



Open DFARS Cases as of 7/13/2018



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Case Number	Part Number	Title	Synopsis	Status
2018-D031	231	(R) Repeal of DFARS clause "Supplemental Cost Principles"	Repeals DFARS clause 252.231-7000, Supplemental Cost Principles, pursuant to action taken by the DoD Regulatory Reform Task Force.	04/25/2018 Case on hold, pending_____
2018-D028		(R) Modification of DFARS clause "Transportation of Supplies By Sea"	Repeals DFARS provision 252.247-7023, Transportation of Supplies By Sea, pursuant to action taken by the DoD Regulatory Reform Task Force.	05/23/2018 DARC agreed to draft proposed DFARS rule. Case manager processing.
2018-D027	247	(R) Repeal of DFARS clause "Additional Services"	Repeals DFARS clause 252.247-7020, Additional Services, pursuant to action taken by the DoD Regulatory Reform Task Force	06/18/2018 OIRA cleared final DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP. Confirm any required systems changes.
2018-D025	217	(R) Modification of DFARS clause "Surge Option"	Modifies DFARS clause 252.217-7001, Surge Option, pursuant to action taken by the DoD Regulatory Reform Task Force	06/29/2018 Published proposed DFARS rule in Federal Register (83 FR 30659). Public comment period ends 08/28/2018.
2018-D023		(S) Applicability of Inflation Adjustments of Acquisition-Related Thresholds	Implements section 821 of the NDAA for FY 2018 for DoD -unique thresholds. Section 821 amends 41 U.S.C. 1908(d) to make inflation adjustments of statutory acquisition-related thresholds under 41 U.S.C. 1908(d) applicable to existing contracts and subcontracts in effect on the date of the adjustment.	01/10/2018 DARC Director tasked DARS Staff to draft proposed DFARS rule. Report due 3/13/2018. Report due date extended to 09/12/2018.
2018-D022		(S) Covered Telecommunications Equipment or Services	Implements section 1656 of the NDAA for FY 2018. Section 1656 provides that DoD may not procure or obtain or extend or renew a contract to provide or obtain any equipment, system, or service to carry out the DoD nuclear deterrence mission or the DoD homeland defense mission that uses covered telecommunications equipment or services as a substantial or essential component of any system or as a critical technology as a part of any system.	01/10/2018 DARC Director tasked IA Cmte. to draft proposed DFARS rule. Report due 03/07/2018. Report due date extended to 08/01/2018.
2018-D021		(S) Definition of "Competitive Procedures"	Implements section 221 of the NDAA for FY 2018. Section 221 replaces the word "basic research" with "science and technology" in the definition of "competitive procedures" at 10 USC 2302(2)(B).	01/19/2018 DARC Director tasked R and D Cmte. to draft proposed DFARS rule. Report due 03/14/2018. Report due date extended to 07/18/2018.

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2018-D020	204.1202, 212.301, 225.003, 225.1103, 225.770, 225.772, 252.204-7007, 252.225, 252.225-7007, 252.225-7049	(S) Foreign Commercial Satellite Services and Certain Items on the Commerce Control List	Implements section 1603 of the NDAA for FY 2018 and section 1296 of the NDAA for FY 2017. Section 1603 amends 10 U.S.C. 2279 to impose additional prohibitions with regard to acquisition of certain foreign commercial satellite services. It addresses cybersecurity risks and the source of satellites and launch vehicles used to provide the foreign satellite services. 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.	05/16/2018 DARC received staff draft proposed DFARS rule. Discuss draft proposed DFARS rule on 05/30/2018. Case manager making revisions. 6/27/2018, Transferred implementation of section 1296 from DFARS Case 2017-D011 to this case.
2018-D018		(S) Noncommercial Computer Software	Implements section 871 of the NDAA for FY 2018. Section 871 adds new section 10 U.S.C. 2322a, Requirement for consideration of certain matters during acquisition of noncommercial computer software.	01/10/2018 Case on hold, pending conclusion of 813 Panel.
2018-D016		(S) Acquisition of Commercial Items	Implements section 848 of the NDAA for FY 2018. Section 848 amends 10 U.S.C. 2380 with regard to commercial item determinations. Also implements sections 871- 873 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 873 amends 10 U.S.C. 2380. Section 877 amends 10 U.S.C. Chapter 140 by adding 10 U.S.C. 2380B. Section 878 amends 10 U.S.C. 2380A. Rolls DFARS Case 2017-D020 into this case.	01/19/2018 DARC Director tasked Contract Pricing Cmte. to draft proposed DFARS rule. Report due 3/13/2018. Report due date extended to 07/25/2018.
2018-D015		(S) Should-Cost Management	Implements section 837 of the NDAA for FY 2018. Section 837 requires amendment of the DFARS to provide for appropriate use of the should-cost review process of a major weapon system.	01/19/2018 DARC Director tasked Contract Pricing Committee to draft proposed DFARS rule. Report due 3/14/2018. Report due date extended to 07/25/2018.

