



Open DFARS Cases as of 10/19/2018



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Open DFARS Cases as of October 19, 2018

Case Number	Part Number	Title	Synopsis	Status
2019-D002		(S) Preference for Performance-Based Payments	Implements the NDAA for FY 2017 (Pub. L. 114-328) section 831, Preference for Performance-Based Contract Payments.	10/17/2018 DARC Director tasked Ad Hoc Cmte. to draft proposed DFARS rule. Report due 11/07/2018.
2019-D001		Contract Financing	Revises contract financing policies for DoD contracts, in order to increase DoD's overall effectiveness and efficiency.	10/01/2018 DARS opened case, proposed DFARS rule. DAR staff processing.
2018-D076		Repeal of Congressional Notification for Certain Task-and Delivery-Order Contracts	Amends the DFARS to clarify that the Congressional notification required by FAR 16.504(c)(1)(ii)(D)(2) is not applicable to DoD and removes the requirement for single source determinations to be submitted to Defense Pricing and Contracting.	10/09/2018 DARC Director tasked DARS staff to draft final DFARS rule. Report due 11/28/2018.
2018-D075		(S) Exceptional Circumstances Waivers of Certified Cost or Pricing Data	Implements section 825 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY)2019, which amends section 817(b)(2) of the NDAA for FY 2003 to modify the requirements for exceptional circumstances waivers of certified cost or pricing data.	08/22/2018 DARC Director tasked DRAFS Finance Team to draft proposed DFARS rule. Report due 09/26/2018. report due date extended to 11/14/2018.
2018-D074		(S) Inapplicability of Additional Defense-Unique Laws to Commercial Items	Partially implements section 837(a) of the NDAA for FY 2019. to address commercial item applicability for DFARS-unique statutes and associated contract clauses issued from October 13, 1994, through December 31, 2014. Nonstatutory FAR contract clauses issued in this same time period are being reviewed on or after January 1, 2015, are being reviewed under FAR Case 2018-019. DFARS Case 2017-D010 addresses applicability of defense-unique statutes and associated clauses issued in the period on or after January 1. 2015. The requirements of section 837(b) and (c) will be addressed under DFARS Case 2018-D066.	10/18/2018 DARC Director tasked ad hoc Cmte. to draft proposed DFARS rule. Report due 10/31/2018.
2018-D073		(S) Documentation for Interagency Contracts	Implements section 875 of the NDAA for FY 2019 (Pub. L. 115-232). Section 875 amends section 865 of the NDAA for FY 2009 to revise documentation requirements for interagency acquisitions.	10/16/2018 DARC received draft final DFARS rule from DARS Staff. Reclama on 10/31/2018.

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Case Number	Part Number	Title	Synopsis	Status
2018-D072		(S) Extension of Supply Chain Risk Management Authority	Implements Section 881 of FY19 NDAA repealing Sections 806(g) of FY11 NDAA and Section 806(a) of FY13 NDAA making the authority permanent. Section 881 provides updated definitions related to Supply Chain Risk.	08/22/2018 DARC Director tasked Staff Level Team to draft proposed DFARS rule. Report due 10/10/2018. Report due date extended to 10/31/2018.
2018-D071		(S) Negotiation of Price for Technical Data before Sustainment of Major Weapon Systems	Implements section 867 of the NDAA for FY 2019. Section 867 requires DoD, before selecting a contractor for production or sustainment of a major weapon system, to negotiate a price for technical data to be delivered under the contract.	08/22/2018 Case on hold, pending recommendation of Section 813 Panel.
2018-D070		(S) Continuation of Technical Data Rights during Challenges	Implements section 866 of the NDAA for FY 2019. Section 866 provides for the Secretary of Defense to authorize, in certain circumstances, continued Government use of technical data that is the subject of a dispute under the contract dispute statute.	08/23/2018 Case on hold, pending recommendation of Section 813 Panel.
2018-D069		(S) Validation of Proprietary and Technical Data	Implements section 865 of the NDAA for FY 2019. Section 865 provides for a presumption of development exclusively at private expense under a contract for commercial items, unless DoD demonstrates the item was not developed exclusively at private expense.	08/23/2018 Case on hold, pending recommendation of Section 813 Panel.
2018-D068		(S) Prompt Payments of Small Business Contractors	Implements section 852 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY)2019, which requires accelerated payment dates for small business prime contractors and prime contractors that subcontract with small business concerns.	08/22/2018 DARC Director tasked DFARS Finance Team to draft proposed DFARS rule. Report due 10/10/2018. Report due date extended to 11/21/2018.
2018-D067		(S) Limitation on Applicability to DoD Commercial Contracts of Certain Nonstatutory DFARS Clauses	Partially implements section 849 of the NDAA for FY 2018 to address commercial applicability for DFARS nonstatutory contract clauses issued after October 13, 1994. FAR statutory contract clauses issued after October 13, 1994, are being addressed under FAR Case 2018-013.	08/22/2018 DARC Director tasked Acquisition Strategy Team to draft proposed DFARS rule. Report due 10/10/2018. Report due date extended to 10/24/2018.

