

CONTRACTING NEWS TO NOTE  
Compiled by NCMA Saguaro Chapter

The following is a summary of key or significant proposed rules and actual changes from Dec. 1, 2011 through Dec. 31, 2011 to the Federal Acquisition Regulations (FAR) and the Defense Federal Acquisition Regulation Supplement (DFARS). Where applicable, other acquisition related information is also provided.

If you are interested in more information on any of these subjects, the source document is referenced. FACs can be accessed at <http://www.acqnet.gov/far/index.html> , DFARS Changes at <http://www.acq.osd.mil/dpap/dars/dfarspgi/current/index.html>, and all proposed, final, and interim rules are published in the Federal Register (FR) at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>

<b>FAR CHANGES</b>			
CASE NO.	DESCRIPTION	EFFECTIVE DATE	SOURCE
2011-014	A change to FAC 2005-54 was issued to make corrections to the final rule which was published on Nov. 2, 2011. The final rule amended the FAR to revise the definitions of “Caribbean Basin country” and “designated country” due to the change in status of the islands that comprised the Netherlands Antilles. As published, the regulations contain technical errors in the promulgated rule.	Dec. 9, 2011	FAC 2005-54 Correction

<b>PROPOSED FAR CHANGES</b>			
CASE NO.	DESCRIPTION	DATE PUBLISHED	COMMENTS DUE
2011-022	A proposed change to the FAR to remove any reference to Federal Information Processing Standard (FIPS) 161 and codify requirements for standards already in use. FIPS 161 is being removed based on the notice posted in the Federal Register on Sep. 2, 2008, by the Department of Commerce. This FIPS requirement was withdrawn because it was obsolete, and had not been updated to adopt current voluntary industry standards, Federal specifications, Federal data standards, or current good practices for information security. The withdrawal of this standard created a gap in the FAR. This proposed case, if adopted, closes that gap by clarifying the use of American National Standards Institute X12, as the valid standard to use for computer-generated forms. FAR 53.105 is being amended; it will continue allowing agencies and the public to generate standard and optional forms on their computers. In addition to clarifying that FIPS 161 is no longer in use, public comments are invited to identify other voluntary industry standards, Federal specifications, Federal data standards, or current good practices for the computer generation of forms.	Dec. 22, 2011	Feb. 21, 2012

CONTRACTING NEWS TO NOTE  
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DFARS CHANGES			
CASE NO.	DESCRIPTION	EFFECTIVE DATE	SOURCE
N/A	DoD issued a revision to the DFARS to make technical amendments to the to provide needed editorial changes and guidance to contracting officers.	Dec. 7, 2011	Publication Notice 20111207
2011-D046	DoD is issuing an interim rule to implement a section of the NDAA for FY 2011. The section provides that photovoltaic devices to be utilized in performance of any covered contract shall comply with the Buy American statute, subject to the exceptions provided in the Trade Agreements Act of 1979 or otherwise provided by law. A new section 225.7017, Utilization of Domestic Photovoltaic Devices is added, as well as an associated provision and clause in DFARS part 252 and conforming changes to DFARS part 212.	Dec. 20, 2011	Publication Notice 20121220

PROPOSED DFARS REGULATIONS			
CASE NO.	DESCRIPTION	DATE PUBLISHED	COMMENTS DUE
2011-D042	A proposed rule was issued to incorporate a proposal adequacy checklist for proposals in response to solicitations that require submission of certified cost or pricing data. This proposed rule supports one of DoD's Better Buying Power initiatives by incorporating the requirement for a proposal adequacy checklist into the DFARS at section 215.408, and an associated solicitation provision at DFARS 252.215-70XX, to ensure offerors take responsibility for submitting thorough, accurate, and complete proposals. The provision should be included in solicitations that require the submission of certified cost or pricing data.	Dec. 2, 2011	Jan. 31, 2012
2012-D003	DoD is proposing to amend the DFARS to conform statutory titles to the new Positive Law Codification of Title 41, United States Code, "Public Contracts."	Dec. 20, 2011	Feb. 21, 2012

