



Open FAR Cases

as of January 29, 2010

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Open FAR Cases

as of January 29, 2010

Case Number	Part Number	Title	Synopsis	Status
2010-002		Interrogation of Detainees	Section 1038, entitled Prohibition on Interrogation of Detainees by Contractor Personnel, of the National Defense Authorization Act (NDAA) for FY 2010 (P.L. 111-84) requires that no enemy prisoner of war, civilian internee, retained personnel, other detainee, or any other individual who is in the custody or under the effective control of the Department of Defense or otherwise under detention in a Department of Defense facility in connection with hostilities may be interrogated by contractor personnel.	01/13/2010DAR staff tasked Ad Hoc Team to draft interim FAR rule. Report due 2/24/2010.
2010-001		Sustainable Acquisition	Implements Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance, signed October 5, 2009.	01/20/2010DAR staff tasked to draft interim FAR rule. Report due 02/03/2010.
2009-045		Requirement to Debrief Unit Prices	Research and resolve discrepancy between requirement to include successful offeror's unit prices in debriefings (FAR 15.506) and absence of similar requirement at FAR 15.1003.	12/18/2009DAR staff tasked Acquisition Strategy Team to draft proposed FAR rule. Report due 02/03/2010.
2009-043		Time-and-Materials Contracts for Commercial items	Implement GAO recommendations with regard to use of D&Fs for commercial item contracts, particularly application to the Multiple Award Schedule program (GAO-09-579 (June 2009).	01/27/2010DARC received draft proposed FAR rule from DAR staff. Discuss on 02/10/2010.
2009-042		Documenting Contractor Performance	Establish standard evaluation factors and rating scales for documenting contractor performance. (GAO case 09-374, Federal Contractor-Better Performance Information Needed to Support Agency Contract Award Decisions)	12/07/2009FAR staff tasked Implementation Team to draft proposed FAR rule. Report due 02/10/2010.
2009-041		Sudan Waiver Process	Establish process and criteria for waiver of the prohibition on contracting with entities that conduct restricted business operations in Sudan.	01/27/2010DARC will discuss draft interim FAR rule on 02/03/2010.
2009-040		Trade Agreements Thresholds	Implements the changes in trade agreements thresholds, scheduled to occur on January 1, 2010. The thresholds are subject to revision every 2 years. The USTR will publish the new thresholds in the Federal Register before implementation in the FAR.	12/29/2009DAR staff notified FAR staff that DARC agreed with draft rule as submitted, with minor modification of draft FR notice.

Open FAR Cases

as of January 29, 2010

Case Number	Part Number	Title	Synopsis	Status
2009-039		(S) Buy American Exemption for Commercial Information Technology-Construction Material	Implements the annual consolidated appropriations act exemption for the acquisition of commercial information technology items as construction material.	12/29/2009DAR staff notified FAR staff that DARC agreed with draft rule as submitted by Team or as modified by CAAC.
2009-038		(S) Justification and Approval of Sole-Source Contracts	Implements FY2010 NDAA, section 811, "Justification and Approval of Sole-Source Contracts"	01/12/2010Draft interim FAR rule from FAR analyst to GSA Legal. GSA Legal reviewing.
2009-036		(S) Clarification of Uniform Suspension and Debarment Requirement	Implements section 815 of the NDAA for FY 2010. Section 815 amends section 2455(c)(1) of FASA (31 U.S.C. 6101 note) by amending the definition of "procurement activities" to include subcontracts at any tier, other than subcontracts for commercially available off-the-shelf items, except that in the case of commercial items, such term includes only first-tier subcontracts.	01/06/2010DARC agreed to draft interim rule. DAR staff notified FAR staff that DARC agreed with draft rule as submitted by Team. Awaiting CAAC concurrence.
2009-035		(S) Extend Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items	Implements Section 816 of the NDAA FY 2010. Section 816 amends subsection (e) of the NDAA for FY 2008 by striking "2010" and inserting "2012"	01/07/2010Final rule to FARSEC for preparation of FAC.
2009-034		TINA Interest Calculation		01/20/2010Case on hold at the direction of DARC Director.
2009-032		Sharing Cyber Threat Information	Establish mechanisms for cleared contractors who have unclassified US Government information resident on or transiting through contractor information systems to share cyber threat information.	01/07/2010DAR staff tasked to report after public meeting on DFARS Case 2008-D028. Report due 03/03/2010.

