



Open DFARS Cases

as of May 18, 2012

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Case Number	Part Number	Title	Synopsis	Status
2012-P013		Suspension and Debarment Referral Procedures	Revises procedures and elements required for referrals to agency debarring and suspending officials.	05/17/2012 DAR staff tasked to draft PGI. Report due 06/06/2012.
2012-P012		CORs for Service Contracts Clarification	Add the DoD policy memo on the DoD Standard for COR certification and requiring CORs for service contracts including both FFP and other than FFP contracts.	05/09/2012 DAR staff tasked staff to draft PGI. Report due 5/30/0000.
2012-P011		Procedures for Implementation of Class Deviation 2012-O0009	Revision to PGI to reflect that Class Deviation 2012-O0009, Revisie Temporary Authority to Acquire Products and Services (Including Construction) from Countries Along a Major Supply Route to Afghanistan, has superseded Class Deviation 2009-O0012. the procedures of the deviation, which implement section 801 of the NDAA for FY 2010, now apply only to the 5 Central Asian states of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.	05/15/2012 DARC received DAR staff draft PGI. Will reclama by 5/23/2012.
2012-P010		Incorporation of ANSI/ASIS PSC.1-2012 Standard in Requirements Package	Section 862(as amended) of the NDAA for FY 2008 mandated creation of a standard for performance of private security functions.	05/17/2012 Case manager forwarded PGI to DAR editor. DAR editor reviewing.
2012-P007		FPRA/FPRR Guidance	Provides guidance relating to the formation and use of Forward Pricing Rate Agreements (FPRA's) and Forward Pricing Rate Recommendations (FPRR's).	02/29/2012 DAR staff tasked DFARS Ad Hoc Cmte. to (draft PGI). Report due 3/14/2012.
2012-P005	PGI 217.74	Management of Undefined Contractual Actions	Adopts DoDIG recommendations, dated November 4, 2011, (Project No. D2009-D000CG-0248.005) to develop additional procedural guidance on how to comply with restrictions applicable to undefinitized contractual actions.	05/08/2012 DARC received DAR Staff draft PGI DAR staff. Will reclama on 5/16/2012.
2012-P003		Environmental Points of Contact for Biobased Procurement Reporting	Identifies the DoD Component points of contact for FAR Case 2010-004, Biobased Procurements.	03/13/2012 Published material withdrawn. Case on hold at the direction of DARC director.

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Case Number	Part Number	Title	Synopsis	Status
2012-D044		New Free Trade Agreement--Panama	Implements the United States-Panama Trade Promotion Agreement, enacted into U.S. law on October 21, 2011 (Pub. L. 112-43).	05/18/2012 DARS opened case, interim DFARS rule. DAR staff processing.
2012-D043		New Qualifying Country--Czech Republic	Implements recent Reciprocal Defense Procurement Agreement with the Czech Republic, which is now a "qualifying country."	05/18/2012 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.
2012-D042		Business Systems Compliance	To revise the business systems clauses to include contractor reporting and documentation requirements regarding the contractor's compliance with the DFARS business systems' criteria.	04/25/2012 DARC Director tasked the Business Systems Ad Hoc Cmte. to draft proposed DFARS rule. Report due 05/30/2012.
2012-D041		(S) Specialty Metals--Definition of "Produce"	Consider definition of "produce," as required by section 823 of the National Defense Authorization Act for FY 2011. Public comments were sought in the Federal Register on July 25, 2011 (76 FR 18383).	05/16/2012 DARC received Ad Hoc Specialty Metals Working Group draft proposed DFARS rule. Will discuss draft proposed DFARS rule on 05/23/2012.
2012-D040		Clarifying "F" Orders in PIIN Structure	Clarifies instruction for PIIN identification to limit the use of "F" in the 9th position to task and delivery orders issued under a non-DoD issued contract or agreement.	04/19/2012 DARC Director tasked Ad Hoc Committee to draft proposed DFARS rule. Report due 05/30/2012.
2012-D039		Further Implementation of Trafficking in Persons Policy	Include compliance with Trafficking in Persons policy in the Contractor Code of Business Ethics. and Conduct	05/07/2012 Case manager forwarded draft proposed rule to DAR editor. DAR editor reviewing.
2012-D038	231.205-6	Unallowable Costs for Ineligible Health Care Benefits	Establishes that ineligible health care benefits are expressly unallowable.	03/28/2012 DARC agreed to draft proposed DFARS rule. Case manager processing.