CONTRACTING NEWS TO NOTE  
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OTHER CHANGES, NOTICES, AND MEMORANDA		
DESCRIPTION	DATE	SOURCE
Based on a significant level of interest among small businesses, SBA is reopening the comment period for a proposed rule published on Oct. 5, 2011 which amends its regulations to implement provisions of the Small Business Jobs Act of 2010 (Jobs Act). Proposed changes include rules for contracts for which a small business subcontracting plan is required. Among the proposed changes are requiring a prime contractor to notify a Contracting Officer (CO) in writing whenever the prime contractor reduces payments to a Subcontractor or when payments to a subcontractor are 90 days or more past due; clarifying that the CO is responsible for monitoring and evaluating small business subcontracting plan performance; clarifying which subcontracts must be included in subcontracting data reporting, which subcontracts should be excluded, and the way subcontracting data is reported. SBA also proposed to make other changes to update its subcontracting regulations, including changing subcontracting plan thresholds and referencing the electronic subcontracting reporting System (ESRS). Some of the SBA's proposed changes would require the CO to review subcontracting plan reports within 60 days of the report ending date and proposed changes to address how subcontracting plan requirements and credit towards subcontracting goals can be implemented in connection with Multi-Agency, Federal Supply Schedule, Multiple Award Schedule and Government-wide Acquisition indefinite delivery, Indefinite quantity, (IDIQ) contracts.	Dec. 1, 2011	Jan. 6, 2012
DoD announced its plan to host a public meeting to initiate a dialogue with industry regarding the use of open source software in DoD contracts. DoD is interested in obtaining input regarding the risks to contractors and the Government associated with using open source software on DoD contracts in the following areas: 1) risks that open source software may include proprietary or copyrighted material incorporated into the open source software without the authorization of the actual author, thereby exposing the Government and contractors who use or deliver the open source software to potential copyright infringement liability; 2) performance and warranty deficiencies faced by contractors that the open source software does not meet contract requirements, and the open source software license leaves the contractors without recourse; and 3) the extent to which the DFARS should be revised to specify clearly the rights the Government obtains when a contractor acquires open source software for the Government, and why. The meeting will be held on Jan. 12, 2012, from 10 a.m. to 12 p.m. EST at the General Services Administration (GSA), Central Office Auditorium, 1800 F Street NW., Washington DC, 20405. Comments may be submitted in advance of the public meeting in order to establish the agenda and framework for the discussions in the meeting.	Dec. 5, 2011	DPAP Website

CONTRACTING NEWS TO NOTE  
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<p>The Director, Defense Procurement and Acquisition Policy (DPAP) issued a memo entitled, “DoD Procurement Fraud Working Group Training Seminar.” The Procurement Fraud Working Group (PFWG) is actively engaged in planning the 2012 PFWG Training Seminar. The PFWG is an informal group of procurement fraud stakeholders that meet throughout the year to share best practices and to address issues of concern. This memo encourages the acquisition community to attend the annual training seminar planned for March 27-29, 2012 in Daytona, Florida; as well as to participate in the PFWG monthly meetings. The full text of the memo is located at: <a href="http://www.acq.osd.mil/dpap/policy/policyvault/USA006840-11-DPAP.pdf">http://www.acq.osd.mil/dpap/policy/policyvault/USA006840-11-DPAP.pdf</a></p>		
<p>DPAP issued a memo entitled, “Contracting On the Job (OJT) tool.” Section 813 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2007 directed the Secretary of Defense to establish a 'Panel on Contracting Integrity' to conduct reviews of the progress made by DoD to eliminate areas of vulnerability of the defense contracting system that allow fraud, waste, and abuse to occur. As one of the Panel's actions, the Capable Contracting Workforce subcommittee developed a new contracting OJT tool to help with Component's OJT Program. The full text of the memo is found at: <a href="http://www.acq.osd.mil/dpap/policy/policyvault/USA006066-11-DPAP.pdf">http://www.acq.osd.mil/dpap/policy/policyvault/USA006066-11-DPAP.pdf</a> .</p>	Dec. 5, 2011	DPAP Website
<p>The Department of Commerce (DoC) Bureau of Industry and Security (BIS) published a proposed rule that describes how military gas turbine engines and related articles that the President determines no longer warrant control under Category VI, VII, or VIII of the United States Munitions List (USML) would be controlled under the Commerce Control List (CCL) in new Export Control Classification Numbers (ECCNs) 9A619, 9B619, 9C619, 9D619 and 9E619. In addition, this proposed rule would control military trainer aircraft turbo prop engines and related items, which are currently controlled under ECCN 9A018.a.2 or .a.3, 9D018 or 9E018, under new ECCN 9A619, 9D619 or 9E619. This rule is one of a planned series of proposed rules that are part of the Administration's Export Control Reform Initiative under which various types of articles presently controlled on the USML under the International Traffic in Arms Regulations (ITAR) would, instead, be controlled on the CCL in accordance with the requirements of the Export Administration Regulations (EAR), if and after the President determines that such articles no longer warrant control on the USML. This proposed rule is being published in conjunction with a proposed rule from the Department of State, (DoS) Directorate of Defense Trade Controls that would consolidate in USML Category XIX the military gas turbine engines and related articles that would remain on the USML.</p>	Dec. 6, 2011 Comments by Jan. 20, 2012	Federal Register
<p>DoC/BIS also published a proposed rule that describes how articles the President determines no longer warrant control under Category VII (military vehicles and related articles) of the USML would be</p>	Dec. 6, 2011 Comments by	Federal Register

