



1<sup>st</sup> Annual  
**FAR**  
**DFARS**  
Review



# AGENDA

9:00 am – 9:05 am	Welcome	David Capitano: Deputy Director, Defense Procurement and Acquisition Policy
9:05 am – 9:15 am	Opening Remarks	Shay Assad: Director, Defense Procurement and Acquisition Policy
9:15 am – 9:20 am	General Services Administration (GSA) Opening Remarks	Roger Waldron: Acting Deputy Chief Acquisition Officer, GSA
9:20 am – 9:25 am	National Aeronautics and Space Administration (NASA) Opening Remarks	Tom Luedtke: Assistant Administrator for Procurement, NASA
9:25 am – 9:50 am	Process Overview	David Capitano: Deputy Director, Defense Procurement and Acquisition Policy
9:50 am – 10:05 am	Civilian Agency Acquisition Council (CACC) Role	Ralph DeStefano: Director, Contract Policy Division, GSA
10:05 am – 10:20 am	Office of Federal Procurement Policy (OFPP) Role	Julia Wise: Procurement Policy Analyst, OMB
10:20 am – 10:35 am	Office of Information and Regulatory Affairs (OIRA) Role	Hillary Jaffe: Policy Analyst, OMB
10:35 am – 11:00 am	Break	Ballroom Lobby
11:00 am – 12:00 pm	FAR Breakout Session #1	
12:00 pm – 1:00 pm	Lunch	
1:00 pm – 2:00 pm	FAR Breakout Session #2	
2:00 pm – 2:15 pm	Break	
2:15 pm – 3:15 pm	DFARS Breakout Session #1	
3:15 pm – 3:30 pm	Break	
3:30 pm – 4:30 pm	DFARS Breakout Session #2	



## The Rule-Making Process

### *How It Works and How You Can Get Involved*

First Annual FAR/DFARS Conference

October 24, 2006



## Overview

- ▶ FAR
- ▶ DFARS
- ▶ Procedures, Guidance, and Information (PGI)
- ▶ The Rulemaking Process
- ▶ How You Can Become Involved



1



## Federal Acquisition Regulation (FAR)

- ▶ Regulations required by law and policy
- ▶ Rules apply to Federal Government agencies



2



## Defense Federal Acquisition Regulation Supplement (DFARS)

- ▶ Regulations required by law or policy
- ▶ Rules apply to DoD



3



## Procedures, Guidance and Information (PGI)

- ▶ Internal DoD procedures
- ▶ Provides a central point for locating:
  - Agency guidance
  - Training
  - Guides
  - Outside resources
  - OSD policy letters
  - Other pertinent information
- ▶ Companion resource to the DFARS
- ▶ Single access-point to internal DoD acquisition procedures, policy training and class deviations

[www.acq.osd.mil/dpap/dars/pgi/current/pgi\\_html.htm](http://www.acq.osd.mil/dpap/dars/pgi/current/pgi_html.htm)

4



## What is PGI

- ▶ Includes:
  - Procedures (Mandatory and optional DoD-internal procedures)
  - Guidance
  - Training
  - Other Reference Material (agency guides, handbooks, etc.)
- ▶ Does not includes material that:
  - Has significant impact on the public
  - Is statutory and/or a codified regulation

5



## Why We Have PGI

### VALUE

- Dynamic- Does not require public comment process (changes can be published quickly)
  - Supports rapid change
  - Fosters flexibility and innovation
  - Expedites process
- Clear Distinction between regulation vs procedure
- Web based Access

