



## Open DFARS Cases as of 6/16/2017



3:11:36PM

## Open DFARS Cases as of June 16, 2017

Case Number	Part Number	Title	Synopsis	Status
2017-D040		(S) Brand Name or Equal	Implements section 888 of the NDAA for FY 2015 (Pub. L. 113-291). Section 888 requires that competition not be limited through the use of specifying brand names or brand name or equivalent descriptions, or proprietary specifications or standards, unless a justification for such specification is provided and approved in accordance with 10 U.S.C. 2304(f).	06/07/2017 DARC Director tasked Contract Placement Cmte. to draft proposed DFARS rule. Report due 07/26/2017.
2017-D039		Educational Service Agreements	The purpose of this case is to delete the language at DFARS 237.7202(a). This deletion will allow DoD to make agreements that permit payment for Master of Laws degrees and other legal training programs, in accordance with applicable law, regulation, and policy.	06/07/2017 DARC received draft final DFARS rule from DARS Staff. Will discuss on 06/21/2017.
2017-D038	244	Contractor Purchasing System Review Threshold	Establishes a dollar threshold for conducting contractor purchasing system reviews.	05/10/2017 DARC Director tasked DARS Staff to draft proposed DFARS rule. Report due 06/21/2017.
2017-D037	225.003, 225.872-1, 252.225-7001, 252.225-7002, 252.225-7017, 252.225-7021, 252.225-7036, 252.25-7012	New Qualifying Country--Latvia	Implements recent Reciprocal Defense Procurement Agreement with Latvia, which is therefore now a "qualifying country."	05/31/2017 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.
2017-D036		Payment Instructions	Considers the recommendations of an Ad Hoc of representatives from DFAS, OUSD Comptroller and CFO, the military services, and DPAP), which concluded that the appropriate accounting treatment for payments can be derived from the type of item acquired and the type of payment.	03/29/2017 DARC Director tasked Contract Administration Cmte. to draft proposed DFARS rule. Report due 05/31/2017. Report due date extended to 06/21/2017.
2017-D035		(S) Service Contract Reporting	Implements section 812 of the NDAA for FY 2017 (Pub. L. 114-328). Section 812 amends 10 U.S.C. 2330a by increasing the threshold to \$3 million, specifying the types of services to be tracked and reviewed, and eliminating certain requirements.	03/29/2017 DARC Director tasked Contract Services Cmte. to draft proposed DFARS rule. Report due 05/17/2017. Report due date extended to 07/19/2017.
2017-D034		Antiterrorism Requirements for Contractors	Implements DODI 2000.16, DoD Antiterrorism (AT) Standards, with regard to contractors.	05/03/2017 DARC agreed to draft proposed DFARS rule. Case manager processing.

## Open DFARS Cases as of June 16, 2017

Case Number	Part Number	Title	Synopsis	Status
2017-D033	202, 239	Definition of "Information Technology"	Moves the definition of "information technology" from 202.101 to part 239.	03/23/2017 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.
2017-D032	DFARS 225.7	(S) Safe Access to Projects in Afghanistan	Implements section 1216 of the NDAA for FY 2017 (Pub. L. 114-328). Section 1216 prohibits use of funds for projects of DoD in Afghanistan that cannot be safely accessed by U.S. Government personnel unless a determination is made in accordance with paragraph (b)(2) of the section.	05/31/2017 DARC received Emergency Procurement Cmte draft proposed DFARS rule from. Discussed on 6/14/2017. Discuss again on 07/12/2017.
2017-D030	225	(S) Products and Services from Africa	Implements section 899A of the NDAA for FY 2017 (Pub. L. 114-328). Section 899A provides enhanced authority to acquire products and services from African support of certain activities.	01/11/2017 DARC Director tasked EPC Cmte. to draft proposed DFARS rule. Report due 03/08/2017. Report due date extended to 06/21/2017.
2017-D029		(S) Defense Pilot Program to Acquire Innovative Commercial Items	Implements section 879 of the NDAA for FY 2017 (Pub. L. 114-328) to establish a pilot program to acquire innovative commercial items, technologies, and services.	06/14/2017 Case manager forwarded draft proposed rule to DAR editor. DAR editor reviewing.
2017-D028		(S) Repeal of Major Automated Information Systems Provisions	Implements section 846 of the NDAA for FY 2017 (Pub. L. 114-328), which repeals 10 U.S.C. Chapter 144A and amends 10 U.S.C. 2334(a)(2). Section 846 is effective on September 30, 2017.	04/12/2017 Case on hold, pending guidance from C3Cyber and CAPE.
2017-D027	202.101, 252.232-7009	(S) Micro-Purchase Threshold	Implements sections 217(a) and 821 of the NDAA for FY 2017 (Pub. L. 114-328). Sections 217(a) and 821 amend 10 U.S.C. chapter 137 by adding 10 U.S.C. 2339 and 10 U.S.C 2338, respectively, which increase the micro-purchase threshold to \$10,000 for research programs and entities, and establish the micro-purchase threshold at \$5,000 for most other DoD procurements.	04/14/2017 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.
2017-D026	204	(S) Contract Closeout Authority	Implements section 836 of the NDAA for FY 2017 (Pub. L. 114-328) to permit close out of certain contracts or groups of contracts without completing a reconciliation audit or other corrective action.	02/09/2017 DARC Director tasked contract administration committee to draft proposed DFARS rule. Report due 03/08/2017. Report due date extended to 06/21/2017.