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Case Number	Part Number	Title	Synopsis	Status
2012-D037	FAR Part 15	Undefinitized Contract Actions Clarification	Implements DoDIG (report DoDIG 2012-039) recommendation to clarify undefinitized contract actions (UCA) guidance.	02/27/2012 DARC Director tasked DARS Staff to draft proposed DFARS rule. Report due 03/28/2012. Report Due 4/18/2012 (1st ext.) Report Due 05/09/2012 (2nd ext.) Report due 06/13/2012 (3rd ext.)
2012-D036		(S) Private Sector Notifications of Insourcing Actions	Implements section 938 of the NDAA for FY 2012. Section 938 paragraph (f) entitled Notifications Relating to the Conversion of Certain Functions, requires the Secretary of Defense to (1) establish procedures for the timely notification of any contractor who performs a function that the Secretary plans to convert (insource) to performance by DoD civilian employees and (2) provide the congressional defense committees a copy of any such notifications.	05/01/2012 Case on hold at the direction of the DARS Director, pending additional input from CPIC and OUSD P&R.
2012-D035	215.4	Forward Pricing Rate Proposal Checklist	Provides a checklist to be completed by the contractors to ensure forward pricing rate proposals are complete.	03/28/2012 DARC agreed to draft proposed DFARS rule. Case manager processing.
2012-D034		(S) Defense Trade Cooperation Treaty (United Kingdom)	Implements DTC Treaty with the United Kingdom (Security Cooperation Act of 2010, Pub. L. 111-266, enacted 10/8/2010) and associated Department of State regulations. Permits exports of most U.S. defense articles, technical services, and defense services to move more freely within the approved community of the U.S. Government, the U.K. government, as well as selected defense and security companies and facilities, when in support of certain projects.	04/24/2012 OIRA cleared interim DFARS rule. DAR editor preparing for publication.
2012-D033	242.15	(S) Contractor Comment Period, Past Performance Evaluations	Implements section 806 of P.L. 112-81 (FY 2012 NDAA) which requires DFARS amendment to allow contractors 14 calendar days to rebut past performance evaluations and requires that past performance evaluations be included in the database within 14 days of delivery of the draft evaluation to the contractor.	05/16/2012 Case closed into FAR Case 2012-028.

