

FAR  
OPERATING  
GUIDE

VERSION 5 - 5A

JULY 18, 2011

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**FAR Drafting Guide**, available at [www.acq.osd.mil/dpap/dars/](http://www.acq.osd.mil/dpap/dars/), is incorporated by reference.

**This Operating Guide provides procedures for the processing of FAR rules by the FAR Principals, Case Managers, FAR Teams, and CAAC and DARC**

**I. STRUCTURE OF COUNCILS AND FAR TEAMS**

**A. Councils**

The Federal Acquisition Regulatory Council provides the overall direction to the Civilian Agency Acquisition Council (CAAC) and the Defense Acquisition Regulations Council (DARC). The FAR Council is chaired by the Administrator for Federal Procurement Policy. The other FAR Council members are-

- The Director, Defense Procurement and Acquisition Policy (DPAP), Department of Defense (DoD);
- The Deputy Associate Administrator & Senior Procurement Executive (SPE), General Services Administration (GSA); and
- The Assistant Administrator for Procurement, National Aeronautics and Space Administration (NASA).

The CAAC and DARC independently deliberate all changes to the FAR and reach agreement on all proposed changes to the FAR, as well as agreeing on all collateral requirements, such as the Federal Register notice.

The CAAC is chaired by GSA. The CAAC members are Government employees and representatives of the following civilian agencies, each with a single vote -

Department of Agriculture	Department of State
Department of Commerce	Department of Transportation
Department of Energy	Department of Veterans Affairs
Department of Interior	Environmental Protection Agency
Department of Labor	Small Business Administration
	Small Agency Council

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Department of Treasury

Social Security  
Administration

Department of Health  
and Human Services

Department of Housing and  
Urban Development

Department of Homeland  
Security

U.S. Agency for International  
Development

Department of Justice

The GSA CAAC Counsel is a non-voting member of the CAAC.

The DARC is chaired by the Deputy Director, DPAP/Defense Acquisition Regulations System (DARS). The Council members are Government employees and representatives of-

Army

Defense Logistics Agency

Navy

Air Force

Defense Contract Management  
Agency

NASA

Each agency on the DARC is represented by two members: a policy member with the agency vote, and a non-voting legal member. A DoD agency legal member advises the respective agency policy member only, and cannot speak for DOD General Counsel with respect to legal sufficiency as to any DARC action.

Attendance at CAAC and DARC meetings is limited to Government employees. Clerical support contractors are allowed to attend, only in the capacity of clerical support. Any other attendees will be allowed only on a case-by-case basis as approved by the DARC Director or the CAAC Chair, respectively, and should not be present during substantive discussions of the cases.

### **B. FAR Teams**

#### **1. Types of Teams**

**a. Standing FAR Teams.** The standing FAR teams are responsible for all but the very routine cases in their assigned FAR parts. Cases in FAR parts not listed in the

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table below will be assigned to either a standing FAR team or an ad hoc team, depending on the nature of the case. The teams are comprised of "core" members and "rotational" members. Core members, or their designated representative, attend all team meetings. Rotational members are team members for specific cases that impact their assigned areas of responsibility. Supplemental advisors (Office of Federal Procurement Policy (OFPP), Defense Contract Audit Agency (DCAA), etc.) also support the teams. Supplemental advisors are not voting members. Supplemental advisors may present a formal minority position.

The CAAC Chair, DARC Director, and NASA Assistant Administrator for Procurement (FAR Principals) establish the composition of the standing FAR team's membership. The current FAR teams are:

FAR Team - Acquisition	FAR Parts
Environmental and Labor Law	22-24, 27, 33
Ethics and International Law	3, 9.1, 9.4, 9.5, 25, 50
Finance	15.4, 28, 29, 30-32
Implementation	4, 42, 43, 45-47, 49
Planning and Methods	7, 8, 10, 11-16 (except 15.4), 37, 38, 51
Small Business	19, 26, 44
Strategy	5, 6, 9.2, 9.3, 9.6, 9.7, 17, 18, 34-36, 41, 48
Technology	39 and E-Commerce and IT issues without restriction to FAR part

The DARC maintains a current official list of FAR teams, including member names, e-mail addresses, phone numbers, and whether the member is core, rotational, or supplemental advisor. The information is available at [http://www.acq.osd.mil/dpap/dars/far\\_teams.html](http://www.acq.osd.mil/dpap/dars/far_teams.html)

**b. Ad Hoc Teams.** Ad hoc teams are established on a case-by-case basis to handle special taskings. The FAR Principals determine team membership based on each special tasking.

**c. Staff Level Teams.** Staff level teams are responsible for routine or administrative cases, as assigned by the FAR principals, and are comprised of CAAC

and DARS case managers. The CAAC Chair and DARC Director assign their respective case managers to these teams.

**2. Appointment to Teams.**

**a. Chairs and Deputies.** Standing FAR teams are chaired by DOD, GSA, or NASA. The CAAC Chair, DARC Director, and NASA Assistant Administrator for Procurement appoint their respective chairs and deputies. Each FAR Principal shall notify the other FAR Principals of any changes to team chairs and deputies.

The FAR Council has assigned team chair and deputy responsibility to the agencies as follows:

Team	Chair	Deputy
Environmental and Labor Law	DoD	GSA
Ethics and International Law	GSA	DoD
Finance	NASA	DoD/GSA
Implementation	GSA	DoD
Planning and Methods	NASA	DoD/GSA
Small Business	DoD	GSA
Strategy	DoD	GSA
Technology	GSA	DoD

**b. Team Members.** The CAAC Chair, DARC Director, and NASA Assistant Administrator for Procurement appoint their respective team members. Each FAR Principal shall notify the other FAR Principals of any respective team member changes. Team membership is limited to Government employees.

**II. CASE PROCESSING ROLES AND RESPONSIBILITIES.**

These responsibilities apply to processing of all cases, whether processed by standing, ad hoc, or staff level teams.

**A. FAR Principals (CAAC Chair, DARC Director, and NASA Assistant Administrator for Procurement).**

- Mutually decide whether to open a new case or close an on-going case without FAR changes. (see section III.A.).
- Identify whether a case intake meeting is needed (see section III.A.2.).
- Assign cases to the appropriate standing or ad hoc teams, or make determinations to assign cases to a staff level team. Assign a team chair for an ad hoc team, and identify which Council Chair/Director has responsibility (usually determined based on agency of the team chair).
- Issue team tasking. Provide specific direction to the teams on case objectives and request advice from the FAR Council when necessary. The CAAC Chair issues tasking to the FAR teams chaired by GSA and the DARC Director issues tasking to the FAR teams chaired by DoD or NASA. See section III.B.1.
- Recommend whether case should be published as a proposed, interim, or final rule.
- Establish due dates for team reports. If a streamlined team report is acceptable for a staff level team, notify the staff.
- Review team reports for quality and assess the responsiveness of the report to the tasking. If a report is seriously deficient, the FAR Principals should agree to—
  - o Return the report to the team, with an explanation of the corrective actions required (section III.B.d. and Appendix 2); or
  - o Request a supplemental submission.
- Obtain staff for all teams.
- Provide input on team members' performance to agency procurement executives through the FAR signatories, and provide appropriate

recognition for outstanding individual and team performance.

- Ensure team members and their managers understand that FAR cases are the highest priority job assignments.
- Hold periodic status meetings with teams and provide timely, constructive feedback to standing FAR team chairs and deputies on the quality and timeliness of team findings and recommendations, reports, and related documents.
- Provide appropriate team-related training to their respective chairs and team members.

**B. Case Managers.**

DARS and CAAC case managers are responsible for managing the timely processing and quality of cases. Assigned by the DARC Director and CAAC Chair respectively, they are responsible for managing the development of each case assigned to them from initial assignment through final disposition, including issuance of a final rule or closing of the case. The assignment may be made prior to an agreement by the FAR Principals to open a case. This involves a number of general management responsibilities, as well as specific responsibilities at each phase of case development.

**1. General Responsibilities:**

- Prepare the draft opening Case Management Record (CMR) at the direction of the sponsoring FAR Principal for consideration by the other FAR Principals (See Appendix 1).
- Prepare and distribute the opening CMR to open new FAR cases in accordance with section III.A.1. and in the format at Appendix 1. The CMR shall include a due date, generally assigned after consultation with the team chair.

- Prepare subsequent CMRs as needed for submissions to their respective FAR Principal/Council (e.g., request for extension, or submission of team report). For example, if the team cannot submit a required report by the established report due date, the case manager for the Council that has responsibility for the team must prepare a CMR to request an extension from the CAAC Chair or DARC Director, respectively, and provide an explanation of why the extension is needed along with a proposed due date.
- Serve as the primary liaison to their respective Councils, FAR Principal, and OFPP staff. Provide briefings on case status, timeline, or outstanding issues upon request by a FAR Principal or OFPP staff.
- Elevate issues that cannot be resolved in a timely manner to their FAR Principal.
- Actively promote the timely processing and quality of cases from development (in close coordination with team chairs) and consideration by Councils, through resolution at the Council, GSA Counsel, OFPP, and OIRA stage.
- Maintain case record files and databases. The DARS case manager will update the Defense Acquisition Regulations Management Information System (DARMIS). The CAAC case manager will provide necessary case status information to the DARS case manager for entry into DARMIS. The CAAC case manager will update the FAR Staff Case Management report.

**2. Responsibilities During Team Consideration:**

- If the FAR Principals decide that there is no need for a case intake meeting on a statutory case, then the case managers should coordinate with their respective Legal Counsel to verify that the team is correctly interpreting the statute.

- Participate as team members for assigned cases. However, each agency gets only one vote. The case managers are non-voting members, unless they are the team chair or the deputy. The case managers will nevertheless sign the report and indicate concurrence or non-concurrence.
- Monitor team progress and advise the FAR Principals on the progress of team assignments for assigned cases. Identify issues impeding progress and elevate to the FAR Principals. Examples of issues that may impede progress include lack of participation by team members, need for legal support or other expertise, or impasse.

