



Open DFARS Cases as of 1/19/2018



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Open DFARS Cases as of January 19, 2018

Case Number	Part Number	Title	Synopsis	Status
2018-D024		Additional Special Emergency Procurement Authority	Delegates to the head of the contracting activity the decision authorities provided to the head of the agency by sections 816 and 1641 of the NDAA for FY 2017 for new special emergency procurement authorities. Expands nonstatutory emergency acquisition flexibilities relating to item-unique identification, receipt of only one offer, and limitations on time-and-materials contracts to match the new special emergency procurement authorities.	01/10/2018 DARC Director tasked DARS staff. to review public comments, draft final DFARS rule. Report due 02/07/2018.
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 03/14/2018.
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.
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).	03/14/2018 DARC Director tasked R&D Cmte. to draft proposed DFARS rule. Report due 03/14/2018.
2018-D020		(S) Foreign Commercial Satellite Services	Implements section 1603 of the NDAA for FY 2018. Section 1603 amends 10 U.S.C. 2279 to address cybersecurity threats and launches.	01/10/2018 DARC Director tasked IA Cmte. to draft proposed DFARS rule. Report due 02/21/2018.
2018-D019		(S) Procurement from Chinese Companies that Provide Support to North Korea	Implements section 888(b) of the NDAA for FY 2018. Section 888(b) provides authority to terminate existing contracts or prohibit the award of contracts for the procurement of goods or services for the DoD from certain Chinese commercial entities.	01/10/2018 DARC Director tasked IA Cmte. to draft proposed DFARS rule. Report due 02/28/2018.

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Case Number	Part Number	Title	Synopsis	Status
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-D017		(S) Improvement of Planning for Acquisition of Services	Implements 10 U.S.C. 2329 (e) through (g), as added by section 851 of the NDAA for FY 2018. Paragraphs (e) - (g) address timely planning to avoid the use of bridge contracts.	01/19/2018 DARC Director tasked Contract Services Cmte. to draft proposed DFARS rule. Report due 03/14/2018.
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 03/14/2018.
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 03/14/2018.
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.	03/13/2018 DARC Director tasked Systems Acquisition Cmte. to draft proposed DFARS rule. Report due 03/14/2018.
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.	01/19/2018 DARC Director tasked Ad Hoc Cmte. to draft proposed DFARS rule. Report due 03/14/2018.

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Case Number	Part Number	Title	Synopsis	Status
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.	01/19/2018 DARC Director tasked Construction/AE/Bonds Cmte. to draft proposed DFARS rule. Report due 03/14/2018.
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.	01/10/2018 DARC Director tasked Contract Placement Cmte. to draft proposed DFARS rule. Report due 01/24/2018.
2018-D009		(S) Post-Award Debriefings	Implements section 818 of the NDAA for FY 2018. Section 818 requires amendment of the FAR to provide enhanced debriefing rights for contracts and task or delivery orders that exceed \$10 million.	01/19/2018 DARC Director tasked Contract Administration Cmte. to draft proposed DFARS rule. Report due 03/14/2018.
2018-D008		(S) Unfinalized 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 unfinalized contract actions.	01/19/2018 DARC Director tasked Contract Pricing Cmte. to draft proposed DFARS rule. Report due 03/14/2018.

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Case Number	Part Number	Title	Synopsis	Status
2018-D007		(S) Source of Photovoltaic Devices	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.	01/10/2018 DARC Director tasked IA Cmte. to draft proposed DFARS rule. Report due 02/14/2018.
2018-D006		(R) (S) Repeal of DFARS Restrictions on Chemical Weapons Antidote	Repeals DFARS 225.7005, Restrictions on certain chemical weapons antidote, pursuant to section 813 (a) of the NDAA for FY 2018 and action taken by the DoD Regulatory Reform Task Force.	01/19/2018 DARC Director tasked staff to draft final DFARS rule. Report due 03/14/2018.
2018-D005		(S) Statement of Purpose	Implements section 801 of the NDAA for FY 2018. Section 801 requires statement of purpose in DFARS.	01/19/2018 DARC Director tasked staff to review public comments, draft final DFARS rule. Report due 02/14/2018.
2018-D004	252.225-7049, 52.225-7050	State Sponsor of Terrorism-- North Korea	Implements the redesignation by the Department of State of North Korea as a state sponsor of terrorism under section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)). Unless a waiver is granted by the Secretary of Defense, 10 U.S.C. 2327 prohibits award of a contract that exceeds \$150,000 to a firm that is owned or controlled by the government of a country that is a state sponsor of terrorism. In additions, 10 U.S.C. 2279 defines a "covered foreign country" as China, North Korea, or any country that is a state sponsor of terrorism, with regard to restrictions on award of contracts for commercial satellite services.	12/14/2017 DARS Regulatory Control Officer submitted draft final DFARS rule to OIRA. OIRA reviewing.
2018-D003	252.222-7007	(R) Repeal of DFARS Provision "Representation Regarding Combating Trafficking in Persons"	Repeals DFARS provision 252.222-7007, Representation Regarding Combating Trafficking in Persons, pursuant to action taken by the DoD Regulatory Reform Task Force.	01/19/2018 Case manager forwarded draft final DFARS rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
2018-D002	252.222-7001	(R) Repeal of DFARS Clause "Right of First Refusal of Employment-Closure of Military Installations"	Repeals DFARS clause 252.222-7001, Right of First Refusal of Employment-Closure of Military Installations, pursuant to action taken by the DoD Regulatory Reform Task Force.	12/19/2017 Case manager forwarded draft final DFARS rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.

