



# Open FAR Cases

as of August 28, 2009

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## Open FAR Cases

as of August 28, 2009

Case Number	Part Number	Title	Synopsis	Status
2009-023		Unique Procurement Instrument Identifiers	<p>DPAP has identified the need for the use of unique procurement instrument identifiers (PIIDS) across the Federal Government to implement the broad reporting requirements in the Federal Funding Accountability and Transparency Act, and the American Recovery and Reinvestment Act. Today, there is no requirement for unique PIIDs across the Government, except in the case of contract reporting to the Federal Procurement Data System. This results in duplicate PIIDS being used across procurement, finance, reporting, and other supporting systems. Duplicate PIIDs cause errors in processing actions and mistakes in reporting. This proposed case requires that Federal agencies establish a numbering schema that ensures that its PIIDs are unique across the Federal Government, and to register that schema with the General Services Administration's Integrated Acquisition Environment Program Office.</p> <p>Recommendation: Add new subpart 4.16 Unique Procurement Instrument Identifiers.</p>	08/26/2009DARC and CAAC Chair opened case (Acquisition Strategy, Finance, Law, or DARC Ad Hoc), proposed FAR rule. DAR staff processing.
2009-022	24.1	Personally Identifiable Information Security and Breach Notification	Establish a standardized approach for handling personally identifiable information (PII) (Privacy Act).	08/24/2009DARC and CAAC Chair opened case (Law Team), proposed FAR rule. DAR staff processing.

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Case Number	Part Number	Title	Synopsis	Status
2009-021		Private Security Contractors (PSCs) Operating in Designated Areas of Combat Operations	This case will implement Section 862 of the 2008 NDAA. Section 862 requires FAR coverage to address the selection, training, equipping, and conduct of personnel performing private security functions under a contract.	08/20/2009DARC and CAAC Chair opened case and assigned to Ad Hoc team for interim FAR rule. Report due 10/21/09.
2009-020		Offering a Construction Requirement--8(a) Program	There is a discrepancy between the FAR and the Small Business Administration (SBA) regulation. FAR (19.804-2(b)(1) states " An agency offering a construction requirement should submit it to the SBA District Office for the geographical area where the work is being performed." SBA regulation 13 CFR 124.502(b)(3) states that contracting officers must submit offering letters "for sole source requirements offered on behalf of a specific Participant, to the SBA District office servicing that concern."	08/26/2009DAR staff tasked Small Business Team to draft proposed FAR rule. Report due 9/23/09.

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Case Number	Part Number	Title	Synopsis	Status
2009-019		Small Disadvantaged Business Program - Self-Certification of Subcontractors	<p>This interim rule will amend the FAR to implement changes to the requirement for small disadvantaged businesses (SDB) certifications.</p> <p>On October 3, 2009, the Small Business Administration (SBA) published at 73, No. 193, Page 57490 an interim final rule that changes the requirements relating to which firms may certify their status as SDBs for the purposes of federal prime contracts and subcontracts. The SBA rule allows firms to self-represent their status for subcontracting purposes without first receiving any SDB certification.</p> <p>With the implementation of the SBA rule, prime contractors may rely on the written representation of subcontractors regarding their SDB status.</p>	08/12/2009DAR staff tasked Small Business Team to draft interim FAR rule. Report due 8/26/09. Report due (1st ext) 9/23/09.
2009-018	52	Payrolls and Basic Records	<p>Incorporates changes from a final DoL rule, 73 FR 77504, that removes the requirement to submit complete social security numbers and home addresses of individual workers in weekly payroll submissions. Per DoL, this creates unnecessary disclosure issues and payroll records should no longer include this personal information.</p>	08/17/2009DAR staff notified FAR staff of DARC differences from Team report. Awaiting CAAC concurrence.