**3. Responsibilities During CAAC/DARC Consideration:**

- Forward the case report to the appropriate Council. For CAAC case manager, obtain approval of CAAC Chair prior to submission to CAAC.
- Schedule and present cases to their respective Council.
- Brief case to respective Council for consideration with support from the team chair, if requested.
- Check the FAR baseline and update as necessary.
- Mark any CAAC/DARC changes in line-in/line-out with footnoting of rationale-see sections III.E.2. and III.F.
- Be prepared to brief the FAR Principals and OFPP staff on any cases on any differences between the approved CAAC and DARC cases. Apprise OFPP staff, through the FAR Principals, of any significant challenges that are delaying deliberations within the CAAC and DARC.
- Work together with their counterpart case manager to timely resolve differences between the CAAC and DARC, consistent with any guidance provided by FAR Principals and OFPP staff, and follow the coordination procedures in section III.E. Provide periodic status updates to FAR Principals and OFPP staff if issues are not resolved within two weeks. Case managers should jointly provide--
  - Description of the differences between the CAAC and DARC versions of the rule;
  - Proposed solution (if available);

- Timeline (if proposed solution provided); and
- Any help requested (i.e., policy advice, legal advice, returned to CAAC and DARC, etc.)

**4. Responsibilities During GSA Legal/OFPP/OIRA Consideration:**

- The CAAC case manager will coordinate with OFPP and the Office of Information of Regulatory Affairs (OIRA) for their comments.
- The CAAC case manager will promptly notify the DARS case manager and the NASA Assistant Administrator for Procurement of each step in the process and provide any comments received from GSA Legal, OFPP, or OIRA, working cooperatively with the DARS case manager to resolve the comments. If comments are significant, the case managers will include NASA in the resolution of comments.
- DARS Case manager and NASA Assistant Administrator for Procurement obtain necessary approvals to publish proposed rules.
- Notify their FAR Principal if GSA Legal (including CAAC Counsel), OFPP, or OIRA review exceeds two weeks prior to identification of issues.
- Also notify the FAR Principals if resolution of GSA Legal (including CAAC Counsel), OFPP, or OIRA issues exceeds two weeks. Case managers should jointly provide—
  - Description of the issues raised by GSA Legal/OFPP/OIRA;
  - Proposed solution (if available);
  - Timeline (if proposed solution provided); and
  - Any help requested (i.e., policy advice, legal advice, returned to CAAC and DARC or team chair/team).
- CAAC case manager submits a "clean" copy of rule (basic bold and bracket and strikethroughs only for text, no bold and bracket or strikethroughs for Federal Register notice) to the FAR Secretariat for entry into ROCIS within 2 days of OIRA declaring the rule significant.

- Advise the team chair and respective Council of final disposition of case resolution.

**5. Responsibilities During Publication Preparation**

- The CAAC case manager will coordinate the publication of the case with the Regulatory Secretariat.
- Remove the "do not disclose" footer notice.
- If the draft Federal Register notice includes identification of public commenter (names or numbers), remove them.
- Provide to the Regulatory Secretariat, to accompany the FAC, Determination and Findings (signed by OFPP) for applying laws to commercial items, commercially available off-the-shelf (COTS) items, and acquisitions below the simplified acquisition threshold, if applicable.
- Work with counterpart case manager to review the rule documents prepared by the Regulatory Secretariat for publication.
- For proposed FAR rules, provide copy to NASA Assistant Administrator for Procurement for approval to publish.
- Assure that the signature FAC reflects the OIRA approved version, revised for any subsequent minor editorial changes agreed to by DOD, GSA, and NASA, if any.

**C. FAR Team Chairs.**

The team chair is responsible for managing the production of the team report for cases assigned to their team. This involves responsibilities for managing schedules, team members, and outcomes, and includes the following:

- Convene and preside at team meetings.
- Ensure members are provided appropriate background materials prior to team meetings (e.g., copies of tasking CMR and related documents).
- Prior to team meetings, assign within the team the lead responsibility for each case; this includes the preparation of a draft to initiate team discussions. Other responsibilities may be

individually assigned, including regulatory flexibility analyses, paperwork reduction analyses, or preparation of draft determinations for application to commercial items, COTS items, or below the simplified acquisition threshold.

- E-mail meeting agendas to team members, well in advance of meetings.
- Obtain the appropriate expert and functional advice, in consultation with the case managers. If the team is aware that the case could have a significant impact on business systems, the team chair should request as early as possible the participation of integrated acquisition environment (IAE) systems personnel during the development of the report.
- Arrange for deputy chair or another team member to perform team chair duties during absences of team chair.
- Ensure team meetings proceed in an efficient manner using member time wisely; members are provided a full opportunity to provide timely input on all aspects of each case. While deliberation and healthy debate should not be discouraged, the team chair must ensure it is productive and progress is being made.
- Manage case work load in consultation with the case managers. Coordinate with the case managers regarding case status, major issues, need for expert consultants, need to elevate questions to the FAR Principals, or any other roadblocks to timely completion.
- Ensure the preparation and submission of quality, complete and accurate team reports, including draft Federal Register notice, and all associated documentation.
- Meet established deadlines and provide timely notification to the case manager when extensions are needed. Extensions will be approved by the Chair/Director of the Council with responsibility for the team.
- Submit reports, including report checklist, to the FAR Principals, with copies to the case managers. When submitting the report to the FAR Principals, also send the training form and the data collection/reporting checklist, along with

a copy of the report, to the individuals identified on the forms.

- Attend CAAC, DARC, or resolution meetings upon request by the relevant case manager or FAR Principal.
- Provide members copies of the FAR language and Federal Register Notices after the CAAC and DARC agree to the rule.
- Provide input to the appropriate FAR Principal on members' performance and make recommendations to recognize outstanding team and member performance, when opportunities for such recognition are available.
- Maintain records of attendance and participation. When a team member does not attend meetings, contact the team member to let them know that the team takes their lack of participation seriously. Involve the case managers and elevate to the appropriate FAR Principal (depending on agency of team member) if the team member continues to fail to attend or if the member fails to make a contribution.
- Be prepared to keep the FAR Principals informed of the status of the team's work (in general or with respect to a particular case).

**D. Team Members.**

- Review all provided materials in advance of team meetings.
- Attend all meetings and participate in case discussions.
- Provide broad and/or specific acquisition expertise to develop rules for Government-wide application.
- Review all draft reports (including appendices) before the team chair issues the report; ensure a quality product is written.
- At the direction of the team chair-
  - Assume lead responsibility for drafting quality draft FAR coverage, draft/final reports, and recommendations that consider all relevant information for deliberation by the full team and for meeting the established deadlines.

- o Attend CAAC, DARC, and related meetings.
- Keep the team chair informed of any change in work status (e.g., leave, extended travel, or change in phone or email address).
- Prepare and submit quality, complete and accurate team reports and Federal Register Notices.
- Team legal representative should informally stay in contact with the GSA/OGC attorney assigned to support their FAR team in order to eliminate legal issues that may arise during the GSA/OGC attorney legal sufficiency review. However, team legal representative should be aware that final legal concurrence authority remains with GSA/OGC.

**E. Supplemental Advisors.**

- Provide subject matter expertise.
- Assist in research, and in the development or review of draft proposed changes and reports.

**F. CAAC and DARC.**

- Review FAR cases either in parallel or sequentially, as appropriate for the case.
- Provide broad perspective, consistent with the guiding principles and conventions of the FAR.
- Provide department or agency final policy views on matters before the Council.

**III. PROCEDURES.**

**A. Opening, Closing, and Placing FAR Cases on Hold**

**1. Opening New FAR Cases.**

The FAR Principals must agree in order to open a new FAR case. The sponsoring FAR Principal submits a draft opening CMR (see Appendix 1) to the other Principals when the sponsor recommends opening a new case. Once the Principals finalize the opening CMR, the DARMIS assigns the FAR case number. Upon opening the case, the FAR Principals assign a due date prior to distribution of the CMR to the team (see section II.A.).

If the CAAC Chair or DARC Director receives a request for a new FAR case from an agency represented on its Council, the CAAC Chair or DARC Director may decide not to open a case without consulting with the FAR Principals.

However, if the CAAC Chair or DARC Director receives a request from a source not represented on its Council, the CAAC or DARC case manager will forward the request and their respective Chair/Director's position on opening the case to the FAR Principals. If the FAR Principals disagree and resolution cannot be reached, the FAR Principals may raise the issue to the FAR signatories. If the FAR Principals do not open the case, the case manager will respond to the originator with rationale for not opening the case.

**2. Case Intake Meeting.**

As part of the early processing for a new FAR case, the FAR Principals will make an initial assessment of the proposed case based upon the two categories listed below. The purpose is to thoroughly examine the case upfront and make informed decisions about team assignments, the need for special advisers, and to identify policy and legal issues.

**CATEGORY I: NEEDS A CASE INTAKE MEETING.**

Considerations:

- o Complex/variable statutory or Executive order direction

- o Significant impact to existing contracting policy Governmentwide
- o Significant impact to industry
- o Complex policy analysis needed
- o Possibly politically sensitive topic
- o Some policy analysis needed from outside of contracting community
- o High risk of potential litigation
- o Conflicting policy goals

**CATEGORY II: NO NEED FOR A SEPARATE CASE INTAKE MEETING.**

Considerations:

- o Primarily only affects internal government operations, e.g., involves only simple housekeeping changes
- o Not required by statute or Executive order;
- o Simple and clear statutory or Executive Order direction (If the FAR Principals decide that there is no need for a case intake meeting on a statutory case, then the case managers should coordinate with GSA/DoD Legal to verify that the team is correctly interpreting the statute.)

The case intake meeting should generally occur within 2 weeks of case opening. The FAR team is encouraged to begin work on the case— reviewing, researching, and drafting documents. The team should not wait to begin the case until the intake meeting occurs. The time for the intake meeting is part of the time allotted for the report.

In advance of the case intake meeting, GSA OGC will assign a lawyer to the case, who will review the case in advance of the intake meeting. At the case intake meeting, the GSA OGC lawyer, in conjunction with any other lawyers assigned to the case, will identify legal issues relating to the case. The others participants in the intake meeting are each responsible for identifying issues prior to the intake meeting and providing these issues to the case managers for transmission to and prior consideration by the attendees at the intake meeting.