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Case Number	Part Number	Title	Synopsis	Status
2018-D014		(S) Licensing of Intellectual Property to Support Major Weapon Systems	Implements section 835 of the NDAA for FY 2018. Section 835 adds 10 U.S.C. 2439, Negotiation of price for technical data before development or production of major weapon systems.	01/10/2018 Case on hold, pending conclusion of 813 Panel.
2018-D013		(S) Reliability and Maintainability in Weapon System Design	Implements section 834 of the NDAA for FY 2018. Section 834 adds 10 U.S.C. 2443, Sustainment factors in weapon system design.	01/19/2018 DARC Director tasked Systems Acquisition Cmte. to draft proposed DFARS rule. Report due 03/14/2018. Report due date extended to 08/01/2018.
2018-D012		(S) Contract Closeout Authority	Implements section 824 of the NDAA for FY 2018. Section 824 amends section 836(b)(1) of the NDAA for FY 2017. Section 836 of the NDAA for FY 2017 permits closeout of certain contracts or groups of contracts without completing a reconciliation audit or other corrective action. Rolls DFARS Case 2017-D026 into this case.	05/30/2018 Published proposed DFARS rule in Federal Register (83 FR 24897). Public comment period ends 07/30/2018.
2018-D011		(S) Exemption from Design-Build Selection Procedures	Implements section 823 of the NDAA for FY 2018. Section 823 amends 10 U.S.C. 2305a to provide exemptions from design-build selection procedures for contracts that exceed \$4 million.	06/27/2018 DARC received staff member Cmte draft proposed DFARS rule. Will discuss draft proposed DFARS rule on 07/18/2018.

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Case Number	Part Number	Title	Synopsis	Status
2018-D010		(S) Restrictions on Use of Lowest Price Technically Acceptable Source Selection Process	Implements sections 822, 832, and 882 of the NDAA for FY 2018. Section 822 amends section 813(b) of the NDAA for FY 2017 to add additional circumstances when use of LPTA is prohibited. Section 832 adds 10 U.S.C. 24442 to prohibit use of LPTA source selection process for major defense acquisition programs. Section 882 amends section 814(a) of the NDAA for FY 2017 to include aviation critical safety items. Also implements sections 813, 814, and 892 of the NDAA for FY 2017 (Pub. L. 114-328). Section 813 implements policy to avoid using LPTA source selection criteria in situations in some circumstances. 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. Case 2017-D017 is rolled into this case.	05/16/2018 DARC agreed to draft proposed DFARS rule. Case manager processing.
2018-D009		(S) Postaward Debriefings	Implements section 818 of the NDAA for FY 2018. Section 818 requires amendment of the DFARS to provide enhanced debriefing rights for contracts and task or delivery orders that exceed \$10 million.	06/27/2018 DARC discussed case. Reclama on 07/18/2018.
2018-D008	217	(S) Undefined Contract Actions	Implements section 815 of the NDAA for FY 2018 and section 811 of the NDAA for FY 2017, which amend 10 U.S.C. 2326 to revise the requirements for undefinitized contract actions.	01/19/2018 DARC Director tasked Contract Pricing Cmte. to draft proposed DFARS rule. Report due 3/14/2018. Report due date extended to 07/25/2018.
2018-D007	212.301, 225.7017, 252.225-7017, 252.225-7018	(S) Sunset of Provision Relating to the Procurement of Certain Goods	Implements section 813(b) of the NDAA for FY 2018. Section 813(b) repeals section 858 of the NDAA for FY 2015, but does not repeal section 846 of the NDAA for FY 2011.	06/21/2018 OIRA cleared proposed DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP.