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Case Number	Part Number	Title	Synopsis	Status
2018-D066		(S) Revision of Definition of Commercial Item	Partially implements sections 836 and 837 of the NDAA for FY 2019 (Pub. L. 115-232). Section 836 separates the definition of "commercial item" into two definitions: one for commercial products and another for commercial services. The effective date of the new definition is January 1, 2020. Section 837, paragraphs (b) and (c), implements the new definition for commercial products in 10 U.S.C. 2533a, regarding the Berry Amendment, and 10 U.S.C. 2533b, regarding specialty metals.	08/22/2018 DARC Director tasked Acquisition Strategy Team to draft proposed DFARS rule. Report due 10/10/2018. Report due date extended to 11/21/2018.
2018-D065		(S) Subcontracting Price and Approved Purchasing System	Implements section 824 of the NDAA for FY 2019 to amend section 893 of the NDAA for FY 2011 (Pub. L. 111-383) clarifying that for DoD contracts with contractors that have approved purchasing systems as defined in FAR 44.101; a contracting officer must have a written approval from the program manager prior to withholding consent based solely on disagreement with the proposed subcontract price.	08/22/2018 DARC Director tasked Acquisition Environmental & Contract Management - Contract Administration Team to draft proposed DFARS rule. Report due 11/07/2018.
2018-D064		(S) Disclosure of Information Regarding Foreign Obligations	Implements Section 1655 of FY19 NDAA which requires certain offerors and contractors to disclose foreign obligations.	08/22/2018 DARC Director tasked Acquisition Technology Team to draft proposed DFARS rule. Report due 10/24/2018.
2018-D063		(S) Data Collection and Inventory for Services Contracts	The purpose of this case is to update current version of case 2017-D035 draft proposed rule (closed at DAR Council 8/29/18) to incorporate section 819 of the NDAA for FY19 (Pub. L. 115-232). Section 819 modifies reference of Under Secretary of Defense for Acquisition, Technology and Logistics to Under Secretary of Defense for Acquisition and Sustainment.. This DFARS case also implements revision to 10 U.S.C. 2330a by adding "contracts closely associated with inherently governmental functions" to the annual inventory summary.	08/22/2018 DARC Director tasked Acquisition Strategy Team to draft proposed DFARS rule. Report due 10/10/2018. DFARS case 2017-D035 closed into this case. Report due date extended to 11/28/2018.
2018-D061		(S) Preliminary Cost Analysis Requirement for Certain Multiyear Contracts	Implements section 817 of the NDAA for FY 2019 (Pub. L. 115-232). Section 817 amends 10 U.S.C. 2306b(l)(2)(B) to require the determination that supports entering into a multiyear contract with an estimated value equal or greater to \$678.5 million to be supported by a preliminary cost analysis.	08/22/2018 DARC Director tasked Acquisition Strategy Team to draft proposed DFARS rule. Report due 10/31/2018.