## Open DFARS Cases as of June 16, 2017

Case Number	Part Number	Title	Synopsis	Status
2017-D024		(S) Use of Fixed-Priced Contracts	Implements sections 829 and 830 of the NDAA for FY 2017 (Pub. L. 114-328). Section 829 establishes a preference for fixed-priced contract types and requires review and approval for certain contract types at specified thresholds. Section 830 requires the use of firm-fixed-price contracts for foreign military sales unless an exception applies or a waiver is executed.	01/11/2017 DARC Director tasked Contract Placement Cmte. to draft proposed DFARS rule. Report due 03/01/2017. Report due date extended to 06/21/2017.
2017-D022		(S) Undefined Contractual Actions	Implements section 811 of the NDAA for FY 2017 (Pub. L. 114-328), which amends 10 U.S.C. 2326 to revise the requirements for undefined contractual actions.	01/11/2017 DARC Director tasked Pricing Cmte. to draft proposed DFARS rule. Report due 03/08/2017. Report due date extended to 06/21/2017.
2017-D021		(S) Contractor Business Systems	Implements sections 893 of the NDAA for FY 2017 (Pub. L. 114-328) to revise the requirements for review of contractor business systems.	01/11/2017 DARC Director tasked Ad Hoc Cmte. to draft proposed DFARS rule. Report due 03/08/2017. Report due date extended to 06/28/2017.
2017-D020		(S) Acquisition of Commercial Items	Implement the requirements of sections 871, 872, and 876-878 of the NDAA for FY 2017 (Pub. L. 114-328) regarding the acquisition of commercial items. Section 871 amends 10 U.S.C. 2377. Section 872 amends 10 U.S.C. 2379(d). Section 877 amends 10 U.S.C. Chapter 140 by adding 10 U.S.C. 2380B. Section 878 amends 10 U.S.C. 2380A.	01/11/2017 DARC Director tasked Pricing Cmte. to draft proposed DFARS rule. Report due 03/08/2017. Report due date extended to 06/28/2017.
2017-D019		(S) Performance-Based Payments	Implements the section 831 of the NDAA for FY 2017 (Pub. L. 114-328), which amends 10 U.S.C. 2307(b) to provide detailed guidance and instruction to DoD contracting officers when contemplating the use of performance-based payments.	01/11/2017 DARC Director tasked Pricing Cmte. to draft proposed DFARS rule. Report due 04/19/2017. Report due date extended to 06/21/2017.
2017-D018		(S) Treatment of Incurred Independent Research and Development Costs	Implements section 824 of the NDAA for FY 2017 (Pub. L. 114-328), which amends 10 U.S.C. 2372 to require regulations governing the payment by the DoD of expenses incurred by contractors for independent research and development costs.	01/11/2017 DARC Director tasked Pricing Cmte. to draft proposed DFARS rule. Report due 03/08/2017. Report due date extended to 06/21/2017.

