



# Open DFARS Cases

as of February 22, 2013

9:06:07PM



## Open DFARS Cases

as of February 22, 2013

Case Number	Part Number	Title	Synopsis	Status
2013-P009		Pre-Award Coordination for FAA Certification	The purpose of this case is to provide guidance that requires Contracting Officers to coordinate with the FAA, for contracts requiring FAA certification service, prior to releasing the Request for Proposals.	02/20/2013 DAR staff received draft PGI from staff. DAR staff reviewing. Reclama 2/27/2013.
2013-P008		Update to the Contracting Activity List	Corrects list of Army activities.	01/31/2013 Case manager forwarded PGI to DAR editor. DAR editor reviewing.
2013-P007		Procedures for Debt Deferment	Sets forth procedures in the PGI to handle requests for debt deferment under the Contract Disputes Act.	01/30/2013 DAR staff tasked AdHoc Cmte. to draft PGI. Report due 2/27/2013.
2013-P006	245.4	Government Furnished Property in Contracts for Performance-Based Logistics and Contractor Logistics Services	Implements recommendation in DoDIG Audit Report 2013-025, dated November 30, 2012.	01/15/2013 DARC agreed to PGI. DAR staff processing.
2013-P003	22.17	Combatting Trafficking in Persons Procedures	Implements revisions to PGI 22.17 recommended by Subcommittee 6 of the Panel on Procurement Integrity.	12/13/2012 Case manager forwarded PGI to DAR editor. DAR editor reviewing.
2013-P002		Electronic Distribution of Military Interdepartmental Purchase Requests	Provides instructions for the electronic distribution of military interdepartmental purchase requests.	02/06/2013 DAR staff tasked Streamline report. Report due 02/20/2013.
2013-D020	225.104	Domestically Nonavailable Articles-Elimination of DoD-Unique List	Deletes DFARS 225.104, which currently lists aluminum-clad steel wire and sperm oil as domestically nonavailable items.	02/13/2013 DARC Director tasked staff to draft proposed DFARS rule. Report due 3/27/2013.
2013-D019	252.212-7001, 252.225-7017, 252.225-7021, 252.225-7045	Least Developed Countries that are Designated Countries	Implements USTR changes to the list of least developed countries that are treated as designated countries in acquisitions subject to the WTO GPA.	02/20/2013 DARC received draft final DFARS rule from DAR staff. Will re-clama on 2/27/2013.

## Open DFARS Cases

as of February 22, 2013

Case Number	Part Number	Title	Synopsis	Status
2013-D018		(S) Reports to DoD on Penetrations of Networks and Information Systems	Implements section 941 of the NDAA for FY 2013.	01/31/2013 DARC Director tasked Ad Hoc Cmte. to draft interim DFARS rule. Report due 02/20/2013. Report Due 3/20/2013.
2013-D017		Representation of U.S. or Foreign Ownership	Requires offerors to represent whether U.S.-owned business, foreign-owned business, or other type of U.S. or foreign entity.	02/12/2013 Case on hold at the direction of DARC Director, pending CPIC coordination with OGC.
2013-D016		(S) Limitation on Use of Cost-Type Contracts	Implements section 811 NDAA 2013. Section 811 places limitation on use of Cost-Type Contracts for production in Major Defense Acquisition programs	01/30/2013 DARC Director tasked Major Systems Cmte. to draft interim DFARS rule. Report due 03/13/2013.
2013-D015	252	Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the U.S.	Implements revised DoDI 3020.41, Operational Contract Support (OCS)	02/20/2013 DARC received draft proposed DFARS rule from /DAR staff). Discuss on 3/6/2013.
2013-D014		Clauses with Alternates--Limitation of Government's Obligation	Revises prescription and clause alternate for DFARS clause 252.232-7007, Limitation of Government's Obligation, to accommodate Clause Logic project.	02/20/2013 DARC accepted requested extension. Report due 3/6/2013.
2013-D013		(S) Prohibition on Storage and Removal of Toxic and Hazardous Materials--Statutory Update	Updates DFARS subpart 23.3 to incorporate statutory references and revise clause alternate in accordance with clause logic project.	01/15/2013 DFARS Case 2013-D003, Clauses with Alternates--Environmental, closed into this new case. DARC Director tasked DFARS Environmental Cmte. to draft proposed DFARS rule. Report due 03/20/2013.
2013-D011	223.73, 252.223-7008	Minimizing the Use of Materials Containing Hexavalent Chromium--Further Implementation	Clarifies DoD regulations minimizing the use of materials containing hexavalent chromium.	01/16/2013 DARC Director tasked Environmental Cmte. to draft proposed DFARS rule. Report due 3/6/2013.