Open FAR Cases

as of January 29, 2010

Case Number	Part Number	Title	Synopsis	Status
2009-031		Terminating Contracts	Addresses the following issues related to terminations: 1. Adds a paragraph (g)(3) to FAR 32.205-42 which would require using a formula to calculate the amount of severance payment expense to charge on a terminated contract, 2. Reduces the submission period for a termination settlement proposal to 120 days when the contract price of items terminated is less than or equal to \$100,000, 3. Revises FAR 49.204(b), and the clauses at 52.249-2(h) and 52.249-3(h) to indicate that the fair value is equivalent to the amount claimed in the settlement proposal. 4. Deletes the Fixed Price Short Form Termination Clause.	01/27/2010DARC Will discuss draft proposed FAR rule on 02/10/2010.
2009-030		Safeguarding Unclassified Information	Addresses unclassified information that does not meet the standard for National Security Classification under Executive Order 12958, as amended. It involves unclassified information that is pertinent to the national interests of the United States or originated by entities outside the U.S. Federal Government, and under law or policy requires protection from disclosure, special handling safeguards, and prescribed limits on exchange or dissemination.	01/06/2010DAR staff tasked to report after public meeting on DFARS Case 2008-D028. Report due 03/03/2010.
2009-029		Use of Standard Form 26, Award/Contract	Revise Block 18 of SF 26 to clarify that it can only be used for sealed bid awards.	11/24/2009At request of Army rep, DARC discussed draft proposed FAR rule on 12/02/2009 & again confirmed approval. Status conveyed to GSA case manager. Awaiting CAAC approval.
2009-028		Encouraging Contractor Policies to Ban Text Messaging while Driving	Implements the Executive Order, dated October 1, 2009, which directs agencies and departments to prohibit the use of text messaging while driving on official government business. This applies to Federal contractors, subcontractors.	01/08/2010FAR staff notified DAR staff of CAAC differences from team report or DARC suggested changes. DAR and FAR staff resolving open issues.

Open FAR Cases

as of January 29, 2010

Case Number	Part Number	Title	Synopsis	Status
2009-027	4.13, 52.204-9	Personal Identity Verification of Contractor Personnel	<p>Implements Homeland Security Presidential Directive 12 (HSPD-12). HSPD-12 directs development of a common identification standard to ensure that people are who they say they are, so Government facilities and sensitive information stored in networks remain protected. HSPD-12 requires agencies to issue smart cards to Federal employees and contractors.</p> <p>Language regarding Personal Identity Verification card issuance to contractors already exists in the FAR and requires a change to address the need for return of the physical card issued to contractors. This language will require contractors to return cards when no longer needed for contract performance or engagement; upon contract completion or termination; or when otherwise determined by the Contracting Officer. A GAO audit reinforced the need to resolve this shortcoming (GAO Audit 120836 -- Contractor Employee's Access to Sensitive Information).</p>	01/13/2010DAR staff notified FAR staff that DARC agreed with draft proposed rule. Awaiting CAAC agreement.
2009-026		Compensation for Personal Services	Incorporates CAS Board changes into the FAR. Effective June 2, 2008, the CAS Board changed Cost Accounting Standards 412 and 415 to define Employee Stock Ownership Plans (ESOPs) as deferred compensation plans for purposes of measurement, assignment, and allocation of costs. Previously, certain ESOPs were considered to be pension plans. The cost principles in FAR 31.205-6 (q) (i) and (ii) refer to the prior CAS provisions.	12/03/2009Draft interim FAR rule from FAR analyst to GSA Legal. GSA Legal reviewing.
2009-025		Disclosure and Consistency of Cost Accounting Practices for Contracts Awarded to Foreign Concerns	Implements the CAS Board final rule issued on March 26, 2008, which added a clause for inclusion in CAS-covered contracts and subcontracts awarded to foreign concerns. This CAS clause requires contractors to comply with CAS 401 and CAS 402.	12/03/2009Draft interim FAR rule from FAR analyst to GSA Legal. GSA Legal reviewing.
2009-024		Priorities for the Use of Government Supply Sources	Clarifies FAR Part 8.002 order of priority for agencies to follow when acquiring goods and services.	11/05/2009DAR staff notified FAR staff that DARC agreed with draft proposed rule, with changes provided. Awaiting CAAC agreement.