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Case Number	Part Number	Title	Synopsis	Status
2009-017	22.16	Revocation of Executive Order 13201	Executive Order 13496, dated January 30, 2009 revoked Executive Order 13201, dated February 17, 2001. As a result of this revocation, FAR Subpart 22.16, Notification of Employee Rights Concerning Payment of Union Dues or Fees, is no longer applicable as it prescribed the policies and procedures of the revoked EO 13201. FAR Case 2009-002 will reinsert the new policies and procedures under a separate proposed rule.	08/18/2009Draft final FAR rule from FAR analyst to OFPP. OFPP reviewing.
2009-016		Constitutionality of Federal Contracting Programs for Minority Owned and other Small Businesses	The Rothe case concerns the constitutionality of 10 USC 2323, section 1207 as enacted in 2006, that sets a 5% goal of DOD contracting dollars to small businesses, incorporating minorities and the award of contracts to SDBs at prices up to 10% above the fair market price. Rothe case found that Section 1207 is "facially unconstitutional" and impacts not only SDBs but certain institutions of higher learning (i.e., HBCUs/MIs).	06/24/2009DAR staff tasked Small Business Team to draft proposed FAR rule. Report due 7/29/09. Report due (1st ext) 8/12/09. Report due (2nd ext) 9/16/09. (Joint meeting with Small Business Team and Committee 8/27/09.)
2009-014		New Designated Country--Taiwan	Implements the expected accession of Taiwan to the WTO GPA, at the request of the United States Trade Representative.	08/11/2009Published interim FAR rule in Federal Register (74 FR 40461). Effective upon publication. Public comment period ends 10/13/2009.

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Case Number	Part Number	Title	Synopsis	Status
2009-013	25.104	Nonavailable Articles	Consider revisions to the list of nonavailable articles at FAR 25.104(a). Add active dry yeast and instant active dry yeast and canned pineapple to the list of nonavailable articles. Revise the listing for modacrylic furruff to modacrylic fiber. Solicit comments on currency of the entire list.	08/07/2009Published proposed FAR rule in Federal Register (74 FR 39597). Public comment period ends 10/6/2009.
2009-012	3	American Recovery and Reinvestment Act of 2009--Protecting Contractor Whistleblowers	Implements Section 1553 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), signed on Feb 17, 2009.	08/06/2009OIRA identified draft final FAR rule issues. OIRA, FAR and DAR staff resolving issues.
2009-011		American Recovery and Reinvestment Act of 2009--GAO/IG Access	Implements Sec 902 and 1515 of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5). Sections 902 and 1515 require that each contract using funds made available in the Act shall provide access to the Comptroller General, the IG, and their representatives as provided in the Act.	07/08/2009DAR staff notified FAR staff that DARC agreed to draft final FAR rule. Awaiting CAAC concurrence.
2009-010		American Recovery and Reinvestment Act of 2009--Publicizing Contract Actions	Implements the American Recovery and Reinvestment Act (Pub. L. 111-5) and OMB Guidance M-09-10.	08/19/2009FAR staff notified DAR staff of CAAC differences from team report or DARC suggested changes. DAR and FAR staff resolving open issues.
2009-009	4.15, 52.204	American Recovery and Reinvestment Act of 2009 - Reporting Requirements	Implements section 1512 of the American Recovery and Reinvestment Act (Pub. L. 111-5). Section 1512 requires contractor to report on their use of Recovery Act funds.	06/10/2009DAR staff tasked Ad Hoc Team to review public comments, draft final FAR rule. Report due 07/08/2009. Report due (1st ext) 8/19/09. Report due (2nd ext) 9/16/09.

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Case Number	Part Number	Title	Synopsis	Status
2009-008	25, 52	American Recovery and Reinvestment Act of 2009--Buy American Requirement for Construction Material	Implements section 1605 of the American Recovery and Reinvestment Act (Pub. L. 111-5) Section 1605 requires use of American iron, steel, and other manufactured goods used as construction material in construction of a public building or public work.	07/01/2009DAR staff notified FAR staff that DARC agreed to draft final FAR rule. Awaiting CAAC concurrence.
2009-007	22.13, 52.212-5, 52.213-4, 52.222-35, 52.222-36, 52.222-38, 52.244-6	Equal Opportunity for Veterans	Implements DoI final rule of 8/8/2007, which amended 41 CFR 60-300, changing the categories of Veterans protected by the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended by the Jobs for Veterans Act of 2002. Also implements the DoL final rule issued 5/19/2008 that revised 41 CFR Part 61-300, Annual Report from Federal Contractors, revising the VETS 100 form.	06/03/2009FAR staff sent draft interim FAR rule to CAAC. Awaiting CAAC concurrence.
2009-006	31.205-21	Labor Relations Costs	Implements Executive Order 13494, Economy in Government Contracting.	07/13/2009CAAC Chair sent draft proposed FAR rule to OIRA. OIRA reviewing.
2009-005	22.5, 36.202, 52.222	Use of Project Labor Agreements for Federal Construction Projects	Implements E.O. 13502, Dated February 6, 2009. This E.O. revokes E.O. 13202 of February 17, 2001 and E.O. 13208 of April 6, 2001. The new E.O. encourages Executive agencies to require the use of project labor agreements in connection with large-scale construction projects.	08/24/2009Published extension of public comment period in Federal Register (74 FR 42639). Public comment period ends 9/23/2009.