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Case Number	Part Number	Title	Synopsis	Status
2012-D032		Free Trade Agreement -- Colombia	Implements the United States--Colombia Trade Promotion Agreement enacted into U.S. law on October 21, 2011 (Pub. L. 112-042).	04/24/2012 OIRA cleared interim DFARS rule. DAR editor preparing for publication.
2012-D030	204	(S) Prohibition on Collection of Political Information	Implements section 823 of the FY12 NDAA (Pub. L. 112-81), which prohibits agencies from requiring contractors to submit political information as part of a solicitation or during contract administration.	05/10/2012 Case manager forwarded draft interim rule to DAR editor. DAR editor reviewing.
2012-D029	227	(S) Disclosure to Litigation Support Contractors	Implements section 802 of the NDAA for FY 2012 (Pub. L. 112-81) which amends 10 U.S.C. 2320 to allow a covered litigation support contractor access to technical, proprietary, or confidential data for the sole purpose of providing litigation support.	01/25/2012 DARC Director tasked PD&C Cmte. to draft interim DFARS rule. Report Due 3/28/2012. Report Due 4/25/2012 (1st ext.) Report Due 5/30/2012 (2nd ext.)
2012-D027		(S) Encouragement of STEM Programs	Implements section 862 of the FY12 NDAA (Pub L 112-81), which requires the Department of Defense to take steps to encourage contractors to develop science, technology, engineering and math programs.	01/25/2012 DARC Director tasked DAR Staff to draft proposed DFARS rule. Report Due 2/15/2012... Report Due 5/23/2012 (6th ext.)
2012-D025		United States--Korea Free Trade Agreement	Implements the United States--Korea Free Trade Agreement, which was renegotiated in early December 2010, and was enacted into U.S. law on October 21, 2011 (Pub. L. 112-041).	04/24/2012 OIRA cleared interim DFARS rule. DAR editor preparing for publication.
2012-D023		(S) Report on Waiver of Prohibition on Procurements from Communist Chinese Military Companies	Implements section 1243 of the NDAA for FY 2012 (Pub. L. 112-81), requiring a report to the congressional defense committees not less than 15 days before issuing a waiver to the requirements of section 1211 of the NDAA for FY 2006 (Pub. L. 109-163).	04/15/2012 OIRA cleared final DFARS rule. DAR editor preparing for publication.
2012-D022	227	(S) Rights in Technical Data and Validation of Proprietary Data Restrictions	Implements section 815 of the NDAA for FY 2012 (Pub L 112-81), which amends the language of Section 824 of the NDAA for 2011 (Pub. L. 111-383). Provides guidance relating to rights in technical data under contracts for the production and sustainment of systems or subsystems.	01/12/2012 DARC Director tasked PD&C Cmte. to draft interim DFARS rule. Report Due 3/14/2012. Report Due 4/25/2012 (1st ext.) Report Due 5/30/2012 (2nd ext.)

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Case Number	Part Number	Title	Synopsis	Status
2012-D016	201.109, 212.72, PGI 201.109	(S) Inflation Adjustment of Threshold for Acquisition of Right-Hand Drive Passenger Sedans	Implements section 814 of the NDAA for FY 2012 (Pub. L. 112-81). Section 814 clarifies the authority at 10 U.S.C. 2253(a)(2) as applicable to passenger sedans and requires adjustment for inflation.	03/30/2012 Published interim DFARS rule in Federal Register (77 FR 19127). Effective upon publication. Public comment period ends 05/29/2012.
2012-D015	225.7002-1, 252.225-7012	(S) Acquisition of Tents and other Temporary Structures	Implements sections 368 and 821 of the NDAA for FY 2012 (Pub. L. 112-81). Section 368 requires that contracts for tents or other temporary structures awarded by or on behalf of DoD shall provide best value to the Government. Section 821 modifies 10 U.S.C. 2533a(b)(1)(C) (Berry Amendment) to add "structural components thereof" after "tents."	04/19/2012 DAR editor sent draft interim DFARS rule to OIRA. OIRA reviewing.
2012-D014		Contingency Contract Closeout	Ensures that HCAs give priority to closeout of completed contracts awarded for performance in contingency operations.	04/20/2012 OIRA cleared final DFARS rule. DAR editor preparing for publication.
2012-D008	252	Prescriptions for Clauses with Alternates	Proposes new convention for prescribing clauses with alternates, to facilitate clause logic.	05/15/2012 DARC received the draft proposed DFARS rule from DAR staff. Will discuss draft proposed DFARS rule on 5/30/2012.
2012-D007	225.7002-2(b), 252.212-7001, 252.225-7015	Acquisition of Hand or Measuring Tool Kits	Allows approval of the domestic nonavailability determination at one level above the contracting officer for the purchase of a minimal quantity of domestically nonavailable hand or measuring tools needed to complete a tool kit, set, or outfit, up to two percent of the value of the tool kit, set, or outfit, as long as the total value of the tools acquired under this determination does not exceed the simplified acquisition threshold on a per contract basis.	04/27/2012 Case on hold at the direction of DARC Director, pending DEPSECDEF approval of revised policy.
2012-D006	252.225	Alleged Crimes by or Against Contractor Personnel	Modifies DFARS 252.225-7040 to expand worldwide the coverage currently limited to Iraq and Afghanistan by Class Deviation 2010-O0014. Contracts with performance in areas of contingency operations, humanitarian or peacekeeping operations, or other military operations (designated by the combatant commander) will include POCs for reporting alleged crimes and seeking whistleblower protections.	05/15/2012 DARC Director tasked DARS staff to review public comments and draft final DFARS rule. Report due 05/30/2012.