## Open DFARS Cases

as of February 22, 2013

Case Number	Part Number	Title	Synopsis	Status
2013-D010	203.9	(S) Enhancement of Whistleblower Protections for Contractor Employees	Implements section 827 of the NDAA for FY 2013.	02/20/2013 Case manager forwarded draft proposed rule to DAR editor. DAR editor reviewing.
2013-D009	206.303-70, 225.1101, 225.404-71, 225.7501, 225.77, 252.212, 252.225	(S) Acquisitions in Support of Operations in Afghanistan	Implements sections 842 and 826 of the National Defense Authorization Act for FY 2013 (Pub. L. 112-239). Section 842 amends section 886 of the NDAA for FY 2008 (Pub. L. 110-181) (Enhanced Authority to Acquire Products and Services Produced in Iraq and Afghanistan) by striking application of the enhanced authority to acquisition of products and services from Iraq. Section 826 requires compliance with the Berry Amendment when DoD acquires textile components to supply to the Afghan Military or the Afghan National Police for the production of uniforms.	02/14/2013 Case manager forwarded draft interim rule to DAR editor. DAR editor reviewing.
2013-D007	203, 204, 222, 212, 252	Further Implementation of Trafficking in Persons Policy	Implements additional controls and oversight on contractors' trafficking in persons policies and internal controls.	12/12/2012 Case manager forwarded draft proposed rule to DAR editor. DAR editor reviewing.
2013-D006	245.3	Approval of Rental Waiver Requests	Allows contracting officer to approve rental waiver requests below the micro-purchase threshold, for use of Government property on work for foreign governments or international organizations.	10/31/2012 DARC Director tasked staff to draft proposed DFARS rule. Report Due 12/5/2012. Report Due 3/6/2013.
2013-D005	225, 252.225	Clauses with Alternates--Foreign Acquisition	Revises part 225 prescriptions and clauses with alternates to accommodate Clause Logic project.	01/23/2013 Case manager forwarded draft proposed rule to DAR editor. DAR editor reviewing.
2013-D004	246, 252.246	Clauses with Alternates--Quality Assurance	Revises part 246 prescriptions and clauses with alternates to accommodate Clause Logic project.	01/31/2013 Case manager forwarded draft proposed rule to DAR editor. DAR editor reviewing.
2013-D001	212.301, 215.371, 215.403-1, 215.408, 225.870-4(c), 252.215	(BBP) Only One Offer--Further Implementation	Addresses issues that have arisen since publication of the final rule implementing the Better Buying Power Initiative relating to acquisitions in which competition is expected, but only one offer is received (see DFARS case 2011-D013, Only One Offer, published in the Federal Register on June 29, 2012 (77 FR 39126).	02/04/2013 DAR editor sent draft proposed DFARS rule to OIRA. OIRA reviewing. 2/15/2013, Received OIRA comments. DoD resolving.

