate in the Rulemaking Process

- Awareness
- Identify issues
- Submit comment

Industry's Participation in Rulemaking

- Read and understand the document you are commenting on
- Point to a specific problem and suggest solutions, where possible
- Be concise but support your claims with sound reasoning
- Identify cost implications and potential burden with specifics
- Include real world examples, where possible
- Address trade-offs and opposing views in your comment
- Constructive comments (either positive or negative) are the most likely to have an influence on regulatory decision making.

Future Rule - Proposed

Cybersecurity Maturity Model Certification (CMMC) Program

A Proposed Rule by the Defense Department on 12/26/2023



PUBLISHED DOCUMENT

PDF (print page 89058)

DOCUMENT HEADINGS

Department of Defense
Office of the Secretary
32 CFR Part 170
[Docket ID: DoD-2023-OS-0063]
RIN 0790-AL49

AGENCY:
Office of the Department of Defense Chief Information Officer (CIO), Department of Defense (DoD).

ACTION:
Proposed rule.

- PDF
- Document Details
- Document Dates
- Table of Contents
- Public Comments
- Regulations.gov Data
- Sharing

<https://www.federalregister.gov/documents/2023/12/26/2023-27280/cybersecurity-maturity-model-certification-cmmc-program>

Public Comments

- Addressing the specifics is critical
- Answered in another part
- Not in scope

Comments - applicability

19. TRAINING ON MARKING CUI

Comment: Many respondents commented that DoD should train personnel on marking CUI and recommended that agencies do a better job of marking CUI.

Response: This comment is outside of the scope of this rule.

Understand the process

15. COST ALLOWABILITY

Comment: Many respondents commented that the DFARS rule should specify whether costs for CMMC are allowable costs.

Response: Cost allowability requirements are described at FAR 31.201-2, Determining allowability.

Submit a comment – Federal Register

Documents **Public Inspection** 4

Find* **9 documents** [Subscribe](#)
CSV/Excel, JSON

Document Category Notice Presidential Document
 Proposed Rule Rule

Agency

[More Filters](#) [View Advanced Query Options](#) **Search** [Reset](#)

Publication Date on 08/22/2024 [Remove Filter](#)

DOCUMENTS FOUND **9**

RELEVANT NEWEST OLDEST



PR **Administrative Changes to Agency Rules of Practice and Procedure**
by the Nuclear Regulatory Commission on 08/22/2024.

The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to revise the agency's rules of practice and procedure to improve access to documents and make e-filing rules technology neutral, to delete an obsolete regulation, to clarify the applicability of Subpart L and Subpart N procedures, to enhance internal consistency...

Submit a comment – Federal Register

Administrative Changes to Agency Rules of Practice and Procedure

A Proposed Rule by the Nuclear Regulatory Commission on 08/22/2024

This document has a comment period that ends in 32 days. (09/23/2024)

[SUBMIT A FORMAL COMMENT](#)

← PUBLISHED DOCUMENT

PDF (print page 67889)

Document Details


Document Dates

Table of Contents

DOCUMENT HEADINGS


Nuclear Regulatory Commission
10 CFR Part 2
[NRC-2023-0210]
RIN 3150-AL09

Comments - Regulations.gov


Your Voice in Federal Decision Making

[SUPPORT](#)

[View Docket](#)

 NOTICE

[Share](#) [Comment Period Ends: 25 Days](#)

Pesticide Registration Review: Proposed Decisions for Several Pesticides

Posted by the **Environmental Protection Agency** on Jul 16, 2024

[Comment](#)

Rulemaking timeline

- Some observers contend that the requirements have resulted in the “ossification” of the rulemaking process, causing agencies to take years to develop final rules.⁵
- For example, the National Advisory Committee on Occupational Safety and Health noted that it takes the Occupational Safety and Health Administration (OSHA) within the Department of Labor an **average of 10 years** to develop and promulgate a health or safety standard.⁶

Small Entity Compliance Guides

- Small Business Regulatory Enforcement Fairness Act
- SBREFA requires guides to be published, be designated as “small entity compliance guides,” and explain the actions a small entity is required to take to comply with an associated final rule.

Federal Acquisition Circular elements

Publication of FAC 2024-06



General Services Administration <gsa@notify.gsa.gov>

To Marc Violante

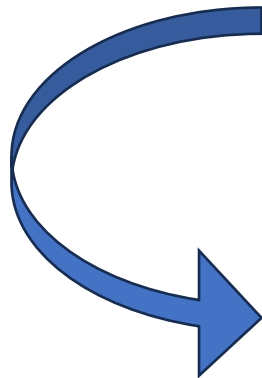


You forwarded this message on 7/30/2024 10:56 AM.

Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

Federal Acquisition Circular (FAC) 2024-06 was published in the Federal Register today, July 30, 2024.