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Case Number	Part Number	Title	Synopsis	Status
2012-D004		Creation of Representation for Non-traditional Contractor	Responds to a GAO recommendation that DoD should examine ways to collect information on the number of non-traditional contractors DoD is reaching through commercial acquisitions. (GAO-06-995, DoD Contracting; Effort Needed to Address Air Force Commercial Acquisition Risk, dated September 29, 2006.)	12/20/2011 Case on hold at the direction of the DAR Director.
2012-D003	201, 203, 204.12, 212, 213.3, 217.7000, 219.703, 222, 225, 233.204-70, 243.204-71, 252.204-7007, 252.212-7001, 252.212-7002, 252.217-7002, 252.219-7003, 252.225, 252.227, 252.244-7001, Appendix I	(S) Title 41 Law Codification--Further Implementation	Conforms DFARS to revised statutory titles and terminology in Title 41 Positive Law Codification (Pub. L. 111-350).	04/20/2012 OIRA cleared final DFARS rule. DAR editor preparing for publication.
2012-D002	204.7007	Order of Application for Modifications	Establishes an order of precedence for the effective date to resolve conflicts arising from multiple modifications with the same effective date.	04/20/2012 OIRA cleared final DFARS rule. DAR editor preparing for publication.
2012-D001	211.274, 252.211-7007, 252.251-7000	Reporting of Government-Furnished Property	Revises reporting requirements for Government-furnished property to include items uniquely and non-uniquely identified, and clarify policy for contractor access to Government supply sources.	05/15/2012 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.
2011-P020		(BBP) Monitoring Contractor Costs	Implements a DoD Better Buying Power initiative by reinstating requirements to monitor contractor policies, procedures, and practices for controlling costs.	12/20/2011 Posted PGI to web/published any associated DFARS technical amendments to Federal Register will follow.

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2011-P007		(BBP) Standard Templates for Developing Performance Work Statements	Implements a DoD Better Buying Power initiative to provide guidance for development of performance work statements. AT&L memo of November 3, 2010.	09/01/2011 Case on hold at the direction of the DARC Director pending the full promulgation of the Automated Requirements Roadmap Tool (ARRT).
2011-D056		Solicitation Provisions and Contract Clauses for Acquisition of Commercial Items	Replaces the Omnibus contract provision and clause in DFARS 52.212 with an amplified list of required provisions and clauses in part 212 to support simplified clause prescriptions.	04/05/2012 Published proposed DFARS rule in Federal Register (77 FR 20598). Public comment period ends 06/04/2012.
2011-D055	211, 252.211-7003	Item Unique Identifier Update	Updates and enhances DoD's implementation of section 815 of the NDAA for FY09 regarding identification of special tooling and special test equipment related to Major Defense Acquisition Programs. In addition, this rule adds the capability to track items with item unique identifiers (IUIDs) by type designation and clarifies the use and requirements of DFARS clause 252.211-7003.	05/17/2012 OIRA cleared proposed DFARS rule. DAR editor preparing for publication.
2011-D054	242.803	DoD Voucher Processing	Updates DoD's voucher processing procedures and better accommodates the Wide Area Work Flow (WAWF) used to process vouchers.	05/16/2012 DARC received draft final DFARS rule from Ad Hoc Committee. Will discuss on 05/30/2012.
2011-D052	242, 247, 252.242-7003	Shipping Instructions	Updates DD Form 1659, Application for U.S. Government Shipping Documentation/Instructions, and related clause prescription and clause.	04/25/2012 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.
2011-D049	215.403, 215.408, 225.870, 252.215	Contracting with the Canadian Commercial Corporation--Cost or Pricing Data	Implements recommendations of a bilateral sub-IPT on cost or pricing data. Specifies circumstances under which the U.S. Government needs to obtain data other than certified cost or pricing data from Canadian contractors via the Canadian Commercial Corporation.	05/14/2012 OIRA cleared final DFARS rule. DAR editor preparing for publication.