## Open DFARS Cases

as of February 22, 2013

Case Number	Part Number	Title	Synopsis	Status
2012-D057	247, 252	Clauses with Alternates- -Transportation	Revises DFARS part 247 prescriptions and clauses with alternates to facilitate the contract writing system (follow on to DFARS Case 2012-D008).	11/08/2012 Case manager forwarded draft proposed rule to DAR editor. DAR editor reviewing.
2012-D056	204.2	Electronic Copies of Contractual Documents	Updates DFARS to reflect and include electronic contract documents posted to Electronic Document Access as the official contract documents.	12/05/2012 DARC Director re-tasked Ad Hoc Cmte. to draft proposed DFARS rule. Report due 01/16/2013. Report Due 2/27/2013.
2012-D055	202, 231, 244	(S) Detection and Avoidance of Counterfeit Electronic Parts	Implements portions of section 818 of NDAA for 2012 to (a) add definitions specific to counterfeit parts, (b) define contractors' responsibilities, and (c) clarify the Government's role. Implements section 833 of the NDAA for FY 2013.	02/19/2013 DAR editor preparing to send to OIRA.
2012-D054	204, 252.204-7000	Release of Fundamental Research Information	Provides guidance relating to the release of Fundamental Research Information. (Previously published as part of the proposed rule under 2011-D039)	11/29/2012 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.
2012-D053	204, 217, 252, PGI	System for Award Management Name Changes, Phase 1 Implementation	Updates DFARS and PGI text to align with name changes pursuant to phase one of the System for Award Management (SAM) implementation which was initiated on July 29, 2012. Phase one transition included the Central Contractor Registration database, the Online Representations and Certification Application, and the Excluded Parties Listing System.	01/24/2013 OIRA cleared final DFARS rule. DAR editor preparing for publication.
2012-D051	237	(S) DoD Service Contract Reporting Requirements	Implements the requirements of 10 U.S.C. 2330a. 10 U.S.C. 2330a requires that DoD establish a data collection system to provide management information with regard to each purchase of services by a military department or Defense Agency and to submit to Congress an annual inventory of contracts for services. In order to create the inventory, DoD must collect information from contractors performing services. The information will be collected through the use of a system known as the enterprise-wide Contractor Manpower Reporting Application (eCMRA).	08/09/2012 DARC Director tasked Contract Services Cmte. to draft proposed DFARS rule. Report due 09/26/2012. Report Due 03/06/2013.

## Open DFARS Cases

as of February 22, 2013

Case Number	Part Number	Title	Synopsis	Status
2012-D050		(S) Supply Chain Risk	Implements section 806 of the NDAA of FY 2011 (Pub. L 111-383). Section 806 requires the evaluation of offerors' supply chain risks on information technology purchases relating to national security systems. Section 806 enables agencies to exclude sources that are identified as having a supply chain risk.	02/07/2013 Case manager forwarded draft interim rule to DAR editor. DAR editor reviewing.
2012-D048	225.7302	Preparation of Letter of Offer and Acceptance	Incorporates in DFARS, directions to contracting officer on working with prospective contractors when assisting DoD implementing agency in preparation of Letter of Offer and Acceptance.	01/16/2013 OIRA cleared proposed DFARS rule. DAR editor preparing for publication.
2012-D047	205, 208, 216, 218, 238	(S) Requirements for Acquisitions Pursuant to Multiple-Award Contracts	Implements section 863 of the National Defense Authorization Act (NDAA) for FY2009. The statute repeals section 803 of the NDAA for FY2002 (Public Law 107-107; 10 U.S.C. 2304 note), implemented by DFARS Case 2011-D027, Competition Requirement for Purchase of Services Pursuant to Multiple Award Contracts.	11/23/2012 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.
2012-D044	252.212, 252.225	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).	02/07/2013 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.
2012-D042		Business Systems Compliance	Revises the business systems clauses to include contractor reporting and documentation requirements regarding the contractors compliance with the DFARS business systems' criteria.	02/13/2013 DARC received Ad Hoc Committee draft proposed DFARS rule from DAR staff. Discuss on 3/6/2013.
2012-D041	252.212-7001, 252.225-7008, 252.225-7009, 252.244-7000	(S) Specialty Metals--Definition of "Produce"	Considers 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).	02/22/2013 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.
2012-D040	204.70	Clarifying "F" Orders in the Procurement Instrument Identification Number Structure	Clarifies instruction for Procurement Instrument Identification Number (PIIN) structure to limit the use of "F" in the 9th position to task and delivery orders issued under a non-DoD issued contract or agreement.	12/14/2012 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.