Attendees at the case intake meeting should include the case managers, the team chair, GSA General Counsel, the FAR Principals, OFPP staff, and any other subject matter experts that have been identified as significant to development of the case. Additionally, consider the inclusion of representatives for training and IAE system development if they will potentially affect the implementation of any rule in a significant manner.

The case managers will share the responsibility to distribute to the intake meeting attendees, copies of all pertinent documents needed to help process the case, e.g.

- CMR;
- Relevant statute(s) or Executive orders;
- Requesting organization's business case;
- Any existing industry comments; and
- Documents submitted in advance by the attendees.

If additional complexities are identified later in the process, the FAR Principals, the case managers, or the team chair, can ask for a follow-on meeting which may be scheduled for a case already identified as complex, or an initial meeting may be scheduled for a case that was originally considered simple.

### **3. Closing FAR Cases.**

Cases are closed when the final FAR rule is published in the Federal Register. Cases may be closed without publication of a rule at the direction of the Office of Management and Budget (OMB), the FAR Council, or the FAR Principals. The Principals, with appropriate consultations with the DARC and CAAC may generally approve the closing of a case. In some instances (e.g., the FAR Council or OFPP specifically requested opening the case), closing a case may need FAR Council or OFPP approval.

### **4. Placing FAR Cases on Hold.**

Cases may only be placed on hold at the direction of OMB or the FAR Council, or by agreement of the FAR Principals.

**B. Standing and Ad Hoc FAR Team Procedures.**

**1. Team Tasking.**

The FAR Principals issue taskings to the standing FAR teams using the CMR (see Appendix 1). The opening CMR provides detailed information on the purpose of the case; provides any relevant supporting documentation, e.g. statute, GAO case, IT case, etc. The CMR identifies what is expected of the team, including any desired courses of action or conditions of implementation, any coordination necessary, and the report due date, which may be decided with input from the team chair. The due date will be based on any implementation mandates required by statute, the complexity of the subject matter, case priority, coordination required, and existing team workload.

**2. Team Meetings.**

Teams meet as frequently as necessary to complete their taskings by the established due dates. Teams must complete the tasking as outlined in the tasking CMR and may also propose alternative solutions with supporting rationale. Teams should begin discussions with a draft FAR coverage and report that contains, at a minimum, a summary of the issues (either the issues to be addressed by the team or, in the case of taskings after published proposed or interim rules, a summary of the issues identified by the public comments).

Attendance at team meetings is limited to Government employees. Other attendees will be allowed only on a case-by-case basis as approved by all FAR Principals and should not be present during substantive discussions of the case.

**3. Voting.**

Teams generally and preferably accomplish business on a consensus basis. If necessary, the team chair may call for a vote to reach agreement. Each team chair, deputy chair, and team member gets one vote, unless there is more than one member from the same agency, in which case each agency only gets one vote. Supplemental advisors do not

vote. Case managers do not vote unless they are a core or rotational member of the team.

**4. Team Reports.**

Except for streamlined staff reports, teams prepare reports in accordance with Appendix 2. The report should reflect the views of all members who participated and concurred with the report. The concurrence by the team member should be coordinated within the agency of the team member. If a team member has not participated they may concur, but the fact that they did not participate in the development of the case should be annotated.

Team chairs submit reports to the FAR Principals and their deputies (if any), with copies to the case managers. The assigned case managers submit reports to their respective Councils in accordance with DARS or CAAC procedures.

Team chairs send the training form and the data collection/reporting checklist, along with a copy of the report, to the individuals and organizations identified on the forms.

If the team cannot submit a required report by the established report due date, the case manager for the Council that has responsibility for the team must request an extension from the CAAC Chair or DARC Director, respectively, and provide an explanation of why the extension is needed along with a proposed due date. If requested, the team submits periodic progress reports.

Once the team report has been filed with the CAAC and DARC, the team report shall not be updated for any subsequent actions taken by the CAAC and DARC or any other party. However, the CAAC and DARC may direct the team to issue a supplemental team report as they deem necessary.

**5. Minority Opinions.**

If a team member or advisor does not concur with the team report, the member or advisor should submit a minority opinion. Members or advisors should submit the minority opinion(s) to the team chair in time for the team to prepare a rebuttal. The rebuttal by the team majority, if

any, shall address the salient points raised by the minority opinion(s). The team chair may establish a due date for the minority opinion. Both the minority opinion and the rebuttal are included as part of the team report. The minority opinion should include a detailed discussion of the basis of the dissent and the suggested alternative. A minority opinion may not be used to delay submission of a team report to the CAAC and DARC. If the due date for submission of the minority opinion cannot be met, the minority opinion may be provided to the CAAC and DARC when the team report is submitted, or subsequently in sufficient time for consideration by the CAAC and DARC on the scheduled discussion date for the team report.

### **C. Staff Level Reports.**

If a simple case is prepared at the staff level, a formal report may not be necessary. The DoD and GSA case managers can provide the necessary introductory information on a CMR with the list of attachments, together with the draft text, draft Federal Register notice, Data Collection/Reporting Checklist, and any other necessary attachments. The Report Checklist may be used, but its attachment to a staff level report is optional. If this streamlined format is used in the analysis of public comments, the Federal Register notice may identify the respondents parenthetically, to be removed prior to publication. One of the case managers will agree to take the lead and submit the streamlined report to the FAR Principals.

### **D. DARC and CAAC Deliberations**

The DARC and CAAC deliberate cases using either-

- 1. Formal Discussion.** Formal discussions are normally used for **complex cases**. The CAAC and DARC meet and deliberate the case.

- 2. "Simplified Approval Process" or "Reclama".** "Simplified Approval Process" is a CAAC term. "Reclama" is the equivalent DARC term. These streamlined procedures are generally used for **non-complex cases**. The procedures are also used for cases previously discussed by the CAAC and DARC when the proposed or interim rule is being converted to a final rule without change.

**E. Resolving Differences Between the CAAC and the DARC.**

**1. Definitions.**

"*Council 1*" means the Council that first discusses a case when Council discussions occur sequentially rather than concurrently.

"*Council 2*" means the Council that receives Council 1's comments before its discussion of the case.

"*Discussion baseline*" means the current FAR baseline as amended by the FAR team's proposed changes.

"*Revised discussion baseline*" means the discussion baseline as amended by changes recommended by a Council after its review. All Council recommended changes must be annotated and explained via footnotes.

**2. Process.**

Case managers must check the FAR baseline used by the team and update it if the baseline does not reflect the current FAR language. If the baseline is incorrect, case managers should confer to ensure that each Council has the correct FAR baseline. The discussion baseline is to be presented to each Council.

**a. When a case is discussed concurrently.**

(1) Case managers will review the revised discussion baseline of the other Council and develop a plan for resolution of disagreements (resolution may require resubmission to the CAAC and DARC).

(2) Case managers will advise their respective Council chair of the resolution plan.

**b. When a case is discussed sequentially.**

(1) Council 1 will provide Council 2 a revised discussion baseline.

(2) Council 2 will provide the Council 1 revised discussion baseline to its members. If it is not possible for Council 2 to consider the Council 1 revised discussion

baseline, the Council may proceed with procedures for concurrent discussions.

(3) If it is possible for Council 2 to consider the Council 1 revised discussion baseline, any Council 2 revisions must track to the Council 1 revised discussion baseline and be annotated and explained via footnote. Proceed with procedures for concurrent discussions.

Case managers must explain each change to the discussion baseline and revised discussion baseline via footnote. The explanation should clearly indicate why the change was needed. The FAC baseline should also be part of the legend.

**F. Marking Changes.**

Teams must not use the Microsoft Word track changes function in any document submitted to the Regulatory Secretariat, DARC or CAAC, including Council comments being submitted to the other Council's case manager. Changes to the FAR text revisions must be made using the following conventions. Deviation from this format requires prior approval of the Principals.

In addition, each version should have a legend at the top of the first page (not in the header). This is an example of a legend, which would appear at the top of the first page:

**FAR Case 2010-XXX**  
**Case Title**  
**Draft Final rule**

Baseline is FAC 49.

The changes in the proposed rule published September 1, 2010, are shown by **[additions]** and ~~deletions~~.

Team changes, January 3, 2011, are shown by underlined **[additions]** and ~~deletions~~.

DARC changes January 10, 2011, are shown by yellow highlight **[additions]** and ~~deletions~~.

CAAC changes January 17, 2011, are shown by aqua highlight **[additions]** and ~~deletions~~.

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A revision should use only one of the following: single underline, double underline, or one color for that revision. A revision should use the same color/underline marking for the Federal Register notice as for the FAR text.

If unchanged FAR language was put in the case to show context, but then is no longer needed, do not use strikeout to take it out of the case, as this will remove the section from the FAR instead of from the case.

If more words are to be added inside bracketed (new) FAR text language, additional nested brackets are not necessary. The change may be underlined or highlighted as necessary. Example:

"This revision was written [**by the CAAC and the DARC.**]"

Each Council should footnote the rationale for changes that are not typos.

Changes to the draft Federal Register notice should not use brackets, because the document should be a clean document after agreement is reached by the CAAC and DARC. (The baseline for the change to the FAR text is the FAR text as of a certain date, while the baseline for the Federal Register notice is a clean or blank notice as it is developed during the course of the particular step in the rulemaking process.) Underline, strikeout, or highlight can be used to indicate changes, and is more readily removed to make a clean document.

When the case is a final rule following a proposed rule, show the proposed changes to the FAR text as the first set of changes, then the team changes to the proposed rule as the second set of changes.

First revision:

Deletions from baseline: ~~Strikethrough~~

Additions to baseline: **[Bolded and bracketed]**

Second revision:

Start with the first revision, showing baseline, deletions and additions of the first revision.

New deletions from baseline: ~~Strikethrough and underline.~~

New additions to baseline: **[Bolded and bracketed and underlined.]**

Reinstatement of previously deleted text: Remove strikethrough and add underline.