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Case Number	Part Number	Title	Synopsis	Status
2018-D060		(S) Modification of the Limitations on Single Source Task- or Delivery-order Contracts	Implements section 816 of the NDAA for FY 2019 (Pub. L. 115-232). Section 816 amends 10 U.S.C. 2304a by modifying the limitations on single source task- or delivery-order contracts exceeding \$112M.	10/10/2018 DARC received draft final DFARS rule from Acquisition Strategy Team. Will discuss on 10/24/2018. Discussion postponed until 11/7/2018.
2018-D059		(S) Repeal of Certain Defense Acquisition Laws	Implements Section 812 of FY19 NDAA which repeals numerous defense acquisition laws.	08/22/2018 DARC Director tasked an Ad Hoc Team to draft proposed DFARS rule. Report due 10/24/2018.
2018-D058		(S) Demonstration Project for Contractors Employing Persons with Disabilities	Implements section 888 of the NDAA for FY 2019. Section 888 requires the DFARS to be updated to include an instruction on the program authorized in section 853 of the NDAA for FY 2004 for contractors employing persons with disabilities.	08/22/2018 DARC Director tasked Acquisition Small Business Team to draft proposed DFARS rule. Report due 10/31/2018.
2018-D057		(S) Small Business Set-Aside for Architect-Engineer and Construction Design Contracts	Implements section 2804 of the NDAA for FY 2019. Section 2804 removes the dollar limit on small business set-asides of contracts for architectural and engineering services and for construction design, in connection with military construction projects and military family housing projects.	10/17/2018 DARC agreed to draft proposed DFARS rule. Case manager processing.
2018-D056		(S) Definition of Micro-purchase Threshold	Implements section 821 of the NDAA for FY 2019 (Pub. L. 115-232). Section 821 amends 10 U.S.C. 2338 by increasing the micro-purchase threshold for the Department of Defense from \$5,000 to \$10,000. This increase will be included in FAR Case 2018-004, so this case removes the obsolete text from the DFARS.	10/11/2018 DARS Regulatory Control Officer submitted draft final DFARS rule to OIRA. OIRA reviewing.
2018-D055		(S) Past Performance of Subcontractors and Joint Venture Partners	Implements section 823 of the NDAA for FY 2019. Section 823 requires the development of policies and revisions to DFARS part 242 for the inclusion of best available information regarding past performance of subcontractors and joint venture partners when awarding contracts.	08/22/2018 DARC Director tasked Acquisition Environmental & Contract Management - Contract Administration Team to draft proposed DFARS rule. Report due 10/31/2018.

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Case Number	Part Number	Title	Synopsis	Status
2018-D054		(S) Restriction on Acquisition of Certain Rare Earth Magnets and Tungsten	Implements section 871 of the NDAA for FY 2019 (Pub. L. 115-232). Section 871 codified at 10 U.S.C. 2533c, prohibits the acquisition of any covered material melted or produced in any covered nation (North Korea, China, Russia, or Iran) or any end item that contains a covered material manufactured in any covered nation, with some exceptions. A covered material means samarium -cobalt magnets; neodymium-iron-boron magnets; tungsten metal powder; and tungsten heavy alloy or any finished or semi-finished component containing tungsten heavy alloy.	08/22/2018 DARC Director tasked Acquisition Law Team to draft proposed DFARS rule. Report due 9/26/2018. Report due date extended to 10/31/2018.
2018-D053		Export-Controlled items	Require contractors to provide any export control license to the contract administration office, in order to facilitate the use of existing host nation agreements.	08/22/2018 DARC Director tasked Acquisition Law Team to draft proposed DFARS rule. Report due 10/10/2018. Report due date extended to 11/21/2018.
2018-D052	252, 252.219-7009	Update of Clause on Section 8(a) Direct Award	Removes obsolete text from the clause at 252.219-7009, Section 8(a) Direct Award.	10/18/2018 OIRA cleared final DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP. Confirm any required systems changes.
2018-D051		(R) Modification of DFARS Clause, "Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns"	Modifies DFARS clause 252.226-7001, Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns," pursuant to action taken by the DoD Regulatory Reform Task Force.	09/21/2018 Case on hold, pending SECDEF approval.
2018-D050		(R) Modification of DFARS Clause "Payment for Subline Items Not Separately Priced"	Modifies DFARS clause 252.204-7002, Payment for Subline Items Not Separately Priced, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/21/2018 Case on hold, pending SECDEF approval.
2018-D049		(R) Modification of DFARS Clause "Tax Relief"	Modifies DFARS clause 252.229-7001, Tax Relief, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/21/2018 Case on hold, pending SECDEF approval.
2018-D048		(R) Repeal of DFARS Clause, "Price Adjustment"	Repeals DFARS clause 252.247-7001, Price Adjustment, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/21/2018 Case on hold, pending SECDEF approval.