## Open DFARS Cases

as of February 22, 2013

Case Number	Part Number	Title	Synopsis	Status
2012-D038	231.205-6	Unallowable Fringe Benefit Costs	Establishes that fringe benefit costs that are contrary to law, employer-employee agreement, or an established policy of the contractor are expressly unallowable.	12/18/2012 OIRA cleared proposed DFARS rule. DAR editor preparing for publication.
2012-D036	37	(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.	07/25/2012 Case on hold at the direction of DARC Director.
2012-D035	215.4	Forward Pricing Rate Proposal Adequacy Checklist	Provides a checklist to be completed by the contractors to ensure forward pricing rate proposals are complete.	02/07/2013 DAR editor requested DoD approval to publish draft proposed DFARS rule.
2012-D034	225.79, 252.225-7046	(S) Defense Trade Cooperation Treaty with the 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.	01/15/2013 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.
2012-D032	252.225	New Free Trade Agreement with Colombia	Implements the United States--Colombia Trade Promotion Agreement enacted into U.S. law on October 21, 2011 (Pub. L. 112-042).	10/26/2012 OIRA cleared final 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.	02/19/2013 DARS editor preparing to send to OIRA.
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 extended to 2/27/2013.

## Open DFARS Cases

as of February 22, 2013

Case Number	Part Number	Title	Synopsis	Status
2012-D027	226.72, 52.226	(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.	01/28/2013 OIRA cleared proposed DFARS rule. DAR editor preparing for publication.
2012-D025	225.1101, 252.212, 252.225	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).	10/26/2012 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 2/27/2013.
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."	01/28/2013 OIRA cleared final DFARS rule. DAR editor preparing for publication.
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, 252.225	(S) Alleged Crimes by or Against Contractor Personnel	Modifies DFARS 252.225-7040 to implement section 854 of the NDAA for FY 2009 and 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.	11/13/2012 OIRA cleared final DFARS rule. DAR editor preparing for publication.

## Open DFARS Cases

as of February 22, 2013

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 DARC Director.
2011-D056	212	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.	09/26/2012 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.
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.	08/29/2012 DARC Director tasked Contract Placement Cmte. to draft final DFARS rule. Report due 10/3/2012. Report Due 2/27/2013.
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.)	12/14/2012 DARC Director tasked staff to review public comments, draft final DFARS rule. Report due 12/26/2012. Report due date extended to 2/27/2013.
2011-D044	204.12, 204.7207, 212.301, 252.204-7007, 252.204-70XX	Ownership or Control of Offeror	Develops a means to identify entities' ownership or control relationships for DoD contractors.	10/05/2012 DARC Director tasked Ad Hoc Cmte. to review public comments, draft final DFARS rule. Report due 11/7/2012. Report Due extended to 2/27/2013.
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.	02/22/2013 OIRA cleared final DFARS rule. DAR editor preparing for publication.

## Open DFARS Cases

as of February 22, 2013

Case Number	Part Number	Title	Synopsis	Status
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 2/27/2013.
2011-D038	205, 215, 219, 226, 235, 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.	11/20/2012 Preparing to send draft interim DFARS rule to OIRA.
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.	05/30/2012 Case on hold.
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.	01/09/2013 DAR editor sent draft final DFARS rule to OIRA. OIRA reviewing. 01/22/2013 Resolving comments from OIRA.
2009-D002	219, 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.	01/15/2013 OIRA cleared final DFARS rule. DAR editor preparing for publication.