## Open DFARS Cases as of June 16, 2017

Case Number	Part Number	Title	Synopsis	Status
2017-D017		(S) Restrictions on Use of Lowest Priced Technically Acceptable Source Selection	Implements sections 813, 814, and 892 of the NDAA for FY 2017 (Pub. L. 114-328). Section 813 implements policy to avoid using lowest priced technically acceptable source selection criteria in situations that would benefit from cost and technical tradeoffs during the source selection process. Section 814 repeals and replaces section 884 of the NDAA for FY 2016 (Pub. L. 114-92). Section 814 establishes a preference for the use of best value contracting methods, and prohibits the use of reverse auctions or lowest priced technically acceptable contracting methods, when purchasing personal protective equipment and the level of quality or failure of the item could result in combat casualties. Section 892 requires selection of service providers for auditing services and audit readiness services based on the best value to DoD, rather than the lowest price technically acceptable service provider.	01/11/2017 DARC Director tasked Contract Placement Cmte. to draft proposed DFARS rule. Report due 03/01/2017. Report due date extended to 06/21/2017.
2017-D016	219.71, Appendix I	(S) Mentor-Protege Program Modifications	Implements section 1823 and paragraph (b) of section 1813 of the NDAA for FY 2017 (Pub. L. 114-328). These sections amend section 831 of the NDAA for FY 1991 (Pub. L. 101-510) regarding the Pilot Mentor-Protégé Program by revising the definition, revising requirements associated with affiliation between mentor firms and their protégé firms, and adding new types of assistance for mentors to provide to their protégés.	04/20/2017 Case manager forwarded draft proposed rule to DAR editor. DAR editor reviewing.
2017-D015	215.4	(S) Modification to Pilot Program for Streamlining Awards for Innovative Technology Projects	Implements section 896 of the NDAA for FY 2017 (Pub. L. 114-328), which amends section 873 of the NDAA for FY 2016 (Pub. L. 114-92) to modify the Pilot Program for Streamlining Awards for Innovative Technology Projects.	05/05/2017 Case manager forwarded draft proposed rule to DAR editor. DAR editor reviewing.
2017-D014	211	(S) Use of Commercial or Non-Government Standards	Implements section 875 of the NDAA for FY 2017 (Pub. L. 114-328), which requires DoD to use commercial or non-Government standards in lieu of military specifications and standards, and encourage contractors to propose commercial or non-Government standards and industry-wide practices that meet the intent of the military specifications and standards.	06/06/2017 Case manager forwarded draft proposed rule to DAR editor. DAR editor reviewing.

## Open DFARS Cases as of June 16, 2017

Case Number	Part Number	Title	Synopsis	Status
2017-D011	225.7002	(S) Restrictions on Acquisitions from Foreign Sources	Implements sections 817, 881(b), and 1296 of the NDAA for FY 2017 (Pub. L. 114-328). Section 817 amends 37 U.S.C. 418, adding new paragraph (d), which extends domestic source requirements to acquisitions at or below the simplified acquisition threshold when acquiring athletic footwear to be furnished to enlisted members of the Armed Forces upon their initial entry into the Armed Forces. Section 881(b) amends 10 U.S.C. 2500(1) by adding Australia and the United Kingdom to the definition of "National Technology and Industrial Base." 10 U.S.C. 2534 restricts acquisition of certain items to items from manufacturers that are part of the national technology and industrial base. Section 1296 amends section 1211 of the NDAA for FY 2006 (Pub. L. 109-163), which was also amended by the NDAA for FY 2012 (Pub. L. 112-81). It prohibits purchase of items from a Communist Chinese military company that meet the definition of goods and services controlled as munitions items when moved to the 600 series of the Commerce Control List of the Export Administration Regulations of the Department of Commerce.	01/31/2017 Case manager forwarded draft proposed rule to DAR editor. DAR editor reviewing. 3/14/2017, Combined with DFARS Cases 2017-D012 and 2017-D013.
2017-D010	212.3, 212.5, 252.244-7000	(S) Inapplicability of Certain Laws and Regulations to Commercial Items	Implements section 874 of the NDAA for FY 2017 (Pub. L. 114-328). Section 874 amends 10 U.S.C. 2375 to address the relationship of commercial item provisions to other provisions of law and regulation. The DFARS will include lists of defense-unique statutes, and Governmentwide contract clause requirements not expressly authorized by statute that are not applicable to contracts or subcontracts for the acquisition of commercial items or contracts for the acquisition of commercially available off-the-shelf items. To the maximum extent practicable, the DFARS will limit the flowdown of contracts clauses to subcontracts under contracts for the procurement of commercial items unless required by law or Executive order.	05/31/2017 Case manager forwarded draft proposed rule to DAR editor. DAR editor reviewing.