Deletion of previously added text: ~~**[Bolded, bracketed, strikethrough, and underline]**~~

Third revision:

Start with the second revision, showing baseline, and the deletions and additions of the first and second revisions.

New deletions: ~~Strikethrough and double underline.~~

New additions: **[Bolded and bracketed and double underlined.]**

Reinstatement of previously deleted text: Remove strikethrough and add double underline.

Deletion of previously added text: ~~**[Bolded, bracketed, strikethrough, and double underline]**~~

Subsequent revisions beyond the third revision:

Use colors to show changes. For example use blue to show changes made by the CAAC, and yellow for changes made by the DARC.

After the fourth or fifth revision, consider whether earlier line-in-line-out changes should be dropped. Always keep the FAR baseline and the proposed rule, but drop intermediary stages and agree to the latest version as the second revision. The goal is to show in a meaningful way what the CAAC and DARC need to review.

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**FAR text:** Remove all intermediary stages and footnotes, when forwarding the rule to OIRA, but retain the line-in/line out showing the change from the FAR text baseline to the final FAR text as agreed upon by the CAAC and DARC. The FAR text forwarded to OIRA must not have colors or underlines, or deleted material within brackets.

**Federal Register notice:** The Federal Register notice forwarded to OIRA should be a clean copy, i.e., with no colors, underlines, bolding and brackets, or strikethroughs.

Examples

<p><b>Original:</b></p> <p>(3) "Domestic concern," as used in this part, means a concern incorporated in the United States or an unincorporated concern having its place of business in the United States.</p>	<p><b>Revision 1:</b></p> <p>(3) "Domestic concern," as used in this part, means[-  <b>(i) A]a</b>  <del>concern</del><b>[firm]</b> incorporated in the United States <b>[(including a subsidiary that is incorporated in the United States, even if the corporation is a foreign concern);]</b> or  <b>[(ii) A]an</b> unincorporated <del>concern</del><b>[firm]</b> having its place of business in the United States.</p>	<p>Revision 2:</p> <p><del>(3[6]) "Domestic concern," as used in this part,</del>  means[-  <b>(i) A]a</b>  <del>concern</del><b>[firm]</b> incorporated in the United States <b>[(including a subsidiary that is incorporated in the United States, even if the parent corporation is a foreign concern);]</b> or  <b>[(ii) A]an</b> unincorporated <del>concern</del><b>[firm]</b> having its <b>[principal]</b> place of business in the United States.</p>	<p>Revision 3:</p> <p><del>(3[67]) "Domestic concern," as used in this part,</del><sup>1</sup>  means[-  <b>(i) A]a</b>  <del>concern</del><b>[firm]</b> incorporated in the United States <b>[(including a subsidiary that is incorporated in the United States, even if the parent corporation is a foreign concern);]</b> or  <b>[(ii) A]an</b> unincorporated <del>concern</del><b>[firm]</b> having its <b>[principal]</b> place of business in the United States.</p> <p><sup>1</sup> CAAC 1-20-2010 Rationale is XYZ.</p>	<p>Revision 4:</p> <p><del>(3[67]) "Domestic concern," as used in this part,</del><sup>1</sup>  means[-  <b>(i) A]a</b>  <del>concern</del><b>[firm]</b> incorporated in the United States <b>[(including a subsidiary or affiliate that is incorporated in the United States, even if the parent corporation is a foreign concern);]</b> or  <b>[(ii) A]an</b> unincorporated <del>concern</del> <b>[firm]</b> <b>[(e.g., a sole proprietorship or unincorporated partnership<sup>2</sup>)]</b> having its <b>[principal]</b> place of business in the United States.</p> <p><sup>1</sup> CAAC 1-20-2010 Rationale is XYZ.  <sup>2</sup> DARC 2-1-2010 Rationale is ZZZ.</p>
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The FAR Principals have agreed to the following standard timeline for cases.

Open Case-Task Team- Initiate Intake Process for complex cases	
Submit report (noncomplex/complex)	3-5 weeks
DARC and CAAC separately agree to rule	4 weeks
Case resolution between CAAC and DARC	2 weeks
GSA Legal identifies issues (2 working days for CAAC Counsel and 8 working days for GSA Legal)	2 weeks
Resolve GSA Legal issues	2 weeks
OFPP identifies issues	2 weeks
Resolve OFPP issues	2 weeks
OIRA identifies issues	2 weeks
Resolve OIRA issues	2 weeks
FAR Secretariat -publish proposed rule, prepare FAC for interim/final	4 weeks
Signature and publication of FAC (interim or final only)	3 weeks
Total weeks - proposed rule	27 weeks
Total weeks - interim rule + 60 days for public comments	30 weeks 9 weeks
Total weeks - final rule	30 weeks
Total - Proposed-final	66 weeks (15.2 mo)

**IV. FAR Operating Guide Updates**

The FAR Principals approve all changes to this FAR Operating Guide.

Requested changes to this guide should be submitted by e-mail to the FAR Operating Guide editor at DFARS@osd.mil, and include the subject line: **FAR Operating Guide**.

The Guide will be updated when four changes have been requested or six months have elapsed since the last update, unless the requested change is of a very urgent nature.

- 4/30/2011: Version 5 - Complete rewrite.
- 7/18/2011: Version 5a - Technical edits to TOC, section IV, and appendices 3, 4, and 5.





## Report Content and Format

Date

MEMORANDUM FOR: CHAIR, CIVILIAN AGENCY ACQUISITION COUNCIL

DIRECTOR, DEFENSE ACQUISITION REGULATIONS  
COUNCIL

SUBJECT: (Same as subject line in tasking CMR)

- I. **Case Summary.** Provide a brief synopsis of the events of case (e.g., when case opened, when case tasked, whether an Intake meeting was held, report due date).
- II. **Recommendation.** Summarize the team's recommendations for publication, including type of rule. (E.g., publish TAB A as an interim rule, with the Federal Register Notice at TAB B)
- III. **Background.** Define the problem and issues, including any redefinition of the problem, if appropriate. Identify any information required to place the case in appropriate context.
- IV. **Discussion and Analysis.** Address all relevant issues in the team's deliberation, including -
  - A. A thorough analysis of all issues associated with the case and the complete rationale for the recommended action;
  - B. A description of the case intake meeting analysis and how the Team dealt with any recommendations provided at that time.
  - C. A discussion of the alternatives considered by the team and a summary of the deliberations to include why alternatives were either accepted or rejected.
  - D. Conclusions reached by the team and rationale for conclusions.
  - E. An explanation of each recommended FAR revision;
  - F. A recommendation as to whether or not any recommended provisions or clauses should be applicable to the

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procurement of commercial items, COTS items, or below the simplified acquisition threshold;

G. Identification of any definition additions or changes and an analysis of the impact on other parts of the FAR.

H. Identification of other FAR Parts potentially impacted including consideration of cross-referencing.

I. An explanation of any special requirement to delay the effective date of the proposed revision, such as time needed to conduct intensive training on a complex revision, or time required to reprogram automated systems.

J. Analysis of public comments.

When analyzing public comments on a proposed or interim rule, either—

1. A thorough review and analysis of all comments in the report and in the Federal Register notice. Start with constructing a Matrix of Public Comments (see paragraph IX.G). When duplicate or similar comments are received, comments shall be grouped and discussed by general topic. Identify comment groupings with a subject heading. For each issue, the report should describe the comment ("Comment:") and provide a team response ("Response:") in sufficient detail to fully understand the commenter(s) position and the team rationale. Do not start response with "Concur," "Non-concur," or "Partially concur;" or

2. Optionally, a reference in the report to the analysis of public comments in the Federal Register notice (identify the respondents in the draft Federal Register notice parenthetically, to be removed prior to publication), and only include in the report additional alternatives considered or rationale that is not included in the Federal Register notice.

For comments submitted late, the CAAC Chair and DARC Director will decide whether late comments should be considered. If late comments received before the team completes its report are considered, they should be handled the same as timely comments. If late comments received

after the team completes its report are to be considered, they shall be tasked as a report addendum.

**V. Training.** Attach a completed training form to the Team Report (Appendix 5).

**VI. Associated Impacts of the Change.**

A. Discuss how and to what degree the proposed change will affect Government and contractor operations, especially small business.

1. For the effect on Government, address any impact on the contracting officer or the solicitation, negotiation, or award.

2. Provide the analysis from IAE with regard to what, if any, systems changes are underway that are necessary for this rule to become effective. Attach a completed data collection/reporting needs checklist to the team report (Appendix 6). This checklist is required for all cases to document the impact on business systems.

B. Identify and quantify, if possible, any expected cost impact to the Government or contractors resulting from the proposed change.

**VII. Collateral Requirements.**

A. Address if the changes are significant revisions (see FAR 1.501-1) that require public comment. Address whether this is a significant regulatory action pursuant to Executive Order 12866 or a major rule under 5 U.S.C. 804 and include appropriate language in the draft Federal Register notice.

B. If OMB approval under the Paperwork Reduction Act is required for any new or modified information collection requirements, include a summary of the approval request to be submitted to OMB as a TAB and include appropriate language in the draft Federal Register notice. An OMB Information Collection approval number is required before signature of the FAC. (Some historic and current information collections are viewable at [http://www.reginfo.gov/public/.](http://www.reginfo.gov/public/))

C. The Regulatory Flexibility Act applies to all rules when public comments are/were required. Include the appropriate analysis, if required by the Regulatory Flexibility Act, as a TAB and include appropriate language in the draft Federal Register notice. If the team plans to prepare a certification of no impact for signature with the FAC, the Regulatory Flexibility Act requires a rationale be part of the Federal Register notice. The team should discuss the adequacy of the rationale. If there is a possibility of a significant impact, it is better to do the IRFA, even if no significant impact is expected. We cannot later do a FRFA unless we did an IRFA.

**VIII. Concurrences.** Identify the team member with lead responsibility for the report, list all members who participated in team deliberations, and indicate which members concur. Provide an explanation of any minority opinions by voting or nonvoting members (attach copy of the minority opinion and other supporting documentation as a TAB). List as nonresponsive any members (or agencies, as appropriate) that failed to participate in team deliberations or respond to requests for final coordination in a reasonable time period.