6



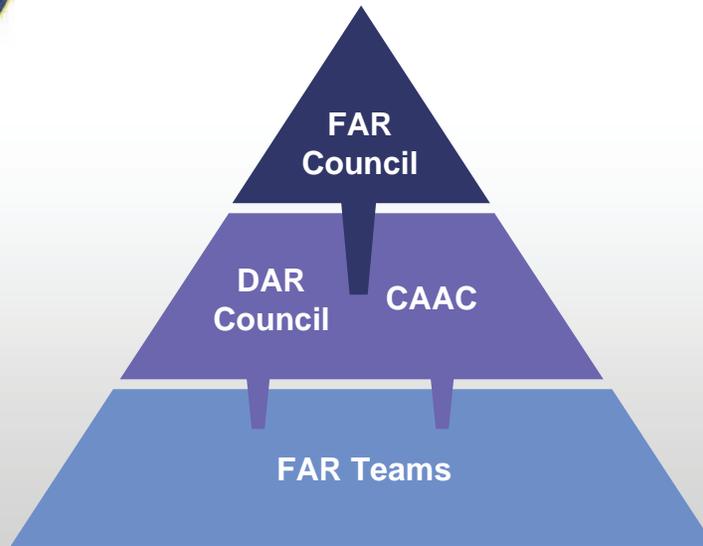
## The Rulemaking Process



7



## FAR Council Structure



8



## Federal Acquisition Regulation (FAR) Council

### ► FAR Council Members:

- Chair: Office of Federal Procurement Policy (OFPP)
- Department of Defense (DoD)
  - DPAP represents DoD
- General Services Administration (GSA)
- National Aeronautics and Space Administration (NASA)

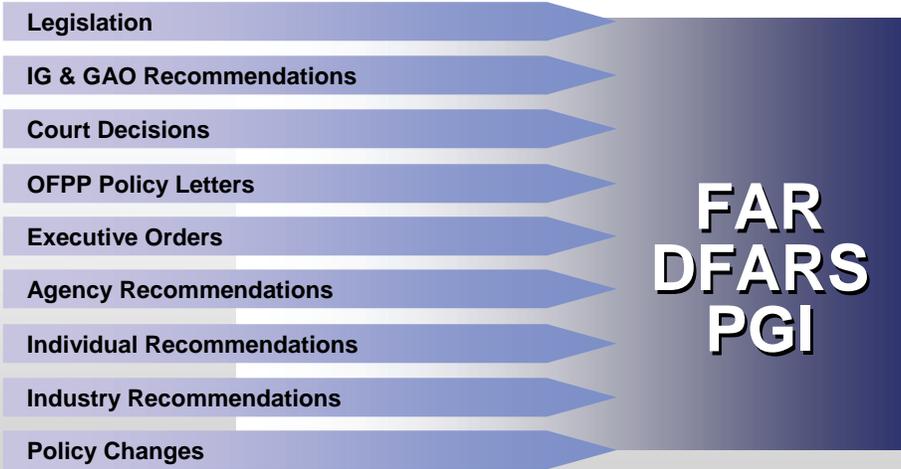
### ► Responsibilities:

- Provide overall strategy to the DAR Council and CAAC
- Resolve disagreements between the DAR Council and CAAC