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2018-D047		(R) Modification of DFARS Clause "Accident Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles"	Modifies DFARS clause 252.228-7005, Accident Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/21/2018 Case on hold, pending SECDEF approval.
2018-D046		(R) Modification of DFARS Clause "Obligation of the Government"	Modifies DFARS clause 252.239-7013, Obligation of the Government, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/21/2018 Case on hold, pending SECDEF approval.
2018-D045		(R) Modification of DFARS Clause "Orders for Facilities and Services"	Modifies DFARS clause 252.239-7004, Orders for Facilities and Services, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/21/2018 Case on hold, pending SECDEF approval.
2018-D044		(R) Repeal of DFARS clause "Tariff Information"	Repeals DFARS clause 252.239-7006, Tariff Information, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/12/2018 Informational copy of draft final DFARS rule due to DARC on 10/17/2018. Info copy due date extended to 11/07/2018.
2018-D043		(R) Modification of DFARS clause "Change in Place of Performance - Ammunition and Explosives"	Modifies DFARS clause 252.223-7003, Change In Performance - Ammunition and Explosives, and DFARS clause 252.223-7002, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/21/2018 Case on hold, pending SEC DEF approval.
2018-D041		(R) Repeal of DFARS clause "Option for Supervision and Inspection Services"	Repeals DFARS clause 252.236-7009, Option for Supervision and Inspection Services, pursuant to action taken by the DoD Regulatory Reform Task Force.	10/17/2018 OIRA cleared final DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP. Confirm any required systems changes.
2018-D036		(R) Repeal of DFARS Provision "Bonds or Other Security"	Repeals DFARS clause 252.228-7004, Bonds or Other Security, pursuant to action taken by the DoD Regulatory Reform Task Force.	10/18/2018 OIRA cleared final DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP. Confirm any required systems changes.
2018-D035		(R) Modification of DFARS Clause, "Cancellation or Termination of Orders"	Modifies DFARS clause 252.239-7007, Cancellation or Termination of Orders, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/21/2018 Case on hold, pending SECDEF approval.

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Case Number	Part Number	Title	Synopsis	Status
2018-D033		(R) Repeal of DFARS clause "Acquisition Streamlining"	Repeals DFARS clause 252.211-7000, Acquisition Streamlining, pursuant to action taken by the DoD Regulatory Reform Task Force.	10/18/2018 OIRA cleared final DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP. Confirm any required systems changes.
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 Sec Def approval of recommendation for DFARS 252.243-7001.
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.	08/24/2018 Published proposed DFARS rule in Federal Register (83 FR 42826). Public comment period ends 10/23/2018.
2018-D025	217, 252.217-7001	(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	10/11/2018 DARC received draft final DFARS rule from DARS Staff. Reclama on 10/31/2018.
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.	10/17/2018 DARC agreed to draft proposed DFARS rule. Case manager processing.
2018-D022		(S) Covered Telecommunications Equipment or Services	Implements section 1656 of the NDAA for FY 2018 (Pub. L. 115-91). 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 if such equipment, system, or service 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 10/24/2018.
2018-D021		(S) Amendments Related to General Solicitations	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).	10/08/2018 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
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.	09/07/2018 DARS Regulatory Control Officer submitted draft proposed DFARS rule to OIRA. OIRA reviewing.
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 01/14/2018.
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.	10/10/2018 DARC received Acquisition Finance Team draft proposed DFARS rule from Heather Kitchens. Discuss on 10/24/2018.
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.