## Open DFARS Cases as of June 16, 2017

Case Number	Part Number	Title	Synopsis	Status
2017-D009	215.371-3	(S) Only One Offer	Implements section 822 of the NDAA for FY 2017 (Pub. L. 114-328) in conjunction with FAR Case 2017-006, which amends the standards for adequate price competition for DoD, NASA, and the Coast Guard. Requires that cost or pricing data be certified when only one offer is received in response to a competitive solicitation, unless another exception to the requirement for certified cost or pricing data applies.	04/17/2017 Case manager forwarded draft proposed rule to DAR editor. DAR editor reviewing.
2017-D005	252.219-7003	Submission of Summary Subcontract Reports	Clarifies the entity to which Summary Subcontract Reports are to be submitted and the entity that acknowledges receipt of, or rejects, the reports.	04/26/2017 Case manager forwarded draft proposed rule to DAR editor. DAR editor reviewing.
2017-D004	207, 210, 219	Consolidation of Contract Requirements	Revises or removes outdated DFARS coverage regarding consolidation of contract requirements.	04/20/2017 Case manager forwarded draft proposed rule to DAR editor. DAR editor reviewing.
2017-D003	213.1	Past Performance Information Retrieval System- Statistical Reporting	Incorporates price risk, item risk and supplier risk factors into "Notice to Supplier Provision" and past performance evaluation procedures.	12/07/2016 DARC Director tasked DARS Staff to draft proposed DFARS rule. Report due 01/18/2017. Report due extended to 06/28/2017.
2017-D002	216	DoD Ombudsman - Indefinite-Delivery Contracts	Incorporates a new clause to provide contact information for the agency task and delivery order ombudsman as required by FAR 16.504(a)(4)(v).	11/29/2016 DARC Director tasked the Contract Placement Committee to draft proposed DFARS rule. Report due 01/25/2017. Report due extended to 06/28/2017.
2016-D032	232.70, 252.232--7003	Electronic Submission and Processing of Payment Requests and Receiving Reports	Clarifies DFARS with respect to electronic submission and processing of payment requests and receiving reports.	09/21/2016 DARC Director tasked an Ad Hoc Cmte. to draft proposed DFARS rule. Report due 10/26/2016. Report due date extended to 06/28/2017.
2016-D021	52.225-7040, DFARS 225	Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the United States	Updates and incorporates the class deviations into the clause for the changing environments.	03/09/2016 DARC Director tasked to Emergency Procurement Committee to draft proposed DFARS rule. Report due extended to 06/28/2017.

## Open DFARS Cases as of June 16, 2017

Case Number	Part Number	Title	Synopsis	Status
2016-D017		Independent Research and Development Expenses	Precludes use of substantial future independent research and development (IRAD) expenses as a means to reduce evaluated bid prices in competitive source selections.	02/08/2017 DARC Director tasked Ad Hoc Cmte. to review public comments, draft final DFARS rule. Report due 04/12/2017. Report due date extended to 06/21/2017.
2016-D016	215.401, 215.403-1, 215.404-2, 235.016	(S) Pilot Program for Streamlining Awards for Innovative Technology Projects	Implements section 873 of the NDAA for FY 2016 (Pub. L. 114-92) to provide certain exceptions for contracts awarded to small business or nontraditional defense contractors pursuant to technical, merit-based selection procedures (e.g., broad agency announcement) or the Small Business Innovation Research Program.	12/15/2016 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.
2016-D015	212.301, 213.7001, 219.270, 237, 252.219	(S) Competition for Religious-Related Services Contracts	Implements section 898 of the NDAA for FY 2016 (Pub. L. 114-92). Section 898 states the DoD may not preclude a nonprofit from competing for a contract for religious-related services on a U.S. military installation.	04/17/2017 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.
2016-D013	212.301, 246.870, 252.246	(S) Amendments Related to Sources of Electronic Parts	Implements section 885(b) of the NDAA for FY 2016 (Pub. L. 114-92), which amends section 818(c)(3)(D) (iii) of the NDAA for FY 2012 (Pub. L. 112-81), which makes contractor and subcontractor identification and use of contractor-approved suppliers subject to approval (as well as review and audit) by appropriate DoD officials.	02/08/2017 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.
2016-D011	219.71, Appendix I	(S) Amendment to Mentor-Protege Program	Implements section 861 of the NDAA for FY 2016 (Pub. L. 114-92), which amends section 831 of the NDAA for FY 1991 (Pub. L. 101-510) to provide amendments to the Pilot Mentor-Protégé Program.	02/02/2017 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.
2016-D006	202.101, 212.001, 212.2, 215.4, 234.7002, 252.215	(S) Procurement of Commercial Items	Implements requirements of sections 851 through 853 and 855 through 857 of the NDAA for FY 2016 (Pub. L. 114-92), as well as the requirements of section 831 of the NDAA for FY 2013 (Pub. L. 112-239) related to the procurement of commercial items.	05/26/2017 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.
2015-D038	234, 252.234	Earned Value Management Applicability	Addresses applicability of Earned Value Management (EVM).	02/21/2017 Case manager forwarded draft proposed rule to DAR editor. DAR editor reviewing.



