

6/7/2004

MANAGEMENT STATUS OF OPEN FAR CASES

	12/31/03	2/6/04	3/19/04	6/7/04
At DoD Team		5	5	8
At NASA Team		2	3	2
At CAAC Team		4	2	3
At DARC/CAAC	23	18	10	6
Case Resolution	2	1	4	3
DARC/CAAC agree	0	1	0	0
At GSA Legal	0	0	1	2
Resolving GSA Legal issues	1	0	4	0
GSA Legal concurrence	0	0	0	4
At OFPP	4	1	3	6
Resolving OFPP issues	0	0	1	0
OFPP concurrence	0	0	0	0
At OIRA	2	0	0	0
Resolving OIRA issues	0	0	0	2
OIRA cleared.	2	7	2	1
At FAR Secretariat	6	1	6	9
Out for public comment	6	8	8	6
On hold	3	3	3	6
Total	49	51	52	58

FAR RULES PUBLISHED IN CY04

	Proposed	Interim	Final
Proposed	9		
FAC 2001-19		1	
FAC 2001-20		1	
FAC 2001-21		1	
FAC 2001-22			5
FAC 2001-23		1	
Total	9	4	5

FAR Cases Opened in CY04: 17
 FAR Cases Closed in CY04: 8

See also: <http://www.acq.osd.mil/dp/dars>. Scroll down to Status of Open Cases.

Management Status of the Open FAR Cases

With DoD Team or Ad Hoc– 8

	<u>Team</u>
2004-017 Alaska native Corporations and Certification Verification (i) (6/2/2004, Opened case. RD 7/7/04)	Ad Hoc
2004-015 Payments under Time-and-Materials and Labor-Hour Contracts (p)(5/12/04, Tasked Finance Team, RD 6/30/04)	Finance
2004-014 Buy-Back of Assets (p) (5/12/04, Tasked Finance Team, RD 6/30/04)	Finance
2004-013 Liquidation Rate for Progress Payments (p)(5/12/04, Tasked Finance Team, RD 6/30/04)	Finance
2004-011 Subcontracting Credit for Orders—Part 19 (p) (6/8/04, Tasked Strategy Team Assessment due 6/23/04.)	Strategy
*2003-002 Reimbursement of Relocation Costs on a Lump-Sum Basis (p→f) (2/18/04, Tasked Team, RD 6/2/04)	Finance
*2001-031 Deferred Compensation and Post-Retirement Benefits Other than Pensions (p→f) (2/25/03, Finance Team reviewing OFPP substantial comments, submitted while at CAAC for review.)	Finance
*2001-021 Training and Education Cost Principle (p→p→f) (4/14/04, Tasked Finance Team, RD 7/1/04)	Finance

With NASA Team or Ad Hoc - 2

2004-016 Trade Agreements—Restriction on Acquisition of Services (p) (6/3/2004, Tasked Law Team. Assessment due 6/16/2004)	Law
2004-010 Notification of Employee Rights—Union Dues and Fees (i)(5/12/04, Law team revising based on DARC comments. RD 6/23/04)	Law

With CAAC Team or Ad Hoc – 3

2004-012 Subcontracting Credit for Orders—Part 42 (p)(5/11/04, Tasked team. RD 6/24/04)	Implementation
*2004-007 Federal Technical Engineering Documents System (p) (4/5/04, Tasked team.) (RD 6/12/04)	Technology
*2004-001 Acquisition of A E Services (i) (1/8/04, Opened case. 2/24/04 – meeting with FSS/PBS/PBS A&E. RD 6/4/04)	Ad Hoc