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Case Number	Part Number	Title	Synopsis	Status
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.	08/31/2018 DARC Director tasked Contract Administration Team to review public comments, draft final DFARS rule. Report due 10/31/2018.
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.	08/24/2018 Published proposed DFARS rule in Federal Register (83 FR 42850). Public comment period ends 10/23/2018.
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.	07/20/2018 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
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.	09/24/2018 Case manager forwarded draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
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 undefined 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 11/07/2018.
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.	08/24/2018 Published proposed DFARS rule in Federal Register (83 FR 42822). Public comment period ends 10/23/2018.
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-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).	10/08/2018 OIRA cleared proposed DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP.
2017-D038	244	Contractor Purchasing System Review Threshold	Establishes a dollar threshold for conducting contractor purchasing system reviews.	06/18/2018 Case manager forwarded draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
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. Report due date extended to 11/14/2018.

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Case Number	Part Number	Title	Synopsis	Status
2017-D034		Antiterrorism Training Requirements for Contractors	Implements DoDI 2000.16, DoD Antiterrorism (AT) Standards, with regard to contractors.	08/24/2018 Published proposed DFARS rule in Federal Register (83 FR 42820). Public comment period ends 10/23/2018.
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 11/07/2018.
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 11/21/2018
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 payments, and revises progress payments and performance-based payments policies and procedures for DoD contracts.	10/04/2018 Notice published in Federal Register (83 FR 50052) that proposed rule published 8/24/2018 (83 FR 4283) withdrawn and public meeting scheduled for 10/10/2018 (83 FR 47867) cancelled.
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 11/07/2018.

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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.	10/04/2018 OIRA cleared final DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP. Confirm any required systems changes.
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.	08/31/2018 DARC Director tasked Quality Assurance Team to review public comments, draft final DFARS rule. Report due 10/31/2018.
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.	08/24/2018 Published proposed DFARS rule in Federal Register (83 FR 42828). Public comment period ends 10/23/2018.

Open DFARS Cases as of October 19, 2018

Case Number	Part Number	Title	Synopsis	Status
2017-D010	212.3, 212.5, 252.244-7000	(S) Inapplicability of Certain Defesne-Unique Laws to Commercial Items	Partially implements section 874 of the NDAA for FY 2017 (Pub. L. 114-328).to address commercial item applicability for DFARS-unique statutes and associated contract clauses issued on or after January 1, 2015. Nonstatutory FAR contract clauses issued on or after January 1, 2015, are being reviewed under FAR Case 2018-019. The rule also redefines "subcontract" and restricts flowing down these contract clauses to subcontracts under contracts for the acquisition of commercial items, including commercially available off-the-shelf items.	06/29/2018 Published proposed DFARS rule in Federal Register (83 FR 30646). Public comment period ends 08/28/2018. 8/29/2018, published extension of the public comment period until 10/28/18 (83 FR 44014).
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.	09/05/2018 DARC Director tasked staff to review public comments, draft final DFARS rule. Report due 10/3/2018. Report due date extended to 11/14/2018.
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.	10/17/2018 DARC agreed to draft final DFARS rule. DAR staff processing.
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 10/24/2018.
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.	09/14/2018 DARC Director tasked Technology Team to review public comments, draft final DFARS rule. Report due 11/7/2018
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.

Open DFARS Cases as of October 19, 2018

Case Number	Part Number	Title	Synopsis	Status
2016-D017		Independent Research and Development Expenses	Precludes use of substantial future independent research and development (IRAD) expenses as a means to reduce evaluated bid prices in competitive source selections.	02/08/2017 DARC Director tasked Ad Hoc Cmte. to review public comments, draft final DFARS rule. Report due 04/12/2017. Report due date extended to 10/31/2018.
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. 9/20/2018, Case manager coordinating draft final rule outside of DoD, prior to submission to OIRA.