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Case Number	Part Number	Title	Synopsis	Status
2009-004		Modification of Uniform Contract Format	Modification to the Uniform Contract Format to consolidate contractor proprietary data in one location.	03/06/2009DARC and CAAC Chair opened case (Acquisition Strategy) as a proposed FAR rule. DAR Council did request additional supporting information to open case. GSA will reconsider and decide whether this case should remain open.(7/16/09 Acquisition Strategy Team to bring matter before the CAAC).
2009-003	18	National Response Framework	Deletes references to the National Response Plan and replaces it with National Response Framework as a result of FEMA's reissuance of this guide. Eliminates the term "Incident of National Significance".	05/28/2009Final rule to FARSEC for preparation of FAC.
2009-002	22.16, 52.222-39	Notification of Employee Rights Under Federal Labor Laws	Implements E.O. 13496, dated January 30, 2009. This E.O. revokes E.O. 13201 of February 17, 2001 which required Government contractors and subcontractors to post notices, in all plants and offices, informing their employees that they cannot be required to join a union or maintain membership in a union to retain their jobs. The resulting FAR rule will implement the Secretary of Labor's prescription (when determined) as to the size, form and content of the public posters.	07/08/2009DAR staff notified FAR staff that DARC agreed with draft proposed rule that split implementing language apart from deleting language in earlier case. Awaiting CAAC agreement. DoD approval to publish signed 7/2/09.

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Case Number	Part Number	Title	Synopsis	Status
2009-001	22.10, 22.12	Nondisplacement of Qualified Workers Under Service Contracts	Implements E.O. 13495, dated January 30, 2009. This E.O. revokes E.O. 13204 of February 17, 2001, which deleted FAR 22.12 in its entirety regarding the Nondisplacement of Qualified Workers Under Certain Contracts. In accordance with the E.O., regulatory language will be replaced in FAR 22.12 to require successive contractors to offer a right of first refusal of employment to employees of the prior contractor.	06/09/2009 Rule changed from interim to proposed to be consistent with DoL's rule. Waiting for DoL concurrence on DARC approved rule.
2008-040	14	Correction to Standard Form 26 (Award/Contract)	The Standard Form 26 Award/Contract should be revised to make it clear on the face of the form itself that Block #18 (Award) should be checked ONLY when awarding a sealed bid contract.	04/02/2009 DAR staff notified FAR staff that DARC agreed with draft rule as submitted by Team with changes. (7/23/09 Acquisition Strategy Team deputy chair to follow-up with CAAC).
2008-039	12, 4, 52	Federal Funding Accountability and Transparency Act (FFATA)	Consider the applicability of FFATA in FAR 4.1401 for delivery and task orders.	07/06/2009 DAR staff notified FAR staff of DARC changes. DAR and FAR staff resolving open issues related to case 2009-009.
2008-036	25.003, 25.4, 52.212-3, 52.212-5, 52.225	Trade Agreements- Costa Rica, Oman, and Peru	Implements the Free Trade Agreements with Costa Rica, Oman, and Peru. The agreements with Costa Rica and Oman took effect on January 1, 2009, and the agreement with Peru - February 1, 2009.	08/26/2009 DAR staff notified FAR staff that DARC agreed to draft final FAR rule. Awaiting CAAC concurrence.