9



## Sources of FAR/DFARS/PGI Changes

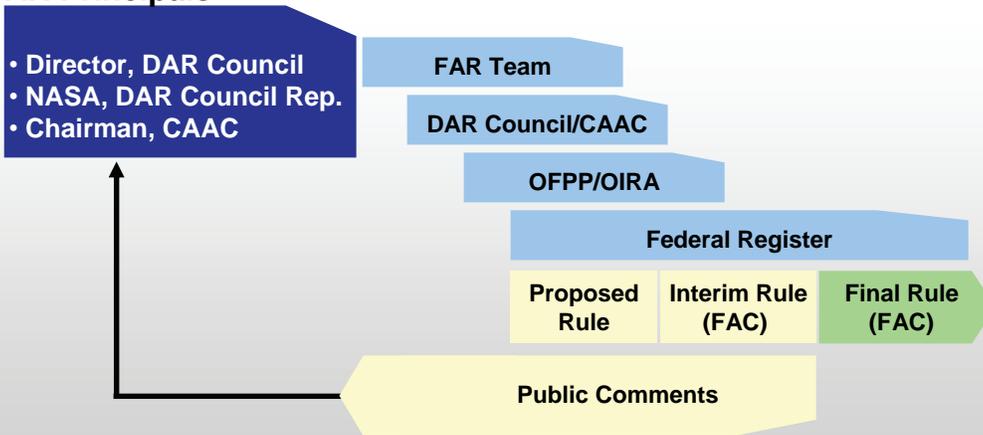


10



## FAR Change Process

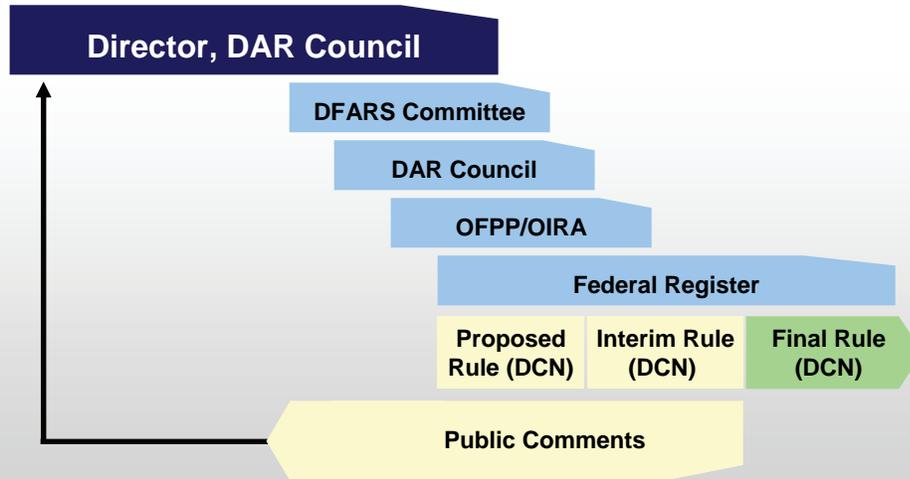
### FAR Principals



11



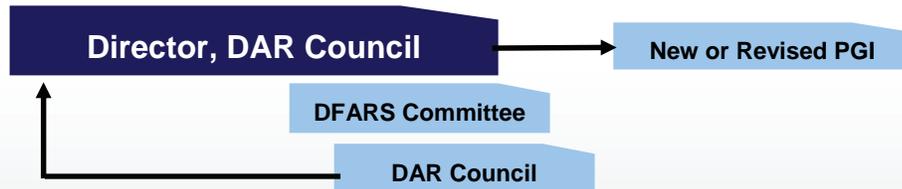
## DFARS Change Process



12



## PGI Change Process



13



## Defense Acquisition Regulation (DAR) Council

### ▶ DAR Council Members:

- Chair: Deputy Director, DPAP (DARS)
- Military Services (Army, Navy, Air Force)
- Defense Agencies (DCMA, DLA)
- NASA

### ▶ Responsibilities:

- Promulgate the DFARS and PGI
- Promulgate the FAR (in conjunction with CAAC)



14



## Get Involved in the Rulemaking Process

### ▶ Review DFARS and FAR proposed and interim rules

- Change Notices: <http://www.acq.osd.mil/dpap/dars/dfars/changenotice/index.htm>

### ▶ Submit input

- Agency comment (through command channels)
- Internet (follow local and agency procedures)

### ▶ View public comments on proposed & interim rules

- DFARS rules: <http://www.acq.osd.mil/dpap/dars/publiccomm/>
- FAR rules: [www.regulations.gov](http://www.regulations.gov)

### ▶ View status of open cases

- <http://www.acq.osd.mil/dpap/dars/opencases/farcasenum/far.pdf>
- <http://www.acq.osd.mil/dpap/dars/opencases/dfarscasenum/dfars.pdf>



15



## We Want to Hear From You

### ▶ Get Informed

- View DFARS Change Notices:  
[www.acq.osd.mil/dpap/dars/dfars/changenotice/index.htm](http://www.acq.osd.mil/dpap/dars/dfars/changenotice/index.htm)
- Sign up for DFARS News via e-mail

### ▶ Get Involved

- Submit comments on FAR and DFARS  
[www.acq.osd.mil/dpap/dars/publiccomm/](http://www.acq.osd.mil/dpap/dars/publiccomm/)
- Attend public meetings  
<http://www.acq.osd.mil/dpap/dars/publicmeeting/>
- Voice your ideas

### ▶ View Public Comments:

- DFARS rules: <http://www.acq.osd.mil/dpap/dars/publiccomm/>
- FAR rules: [www.regulations.gov](http://www.regulations.gov)



16



# FAR Cases

1<sup>st</sup> Annual  
**FAR**  
**DFARS**  
Review

Cases marked "\*" will be briefed  
 Cases marked "†" will probably be briefed  
 All other cases will be briefed as time allows