Open FAR Cases

as of January 29, 2010

Case Number	Part Number	Title	Synopsis	Status
2009-023	4.16	Unique Procurement Instrument Identifiers	Implements 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 case requires that each Federal agency 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.	01/13/2010 Councils agree. FAR staff preparing to send to GSA Legal for review.
2009-022	24.1	Personally Identifiable Information Security and Breach Notification	Establish a standardized approach for handling personally identifiable information (PII) (Privacy Act).	12/29/2009 Draft proposed FAR rule from FAR analyst to GSA Legal. GSA Legal reviewing.
2009-021		(S) Contractors Performing Private Security Functions in Areas of Combat Operations	Implements 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.	12/07/2009 Case on hold at the direction of FAR signatories, pending finalization of the DoD Directive.
2009-020		Offering a Construction Requirement--8(a) Program	Corrects the 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."	01/22/2010 Draft final FAR rule from FAR analyst to OFPP. OFPP reviewing.
2009-019		Small Disadvantaged Business Program - Self-Certification of Subcontractors	Implements changes to the requirement for small disadvantaged businesses (SDB) certifications.	01/13/2010 DARC agreed to draft interim FAR rule. DAR staff processing. Awaiting CAAC approval.

Open FAR Cases

as of January 29, 2010

Case Number	Part Number	Title	Synopsis	Status
2009-018	52	Payrolls and Basic Records	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.	01/12/2010OIRA cleared interim FAR rule. FAR staff processing.
2009-016		Constitutionality of Federal Contracting Programs for Minority Owned and other Small Businesses	Implements the decision of the Rothe case. 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).	12/02/2009FAR staff notified DAR staff of CAAC differences from team report or DARC suggested changes.
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.	01/05/2010CAAC Chair sent draft final FAR rule to OIRA. OIRA reviewing.
2009-013	25.104	Nonavailable Articles	Considers revisions to the list of nonavailable articles at FAR 25.104(a). Adds active dry yeast and instant active dry yeast and canned pineapple to the list of nonavailable articles. Revises the listing for modacrylic furr ruff to modacrylic fiber. Solicits comments on currency of the entire list.	12/11/2009Draft final FAR rule from FAR analyst to OFPP. OFPP reviewing.
2009-012	3	(S) 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.	12/15/2009CAAC Chair sent draft final FAR rule to OIRA. OIRA reviewing.
2009-011		(S) 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.	01/25/2010CAAC Chair sent draft final FAR rule to OIRA. OIRA reviewing.

Open FAR Cases

as of January 29, 2010

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2009-010		(S) American Recovery and Reinvestment Act of 2009--Publicizing Contract Actions	Implements sections 1526(c)(4) & 1554 of the American Recovery and Reinvestment Act (Pub. L. 111-5) and OMB Guidance M-09-10.	12/30/2009CAAC Chair sent draft final FAR rule to OIRA. OIRA reviewing.
2009-009	4.15, 52.204	(S) American Recovery and Reinvestment Act of 2009 (the Recovery Act) - 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.	01/06/2010DAR staff notified FAR staff that DARC agreed with draft second interim rule. Awaiting CAAC approval.
2009-008	25, 52	(S) 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.	01/07/2010DAR 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. 1/5/2010, CAAC is resolving issues with DoL.
2009-005	22.5, 36.202, 52.222	(EO) 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.	01/20/2010DAR staff tasked Acquisition Law Team to draft final FAR rule. Report due 02/03/2010 (4th Extension).
2009-004		Revising Contract Formats to Enable Transparency	Modification to contract forming requirements to consolidate contractor proprietary data in one location.	01/27/2010DARC received Acquisition Strategy Team draft proposed FAR rule from DAR staff. Discuss on 02/10/2010.
2008-040	14	Correction to Standard Form 26 (Award/Contract)	Revises the instructions for use of the Standard Form 26 Award/Contract at FAR 53.214 and 53.215-1.	12/23/2009Final rule to FARSEC for preparation of FAC.

Open FAR Cases

as of January 29, 2010

Case Number	Part Number	Title	Synopsis	Status
2008-039	12, 4, 52	(S) Federal Funding Accountability and Transparency Act (FFATA)	Consider the applicability of FFATA in FAR 4.1401 for delivery and task orders.	02/24/2010DAR staff tasked Team to draft interim FAR rule. Report due 02/24/2010.
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.	11/30/2009Final rule to FARSEC for preparation of FAC.
2008-035	10, 13, 18, 2.101 , 26.2, 4.11, 52.204-7 , 7.103	(S) Registry of Disaster Response Contractors	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.	01/13/2010DAR staff notified FAR staff that DARC agreed to draft final FAR rule. Awaiting CAAC concurrence.
2008-034	15.403-1 , 152.305	(S) 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.	01/20/2010FAR staff tasked Team to review public comments. Report due 02/17/2010.
2008-032	17.5	(S) 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.	01/11/2010OFPP identified draft interim FAR rule issues. OFPP, FAR and DAR staff resolving issues.
2008-031	15.4	(S) Limitations on Pass-Through Charges	Implements Section 866 of the National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110-417). Section 866 requires the Federal Acquisition Regulation to be revised not later than 1 year after the date of enactment of the Act (October 14, 2009) to address limitations on the tiering of subcontracts.	01/20/2010DAR staff tasked Team to review public comments. Report due 02/24/2010.
2008-030	34	(S) 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 not later than 270 days after the date of enactment of the Act (July 11, 2009) to address the use of cost-reimbursement contracts.	11/17/2009OFPP identified draft interim FAR rule issues. OFPP, FAR and DAR staff resolving issues.