The list of documents included in this FAC are as follows:



- [Introduction](#);
- [FAR Case 2015-038, Reverse Auction Guidance](#), Final Rule, Effective: August 29, 2024;
- [FAR Case 2021-009, Protests of Orders Set Aside for Small Business](#), Final Rule, Effective: August 29, 2024;
- [FAR Case 2023-007, Limitation of Authority Regarding Extraordinary Contractual Actions](#), Final Rule, Effective: August 29, 2024;
- [Technical Amendment](#), Final Rule, Effective: August 29, 2024;
- [Small Entity Compliance Guide \(SECG\)](#).

Small Business Compliance Guide example

- Item I—Reverse Auction Guidance (FAR Case 2015-038) This final rule amends the FAR to provide guidance on the use of reverse auctions. When participating in a reverse auction, offerors see competing offerors' price(s), without disclosure of the competing offerors' identities, and have the opportunity to submit lower priced offers until the close of the auction. Agencies may use reverse auctions to obtain competitive prices for an acquisition. The rule is intended to address concerns identified in two Government Accountability Office reports and an Office of Federal Procurement Policy memorandum. The final rule provides guidance for contracting officers on the appropriate use of reverse auctions and ensures reverse auction service providers are given the Government's access, use, disclosure, and disposition requirements for Government data and Government-related data. The final rule is not expected to have a significant economic impact on a substantial number of small entities because the rule will not impact an entity's participation in a reverse auction.

Rule Amendment and Revocation process

- Agencies must use the notice and comment process

Changes - examples

PART 4—ADMINISTRATIVE AND INFORMATION MATTERS

4.1702 [Amended]

4. Amend section 4.1702 in paragraph (b) by removing the web address " <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/procurement/memo/service-contract-inventory-guidance.pdf>" and adding the web address " https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/memoranda/2017/service_contract_inventories.pdf" in its place.

PART 5—PUBLICIZING CONTRACT ACTIONS

5.704 [Amended]

5. Amend section 5.704 in paragraph (a)(2) by removing the word "e-Buy" and adding the word "eBuy" in its place.

PART 8—REQUIRED SOURCES OF SUPPLIES AND SERVICES

6. Amend section 8.402 by revising paragraphs (d)(1) introductory text and (d)(2) to read as follows:

8.402 General.

★ ★ ★ ★ ★

(d)(1) *eBuy*, GSA's electronic request for quotation (RFQ) system, is a part of a suite of online tools which complement GSA Advantage!. GSA's eBuy allows ordering activities to post

<https://www.federalregister.gov/documents/2024/04/22/2024-07932/federal-acquisition-regulation-technical-amendments>

Displaying Changes



Displaying changes to the eCFR introduced between 8/07/2024 and 8/19/2024.

[previous](#)

Hierarchy display:

Displaying full hierarchy

Display limited hierarchy

8/19/2024

- ▶ **Title 7—Agriculture** *(11 sections changed)*
- ▶ **Title 10—Energy** *(13 sections changed)*
- ▶ **Title 30—Mineral Resources** *(1 section changed)*
- ▶ **Title 38—Pensions, Bonuses, and Veterans' Relief** *(1 section changed)*
- ▶ **Title 40—Protection of Environment** *(3 sections changed)*

<https://www.ecfr.gov/recent-changes>

Changes by data and title (partial)

- ▼ **Title 48—Federal Acquisition Regulations System** *(24 sections changed)*

 - Chapter 2—Defense Acquisition Regulations System, Department of Defense

 - Subchapter B—Acquisition Planning

 - Part 211 - Describing Agency Needs

 - Subpart 211.2 - Using and Maintaining Requirements Documents

 - 211.271 Elimination of use of class I ozone-depleting substances.

 - Part 212 - Acquisition of Commercial Products and Commercial Services

 - Subpart 212.2 - Special Requirements for the Acquisition of Commercial Products and Commercial Services

 - 212.207 Contract type.

 - Subpart 212.3 - Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Products and Commercial Services

 - 212.301 Solicitation provisions and contract clauses for the acquisition of commercial products and commercial services.

 - Subchapter D—Socioeconomic Programs

 - Part 223 - Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace

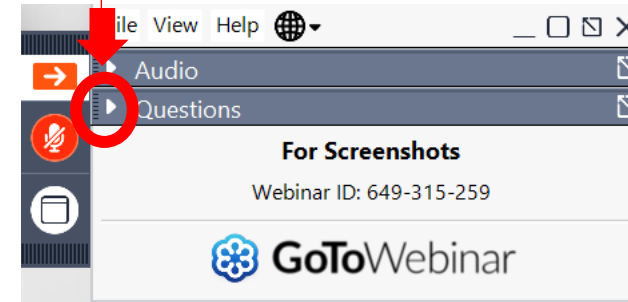
<https://www.ecfr.gov/recent-changes>

QUESTIONS?