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controlled under the CCL. This proposed rule would re-propose, with certain changes, five new ECCNs on the CCL that were proposed in a proposed rule published on July 15, 2011. The revised ECCNs in this proposed rule are the result of continued deliberations of BIS, DoD, and DoS and recommendations of commenters on the July 15 proposed rule. This proposed rule is being published in conjunction with a proposed rule by the DoS, Directorate of Defense Trade Controls to remove from Category VII of the USML (22 CFR 121.1, Category VII) articles that the President determines no longer warrant control on the USML.	Jan. 20, 2012	
As part of the President's Export Control Reform effort, DoS proposes to amend the ITAR to establish Category XIX of the USML to describe gas turbine engines and associated equipment warranting control on the USML.	Dec. 6, 2011 Comments by Jan. 20, 2012	Federal Register
As part of the President's Export Control Reform effort, DoS proposes to amend the ITAR to revise Category VII (ground vehicles) of the USML to describe more precisely the military ground vehicles warranting control on the USML.	Dec. 6, 2011 Comments by Jan. 20, 2012	Federal Register
DoS is amending the ITAR to identify the Federal Reserve Wire Network (FedWire) as another method of electronic payment of registration fees, so as to provide a choice in and facilitate the submission of fees by registrants. The Directorate of Defense Trade Controls (DDTC) is responsible for the collection of registration fees from persons in the business of manufacturing, exporting, and/or brokering defense articles or defense services. On Feb.24, 2011, DoS proposed electronic payment as the sole method of the submission of registration fees. The final rule took effect on Sep. 26, 2011, and identified Automated Clearing House (ACH) as the means by which U.S. entities may electronically submit their registration fees. Since the implementation of that rule, a considerable number of intended registrants have contacted DoS, inquiring if payment may be made using the Federal Reserve Wire Network (FedWire), as they were experiencing difficulties in originating ACH transactions. This rule seeks to address these concerns.	Dec. 6, 2011	Federal Register
DPAP and the Director of the Office of Small Business Programs jointly issued a memo entitled, "2012 Acquisition Excellence Awards and 2012 Small Business Excellence Awards." As part of a government-wide effort to recognize acquisition professionals who contribute to outstanding improvements in acquisition in the federal government, the Chief Acquisition Officers Council is seeking nominations for the 2012 Acquisition Excellence Awards. The awards this year will be for federal employees engaged in team or individual activities that led to excellent results in fiscal year 2011 in any of the following three acquisition categories: (1) Buying Smarter, (2) Effective Vendor Communication, and (3) Strategic Sourcing. The Office of Federal Procurement Policy (OFPP) will be	Dec. 6, 2011	DPAP Website