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Case Number	Part Number	Title	Synopsis	Status
2017-D042	204.804, 252.204	Expediting Contract Closeout	Permits closeout of contracts without reconciliation of low dollar residual amounts (to be determined) arising under a contract.	06/20/2018 DARC agreed to draft proposed DFARS rule. Case manager processing.
2017-D041	231.205-18	(R) Repeal of Independent Research and Development Technical Interchange	Removes the text at DFARS 231.205-18(c)(iii)(C)(4) pursuant to action taken by the DoD Regulatory Reform Task Force.	06/29/2018 OIRA cleared final DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP. Confirm any required systems changes.
2017-D040		(S) Brand Name or Equal	Implements section 888 of the NDAA for FY 2017 (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).	07/11/2018 DARC agreed to draft proposed DFARS rule. Case manager processing.
2017-D038	244	Contractor Purchasing System Review Threshold	Establishes a dollar threshold for conducting contractor purchasing system reviews.	09/18/2017 DARS Regulatory Control Officer identified issues with draft proposed rule to case manager. Case manager and DARS Regulatory Control Officer resolving issues.
2017-D036		Payment Instructions	Considers the recommendations of an Ad Hoc team 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.	10/25/2017 DARC Director tasked DARS Staff. to draft revised proposed DFARS rule. Revised report due 11/08/2017. Revised report due date extended to 08/8/2018.
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.	07/02/2018 Case manager forwarded draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
2017-D034		Antiterrorism Training Requirements for Contractors	Implements DoDI 2000.16, DoD Antiterrorism (AT) Standards, with regard to contractors.	06/18/2018 Case manager forwarded draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.

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Case Number	Part Number	Title	Synopsis	Status
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.	11/16/2017 Case on hold, pending issuance of Command policy that includes an annex for each approved covered African country and information on how to identify a service from each approved covered African country.
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-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 08/01/2018.
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 07/25/2018
2017-D019		(S) Performance-Based Payments and Progress Payments	Implements section 831 of the NDAA for FY 2017 (Pub. L. 114-328), which modifies 10 U.S.C. 2307(b) to address preference for performance-based payment, and revises progress payments and performance-based payments policies and procedures for DoD contracts.	07/02/2018 DARS Regulatory Control Officer submitted draft proposed DFARS rule to OIRA. OIRA reviewing.
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 07/18/2018.

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Case Number	Part Number	Title	Synopsis	Status
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.	07/11/2018 DARC Director retasked staff Cmte. to revise draft final DFARS rule. Report due 08/29/2018.
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.	06/29/2018 Published proposed DFARS rule in Federal Register (83 FR 30644). Public comment period ends 08/28/2018.
2017-D011	225.7002	(S) Restrictions on Acquisitions from Foreign Sources	Implements sections 817 and 881(b) 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.	06/29/2018 OIRA cleared proposed DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP.

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Case Number	Part Number	Title	Synopsis	Status
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.	06/29/2018 Published proposed DFARS rule in Federal Register (83 FR 30646). Public comment period ends 08/28/2018.
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.	06/29/2018 Published proposed DFARS rule in Federal Register (83 FR 30656). Public comment period ends 08/28/2018.
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.	06/29/2018 Published proposed DFARS rule in Federal Register (83 FR 30666). Public comment period ends 08/28/2018.
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 07/25/2018.
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.	06/29/2018 Published proposed DFARS rule in Federal Register (83 FR 30661). Public comment period ends 08/28/2018.

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2016-D021	52.225-7040, DFARS 225	Contractor Personnel Supporting U.S. Armed Forces Outside the United States	Updates and incorporates the class deviations into the clause for the changing environments.	05/09/2018 Case manager forwarded draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
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 07/25/2018.
2015-D038	234, 252.234	Earned Value Management Applicability	Addresses applicability of Earned Value Management (EVM).	09/18/2017 DARS Regulatory Control Officer identified issues with draft proposed rule to case manager. Case manager and DARS Regulatory Control Officer resolving issues.
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.	04/18/2018 Case manager forwarded draft final DFARS rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
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.	01/26/2018 Case manager coordinating draft final rule within DoD.