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Case Number	Part Number	Title	Synopsis	Status
2008-035	10, 13, 18, 2.101 , 26.2, 4.11, 52.204-7 , 7.103	Disaster Response Registry	Implements Section 697 of the DHS Appropriations Act for FY 2007 (Pub. L. 109-295). Section 697 requires establishment of a Registry of Disaster Response Contractors. This registry will be incorporated into the Central Contractor Registration database. This case considers various associated changes to the FAR in Parts 4, 10, 18, and 26.	05/28/2009 Interim FAR rule to FARSEC for preparation of FAC.
2008-034	15.403-1 , 152.305	Use of Commercial Services Item Authority	Implements section 868 of NDAA FY09 regarding when services "of a type" may be considered a commercial service item.	07/02/2009 Interim FAR rule to FARSEC for preparation of FAC.
2008-032	17.5	Preventing Abuse of Interagency Contracts	Implements Section 865 of the National Defense Authorization Act for FY 2009 (Pub. L. 110-417). Section 865 addresses issues relating to interagency acquisitions.	05/01/2009 DAR staff notified FAR staff of DARC differences from Team report or CAAC suggested changes. DAR and FAR staff resolving open issues. (07/16/09 FAR staff to follow-up with GSA principal, 07/23/09 FAR staff preparing case for CAAC).
2008-031	15.4	Limitations on Pass-Through Charges	Implements Section 866 of the National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110-417). Section 866 addresses limitations on the tiering of subcontracts.	07/30/2009 OIRA identified draft interim FAR rule issues. OIRA, FAR and DAR staff resolving issues.
2008-030	34	Regulations on the Use of Cost Reimbursement Contracts	Implements section 864 of the National Defense Authorization Act FY 2009, enacted October 14, 2008. Section 864 requires the Federal Acquisition Regulation to be revised to address the use of cost-reimbursement contracts.	07/28/2009 Resolved open issues. FAR staff processing.

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Case Number	Part Number	Title	Synopsis	Status
2008-027	12.301, 52.209, 9.104, 9.406, 9.407	Federal Awardee Performance and Integrity Information System	Implements section 872 of the National Defense Authorization Act for FY 2009 (Pub. L. 110-417), enacted 10/14/2008. Section 872 requires establishment of a database for Federal agency contract and grant officers and suspension and debarment officials, not later than one year after the date of enactment of the Act.	08/24/2009OFPP requested changes to FR notice. Revised version has been entered into ROCIS. OIRA reviewing.
2008-026	52.215-2	GAO Access to Contractor Employees	Implements Section 871 of National Defense Authorization Act FY 2009 (Pub. L. 100-417) . Section 871 directs the insertion of additional language regarding the examination by the Comptroller General and his representatives of the records of contractors and subcontractors. Specifically, the new language states that not only can records be examined, but any current employee may be interviewed regarding the transactions relating to the contract or subcontract.	07/20/2009Final rule to FARSEC for preparation of FAC.

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Case Number	Part Number	Title	Synopsis	Status
2008-025	3, 52, 52.203	Preventing Personal Conflicts of Interest by Contractor Employees Performing Acquisition Functions	Implement sec 841(a) of the FY09 NDAA (Pub. L. 110-417). Sec 841 requires OFPP, within 270 days after enactment, to develop and issue a policy to prevent personal conflicts of interest by contractor employees performing acquisition functions closely associated with inherently governmental functions for or on behalf of a Federal agency or department. Implementing clauses must take effect 300 days after the date of enactment.	08/27/2009OFPP concurrence with draft proposed FAR rule. FAR staff preparing to send to OIRA.
2008-024	11, 12, 13, 15, 16, 17, 19, 2, 22, 23, 25, 27, 28, 3, 32, 36, 4, 42, 43, 47, 5, 50, 52, 6, 7, 8, 9	Inflation Adjustment of Acquisition-Related Thresholds	Implements Section 35a of the OFPP Act. Section 35a of the OFPP Act requires that, on October 1 of each year that is evenly divisible by 5, the FAR Council shall adjust each acquisition-related threshold provided by law.	07/29/2009Draft proposed FAR rule from FAR analyst to GSA Legal. GSA Legal reviewing.
2008-023	19.13, 19.1306, 19.14, 19.1406	Clarification of criteria for sole source awards to Service-disabled Veteran-owned Small Business (SDVOSB) Concerns	In its decision on the MCS Portable Restroom Service case, GAO notes that there might be an unintended inconsistency between the plain wording of FAR 19.1406 (with regard to sole source awards to SDVOSBs) and the Veterans Benefit Act of 2003, and SBA's regulations that implement that Act. In its decision, GAO indicates that it will advise the FAR Council of this potential inconsistency so that the Council might review the matter.	08/13/2009Published proposed FAR rule in Federal Register (74 FR 23373). Public comment period ended 07/70/2009. Team to review public comments

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Case Number	Part Number	Title	Synopsis	Status
2008-020	4.804-5, 42.302, 42.705-1, 42.708, 52.216-10, 52.216-7, 52.216-8, 52.216-9	Contract Closeout	The Director of Defense Procurement and Acquisition Policy (DPAP) completed an assessment of public input on systemic issues related to contract closeout, as identified in a public meeting held on September 21, 2005. The assessment resulted in recommendations for revisions to policy, guidance, and training related to contract closeout responsibilities in both the FAR and DFARS. The DARC opened DFARS Case 2007-D015 and recommended changes to the DFARS text and PGI documents. There were several specific recommendations relating to the FAR, including the area of patent reports, closeout of task orders under the T&M Clause 52.232-7, adequate final indirect cost proposals, training material for using quick closeout and CACWS	06/08/2009 Proposed FAR rule to FARSEC for preparation of FR notice.