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OTHER CHANGES, NOTICES, AND MEMORANDA		
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accepting nominations for each category, using the attached templates, until January 17, 2012. The full text of the memo is found at: <a href="http://www.acq.osd.mil/dpap/policy/policyvault/USA006355-11-DPAP.pdf">http://www.acq.osd.mil/dpap/policy/policyvault/USA006355-11-DPAP.pdf</a> .		
GAO issued a report entitled, “Defense Contract Audits: Actions Needed to Improve DCAA's Access to and Use of Defense Company Internal Audit Reports.” GAO stated that DCAA has a critical role in contract oversight intended to help provide reasonable assurance that defense company policies for safeguarding assets and complying with contractual requirements are fulfilled. Defense companies also maintain their own internal audit departments to monitor policies, procedures, and business systems related to their government contracts. GAO was asked to assess the role of defense companies' internal audit departments and their ability to provide DCAA with information on their internal controls. GAO assessed (1) selected defense companies' adherence to standards for internal audits, (2) the extent to which those companies' internal audit reports address defense contract management internal controls, and (3) DCAA's ability to examine internal audits and use information from these audits. GAO reviewed a nongeneralizable sample of seven major defense companies including the five largest defense contractors and two smaller contractors; analyzed information on their 2008 and 2009 internal audits, which were the latest available when GAO began its assessment; and reviewed DCAA's ability to examine and use the audits in carrying out its oversight. This report details their findings and recommendations. The entire report is found at: <a href="http://www.gao.gov/products/GAO-12-88">http://www.gao.gov/products/GAO-12-88</a>	Dec. 8, 2011	GAO-12-88
GSA published an amendment to the Federal Management Regulation (FMR) to revise current policy on the definitions relating to the rental versus the lease of motor vehicles. The rule increases the current less than 60 continuous day rental timeframe to less than 120 continuous days and adjusts the definition of the term “commercial lease or lease commercially” accordingly to allow for the instances when agencies have a valid temporary mission requirement for a motor vehicle of 60 continuous days or more in duration but of significantly fewer days in duration than is typically available under commercial leases, which commonly require a minimum lease period of one year.	Dec. 8, 2011	Federal Register
DPAP issued a memo entitled, “Contract Data Scorecard.” This memorandum announces that the Contract Data Scorecard will be expanded to include the Procurement Data Standard measures and published monthly. Additionally, once a quarter, the Procurement Executives will be invited to discuss efforts to improve data quality. The memo is found at: <a href="http://www.acq.osd.mil/dpap/policy/policyvault/USA006997-11-DPAP.pdf">http://www.acq.osd.mil/dpap/policy/policyvault/USA006997-11-DPAP.pdf</a>	Dec. 9, 2011	DPAP Website
DoC/BIS issued an amendment to the EAR which facilitates enhanced public understanding of the provisions that implement the comprehensive U.S. Sanctions on Syria and moves them from General	Dec. 12, 2011	Federal Register

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Order No. 2 in Supplement No. 1 to part 736 to a revised Sec. 746.9. This rule also includes conforming changes to the EAR.		
The Director of Defense Pricing issued a memo entitled, “Cost and Price Analysis of Spare Parts Required Before Exercising an Option.” A recent DoD Inspector General (IG) review of spare parts under a firm-fixed-price contract found significant overpricing in a sample of the parts in the contract. The review also discussed that if the subject contract options were exercised this would further increase the overpricing resulting in significant overpayment to the contractor. This memorandum issues guidance emphasizing performance of cost analysis of a sample of spare parts before exercising an option under a firm-fixed-price contract. The full memo is located at: <a href="http://www.acq.osd.mil/dpap/policy/policyvault/USA006459-11-DPAP.pdf">http://www.acq.osd.mil/dpap/policy/policyvault/USA006459-11-DPAP.pdf</a>	Dec. 15, 2011	DPAP Website
DPAP issued a memo entitled, “Use of Generic DUNS Numbers and CAGE Codes on Contract Actions.” This memorandum serves as a reminder that the generic DUNS numbers shown and their corresponding CAGE codes shall not be used to identify the contractor on award or modification actions; nor should they be provided to contractors for their use. The generic DUNS numbers shall only be used to identify contractors when reporting actions to the Federal Procurement Data System under the rare conditions outlined in FAR subpart 4.605. The full memo is found at: <a href="http://www.acq.osd.mil/dpap/policy/policyvault/USA006593-11-DPAP.pdf">http://www.acq.osd.mil/dpap/policy/policyvault/USA006593-11-DPAP.pdf</a> .	Dec. 16, 2011	DPAP Website
DPAP issued a memo entitled, “Theater Business Clearance/Contract Administration Delegation Update.” This memo provides updated Theater Business Clearance guidance for Iraq and also updates the dollar thresholds for Afghanistan and Iraq to reflect the change in the micro-purchase threshold. The full memo is at: <a href="http://www.acq.osd.mil/dpap/policy/policyvault/USA006988-11-DPAP.pdf">http://www.acq.osd.mil/dpap/policy/policyvault/USA006988-11-DPAP.pdf</a> .	Dec. 16, 2011	DPAP Website
DPAP issued a memo entitled, “Request for Fiscal Year 2011 Competition Report.” FAR 6.502 - Competition Advocate Duties and Responsibilities requires the competition advocates to prepare and submit annual reports to the agency senior procurement executive and the chief acquisition officer in accordance with agency procedures. This memo provides guidance on the content of the subject report; requires the report be submitted to DPAP by Jan. 26, 2012; and sets FY 2012 goals for overall and effective competition. The full memo is located at: <a href="http://www.acq.osd.mil/dpap/policy/policyvault/USA007042-11-DPAP.pdf">http://www.acq.osd.mil/dpap/policy/policyvault/USA007042-11-DPAP.pdf</a> .	Dec. 16, 2011	DPAP Website
DoS proposes to amend part 129 of the ITAR relating to brokers and brokering activities. Amendments are also to be made to related provisions of the ITAR. The proposed revisions are intended to clarify registration requirements, the scope of brokering activities, prior approval requirements and exemptions, procedures for obtaining prior approval and guidance, and reporting and recordkeeping of	Dec. 19, 2011 Comments by Feb. 17, 2012	Federal Register