# LAW

2005-012*	Implementation of Section 3(b) of the Trafficking Victims Protection Reauthorization Act of 2003
2005-033*	Full Implementation of the Wage Determination on Line (WDOL)
2004-033*	Inflation Adjustment
2005-034*	Reporting Outside the US
2005-022*	BAA - CIT Exception
2005-045†	Removal of Sanctions Against Certain EU Countries
2004-010†	Notification of Employee Rights - Union Dues and Fees
2002-004†	Labor Standards - Construction
2003-021†	Nonavailable Articles Policy
2003-029†	Powers of Attorney
2005-026	Removal of Sanctions Against Libya
2004-027	Free Trade Agreements - Australia and Morocco
2005-030	Trade Agreements - Thresholds
2003-016	Free Trade Agreements - Chile and Singapore
2006-001	Free Trade Agreements - Morocco
2005-012	Implementation of Section 3(b) of the Trafficking Victims Protection Reauthorization Act of 2003
2006-006	Trade Agreements - El Salvador, Honduras, and Nicaragua
2003-016	Free Trade Agreements - Chile and Singapore
2005-010	Title 40 of USC Reference Corrections
2002-023	Excluded Parties List System Enhancement

Cases marked "\*" will be briefed  
Cases marked "†" will probably be briefed  
All other cases will be briefed as time allows

# LAW (CONT.)

2003-021	Nonavailable Articles - Policy
1989-093	Lobbying Restrictions
2002-017	Elimination of the Standard Form 1417
2002-021	Use of FAR Clause 52.244-6, Subcontracts for Commercial Items and Commercial Components, in Construction Contracts
2003-015	Applicability of SDB and HUBzone Price Evaluation Factor to Eligible Products and Qualifying Country End Products
2004-001	Improvements in Contracting for Architect - Engineer Services

Cases marked "\*" will be briefed  
Cases marked "†" will probably be briefed  
All other cases will be briefed as time allows

# IT/IMPLEMENTATION

2004-007*	Federal Technical Data Solution
2005-015*	Common Identification Standard for Contractors
2002-015*	Government Property Rental and Special Tooling
2003-024*	Subcontractor Notifications
2004-019*	Earned Value Management System
2004-030†	Definition of Information Technology
2005-007†	Update CCR System for TIN Validation
2002-024†	Electronic Representations and Certifications
2002-005†	Transportation
2004-021†	OMB Circular A-76
2005-006	Technical Changes - Annual Representations and Certifications
2004-020	Section 508 Micropurchase Exemption
2004-010	Notification of Employee Rights - Union Dues and Fees

Cases marked "\*" will be briefed  
Cases marked "†" will probably be briefed  
All other cases will be briefed as time allows

# STRATEGY

2004-002*	Procurement Program for Service-Disabled Veteran-Owned Small Business Concerns
2005-038*	Emergency Acquisitions
2006-014*	Local Community Recovery Act of 2006
2005-037*	Brand Name
2004-004*	Incentives for Performance-Based Contracting for Services
2005-009†	Confirmation of HUBZone Certification
2005-002†	Expiration of the Price Evaluation Adjustment for Small Disadvantaged Business Concerns for Civilian Agencies Except NASA and Coast Guard
2005-004†	Documentation Requirements for Limited Sources under FSSs
2003-018†	Performance-Based Acquisitions
2004-037†	Increased Justification and Approval Threshold for DoD
2003-025†	Telecommuting for Federal Contractors
2005-013	Deletion of the Very Small Business Program
2003-015	Applicability of the Small Disadvantaged Business and HUBZone Price Evaluation Factor to Eligible Products and Qualifying Country End Products
2006-003	Procedures Related to Procurement Center Representatives
2004-036	Landscaping and Pest Control

Cases marked "\*" will be briefed  
Cases marked "†" will probably be briefed  
All other cases will be briefed as time allows