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Case Number	Part Number	Title	Synopsis	Status
2008-019	12.3, 12.301, 2.1, 2.101, 39.002, 39.1, 39.101, 39.102, 39.107, 4.12, 4.1202, 52, 52.239-1	Authentic IT Procurements	Add language to FAR Part 12 and 39 requiring contractors to represent that the hardware/software being procured by the Government is genuine/authentic and that there is no limitation on their liability if the products are not genuine/authentic. In addition, resellers/distributors must represent that they are authorized by the original equipment manufacturer (OEM) to sell the hardware/software to the Government. The new language will limit security issues and risks surrounding counterfeit hardware/software.	08/11/2009Published revised notice of public meetings (74 FR 40131): August 13, 2009.

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Case Number	Part Number	Title	Synopsis	Status
2008-017	26.4 , 31.2 , 52.212-5 , 52.213-4 , 52.226	Federal Food Donation Act of 2008	Implements Pub. L. 110-247. Requires a clause in all contracts above \$25,000 for the provision, service, or sale of food in the United States, or for the lease or rental of Federal property to a private entity for events at which food is provided in the United States, that--(1) encourages the donation of excess, apparently wholesome food to nonprofit organizations that provide assistance to food-insecure people in the United States; and (2) states the head of the executive agency shall not assume responsibility for the costs and logistics of collecting, transporting, maintaining the safety of, or distributing excess, apparently wholesome food to food-insecure people in the United States. Provides exemption from civil and criminal liability to the extent provided under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).	08/26/2009DARC received Acquisition Strategy Team draft final FAR rule DAR staff. Reclama 09/09/09.
2008-016	15.407-1, 17.207, 19.202-1, 23.100, 49.102, 49.607, 52.246-2	Termination for Default Reporting	To consider amending the FAR to require contracting officers to record all termination for cause or default actions, as well as instances of defective pricing in the Past Performance Information Retrieval System (PPIRS).	07/13/2009Proposed FAR rule to FARSEC for preparation of FR notice.

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Case Number	Part Number	Title	Synopsis	Status
2008-015	32.5, 52.232-16	Payments under Fixed-Price Architect-Engineer Contracts	Consider amending the FAR to remove the mandatory requirement that a contracting officer withhold 10% of the payments due under Fixed-Price Architect/Engineer contracts.	08/19/2009Acquisition Finance Team tasked to address public comments. Team report due September 30, 2009.
2008-012	15.403	Clarification of Submission of Cost or Pricing Data on Noncommercial Modifications of Commercial Items	Implements Section 814 of NDAA FY08 by replacing the threshold for obtaining cost and pricing data with the threshold language at FAR 15.403-4 and clarifying that the value used in exempting this requirement is the total price of the contract at the time of contract award.	07/15/2009DAR staff notified FAR staff that DARC re-approved final FAR rule report without change. FAR staff reviewing.
2008-011	42.302, 45, 52	Government Property	Revise FAR Part 45 and associated clauses, to add clarity and make minor corrections to the final FAR rule published under FAC 2005-17, FAR Case 2004-025.	08/06/2009Published proposed FAR rule in Federal Register (74 FR 39262). Public comment period ends 10/5/2009.
2008-009	4.12, 52.209, 9.1	Prohibition on Contracts with Inverted Domestic Corporations	Implements Section 743 of Division D of the Omnibus Appropriations Act, 2009 (Pub. L. 111-8), which prohibits use of funds appropriated or otherwise made available by this or any other Act for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835 (b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.	07/01/2009Published interim FAR rule in Federal Register (74 FR 31561). Effective upon publication. Public comment period ends 08/31/2009.
2008-008	16.4	Award Fee Language Revision	Incorporates Section 867 of NDAA FY09 on the appropriate use of award and incentive fees in federal contracts.	07/29/2009CAAC Chair sent draft interim FAR rule to OIRA. OIRA reviewing.