**Signature.** The Team Chair (or an Acting Chair), Deputy, and the case managers date and sign the report. The signature page will be a PDF page attachment.

**Notice.** Include the following notice as a footer on all reports, draft rules, and Federal Register notices, and any other attachments to the report where it would be applicable:

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**ATTENTION: THIS IS A CONFIDENTIAL, DELIBERATIVE, AND PRE-DECISIONAL FEDERAL ACQUISITION REGULATIONS SYSTEM DOCUMENT, PROTECTED FROM UNAUTHORIZED DISCLOSURE PURSUANT TO THE FREEDOM OF INFORMATION ACT AND OTHER LEGAL AUTHORITIES. THIS DOCUMENT SHALL NOT BE DISTRIBUTED OUTSIDE AUTHORIZED RULEMAKING CHANNELS WITHOUT THE PRIOR APPROVAL OF THE CAAC CHAIR OR DARC DIRECTOR. IF YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, YOU MAY NOT READ, COPY, DISTRIBUTE, OR USE THE DOCUMENT OR INFORMATION CONTAINED THEREIN. FURTHERMORE, YOU MUST IMMEDIATELY NOTIFY THE SENDER BY REPLY EMAIL OR OTHER MEANS AND THEN DELETE OR DESTROY ALL COPIES OF THE DOCUMENT. ANY DISTRIBUTION OF THIS DOCUMENT MUST CONTAIN THIS LEGEND.**

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**IX. Enclosures.** Include a complete list of enclosures identified as Tabs A, B, C, etc. Identification of TABs

after Tabs A and B may vary, depending on which TABs are applicable—

**A. FAR Text and Clauses.**

1. Submit recommended additions, deletions, or revisions to FAR text or clauses as TAB A to the team report. Begin Tab A with a legend, and mark the changes as shown in section III.F. of the Operating Guide. Update the text so that the baseline is the current FAR.

2. Within the FAR text add a citation to the appropriate authority if the revisions are based on public law or Executive order.

3. The current FAR is viewable at the FAR homepage, [www.acquisition.gov/far](http://www.acquisition.gov/far) and the e-CFR is viewable at [ecfr.gpoaccess.gov](http://ecfr.gpoaccess.gov).

4. When the case is an interim rule being finalized without change, the FAR text should not show the interim rule line-in-line-out changes, as they are already in effect; instead Tab A should say "This is Tab A - The final rule will finalize the interim rule without change. A copy of the interim rule as published in the Federal Register is attached for information purposes.", and attach the copy (the PDF version).

**B. Federal Register Notice (FRN).**

Include a complete draft FRN for all proposed, interim, and final rules, in accordance with Appendix 4. The Federal Register notice should generally be briefer than the FAR team report, providing detail sufficient for the public to understand the rationale behind the rule, but not all the details of developing the position.

- Lengthy FRNs may have a table of contents, for readability.
- If public comments were received, include analysis (see IV.J.).
- Do not use an acronym unless it is used more than once; spell it out the first time it is used. Do not

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capitalize "section" or "part". See FAR Drafting Guide for further editorial guidance.

**C. Federal Acquisition Circular (FAC) Introduction:** This is a short summary done for interim and final rules. The FAC Intro is prepared in accordance with Appendix 4.

**D. Minority Opinions:** Provide minority opinion and rebuttal (if any).

**E. Paperwork Reduction Act Supporting Statement:** As addressed in paragraph VII.B.

**F. Regulatory Flexibility Analysis:** As addressed in paragraph VII.C.

**G. Matrix of Public Comments:** Group public comments by topic area or category and indicate which of the respondents provided that comment. Include a table or matrix, similar to the following, which lists all respondents and tracks public comment categories to respondents. The number assigned to the respondent shall be the number assigned by the Regulatory Secretariat in the transmittal memorandum of public comments.

Comments should not just be listed numerically, but should have a heading indicating the essence of the comment category. Like comments should be grouped together. If the answer to two comments is the same or similar, then they should be combined. To the extent feasible, comments should be arranged in a logical order. The resultant report should fit into the form of an outline of the issues.

### 1. List of respondents on (*Proposed or Interim*) Rule:

<u>Number</u>	<u>Name of Respondent</u>
1.	ABC, Incorporated
2.	R. L. Brown, Assoc.
3.	Parry and Sons
4.	Johnson and Jones, Ltd.

**2. Matrix:**

Respondent	Comment	
	A	B
1.	X	
2.	X	
3.	X	
4.	X	X

**3. Outline of Issues:**

A. The rule fails to address the direction in Section 1010 of the statute.

B. The information collection requirement is burdensome and unnecessary.

**H. Statute:** If the team is implementing a statute, attach the copy of the pertinent section. Make sure that the version is the version passed by the House and Senate and signed by the President. The report writer should double check that the version attached is the version the team actually used.

**I. Standard/Optional Forms:** If a Standard or Optional Form is being proposed or amended, attach a draft or marked up copy of the form. The CAAC case manager will need to coordinate with the GSA Forms organization to obtain a finished version for publication with the rule.

**J. Checklists/Forms:** Include a completed copy of the following:

- Report Checklist at Appendix 3;
- Training Form at Appendix 5;
- Data Collection/Reporting Checklist at Appendix 6; and
- Provision/Clause Matrix at Appendix 7, if applicable.

[Report Checklist for team report - Submit this two page checklist with the Team Report]

**A QUALITY TEAM REPORT SHOULD INCLUDE:**

**1. PREPARATION OF THE TEAM REPORT**

- a. \_\_\_ The report format in the FAR Operating Guide, Appendix 2, is followed.
- b. \_\_\_ All aspects of the source document are fully and accurately implemented.
- c. \_\_\_ Team deliberations are explained in the Report (issues identified, rationale pro/con, and resolution). Major alternatives/options that were considered are explained.
- d. \_\_\_ Tab A is the FAR text, or for an interim rule adopted as final without change, a copy of the Federal Register publication of the interim rule.
- e. \_\_\_ The team chair, the deputy chair, the CAAC case manager, and the DARS case manager have signed the report.
- f. \_\_\_ The training form and the data collection/reporting checklist were sent to the people listed on the forms. The provision/clause matrix was completed if applicable.

**2. DRAFT FAR CHANGES**

- a. \_\_\_ Above the FAR text, a legend shows the date of the team report, type of rule, the Federal Acquisition Circular (FAC) upon which it was baselined, and how the line-in-line-out changes are marked.
- b. \_\_\_ If this is a final rule following a proposed rule, the proposed rule FAR text changes are marked as the first set of line-in-line-out changes, and second set of changes are the team changes marked with underlining, showing the change from the proposed rule to the final rule.
- c. \_\_\_ The FAR text changes have been double-checked against the FAR for marking accuracy.
- d. \_\_\_ All the terms used in the draft FAR text conform to definitions in 2.101 or a relevant subpart.
- e. \_\_\_ The impact on commercial items, commercially available off-the-shelf (COTS) items, and use of simplified procedures has been considered. (Including any necessary changes to 12.503 through 12.505 (if a statute does not apply to commercial items) or 52.212-5, 52.213-4, and 52.244-6) (if it applies to commercial items or below the SAT) . If a clause that applies to commercial items is not required by statute or Executive order, it must be added at 12.301(d).
- f. \_\_\_ If the draft rule contains a representation or certification that will be included in ORCA, the appropriate changes have been made to 4.1202 and 52.204-8, and for commercial items 52.212-3.
- g. \_\_\_ A search has been run through the FAR for the section numbers being changed, to catch cross-references which need updating.
- h. \_\_\_ If there is a new Paperwork Burden OMB clearance number, it has been added to the list at 1.106.

**3. FEDERAL REGISTER NOTICE (FRN)**

- a. \_\_\_ The FRN conforms to each of the templates in FAR Operating Guide Appendix 4.
- b. \_\_\_ The FRN describes the major FAR text changes.
- c. \_\_\_ The Regulatory Flexibility Act statement and the Paperwork Reduction Act statement (if any) are supported by available Federal Procurement Data System or other data.
- d. \_\_\_ If there is an Initial Regulatory Flexibility Analysis (IRFA) or a Final Regulatory Flexibility Analysis (FRFA) – it conforms to the statutory format and it discusses the actual

impact on small businesses. --OR-- If there is no IRFA/FRFA, there is a strong rationale supporting the assertion of no impact.

e. \_\_\_ The FAC Intro (for interim and final rules) describes in easily understood language the major FAR changes made by this rule. It addresses the impact on the contracting officer, and on small business.

f. \_\_\_ If a statute is made applicable to COTS items/commercial items/below the simplified acquisition threshold (SAT), the D&Fs are described in the FRN.

**If this rule follows the receipt of public comments:**

g. \_\_\_ If the team uses the team's Microsoft Word documents etc. from the proposed/interim rule as the starting point for the final rule, the Word documents have been updated to show the FRN version as actually published in the Federal Register (e.g., include changes made by OMB before publication). The documents have been further updated to show this is now a final rule.

h. \_\_\_ If this rule is following a proposed rule or Advance Notice of Proposed Rulemaking (ANPR), the FRN describes the major changes made to the proposed rule or ANPR.

i. \_\_\_ Where there are multiple public comments on a topic, they have been grouped.

j. \_\_\_ The description of each comment(s) accurately summarizes that comment.

k. \_\_\_ The team's response to each comment is adequate.

l. \_\_\_ If a comment's response says that a change to FAR section X is being made, the change appears in Tab A FAR text changes.

m. \_\_\_ Regulations.gov shows the same public comments as the team considered (not more or fewer).

n. \_\_\_ The previous rule PDF is an attachment to the case.