# FINANCE

1999-025*	Cost Accounting Standards (CAS) Administration
2003-002*	Reimbursement of Relocation Costs on a Lump-Sum Basis
2004-006*	Accounting for Unallowable Costs
2004-014*	Buy-Back of Assets
2004-035*	Submission of Cost or Pricing Data on Noncommercial Modifications of Commercial Items
2001-018†	Applicability of Cost Principles
2001-031†	Deferred Compensation and Postretirement Benefits Other than Pensions
2004-005†	Gains and Losses
2004-003†	Payment Withholding
2001-021†	Training and Education Cost Principle
2004-031†	Fast Payment Procedures
2004-033†	Inflation Adjustment

# DFARS Cases

1<sup>st</sup> Annual  
**FAR**  
**DFARS**  
Review

Cases marked "\*" will be briefed  
 Cases marked "†" will probably be briefed  
 All other cases will be briefed as time allows

# LAW

2005-D007*	Training for Contractor Personnel Interacting with Detainees
2005-D013/ 2003-D087*	Contractor Personnel Authorized to Accompany the U.S. Armed Forces/ Contractor Personnel Supporting a Force Deployed Outside the US
2003-D021*	Acquisition of Ball and Roller Bearings
2006-D007*	Prohibition on Procurements from Communist Chinese Military Companies
2004-D012*	Prohibition of Foreign Taxation on U.S. Assistance Programs
2005-D063†	Incentive Program for Purchase of Capital Assets Manufactured in the United States
2006-D031/ 2006-D006†	Berry Amendment Notification
2006-D005	Berry Amendment Exceptions - Acquisition of Perishable Food and Fish, Shellfish, or Seafood
2004-D002/ 2006-D033†	PAN Carbon Fiber - Restriction to Domestic Sources/PAN Carbon Fiber - Deletion of Obsolete Restriction
2004-D001†	Reporting Contract Performance Outside the US
2005-D017	Trade Agreements Thresholds and Morocco Free Trade Agreement
2006-D015	Congressional Notification of the Award of AE-Services/Military Family Housing Contracts
2006-D019	Free Trade Agreement - El Salvador, Honduras, and Nicaragua
2006-D028	Free Trade Agreements - Guatemala and Bahrain
2003-D035	(T) Architect/Engineer Services
2005-D019	Defense Logistics Agency Waiver Authority
2004-D001	Reporting Contract Performance Outside the United States
2003-D012	(T) DFARS Part 203, Improper Business Practices and Organizational Conflicts of Interest, and Applicable Sections of Part 209 that Relate to Debarment
2004-D035	Berry Amendment Memoranda
2004-D034	Restrictions on Totally Enclosed Lifeboat Survival Systems
2003-D105	Architect/Engineer Threshold for Set-Aside for Award to Small Business Concerns

Cases marked "\*" will be briefed  
Cases marked "+" will probably be briefed  
All other cases will be briefed as time allows

# LAW (CONT.)

2004-D027	PAN Carbon Fiber - Restriction to Domestic Sources
2001-D003	Geographic Use of the Term "United States"
2003-D088	Free Trade Agreements - Chile and Singapore
2003-D104	Elimination of Requirement to Furnish Written Assurances of Technical Data Conformity
2003-D018	(T) Laws Inapplicable to Commercial Subcontracts
2003-D031	(T) Special Tax Procedures for Overseas Contracts
2003-D032	(T) Taxes
2003-D033	(T) Bonds
2003-D038	(T) Protection of Privacy and Freedom of Information
2005-D011	Buy American Act Exemption for Commercial Information Technology
2003-D008	(T) Part 225, Foreign Acquisition
2004-D013	Free Trade Agreements - Australia and Morocco
2003-D019	(T) Application of Labor Laws to Government Acquisitions
2003-D034	(T) Construction
2003-D071	(T) Component Breakout
2003-D039	(T) Environment, Occupational Safety, and Drug-Free Workplace
2003-D048	(T) Extraordinary Contractual Actions
2006-D003	Relocation of Subpart 225.6 to 225.76

Cases marked "\*" will be briefed  
 Cases marked "†" will probably be briefed  
 All other cases will be briefed as time allows