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Case Number	Part Number	Title	Synopsis	Status
2018-D001	225.1101, 225.7017-3, 225.7017-4, 225.7503, 252.225- 7017, 252.225- 7018	Trade Agreements Thresholds	Implements the changes in trade agreements threshold, as published by the U.S. Trade Representative in the Federal Register, to be effective January 1, 2018. The thresholds are subject to revision every two years, according to a pre-determined formula established under the agreements.	12/28/2017 Published final DFARS rule in Federal Register (82 FR 61481). Effective January 1, 2018.
2017-D045	204, 252.204-7011	(R) Repeal of DFARS Provision "Alternative Line Item Structure"	Repeals DFARS provision 252.204-7011, Alternative Line Item Structure, pursuant to action taken by the DoD Regulatory Reform Task Force.	01/03/2018 DARS Regulatory Control Officer submitted draft final DFARS rule to OIRA. OIRA reviewing.
2017-D044		(R) Repeal of DFARS Provision "Alternate A, System for Award Management"	Repeals DFARS provision 252.204-7004, Alternate A, System for Award Management, pursuant to action taken by the DoD Regulatory Reform Task Force.	01/03/2018 DARS Regulatory Control Officer submitted draft final DFARS rule to OIRA. OIRA reviewing.
2017-D043		(R) Repeal of DFARS Clause "Contracting Officer's Representative"	Repeals DFARS clause 252.201-7000, Contracting Officer's Representative, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/27/2017 DARC Director tasked staff to draft final DFARS rule. Report due 10/18/2017. Report due date extended to 02/07/2018.
2017-D042		Expediting Contract Closeout	To permit closeout of contracts without reconciliation of low dollar residual amounts (to be determined) arising under a contract.	07/12/2017 DARC Director tasked Contract Administration Cmte. to draft proposed DFARS rule. Report due 08/09/2017. Report due date extended to 02/07/2018.
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.	01/03/2018 DARS Regulatory Control Officer submitted draft final DFARS rule to OIRA. OIRA reviewing.
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).	06/07/2017 DARC Director tasked Contract Placement Cmte. to draft proposed DFARS rule. Report due 07/26/2017. Report due date extended to 01/24/2018.

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2017-D039		Educational Service Agreements	Deletes 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.	06/27/2017 Case manager forwarded draft final DFARS rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
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-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."	12/28/2017 Published final DFARS rule in Federal Register (82 FR 61483). Effective upon publication.
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.	10/25/2017 DARC Director tasked DARS Staff. to draft proposed DFARS rule. Revised report due 01/03/2018. Revised report due date extended to 01/31/2018.
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.	03/29/2017 DARC Director tasked Contract Services Cmte. to draft proposed DFARS rule. Report due 05/17/2017. Report due date extended to 02/07/2018.
2017-D034		Antiterrorism Training Requirements for Contractors	Implements DoDI 2000.16, DoD Antiterrorism (AT) Standards, with regard to contractors.	09/01/2017 Case manager forwarded draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
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 DARS Regulatory Control Officer. DARS Regulatory Control officer reviewing.

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Case Number	Part Number	Title	Synopsis	Status
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.	07/18/2017 Case manager forwarded draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
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-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 interim rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer 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 DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
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 02/21/2018.

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Case Number	Part Number	Title	Synopsis	Status
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 01/31/2018
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 01/31/2018.
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 01/31/2018.
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 DARS Regulatory Control Officer. DARS Regulatory Control Officer 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 DARS Regulatory Control Officer. DARS Regulatory Control Officer 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 DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.

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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 DARS Regulatory Control officer. DARS Regulatory Control Officer 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 DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.

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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.	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-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 DARS Regulatory Control Officer. DARS Regulatory Control Officer 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 DARS Regulatory Control Officer. DARS Regulatory Control Officer 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 01/24/2018.
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.	09/19/2017 DARC agreed to draft proposed DFARS rule. Case manager processing.
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.	11/08/2017 DARC agreed to draft proposed DFARS rule. Case manager processing.
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 02/21/2018.

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Case Number	Part Number	Title	Synopsis	Status
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.	09/18/2017 DARS Regulatory Control Officer identified issues with draft final DFARS rule to case manager. Case manager and DARS Regulatory Control Officer resolving issues.
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 DARS Regulatory Control Officer. DARS Regulatory Control Officer 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 DARS Regulatory Control Officer. DARS Regulatory Control Officer 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.	09/18/2017 DARS Regulatory Control Officer identified issues with draft final DFARS rule to case manager. Case manager and DARS Regulatory Control Officer resolving issues.
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.	12/01/2017 DARS Regulatory Control Officer submitted draft final DFARS rule to OIRA. OIRA reviewing.
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.

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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.	09/18/2017 DARS Regulatory Control Officer identified issues with draft final DFARS rule to case manager. Case manager and DARS Regulatory Control Officer resolving issues.
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 DARS Regulatory Control Officer. DARS Regulatory Control Officer 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 01/31/2018.
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 02/07/2018.
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.	09/18/2017 DARS Regulatory Control Officer identified issues with draft final DFARS rule to case manager. Case manager and DARS Regulatory Control Officer resolving issues.

Open DFARS Cases as of January 19, 2018

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.	09/13/2017 DARS Regulatory Control Officer identified issues with draft final DFARS rule to case manager. Case manager and DARS Regulatory Control Officer resolving issues.