**4. OTHER REQUIRED TABS.**

a. \_\_\_ The FAC Intro Item is attached (required for interim or final rules).

b. \_\_\_ The Supporting Statement for any information collection requirement is attached (required if draft rule will impose new information collection requirement or affect an existing requirement).

c. \_\_\_ An IRFA or FRFA is attached (unless the FRN justifies that there will be no impact on small entities).

d. \_\_\_ The FAR Case Training Form is attached.

e. \_\_\_ The Data Collection/Reporting Checklist is attached.

f. \_\_\_ Draft D&F for application of a rule based on statute to commercial items, COTS items, or below the SAT (required if statute does not impose civil or criminal penalties, does not specifically require application to commercial items, COTS items, or below the SAT)

g. \_\_\_ A list of respondents and matrix of public comments (required if public comments were received from more than two respondents)

h. \_\_\_ A copy of the statute, Executive order, or other source document used by the team is attached.

i. \_\_\_ A marked up copy of any form being changed.

REQUIREMENT	
<p>Document Format— Font - Courier New 12 Double-spaced 1-inch margin on top, bottom, and sides Number all pages on bottom center.</p> <p>DO NOT use Microsoft Word Track Changes in any Federal Register Document.</p> <p>For interim and final rule, also prepare a FAC Intro Item (see p. 20)</p>	

REQUIREMENT	ALWAYS AS FOLLOWS-
<p><b>HEADING:</b> Begin each rule document with headings that identify the FAR signatory agencies and the subject matter of your document. The headings of a rule document also identify the CFR title and part(s) your document (1) proposes to amend for proposed rules and (2) amends for interim and final rules. The HEADING includes.</p> <ul style="list-style-type: none"> <li>• FAR signatory agency</li> <li>• CFR Citation</li> <li>• Docket Number, and Sequence Number are provided by FAR Sec</li> <li>• RIN is Regulation Identifier Number, provided by Reg Sec</li> <li>• Subject Heading, including Title and Case Number</li> </ul>	<p><b>DEPARTMENT OF DEFENSE</b></p> <p><b>GENERAL SERVICES ADMINISTRATION</b></p> <p><b>NATIONAL AERONAUTICS AND SPACE ADMINISTRATION</b></p> <p><b>48 CFR Part(s) XX</b></p> <p><b>Docket XXXX-XXX, Sequence XX</b></p> <p><b>RIN 9000</b></p> <p><b>Federal Acquisition Regulation: (Insert case title and case number)</b></p>

REQUIREMENT	ALWAYS AS FOLLOWS-
<p><b>PREAMBLE:</b> Each rule published in the Federal Register must contain a preamble. The preamble follows the subject heading of the document. It identifies the FAR signatory agencies and explains the basis and purpose of the regulatory text, but contains no regulatory text. It arranges basic information on the "who, what, where, when, and why" of a document for the reader's convenience. These captions must appear in the order shown.</p>	<p><b>AGENCIES:</b></p> <p><b>ACTION:</b></p> <p><b>SUMMARY:</b></p> <p><b>DATES:</b></p> <p><b>ADDRESSES:</b></p> <p><b>FOR FURTHER INFORMATION CONTACT:</b></p> <p><b>SUPPLEMENTARY INFORMATION:</b></p>
REQUIREMENT	ALWAYS AS FOLLOWS-
<p><b>AGENCIES:</b> The agency caption states the "who" of the document.</p>	<p><b>AGENCIES:</b> Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).</p>
REQUIREMENT	OPTIONS
<p><b>ACTION:</b> The ACTION caption identifies the type of document. It does not summarize the substance of a document.</p>	<p><b>ACTION:</b> Advance notice of proposed rulemaking.</p> <p><b>ACTION:</b> Proposed rule.</p> <p><b>ACTION:</b> Interim rule.</p> <p><b>ACTION:</b> Final rule.</p>

REQUIREMENT	EXAMPLES
<p><b>SUMMARY:</b> Under the SUMMARY caption you explain the “what,” “why,” and “effect” of the document. In the SUMMARY, you must answer these three questions:</p> <ul style="list-style-type: none"> <li>• What action is being taken?</li> <li>• Why is the action necessary? Explain the content and purpose of the document.</li> <li>• What is the rule’s intended effect?</li> </ul> <p>Use the following guidelines in preparing a SUMMARY.</p> <ul style="list-style-type: none"> <li>• Use language a non-expert will understand.</li> <li>• Describe what the document does, not how it affects the CFR.</li> <li>• Refer to an act of Congress by the popular name of the act.</li> <li>• Do not use legal citations (e.g., Public Laws, U.S.C., etc.) or FAR references.</li> <li>• Do not include regulatory history or extensive background.</li> <li>• Do not include qualifications, exceptions, or specific details.</li> <li>• Be brief.</li> </ul>	<p style="text-align: center;"><b>ADVANCE NOTICE OF PROPOSED RULEMAKING</b></p> <p><b>SUMMARY:</b> DoD, GSA, and NASA are considering amending the Federal Acquisition Regulation (FAR) to ...</p> <hr/> <p style="text-align: center;"><b>PROPOSED RULE</b></p> <p><b>SUMMARY:</b> DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to ...</p> <hr/> <p style="text-align: center;"><b>INTERIM RULE</b></p> <p><b>SUMMARY:</b> DoD, GSA, and NASA are issuing an interim rule amending the Federal Acquisition Regulation (FAR) to implement Section XXX of [insert popular name of act]. Section XXX extends ...</p> <hr/> <p style="text-align: center;"><b>PROPOSED TO FINAL RULE or FINAL RULE issued without obtaining public comment</b></p> <p><b>SUMMARY:</b> DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to ...</p>

REQUIREMENT	EXAMPLES
<p><b>SUMMARY CONTINUED:</b>                      You may not use the SUMMARY to prove a point or argue a case. Supporting information, details, discussion of the regulatory history, and precise legal citations are essential in an adequate preamble but do not belong in the SUMMARY. Extended discussion of the rule belongs in the SUPPLEMENTARY INFORMATION section.</p>	<p style="text-align: center;"><b><i>INTERIM TO FINAL RULE NO CHANGES</i></b></p> <p><b>SUMMARY:</b> DoD, GSA, and NASA have adopted as final, without change, an interim rule amending the Federal Acquisition Regulation (FAR) to implement section XXX of (insert popular name of act). Section XXX provides ....</p> <hr/> <p style="text-align: center;"><b><i>INTERIM TO FINAL RULE WITH CHANGES</i></b></p> <p><b>SUMMARY:</b> DoD, GSA, and NASA have adopted as final, with changes, an interim rule amending the Federal Acquisition Regulation (FAR) to ....</p>
REQUIREMENT	OPTIONS
<p><b>DATES:</b> The DATES caption presents the "when" of a document. Include the dates that are essential to the document. Include the following dates, if appropriate:</p> <ul style="list-style-type: none"> <li>• Comment deadlines. In compelling circumstances, the public comment period may be less than 60 days, but must be at least 30 days.</li> <li>• Extension of comment deadlines.</li> <li>• Public meeting dates.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Other dates the public may need to know.</li> </ul>	<p style="text-align: center;"><b><i>PROPOSED RULE</i></b></p> <p><b>DATES:</b> Interested parties should submit written comments to the Regulatory Secretariat at one of the addresses shown below on or before <b>[Insert 60 days after publication in the FEDERAL REGISTER]</b> to be considered in the formation of the final rule.</p>

REQUIREMENT	OPTIONS
<p><b>DATES (Continued):</b>                      The Federal Register publisher computes and inserts dates tied to Federal Register publication.</p> <p>Do not include information other than dates in the DATES caption. Place any discussion of meeting agenda, content of material available for inspection, etc., in the SUPPLEMENTARY INFORMATION section. Remember that DATES and ADDRESSES are separate captions.</p>	<p style="text-align: center;"><i>INTERIM RULE</i></p> <p><b>DATES:</b> <u>Effective Date:</u> [Insert date of publication in the FEDERAL REGISTER.]</p> <p><u>Comment Date:</u> Interested parties should submit written comments to the Regulatory Secretariat at one of the addresses shown below on or before [Insert 60 days after publication in the FEDERAL REGISTER] to be considered in the formation of the final rule.</p>
<p>An applicability date is sometimes also used, for example if Contracting Officers will have to apply the rule other than as specified in FAR 1.108(d) (e.g., to amend existing solicitations or contracts).</p>	<p style="text-align: center;"><i>INTERIM TO FINAL RULE NO CHANGES</i></p> <p><b>EFFECTIVE DATE:</b> [Insert date of publication in the FEDERAL REGISTER.]</p> <hr/> <p style="text-align: center;"><i>OTHER FINAL RULES</i></p> <p><b>EFFECTIVE DATE:</b> [Insert date 30 days after publication in the FEDERAL REGISTER.]</p>