Open FAR Cases

as of January 29, 2010

Case Number	Part Number	Title	Synopsis	Status
2008-027	12.301, 52.209, 9.104, 9.406, 9.407	(S) 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.	01/27/2010DARC agreed to draft final FAR rule. DAR staff processing.
2008-025	3, 52, 52.203	(S) 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.	01/27/2010Tasked Law Team to address public comments. Report Due 3/10/2010.
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	(S) 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.	12/24/2009Proposed FAR rule to FARSEC for preparation of FR notice.
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.	01/06/2010OFPP identified draft final FAR rule issues. OFPP, FAR and DAR staff resolving issues.
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	Considers 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 to implement an assessment by the Director of Defense Procurement and Acquisition Policy (DPAP) 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. .	11/18/2009Tasked Implementation Team to review public comments and draft final FAR rule. Report due 01/29/2010.

Open FAR Cases

as of January 29, 2010

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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 Part 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.	01/27/2010DAR staff reviewed. FAR principals will discuss next actions.
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).	01/27/2010DAR staff tasked to review public comments. Discussion Due 02/03/2010.
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.	12/14/2009Final rule to FARSEC for preparation of FAC.
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.	11/23/2009OIRA cleared final FAR rule. FAR staff processing.
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.	01/27/2010DAR staff tasked draft final FAR rule. Report due 02/03/2010 (2nd Extension).
2008-009	4.12, 52.209, 9.1	(S) 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.	12/08/2009DAR staff notified FAR staff that DARC agreed to draft final FAR rule. Awaiting CAAC concurrence.

Open FAR Cases

as of January 29, 2010

Case Number	Part Number	Title	Synopsis	Status
2008-008	16.4	(S) Award Fee Language Revision	Incorporates Section 867 of NDAA FY09 on the appropriate use of award and incentive fees in federal contracts. Section 867 requires the Federal Acquisition Regulation to be revised not later than 1 year after the date of enactment of the Act (October 14, 2009).	01/20/2010DAR staff tasked Team to review public comments. Report due 02/24/2010.
2008-007	10	(S) 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.	01/05/2010CAAC Chair sent draft interim FAR rule to OIRA. OIRA reviewing.
2008-006	16.5	(S) Enhanced Competition for Task and Delivery Order Contracts	Implements section 843 of the FY 2008 NDAA.	01/06/2010Final rule to FARSEC for preparation of FAC.
2008-003	24, 5.3, 5.4, 6.3	(S) 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.	01/13/2010CAAC Chair sent draft final FAR rule to OIRA. OIRA reviewing.
2007-019		Contractor Access to Non-Public Information	Consideration of how best to safeguard non-public 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.	12/01/2009Draft proposed FAR rule from FAR analyst to GSA Legal. GSA Legal reviewing.

Open FAR Cases

as of January 29, 2010

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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.	10/02/2009Draft proposed FAR rule from FAR analyst to GSA Legal. GSA Legal reviewing.
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	(S) 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)	01/08/2010FAR staff notified DAR staff of CAAC differences from team report or DARC suggested changes. DAR and FAR staff resolving open issues.
2007-003	16.4	Payment on T&M/LH Contracts	Consider issues concerning the new T&M/LH regulations.	11/10/2009GSA Legal concurrence with draft proposed FAR rule. FAR staff preparing to send to OFPP.
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.	11/04/2009DARC discussion tabled 11/04/09 pending further review of suggested revisions. 12/1/09 SBA to publish interim final rule.1/27/10 Awaiting publication
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.	11/25/2009FAR staff notified DAR staff of CAAC differences from team report suggested changes. DAR and FAR staff resolving open issues with SBA. 12/23/09 Continuing to work open issues with SBA.

Open FAR Cases

as of January 29, 2010

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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.	12/17/2009Final rule to FARSEC for preparation of FAC.
2005-037	13.106, 5.102, 6.302, 8.405, 8.406	Brand Name Specifications	Consider requiring publication of brand name justifications.	06/10/2009Case 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.	01/20/2010DARC discussed draft final rule. DARC recommends the previously approved draft final rule.
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.	06/15/2009OFPP identified draft final FAR rule issues. OFPP, FAR and DAR staff resolving issues.