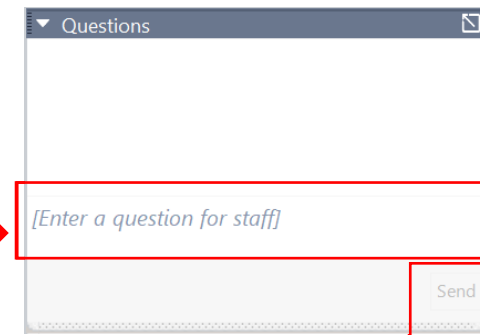
OPENING THE QUESTIONS BOX

Click here to access
within the Control Panel



USING THE QUESTIONS BOX

Type questions
here at any time
during a
presentation



Click Send when ready to submit a question



UPCOMING TRAINING - EVENTS

CYBER FRIDAY LIVE WEBINAR SERIES

Cyber Friday is a series of one-hour webinars focusing on critical topics for DOD contractors and subcontractors in cyber security, data security, and CMMC. Attendees receive 1 CPE credit for attending.

- **August 23**, 3.1.4 Configuration Management Policy, Change Request Process, Baseline Configurations
- **September 20**, 3.1.6 Incident Response Policy, Incident Response Plan
- **October 18**, 3.1.7 System Maintenance Policy
- **November 22**, 3.1.8 Media Control Policy, Media Destruction Policy and Personnel Security
- **January 24**, 3.1.11 Risk Assessment Policy, Security Assessment Reports

EMERGING ISSUES WEBINAR SERIES

This series is intended as an information tool and resource for contract managers and those with a compliance function. Attendees receive 1 CPE credit for attending.

- **Aug 22** – Regulation Making – The Process and the Important Role Businesses Play
- **Sep 19** – Industry 4.0 – The Next Generation of the DIB
- **Oct 24** – Innovation – What Does Innovation Look Like from DoD’s Perspective?
- **Nov 21** – The Critical Role Your Accounting System Plays in SBIR/STTR Success

- Save the Date -



**The
Contracting
Academy**

*Developing and Growing
Government Contractors*

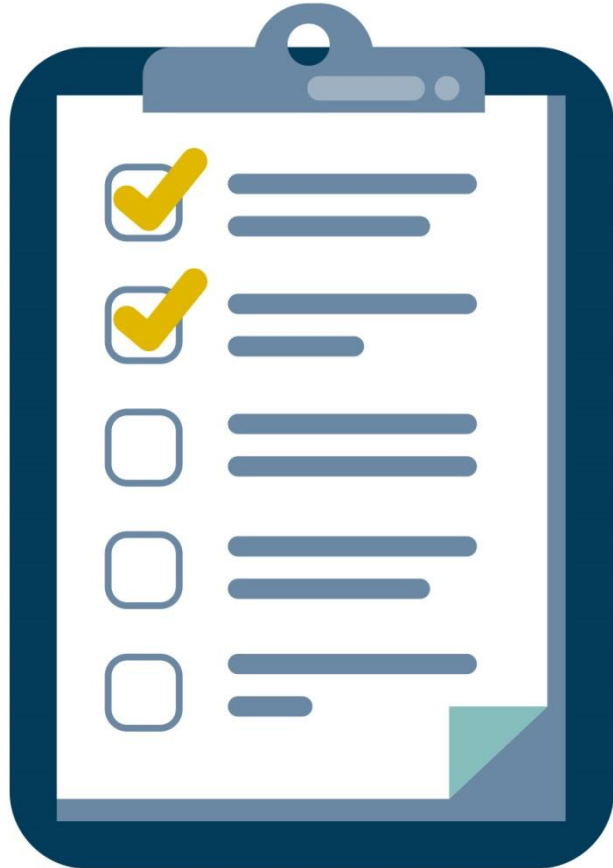
Dec 10

Virtual | 9:00 am - 4:00 pm

The Contracting Academy (TCA) is an opportunity for businesses to grow their technical knowledge of contracting with Federal Government, State/Local Government, and Government Prime Contractors. The series of workshops will benefit established businesses looking to grow and develop their government sales.

...More information and registrations at wispro.org/events

SURVEY



August 22, 2024

CONTINUING PROFESSIONAL EDUCATION



This webinar is eligible for 1 CPE credit.
For a certificate of this credit please contact:

Neelu Patil

neelagangap@wispro.org

PRESENTED BY

Wisconsin Procurement Institute (WPI)

www.wispro.org

Marc Violante

Wisconsin Procurement Institute

MarcV@wispro.org | 920-456-9990

10437 Innovation Drive Suite 320
Milwaukee WI 53226