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2011-D047	212.301, 244.403, 252.244-7000	Applicability of Hexavalent Chromium Policy to Commercial Items	Clarifies that the DoD policy to minimize the use of materials containing hexavalent chromium also applies to contracts for the acquisition of commercial items. DoD published a final rule entitled Minimizing the Use of Materials Containing Hexavalent Chromium (DFARS Case 2009-D004) on May 5, 2011 (76 FR 25569).	04/18/2012 DAR editor sent draft final DFARS rule to OIRA. OIRA reviewing.
2011-D046	212.3, 225.7017, 252.225-7017, 252.225-7018	(S) Utilization of Domestic Photovoltaic Devices	Implements section 846 of the National Defense Authorization Act for Fiscal Year 2011 (Pub. L. 111-383). Section 846 requires that contracts that result in ownership of photovoltaic devices by DoD must require the photovoltaic devices provided under the contract to comply with the Buy American Act, subject to the exceptions provided in the Trade Agreements Act or otherwise provided by law.	04/20/2012 OIRA cleared final DFARS rule. DAR editor preparing for publication.
2011-D045	232.10, 252.232-7012, 252.232-7013	(BBP) Performance-Based Payments	Implements a DoD Better Buying Power initiative to provide detailed guidance and instruction to DoD contracting officers for the use of DoD's PBP Analysis Tool when contemplating the use of performance-based payments on new fixed-price type contracts. (OUSD AT&L 9/14/2010 memo, page 7, 4th paragraph.)	04/25/2012 DARC Director tasked Ad Hoc Cmte. to review public comments. Report due 5/23/2012.
2011-D044	204.12, 204.7207, 212.301, 252.204-7007, 252.204-70XX	Ownership of Offeror	Develops a means to identify parent company relationships for DoD contractors.	04/18/2012 DAR editor sent draft proposed DFARS rule to OIRA. OIRA reviewing. 05/16/12 Responding to OIRA and SBA issues.
2011-D042	215.403-4, 252.215	(BBP) Proposal Adequacy Checklist	Implements a DoD Better Buying Power initiative by incorporating a Proposal Adequacy Checklist (PAC) into DFARS 215.403-4, and an associated solicitation provision, to help offerors submit thorough, accurate, and complete proposals.	02/08/2012 DARC Director tasked Cmte. to draft final DFARS rule. Report due 3/21/2012. Report Due 4/11/2012 (1st ext.) Report Due 5/2/2012 (2nd ext.) Report Due 5/23/2012 (4TH ext.)
2011-D040	215.4	Definition of Cost or Pricing Data	Aligns the DFARS to conform to FAR revisions made under FAR Case 2005-036, Definition of Cost or Pricing Data.	05/18/2012 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.