<p><b>ADDRESSES:</b> The ADDRESSES caption contains the "where" of the document. Include any address that the public needs to know. You may include addresses for:</p> <ul style="list-style-type: none"> <li>• Mailing public comments.</li> <li>• Hand-delivering public comments.</li> <li>• Attending a public hearing (or meeting).</li> <li>• Examining any material available for public inspection.</li> </ul> <p><b>ADDRESSES are not used for final rules.</b></p> <p>Do not include information other than addresses in the ADDRESSES caption. Place any discussion of how to register for a meeting, meeting agenda, content of material available for inspection, etc., in the SUPPLEMENTARY INFORMATION section. Place the electronic addresses in the ADDRESSES section.</p>	<p style="text-align: center;"><b>PROPOSED RULE</b></p> <p><b>ADDRESSES:</b> Submit comments in response to FAR Case 201X-XXX by any of the following methods:</p> <ul style="list-style-type: none"> <li>• Regulations.gov: <a href="http://www.regulations.gov">http://www.regulations.gov</a>. Submit comments via the Federal eRulemaking portal by inputting "FAR Case 201X-XXX" under the heading "Enter Keyword or ID" and selecting "Search." Select the link "Submit a Comment" that corresponds with "FAR Case 201X-XXX." Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "FAR Case 201X-XXX" on your attached document.</li> <li>• Fax: 202-501-4067.</li> <li>• Mail: General Services Administration, Regulatory Secretariat (MVCB), ATTN: Hada Flowers, 1275 First Street, NE., 7th floor, Washington, DC 20417</li> </ul> <p><u>Instructions:</u> Please submit comments only and cite FAR Case 201X-XXX, in all correspondence related to this case. All comments received will be posted without change to <a href="http://www.regulations.gov">http://www.regulations.gov</a>, including any personal and/or business confidential information provided.</p>
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<p><b>Addresses (Continued)</b></p>	<p style="text-align: center;"><b><i>INTERIM RULE</i></b></p> <p><b>ADDRESSES:</b> Submit comments identified by FAC 2005-XX, FAR Case 201X-XXX by any of the following methods:</p> <ul style="list-style-type: none"><li>• Regulations.gov: <a href="http://www.regulations.gov">http://www.regulations.gov</a>. Submit comments via the Federal eRulemaking portal by inputting "FAR Case 201X-XXX" under the heading "Enter Keyword or ID" and selecting "Search." Select the link "Submit a Comment" that corresponds with "FAR Case 201X-XXX." Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "FAR Case 201X-XXX" on your attached document.</li><li>• Fax: 202-501-4067.</li><li>• Mail: General Services Administration, Regulatory Secretariat (MVCB), ATTN: Hada Flowers, 1275 First Street, NE., 7th floor, Washington, DC 20417</li></ul> <p><u>Instructions:</u> Please submit comments only and cite FAC 2005-XX, FAR Case 201X-XXX, in all correspondence related to this case. All comments received will be posted without change to <a href="http://www.regulations.gov">http://www.regulations.gov</a>, including any personal and/or business confidential information provided.</p>
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REQUIREMENT	FOR ALL RULES
<p><b>FOR FURTHER INFORMATION CONTACT:</b> Under the FOR FURTHER INFORMATION CONTACT caption, you must include the name and telephone number of the FAR Staff Analyst who can answer questions about the document. For proposed rules, delete the FAC number).</p>	<p><b>FOR FURTHER INFORMATION CONTACT:</b> Mr./Ms. XX, Procurement Analyst, at (202) 501-XXXX for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at (202) 501-4755. Please cite FAC 2005-XX (do not include on Proposed Rule), FAR Case 201X-XXX.</p>
REQUIREMENT	FOR ALL RULES
<p><b>SUPPLEMENTARY INFORMATION</b></p> <p><b>BACKGROUND:</b> In this section, include the regulatory history, including statutory references and regulation citations, of this rulemaking proceeding. Present the background information and, for proposed and interim rules, the detail necessary to give adequate notice of the issues to be commented on. Present this information in language that the reader can easily understand.</p> <p><b>DISCUSSION/ANALYSIS:</b> This is where the Government can ask any questions for the public to respond to. If public comments were solicited prior to issuing the rule (i.e., proposed or interim to final rule or proposed rule to interim rule), also include a summary</p>	<p><b>I. Background. Examples:</b> Proposed rule: DoD, GSA, and NASA are proposing to revise the FAR to implement a policy that... Interim rule: This interim rule revises the FAR to implement section XXX of the XXXAct (Pub. L.111-XX)...</p> <p>Final rule: DoD, GSA, and NASA published a proposed/an interim rule at XX FR XXX on XXXX, to (implement section XXXX of the (popular name of Act) (Pub. L. XXX-XXX)) or (whatever else the rule was be intended to accomplish). (Number of respondents) submitted comments on the proposed/interim rule.</p> <hr/> <p><b>II. Discussion and Analysis.</b> If changes are only based on public comments: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) reviewed the public comments in the</p>

<p>of any public comments (by general category) and the Councils' disposition for the public comments. If no comments were received, indicate such in the final rule.</p> <p>The numbering of the sections may be modified if necessary, for example if there were no public comments section II is not needed.</p>	<p>development of the final rule. A discussion of the comments and the changes made to the rule as a result of those comments are provided as follows:</p> <ul style="list-style-type: none"> <li>A. (1<sup>st</sup> comment category) Comment: Response:</li> <li>B. (2<sup>nd</sup> comment category) Etc.</li> </ul> <p>If changes are based on other than public comments:</p> <ul style="list-style-type: none"> <li>A. <b>Public Comments.</b> <ul style="list-style-type: none"> <li>1. (1st comment category)</li> <li>2. (2<sup>nd</sup> comment category), etc.</li> </ul> </li> <li>B. <b>Other changes.</b></li> </ul>
<p><b>REQUIREMENT</b></p>	<p><b>OPTIONS</b></p>
<p><b>EXECUTIVE ORDERS</b></p> <p>Each FRN must include language addressing E.O. 12866 and 13563, and whether or not the rule is considered significant and subject to formal review under Executive Order 12866. Choose the appropriate language.</p> <p><b>Rules are only significant and/or major if declared so by OIRA.</b> The first paragraph will always be used unless OIRA determines that the case is significant. Through notification from</p>	<p><b>III. Executive Orders 12866 and 13563</b></p> <p style="text-align: center;"><b>NOT SIGNIFICANT AND NOT MAJOR</b></p> <p>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, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of</p>

<p>OIRA or a request for the case to be uploaded into ROCIS, the FAR Analyst will revise the rule wording to <i>significant</i> prior to having the RegSec upload the case into ROCIS.</p> <p><b>Executive Orders (continued)</b></p>	<p>promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.</p> <p><b><i>SIGNIFICANT AND NOT MAJOR</i></b></p> <p><b>- Change last 2 sentences to read as follows:</b></p> <p>This is a significant regulatory action and, therefore, was subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.</p>
<p><b>REQUIREMENT</b></p>	<p><b>EXAMPLE</b></p>
<p><b>REGULATORY FLEXIBILITY ACT:</b></p> <p>Provide statements and reasoning as to whether the rule will have a significant economic impact on a substantial number of small entities. Generally, a rule will have a significant economic impact on a substantial number of small entities if the rule-</p> <ol style="list-style-type: none"> <li>1) Impacts 20 percent or more of small businesses contracting with the Government in the major supply, service, or construction field to which the rule relates,</li> </ol>	<p><b>IV. REGULATORY FLEXIBILITY ACT</b></p> <p><b><i>IMPACT OR POSSIBLE IMPACT PROPOSED OR INTERIM RULE</i></b></p> <p>The change may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act 5 U.S.C. 601, et seq. The Initial Regulatory Flexibility Analysis (IRFA) is summarized as follows:_____</p> <p>The Regulatory Secretariat has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the</p>

<p>or</p> <p>2) Imposes a severe hardship on even a few small businesses.</p> <p>If there is a possibility of a significant impact, it is better to do the IRFA, even if no significant impact is expected. We cannot later do an IRFA unless we did a FRFA.</p> <p>If there is an IRFA or a FRFA, the Regulatory Flexibility Act requires either publication of the full IRFA/FRFA in FRN or a summary. Make sure the IRFA/FRFA or the summary specifically address the effect on small business.</p> <hr/> <p>If the rule will definitely not have a significant impact, provide a credible rationale for that conclusion.</p>	<p>Regulatory Secretariat. DoD, GSA and NASA invite comments from small business concerns and other interested parties on the expected impact of this rule on small entities.</p> <p>DoD, GSA, and NASA will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (FAC 2005-XX, FAR Case 201X-XXX) in correspondence.</p> <p style="text-align: center;"><b>NO IMPACT PROPOSED OR INTERIM RULE</b></p> <p>DoD, GSA, and NASA do not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because _____.</p> <p>Therefore, an Initial Regulatory Flexibility Analysis has not been performed. DoD, GSA, and NASA invite comments from small business concerns and other interested parties on the expected impact of this rule on small entities.</p> <p>DoD, GSA, and NASA will also consider comments from small entities concerning the existing regulations in subparts affected by the rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and</p>
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	<p>should cite 5 U.S.C. 610 (FAC 200X-XX (if an interim rule), FAR Case 201X-XXX), in correspondence.</p>
<p><b>REQUIREMENT</b></p>	<p><b>EXAMPLE</b></p>
<p>As a matter of policy, if an IRFA was prepared, prepare the FRFA, even if the FRFA concludes that there is no significant economic impact.</p>	<p style="text-align: center;"><b><i>IMPACT FINAL RULE, OR IRFA WAS PREPARED</i></b></p> <p>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:_____</p> <p>Interested parties may obtain a copy of the FRFA from the Regulatory Secretariat. The Regulatory Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.</p> <p style="text-align: center;"><b><i>NO IMPACT FINAL RULE AND NO IRFA</i></b></p> <p>The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because_____</p>

REQUIREMENT	EXAMPLE
<p><b>Regulatory Flexibility Act (Continued)</b></p> <p>If a rule does not have a significant effect beyond the internal operating procedures of the agency issuing the rule, the rule is not a significant change to the FAR and does not require publication for public comment. If the rule does not require publication for public comment, the Regulatory Flexibility Act does not apply.</p>	<p><b><i>FINAL RULE with NO Prior Proposed or Interim Rule</i></b></p> <p>The Regulatory Flexibility Act does not apply to this rule because this final rule does not constitute a significant FAR revision within the meaning of FAR 1.501-1 and 41 U.S.C. 1707 and does not require publication for public comment.</p>
REQUIREMENT	EXAMPLE
<p><b>Paperwork Reduction Act</b></p> <p>Provide a statement as to whether the rule contains any information collection requirements that require OMB approval under the Paperwork Reduction Act.</p> <p><b>If the rule contains a new information collection requirement, data regarding the information collection must be included in the notice and submitted to OMB for approval.</b></p>	<p><b>V. Paperwork Reduction Act</b></p> <p><b><i>PROPOSED, INTERIM, OR FINAL RULE - NO INFORMATION COLLECTION REQUIREMENT</i></b></p> <p>The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).</p>