At DARC/CAAC - 6

2003-025 Telecommuting for Federal Workers (i)(6/3/04, DARC agrees. To CAAC Chair)	
2002-024 Electronic Representations and Certifications (p→f) (CAAC and DARC recvd report 6/4/04)	
2000-305 Commercially Available Off-The Shelf Items (p) (5/24/2004, preparing memo to OFPP, providing analysis of public comments and requesting decision)	
*1999-402 FAR Part 27 Rewrite in Plain Language (p→f) (11/19/03, Received PD&C Report. 2/18/04, DARC agreed. 3/24/04, CAAC will discuss. 4/14/04, CAAC approved with comment. 5/24/04, DARC awaiting CAAC version. Revision due 6/9/04)	
1999-025 Cost Accounting Standards (CAS) Administration (p→p→f) (5/5/05, DARC will discuss on 6/9/04)	
1998-020 Hazardous Material Safety Data (p→p) (CD 5/3/04. 5/12/04, Late public comments.	

Discussing strategy for analysis of public comments)

In case resolution - 3

- *2001-004 Exemption of Certain Commercial Service Contracts from the Service Contract Act (p) 5/21/03, FAR staff identified issues. 9/19/03, DARC and CAAC Chairs and analysts met. Discussed at FAR Council on 9/17/2003. 10/9/03, alternatives under review.)
- *2002-023 Excluded Parties List System Enhancement (p→f) (6/8/04, DoD and GSA Legal resolving Privacy Act issues.)
- 2002-005 Transportation: Standard Industry Practices (p→f) (6/3/04, DARC agrees with changes (threshold issue))

DARC/CAAC Agree. Next step, legal review – 0

GSA Legal Review – 2

- 2003-027 Additional Commercial Contract Types (ANPR)(5/17/04)
- 2003-016 Free Trade Agreements—Chile and Singapore (i→f)(5/13/04)

Resolving GSA Legal issues – 0

GSA Legal concurrence. Next step, OFPP - 4

- 2004-006 Accounting for Unallowable Costs (6/2/04)
- 2003-024 Elimination of Certain Subcontract Notification Requirements (i) (6/2/04)
- 2003-022 Special Emergency Procurement Authority (i→f) (6/3/04)
- 2001-018 Applicability of the Cost Principles (p→f) (6/2/04)

At OFPP for review – 6

- 2003-029 Powers of Attorney for Bid Bonds (p)(5/25/04)
- 2003-015 Applicability of SDB and HUBZonePrice Evaluation Factor to Eligible Products (p) (6/7/04)
- *2002-021 Use of FAR Clause 52.244-6, Subcontracts for Commercial Items and Commercial Components, in Construction Contracts (p→f) (5/6/04)
- *2002-017 Elimination of the Standard Form 1417 (p→f) (5/5/04)
- *2002-011 Procurement of Printing and Duplicating through the GPO (p→f) (12/30/02, Comment period closed. OFPP and OMB revising language)
- 2002-004 Labor Standards for Construction (p→f) (5/20/04)

Resolving OFPP Issues - 0

OFPP Concurrence. Next step, OIRA – 0

At OIRA - 0

Resolving OIRA issues - 2

- 2003-008 Share-In-Savings Contracting (ANPR→p) (5/6/04, Resolved comments. Resubmitted to OIRA.)
- 2002-015 Government Property Rental and Special Tooling (p) (4/1/04) (5/4/04, resubmitted. 6/3/04, Case cleared in with comment. Paperwork does apply.)

OIRA cleared. Next step, FARSEC – 1

2003-018 Performance-Based Service Acquisition (p)(5/27/04)

At FAR Secretariat - 9

Proposed rules

FAC 2001-24

- 2004-009 Immigration and Nationality Act—Determining Official for Employment Provision Compliance (i) (6/1/04)
- 2004-008 Designated Countries—New European Union Members (6/1/04)
- 2004-004 Incentives for Use of Performance-Based Contracting for Services (i) (5/20/04)
- 2003-013 Procurement List Maintained by the Committee for Purchase from People Who are Blind or Severely Disabled (p→f) (3/8/04)
- 2003-007 Buy American Act—Nonavailable Articles (p→f) (5/3/04)
- 2002-013 Definitions Clause (p) (5/21/04)
- 2002-008 Gains and Losses, Maintenance and Repair Costs, and Material Costs (p→f) (4/9/04)
- 2002-006 Application of Cost Principles and Procedures, and Accounting for Unallowable Costs (p→f) (4/9/04)
- 1999-603 Federal Supply Schedule Services and Blanket Purchase Agreements (p→f) (5/21/04)