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2011-D039	204.74, 252.204-7000, 252.204-70XX, 252.204-70YY	Safeguarding Unclassified DoD Information	Provides standards and structures for the safeguarding of unclassified information.	01/04/2012 DARC Director tasked Ad Hoc Cmte to draft proposed DFARS rule. Report due 2/28/2012. Report due 3/28/2012 (1st ext). Report Due 4/18/2012 (2nd ext.) Report Due 5/16/2012 (3rd ext.) Report Due 6/13/2012 (4th ext.)
2011-D038	205.207, 206.203, 215.304, 219.000, 219.001, 219.11, 219.12, 219.2, 219.502-3, 219.7, 226.3, 226.370, 235.016, 252.210-7003, 252.219-7004, 252.226-7000, I-112.1	(S) Deletion of Text Implementing 10 U.S.C. 2323	Deletes DFARS text that implements 10 U.S.C. 2323. 10 U.S.C. 2323 was declared unconstitutional by the Courts' in the Rothe decision, and, the law has now expired.	04/26/2012 Case manager forwarded draft interim rule to DAR editor. DAR editor reviewing.
2011-D027	232.70, 252.232-7003	Updates to Wide Area Workflow	Clarifies and updates guidance for Wide Area Workflow (WAWF).	05/08/2012 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.
2011-D023	216.405-271, 225.3, 252.225	(S) Contractors Performing Private Security Functions	Implements section 862 of the NDAA for FY 2008 (Pub. L. 110-181), as amended by section 853 of the NDAA for FY 2009 (Pub. L. 110-417) and sections 831 and 832 of the NDAA for FY 2011 (Pub. L. 111-383) to provide (1) regulations addressing selection, training, equipping, and conduct of personnel performing private security functions in areas of contingency operations; (2) a contract clause, and (3) remedies.	04/19/2012 DAR editor sent draft final DFARS rule to OIRA. OIRA reviewing. 5/17: rsonded to issues identified by OIRA.

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2011-D013	205.203, 208-405-70, 212.205, 213.003, 214.2, 214.4, 215.371, 215.4, 216.5	(BBP) Only One Offer	Implements a DoD Better Buying Power initiative to address acquisitions using competitive procedures in which only one offer is received. AT&L memo of November 3, 2010, pp. 4 and 6.	04/17/2012 DAR editor sent draft final DFARS rule to OIRA. OIRA reviewing.
2011-D012		(BBP) Superior Supplier Incentive Program	Implements a DoD Better Buying Power initiative to recognize businesses, at the corporate level, that consistently demonstrate exemplary performance (AT&L memo of November 3, 2010).	06/01/2011 Case on hold pending receipt and analysis of data and resolution of issues.
2010-P008		Defense Base Act Waivers	Identifies a single point of contact for requests for Defense Base Act waivers.	08/13/2010 CPF requested DAR staff withdraw rule from Editor to allow for coordination with DOL and rework of PGI language.
2010-D001	227, 52.227	Patents, Data, and Copyrights	Rewrites DFARS Part 227, Patents, Data, and Copyrights, to remove obsolete text and clauses, relocate and integrate the coverage for computer software and computer software documentation with the coverage for technical data to eliminate redundant coverage for these subjects while retaining necessary distinctions. Follow-on to the DFARS Transformation Case 2003-D049.	01/12/2011 DARC Director tasked PD&C Cmte. to review public comments, draft final DFARS rule. RD 4/27/2011. Report Due 3/14/2012 (6th ext.) Report Due 4/25/2012 (7th ext.) Report Due 5/30/2012 (8th ext.)
2009-D031	209.4, 209.5, 227.71, 252.212, 252.227	(S) Support Contractor Access to Technical Data	Implements section 821 of the NDAA for Fiscal Year 2010 (Pub. L. 111-084). Section 821 provides authority for certain types of Government support contractors to have access to proprietary technical data belonging to prime contractors and other third parties, provided that the technical data owner may require a support contractor to execute a non-disclosure agreement having certain restrictions and remedies.	05/26/2011 DARC Director tasked staff to draft final DFARS rule). Report due 06/08/2011...Report Due 5/23/2012 (14th ext.)
2009-D002	219.708, 252.212-7001, 252.219-7003, 252.219-7004, I-105, I-112	Electronic Subcontracting Reporting System	Conforms the DFARS to the FAR with respect to the use of the Electronic Subcontracting Reporting System.	02/04/2011 Case on hold at the direction of DARS Director. Resolving issues with DPAP/CPIC and DoD OSBP.