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Case Number	Part Number	Title	Synopsis	Status
2008-007	10	Additional Requirements for Market Research	Impements additional requirement for market research under Section 826 of the FY 2008 National Defense Authorization Act. Section 826 established additional requirements to Subsection (c) of section 2377 of title 10, United States Code by adding the requirement to the Head of the Agency to conduct market research appropriate to the circumstances before awarding a task order or delivery order in excess of the simplified acquisition threshold. Section 826 also adds that an agency shall take appropriate steps to ensure that any prime contractor of a contract (or task order or delivery order) in an amount in excess of \$5,000,000 for the procurement of items other than commercial items engages in such market research as may be necessary before making purchases for or on behalf of the Department of Defense.	07/24/2009OFPP identified draft interim FAR rule issues. OFPP, FAR and DAR staff resolving issues.
2008-006	16.5	Enhanced Competition for Task and Delivery Order Contracts	Implements section 843 of the FY 2008 NDAA.	07/15/2009FAR staff notified DAR staff of CAAC differences from team report or DARC suggested changes. DAR and FAR staff resolving open issues.

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Case Number	Part Number	Title	Synopsis	Status
2008-005	2.101, 52, 52.2, 52.219-23, 52.226-2	Procurement Goal for Native Hawaiian-serving Institutions and Alaska Native-serving Institutions	Revises the FAR to implement Section 891 of P.L. 110-181, Fiscal Year 2008 National Defense Authorization Act. Section 891 adds Native Hawaiian-serving institutions and Alaska Native-serving institutions to the list of entities identified in 10 U.S.C. 2323, Contract goal for small disadvantaged businesses and certain institutions of higher education.	11/26/2008Case on hold at the request of the DAR Council Chair while resolving issues raised in a United States Court of Appeals for the Federal Circuit decision.
2008-003	24, 5.3, 5.4, 6.3	Public Disclosure of Justification and Approval Documents for Noncompetitive Contracts	Implements Section 844 of the FY 2008 National Defense Authorization Act (Pub. L. 110-181). Sec 844 amends 10 U.S.C. 2304 and 41 U.S.C. 253 regarding procurements made under subsection (c) (i.e., other than competitive procedures) to require public availability of the J and As after award of the contracts, except for information exempt from public disclosure under 5 U.S.C. 552(b), via the awarding agency's website and a website prescribed by OFPP.	07/31/2009FAR staff notified DAR staff of CAAC differences from team report or DARC suggested changes. DAR and FAR staff resolving open issues.
2007-019		Contractor Access to Information	Consideration of how best to safeguard proprietary and confidential contractor and third party information by including provisions and clauses in solicitations and contracts regarding the use of non-disclosure agreements, information sharing among contractors, and remedies for improper disclosure.	08/27/2009Case has been assigned to the Law Team for further review.

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Case Number	Part Number	Title	Synopsis	Status
2007-018	9	Organizational Conflicts of Interest	Consideration of whether the FAR's current guidance on Organizational conflicts of interest adequately addresses the current needs of the acquisition community or whether providing standard provisions or clauses, or a set of such provisions and clauses, might be helpful.	08/12/2009DARC received Acquisition Law Team draft proposed FAR rule from DAR staff. Discuss on 8/19/09. DARC requested additional time to review. Discuss 9/23/09.
2007-017	3, 52, 9	Service Contractor Employee Personal Conflicts of Interest	Consideration of if, when, and how contractor employees' personal conflicts of interest need to be addressed, and whether greater disclosure, specific prohibitions, or reliance on specified principles would be most effective and efficient in promoting ethical behavior.	10/22/2008Case put on hold at the direction of the DARC until after 2008-025, due to requirement to implement Sec. 841(a) of the NDAA FY 2009 first.
2007-012	16, 8	Requirements for Acquisitions Pursuant to Multiple Award Contracts	This case requires that post award debriefings be provided, as requested, to disappointed offerors on task and delivery orders in excess of \$5 million (including options). Implements Section 863 of the National Defense Authorization Act for FY 2009 (Pub. L. 110-417)	07/02/2009DAR staff notified FAR staff that DARC agreed to draft final FAR rule as submitted by Acquisition Strategy Team with changes. Awaiting CAAC concurrence.
2007-008	6.302-2	Limiting Length of Noncompetitive Contracts in 'Unusual and Compelling Urgency' Circumstances	Limits the length of contracts awarded noncompetitively under 'unusual and compelling urgency' circumstances to the minimum contract period necessary to meet requirements, not to exceed one year unless approved by the head of the contracting activity. Implement Section 862 of Fiscal Year 2009 National Defense Authorization Act.	06/19/2009Final rule to FARSEC for preparation of FAC.
2007-003	16.4	Payment on T&M/LH Contracts	Consider issues concerning the new T&M/LH regulations.	08/14/2009Draft proposed FAR rule from FAR analyst to OFPP. OFPP reviewing.