## Open DFARS Cases as of June 16, 2017

Case Number	Part Number	Title	Synopsis	Status
2015-D035	245.107	Use of the Government Property Clause	Expands the prescription for use of FAR clause 52.245-1, Government Property, to all purchase orders for repair, regardless of the acquisition cost of items to be repaired; and all commercial contracts where the Government is providing property, regardless of the acquisition cost of the property.	03/01/2017 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.
2015-D030	215.407	Promoting Voluntary Post-Award Disclosure of Defective Pricing	Supplements FAR 15.407-1(c) to indicate that, in the interest of promoting voluntary contractor disclosures of defective pricing identified by the contractor after contract award, DoD contracting officers shall request a limited-scope audit unless a full-scope audit is appropriate for the circumstances.	02/06/2017 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.
2015-D028	225.7301, 225.7303	(S) Offset Costs	Implements section 812 of the NDAA for FY 2016 (Pub. L. 114-92), which amends 10 U.S.C. 2306a(b) (1) regarding offset costs. Also, clarifies that certain indirect offset costs under an offset agreement are deemed reasonable for purposes of FAR part 31.	01/11/2017 DARC Director tasked Contract Pricing Cmte. to review public comments, draft final DFARS rule. Report due 03/15/2017. Report due date extended to 06/21/2017.
2015-D024	253.215-70	Undefinitized Contract Action Definitization	Revises the DD Form 1547, Record of Weighted Guidelines, to provide a more transparent means of documenting costs incurred during the undefinitized period of an undefinitized contract action.	01/11/2017 DARC Director tasked Contract Pricing Cmte. to review public comments, draft final DFARS rule. Report due 02/15/2017. Report due extended to 06/21/2017.
2015-D013	219	(S) Temporary Extension of Test Program for Comprehensive Small Business Subcontracting Plans	Implements section 872 of the NDAA for FY 2016 (Pub. L. 114-92), which amends section 834 of the NDAA for FYs 1990 and 1991 (Pub. L. 101-510), as added by section 821 of the NDAA for FY 2015 (Pub. L. 113-291), to provide for the temporary extension and amendment of the Test Program for Comprehensive Small Business Subcontracting Plans.	02/01/2017 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.

## Open DFARS Cases as of June 16, 2017

Case Number	Part Number	Title	Synopsis	Status
2015-D012	202.101, 205.207, 212.301, 237, 252	Food Services for Dining Facilities on Military Installations	Implements the Joint Report to Congress and Statement of Policy dtd August 29, 2006, and the joint explanatory statement that accompanied section 632 of the NDAA for FY 2015. This rule provides clarity between procedures for competitive award of the operation of a military dining facility, subject to the Randolph-Sheppard Act, when a state licensing agency may be granted priority for award; and award of contracts for dining support services listed on the Procurement List maintained by the Committee for Purchase from people Who Are Blind or Severely Disabled, in accordance with FAR subpart 8.7.	12/20/2016 Case manager forwarded draft final DFARS rule to DAR editor. DAR editor reviewing.