	<p style="text-align: center;"><b>INFORMATION COLLECTION REQUIREMENT ALREADY COVERED BY EXISTING OMB CLEARANCE</b></p> <p>This rule affects the certification and information collection requirements in the provisions at FAR XX.XXX-X and XX.XXX-XX currently approved under OMB Control Numbers 9000-XXXX in accordance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The impact, however, is negligible because_____.</p> <p style="text-align: center;"><b>--or--</b></p> <p>The Paperwork Reduction Act (44 U.S.C. chapter 35) does apply; however, these changes to the FAR do not impose additional information collection requirements to the paperwork burden previously approved under OMB Control Number 9000-XXXX, titled:_____.</p>
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REQUIREMENT	EXAMPLE
<p>Paperwork Reduction Act (Continued)</p>	<p style="text-align: center;"><b>PROPOSED, INTERIM, OR FINAL RULE - NEW OR REVISED INFORMATION COLLECTION REQUIREMENT</b></p> <p><b>PROPOSED</b></p> <p>The Paperwork Reduction Act (44 U.S.C. chapter 35) applies. The proposed rule contains information collection requirements. Accordingly, the Regulatory Secretariat has submitted a request for approval of a (new/revised) information collection requirement concerning (case title) to the Office of Management and Budget.</p> <p>A. Public reporting burden for this collection of information is estimated to average xx hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.</p> <p>The annual reporting burden is estimated as follows:</p>

<p><b>Paperwork Reduction Act (Continued)</b></p>	<p>Respondents: xx  Responses per respondent: xx  Total annual responses: xx  Preparation hours per response: xx  Total response burden hours: xx</p> <p>B. Request for Comments Regarding Paperwork Burden.  Submit comments, including suggestions for reducing this burden, not later than <b>[insert date 60 days after publication in the FEDERAL REGISTER]</b> to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, Regulatory Secretariat Division (MVCB), ATTN: Hada Flowers, 1275 First Street, NE, 7<sup>th</sup> Floor, Washington, DC 20417.</p> <p>Public comments are particularly invited on: whether this collection of information is necessary for the proper performance of functions of the FAR, and will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.</p>
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<p><b>Paperwork Reduction Act (Continued)</b></p>	<p>Requesters may obtain a copy of the supporting statement from the General Services Administration, Regulatory Secretariat (MVCB), ATTN: Hada Flowers, 1275 First Street, NE, 7th floor, Washington, DC 20417. Please cite OMB Control Number 9000-00XX, Title, in all correspondence.</p> <p><u>INTERIM RULE</u>- same as proposed rule, but must obtain emergency approval and OMB control number prior to publication. Therefore, substitute the following template for the first paragraph of the above template.</p>
	<p><b><i>NEW/REVISED INFORMATION COLLECTION REQUIREMENT INTERIM OR FINAL RULE</i></b></p> <p>The Paperwork Reduction Act (44 U.S.C. Chapter 35) applies. The rule contains information collection requirements. OMB has cleared this information collection requirement under OMB Control Number 9000-XXXX, titled: _____.</p>

REQUIREMENT	EXAMPLE
<p><b>Determination to Issue an Interim Rule:</b></p> <p>Required for all interim rules.</p> <p>Explains the urgency that justifies issuance of an interim rule prior to affording the public an opportunity to comment.</p>	<p style="text-align: center;"><b>INTERIM RULE</b></p> <p><b>VI. Determination to Issue an Interim Rule</b></p> <p>A determination has been made under the authority of the Secretary of Defense (DoD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This action is necessary because _____ (enter sufficient information to explain why an interim rule is necessary, such as the date the statute was effective. This may require several sentences). However, pursuant to 41 U.S.C. 1707 and FAR 1.501-3(b), DoD, GSA, and NASA will consider public comments received in response to this interim rule in the formation of the final rule.</p>

REQUIREMENT	EXAMPLE
<p><b>LIST OF SUBJECTS:</b></p>	<p><b>List of Subjects in 48 CFR Part(s) xx</b></p> <p>Government procurement.</p>

FAC Intro

A FAC Intro is required for all interim and final rules. The FAC Intro contains the case number and title, and addresses the following-

- 1) What the rule does;
- 2) Why a change is required (for example if required by law); and
- 3) A brief summary of the impact on the Government and contractors (small businesses in particular, because the FAC Intro doubles as the Small Entity Compliance Guide).

The FAC Intro should be short. The best FAC Intros are 3 to 4 sentences long. They should be easily understandable by a contracting officer/specialist in the field. Examples:

This interim rule amends the FAR by increasing the justification and approval thresholds for DoD, NASA, and the U.S. Coast Guard from \$50,000,000 to \$75,000,000. This change implements section 815 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, which amends 10 U.S.C. 2304(f)(1)(B) (Public Law 108-375). This reduces the administrative burden of approving a justification for other than full and open competition by allowing the head of the procuring activity in DoD, NASA, or the Coast Guard to approve justifications up to \$75 million.

This final rule amends FAR to add certain food and textile items to the list of articles not available from domestic sources in sufficient and reasonably available commercial quantities of a satisfactory quality. This case is based on extensive market research by the Defense Logistics Agency. Unless the contracting officer learns before the time designated for receipt of bids in sealed bidding or final offers in negotiation that an article on the list is available domestically in sufficient and reasonably available quantities of a satisfactory quality, the Buy American Act does not apply to acquisition of these items as end products, and the contracting officer may treat foreign components of the same class or kind as domestic components.

FAR Case Training Form

**Purpose of this form:** To identify to DAU and FAI the FAR cases that may require Federal contracting training curricula.

**Date:** \_\_\_\_\_ **Case No/Title:** \_\_\_\_\_

**Case Managers (Name/e-mail/phone number):**

\_\_\_\_\_  
\_\_\_\_\_

**FAR Team or Committee:** \_\_\_\_\_

**Brief Description of Case (include scope, impact, etc.):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**To be completed by DAU/FAI:**

**Training Required for Federal Contracting Workforce:**

**Yes** \_\_\_\_\_ (Continue with rest of form)

**No** \_\_\_\_\_

**Training Mode Recommended (check one or more):**

Rapid Deployment Training \_\_\_\_\_

Continuous Learning Module \_\_\_\_\_

Change to CON course curriculum \_\_\_\_\_

Other (please specify) \_\_\_\_\_

**Email the form to:** Leslie Deneault (DAU) at [leslie.deneault@dau.mil](mailto:leslie.deneault@dau.mil) or 703-805-3011; Donna Jenkins at [donna.jenkins@fai.gov](mailto:donna.jenkins@fai.gov) or (FAI) @ (703) 805-2333; and [jnewhart@omb.eop.gov](mailto:jnewhart@omb.eop.gov) .

## FAR Data Collection/Reporting Needs Checklist

Date: \_\_\_\_\_ Case No/Title: \_\_\_\_\_

**Case Managers (Name/e-mail/phone number):**

\_\_\_\_\_  
*Please provide responses to the following questions. Changes in information technology at both the Integrated Acquisition Environment (IAE) level and in agency contract writing systems may need to be effected before the rule can be implemented.*

*If any of the questions are answered "yes", please provide this form to the contacts listed below immediately. If the initial analysis confirms information technology changes will be needed, the team lead will need to provide continuous updates to the IAE to ensure system changes are available when the rule is implemented.*

**1. Does this case or the underlying statute require collection of data or include any reporting requirements?**

Yes                      No

**2. Will there be any changes in definitions, certification, or thresholds?**

Yes                      No

**3. Will this case establish any new clauses or provisions, or will it change the text of any existing clauses or provisions?**

Yes                      No

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**4. Will this case affect anything in Part 4 (i.e., line item structure, contractual instrument identification, contract reporting requirements, etc.)?**

Yes                      No

**5. Will this case require a new Standard Form, or change an existing Standard Form?**

Yes                      No

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## FAR Data Collection/Reporting Needs Checklist

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For **FAR Cases** send completed document by E-mail to:

- Federal eGov Integrated Acquisition Environment (IAE) initiative – [Kathleen.Oliver@gsa.gov](mailto:Kathleen.Oliver@gsa.gov) and [Pat.Brooks@gsa.gov](mailto:Pat.Brooks@gsa.gov)
- Defense Procurement & Acquisition Policy (DPAP) / Policy – [Lisa.Romney@osd.mil](mailto:Lisa.Romney@osd.mil)
- DPAP Contract Policy – [Larry.McLaury@osd.mil](mailto:Larry.McLaury@osd.mil)
- NASA CMM (Contract Management Module) Point of Contact -- [marilyn.chambers@nasa.gov](mailto:marilyn.chambers@nasa.gov)
- NASA Integrated Acquisition Environment (IAE) Point of Contact -- <mailto:ronald.e.crider@nasa.gov>

FAR Operating Guide

Version 5

April 30, 2011

FAR PROVISION AND CLAUSE MATRIX UPDATE FORM

KEY

P or C	Provision or Clause
IBR	Is incorporation by Reference authorized? (See FAR 52.102)
UCF	Uniform Contract Format Section, When Applicable
<b>CONTRACT TYPE OR PURPOSE</b>	
FP SUP	Fixed-Price Supply
CR SUP	Cost-Reimbursement Supply
FP R&D	Fixed-Price Research & Development
CR R&D	Cost- Reimbursement Research & Development
FP SVC	Cost-Reimbursement Service
FP CON	Fixed-Price Construction
CR CON	Cost-Reimbursement Construction
T&M LH	Time & Material/Labor Hour
LMV	Leasing of Motor Vehicle
COM SVC	Communication Services
DDR	Dismantling, Demolition, or Removal of Improvements
A&E	Architect-Engineering
FAC	Facilities
IND DEL	Indefinite Delivery
TRN	Transportation
SAP	Simplified Acquisition Procedures (excluding micro-purchase)
UTL SVC	Utility Services
CI	Commercial Items
<b>USE OF PROVISION OR CLAUSE</b>	
R	Required
A	Required When Applicable
O	Optional
v	Revision

FAR Operating Guide

Version 5

April 30, 2011

Provision/clause	Prescribed in	p/c	ibr	ucf	Fp sup	Cr sup	Fp r&d	Cr R&d	Fp svc	Cr svc	Fp con	Cr con	t&m lh	Lm v	com svc	ddr	a&e	fac	ID	trn	sap	us	ci

Case Number \_\_\_\_\_

Case Title \_\_\_\_\_

Case managers: \_\_\_\_\_

\_\_\_\_\_

Check:  Addition  Deletion  Revision  Check if prescription requires use in letter contracts. (See Note 1 at end of Matrix)

Check if prescription requires use in SBA 8(a) contracts. (See Note 2 at end of Matrix)