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Case Number	Part Number	Title	Synopsis	Status
2006-034	13.003, 19.13, 19.14, 19.2, 19.5, 19.8	Socioeconomic Program Parity	Revise FAR to reflect SBA's interpretation of the Small Business Act and SBA's interpretation of its regulations regarding the relationship among the small business programs.	09/24/2008The DARC requested that the case be placed in a "hold" status while resolving issues identified during review of the draft final rule, including issues raised in a decision by the Comptroller General.
2006-026	13.003, 13.301, 17.207, 32.1108, 4.1103, 52.232-36, 8.405-7	Government Purchase Card Restriction for Delinquent Federal Debt	Consider whether the use of the Government Purchase Cards should be authorized for vendors with delinquent Federal debt	06/25/2009Final rule to FARSEC for preparation of FAC.
2006-024	31.205-46	Travel Cost Principle	Clarify how to determine allowable airfare costs.	08/28/2009CAAC Chair sent draft final FAR rule to OIRA.
2006-021	31.206-5	Post Retirement Benefits (PRB)	Amend the FAR to permit the contractor to measure accrued PRB costs using either the criteria in Internal Revenue Code (IRC) 419 or the criteria in Financial Accounting Standard (FAS) 106.	08/25/2009CAAC Chair sent draft final FAR rule to OIRA.
2006-005	19.1, 19.13, 19.3, 2.1, 52.219	HUBZone Program Revisions	SBA has amended its regulations to implement changes to the HUBZone Program resulting from the Small Business Reauthorization Act of 2000. This case amends the FAR to address changes in the SBA regulations.	08/26/2009DARC received Small Business Team draft final FAR rule from DAR staff. Will discuss on 9/16/09.
2005-041	12.201, 12.202, 12.202(e), 39.101, 39.101, 39.107, 52.239-2, 7.103, 7.103, 12.202(e), 39.101	Internet Protocol Version 6 (IPv6)	Per OMB Memorandum M-05-22 all agencies must acquire IPv6 compatible hardware and software in the same manner using consistent policy and guidance for IT procurements.	08/21/2009OIRA comments resolved. CAAC Chair sent revised draft final FAR rule to OIRA.

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Case Number	Part Number	Title	Synopsis	Status
2005-040	1.106, 1.602-2, 11.102, 11.201, 1234, 19.7, 19.704, 19.705-7, 2.101, 39.101, 4, 52.219-25, 52.219-9, 52.219-9, 52.219-25, 52.239-1, 53.219, 53.3, 7.103, 7.105	Electronic Subcontracting Reporting System (eSRS)	Implements OFPP memo dtd Nov 3, 2005 that directs use of eSRS for both summary and individual subcontracting reporting.	08/07/2009 FAR staff notified DAR staff of CAAC differences from team report or DARC suggested changes. DAR and FAR staff resolving open issues.
2005-037	13.106, 5.102, 6.302, 8.405, 8.406	Brand Name Specifications	Consider requiring publication of brand name justifications.	06/10/2009 Case on hold at the direction of DARC pending discussion of 2007-012.
2005-036	15.4, 2.101	Definition of Cost or Pricing Data	This case addresses three aspects of contract pricing: - Judgemental factors as cost or pricing data (related to recent AF defective pricing cases); - Pricing of sole source commercial item contracts; and - Adequacy of the FAR 2.101 definitions for cost or pricing data and information other than cost or pricing data.	08/25/2009 CAAC Chair sent draft final FAR rule to OIRA.
2005-014	12.212, 39.101, 7.103, 7.105, 8.9, 8.901, 8.902, 8.903, 8.904	SmartBUY - Mandatory Use Software Program	Prescribes policies and procedures for acquisition of commercial software and software support under the Government-wide Enterprise Software Licensing Program also known as SmartBUY.	06/15/2009 OFPP identified draft final FAR rule issues. OFPP, FAR and DAR staff resolving issues.