CONTRACTING NEWS TO NOTE  
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OTHER CHANGES, NOTICES, AND MEMORANDA		
DESCRIPTION	DATE	SOURCE
such activities. Conforming and technical changes would be made to other parts of the ITAR that affect export as well as brokering activities.		
DPAP issued a memo entitled, "Post 2011 Iraq - Contracting and Contractor Related Guidance and Information" which provides guidance on where to find subject information for Iraq that should be provided to contracting offices. The full memo is found at: <a href="http://www.acq.osd.mil/dpap/policy/policyvault/USA007193-11-DPAP.pdf">http://www.acq.osd.mil/dpap/policy/policyvault/USA007193-11-DPAP.pdf</a> .	Dec. 20, 2011	DPAP Website
DoC/BIS published a proposed rule that describes how surface vessels of war and related articles that the President determines no longer warrant control under Category VI (surface vessels of war and special naval equipment) of the USML would be controlled under the Commerce Control List (CCL) in new Export Control Classification Numbers (ECCNs) 8A609, 8B609, 8C609, 8D609, and 8E609. This is another of a planned series of proposed rules that are part of the Administration's Export Control Reform Initiative under which various types of articles presently controlled on the USML under the ITAR would, instead, be controlled on the CCL in accordance with the requirements of the Export Administration Regulations (EAR), if and after the President determines that such articles no longer warrant control on the USML.	Dec. 23. 2011 Comments by Feb. 6, 2012.	Federal Register
DoC/BIS published a proposed rule that describes how submersible vessels, oceanographic equipment and related articles that the President determines no longer warrant control under Category VI (Vessels of War and Special Naval Equipment) or Category XX (Submersible Vessels, Oceanographic and Associated Equipment) of the USML would be controlled under the CCL in new ECCNs 8A620, 8B620, 8D620, and 8E620. In addition, this proposed rule would control closed and semi-closed circuit (rebreathing) apparatus, engines and propulsion systems for submersible vessels, and submarine and torpedo nets, which are currently controlled under ECCN 8A018, under new ECCN 8A620. With this proposed rule, BIS also would establish a new, unilateral control on submersibles "specially designed" for cargo transport that are not currently subject to USML or CCL controls. This is another one of a planned series of proposed rules that are part of the Administration's Export Control Reform Initiative under which various types of articles presently controlled on the USML under the ITAR would, instead, be controlled on the CCL in accordance with the requirements of the EAR, if and after the President determines that such articles no longer warrant control on the USML.	Dec. 23. 2011 Comments by Feb. 6, 2012.	Federal Register
DoS, as part of the President's Export Control Reform effort, proposes to amend the ITAR to revise Category VI (surface vessels of war and special naval equipment) of the USML to describe more precisely the combatant vessels and other naval equipment warranting control on the USML.	Dec. 23. 2011 Comments by Feb. 6, 2012.	Federal Register
DoS, as part of the President's Export Control Reform effort, proposes to amend the ITAR to revise	Dec. 23. 2011	Federal