# IT/IMPLEMENTATION

2003-D040*	Central Contractor Registration (CAGE Codes)
2003-D101*	Quality Control in Procurement of Aviation Critical Safety Items and Related Services
2005-D006*	EVMS Validation and Compliance Requirements
2003-D081*	Unique Item Identifier
2002-D032*	Contractor Administration Inspection/Surveillance Revisions
2003-D040†	Remove CCR Requirement from DFARS upon Incorporation into the FAR
	Award Fee Contracts Memo
	Electronic Invoicing Memo
2004-D008†	Notification of Critical Safety Items
2004-D007†	Assignment of Contract Administration - Exception for Defense Energy Support Center (DESC)
2003-D053	(T) Update of Clauses for Telecommunications Services
2003-D054	(T) Update Information Technology (IT) Unique Procedures
2003-D055	(T) Acquisitions of Telecommunications Services
2003-D056	(T) Communications Services Authorizations
2003-D024 (T)	(T) Part 243, Contract Modifications
2003-D025 (T)	(T) Part 244, Subcontracting Policies and Procedures
2003-D027 (T)	(T) Part 246, Quality Assurance
2003-D045 (T)	(T) Part 251, Use of Government Sources by Contractors
2003-D046 (T)	(T) Part 249, Termination of Contracts
2003-D051 (T)	(T) Revisions to List of Contract Administration Functions
2003-D082 (T)	(T) Uniform Contract Line Item Numbering

Cases marked “\*\*” will be briefed  
Cases marked “†” will probably be briefed  
All other cases will be briefed as time allows

# STRATEGY

2006-D002*	RFID
2004-D009*	Competition Requirements for FSSs and MACs
2002-D024*	Approval of Service Contracts and Task Orders
2003-D106*	Transition of Certain Weapons-Related Prototype Projects to Follow-On Contracts
2006-D009*	Limitations on Tiered Evaluations of Offers
2003-D109*	Consolidation of Contract Requirements
2003-D097†	Limitations on Contract Period for Task and Delivery Order Contracts
2004-D024†	Multiyear Contracting
2004-D021†	Inherently Governmental Functions
2004-D031†	Sole Source Awards of 8(a) Contracts to Native Hawaiian-Owned Small Businesses
2003-D060†	Clarify the Threshold for Small Business Specialists
2003-D103	Personal Services Contracts
2004-D025	Increased Threshold for Information to Cooperative Agreement Holders
2006-D011	Security-Guard Services Contracts
2004-D032	Contractor Performance of Security Guard Functions
2003-D107	Firefighting Service Contract
2004-D029	Extension of the Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans
2006-D010	Extension of the Contract Goal for Small Disadvantaged Businesses and Certain Institutions of Higher Learning
2004-D028	Extension of the Mentor-Protege Program
2005-D020	Extension of the Partnership Agreement - 8(a) Program

Cases marked "\*" will be briefed  
Cases marked "†" will probably be briefed  
All other cases will be briefed as time allows

# FINANCE

2003-D009*	(T) Payment and Billing Instructions
2004-D033*	Levy on Payments
2004-D026*	Business Restructuring Costs - Delegations of Authority to Make Determination Relating to Payment
1990-037*	Incremental Funding of Fixed-Price Contracts
2003-D036*	(T) Cost Principles and Procedures
2003-D043†	(T) Contract Financing



# DARS

Defense Acquisition Regulations System



<http://www.acq.osd.mil/dpap/dars/>

## Your Role in the Rulemaking Process

- Make Your Voice Heard: Propose Your Concerns**
  - Communicate with your agency representative
  
- Get Informed: Review Proposed and Interim Rules**
  - Federal Register (FR): <http://www.gpoaccess.gov/fr/index.html>
  - Federal Acquisition Regulation (FAR): <http://www.arnet.gov/far>
  - Defense Federal Acquisition Regulation Supplement (DFARS): <http://www.acq.osd.mil/dpap/dars/dfars/changenotice/index.htm>
  
- Get Involved: Comment on Proposed and Interim Rules**
  - Attend public meetings
  - Comment on DFARS proposed and interim rules: <http://www.acq.osd.mil/dpap/dars/publiccomm/index.htm>
  - Comment on FAR proposed and interim rules in FR notice: <http://www.gpoaccess.gov/fr/index.html>
  
- Follow Up: View Public Comments**
  - Defense Acquisition Regulations System (DARS) Web site: <http://www.regulations.gov/fdmspublic/component/main>