Out for Public Comment - 6

- 2004-005 Gains and Losses (p) (CD 7/20/04)
- 2004-003 Payment Withholding (p) (CD 7/26/04)
- 2004-002 Service-Disabled Veteran-Owned Small Business Procurement Authority (i) (CD 7/6/04)
- 2003-023 Purchases from Federal Prison Industries—Requirement for Market Research (i) (CD 5/25/04)
- 2003-021 Nonavailable Article—Policy (p)(CD 7/23/04)
- 2003-010 (T) Mentor Protégé Program—Delegation of Approval Authority for Mentor Protégé Agreements (p) (CD 6/7/04))

On Hold - 6

- *2003-012 Management and Control of Low Value Property (p) (8/26/2003, opened case) (planning to close)
- *2003-011 Use of Government Property (p) (8/26/2003, opened case) (Planning to close)
- *2003-009 Small Business Subcontracting Program (p) (4/22/04, DARC agreed submit questions to SBA. 6/2/04, DAR staff sent letter to SBA 6/4/04, On hold, pending response from SBA.)
- *2003-005 Federal Prison Industries—Clearances (6/11/03, at direction of OFPP.)
- *2002-020 Contract Bundling—Data Collection (p) (1/15/03, pending input from SBA)
- *1989-093 Lobbying Restrictions (i→f) (11/2/01, at direction of OFPP)

(i) = *Interim rule not published*

(p) = *Proposed rule not published*

(i® f) = *Finalizing interim rule*

(p® p) = *Second proposed rule*

(p® f) = *Finalizing proposed rule*

FAR Rules Published in CY04

ANPR

Proposed rules:

- 2004-005 Gains and Losses (p)(5/21/04)
- 2004-003 Payment Withholding (p) (5/25/94)
- 2003-021 Nonavailable Article—Policy (p)(5/24/04)
- 2003-010 (T) Mentor Protégé Program—Delegation of Approval Authority for Mentor Protégé Agreements (p) (4/6/04)
- 2002-024 Electronic Representations and Certifications (p) (12/1/03)
- 2002-013 Definitions Clause (p) (1/21/04)
- 2002-005 Transportation: Standard Industry Practices (p) (1/27/04)
- 2001-021 Training and Education Cost Principle (p→p) (1/29/04)
- 2000-305 Commercially Available Off-The Shelf Items (p) (1/15/04)

FAC 2001-23 (5/5/04)

FAC 2001-22 (4/5/04)

- 2003-020 New Mexico Tax—United States Missile Defense Agency (f)
- 2002-027 Unsolicited Proposals (p→f)
- 2002-025 Unique Contract and Order Numbering System (i→f)
- 2001-034 General Provisions of the Cost Principles (p→f)
- 1995-013 Government Property Disposal (p→f)

FAC 2001-21 (3/26/04)

- 2003-023 Purchases from Federal Prison Industries—Requirement for Market Research (i) (CD 5/25/04)

FAC 2001-20 (2/23/04)

- 2003-022 Special Emergency Procurement Authority (i) (CD 4/23/04)

FAC 2001-19 (1/7/04)

- 2003-016 Free Trade Agreements—Chile and Singapore (i) (CD 3/8/04)

FAR Cases Withdrawn, Merged, or Closed Without Action CY04

- 2003-028 Commercial Services Definition(i)(1/20/2004, Closed case into 2004-004)
- 2003-026 Incentives for Use of Performance-Based Contracting for Services (i) (1/20/04, closed case into 2004-004)
- 2003-017 Wage Determinations On-Line (2/26/04, Closed case until because requires waiver from DoI or change of DoL regulations in order to process further.