CONTRACTING NEWS TO NOTE  
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<b>OTHER CHANGES, NOTICES, AND MEMORANDA</b>		
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Category XX (submersible vessels and related articles) of the U.S. Munitions List (USML).	Comments by Feb. 6, 2012.	Register
The Office of Federal Procurement Policy (OFPP), Cost Accounting Standards Board (Board), is publishing a final rule to revise Cost Accounting Standard (CAS) 412, “Composition and Measurement of Pension Cost,” and CAS 413, “Adjustment and Allocation of Pension Cost.” This revision will harmonize the measurement and period assignment of the pension cost allocable to Government contracts, and the minimum required contribution under the Employee Retirement Income Security Act of 1974 (ERISA), as amended, as required by the Pension Protection Act (PPA) of 2006. The PPA amended the minimum funding requirements for qualified defined benefit pension plans. The Board issues this final rule to revise CAS 412 and CAS 413 to include the recognition of a “minimum actuarial liability” and “minimum normal cost,” which are measured on a basis consistent with the liability measurement used to determine the PPA minimum required contribution, and accelerate the recognition of actuarial gains and losses. These and other revisions will better align both the measurement and period assignment of pension cost allocable to a contractor's Government contracts and other final cost objectives in accordance with CAS, and the measurement and period assignment requirements for determining the contractor's minimum pension contribution under the PPA.	Dec. 27, 2011 Effective Feb. 27, 2012	Federal Register
The Department of Energy (DOE) is proposing to revise existing regulations covering contractor legal management requirements. Conforming amendments are also proposed to the Department of Energy Acquisition Regulation (DEAR). The proposed regulations will provide rules for handling of legal matters and associated costs by certain contractors whose contracts exceed \$100,000,000 as well as legal counsel retained directly by the Department for matters in which costs exceed \$100,000. DOE’s high dollar contracts that include cost reimbursable elements generally make legal costs, including the cost of litigation, allowable if reasonable and incurred in accordance with the applicable cost principles and contract clauses. Consequently, DOE has an ongoing obligation to monitor, supervise, and control the legal costs that it reimburses.	Dec. 28, 2011 Comments by Feb. 27, 2012	Federal Register
The Department of Treasury, Bureau of the Public Debt, Fiscal Service published the Prompt Payment Interest Rate for the period beginning January 1, 2012, and ending on June 30, 2012, which is 2 per centum per annum.	Dec. 30, 2011	Federal Register

CONTRACTING NEWS TO NOTE  
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<b>CASES/DECISIONS OF INTEREST</b>		
SYNOPSIS	DATE	CASE NO.
<p>VSE Corporation, of Alexandria, VA, protested the termination of a contract awarded to it by the Department of the Army, under a request for proposals (RFP) for support of the Army's Rapid Equipping Force (REF). The Army terminated the contract based on the contracting officer's (CO) finding that the award was tainted by the protester's hiring of a former government employee as a consultant and that individual's participation in the preparation of the protester's proposal. VSE contends that the CO's determination was unreasonable and GAO concurred, sustaining the protest. GAO found that the record showed the determination was based on assumptions, rather than hard facts, and relied on an incorrect understanding of the statutes and regulations that apply to post-government employment activities. The full text of the decision is located at: <a href="http://www.gao.gov/assets/590/586924.pdf">http://www.gao.gov/assets/590/586924.pdf</a> .</p>	<p>Nov. 21, 2011 Redacted and released Dec. 14, 2011</p>	<p>B-404833.4</p>
<p>The Ross Group Construction Corporation, of Tulsa, OK, protested the Department of the Army, Corps of Engineers' award of a task order to Blackhawk Ventures, LLC, under an RFP for the construction of a battle command training center at Fort Sam Houston, TX. GAO sustained the protest finding that the agency had no reasonable basis for its selection of awardee's higher-priced proposal where the source selection decision was based on the awardee's evaluated superiority for past performance, even though the awardee's proposal failed to comply with the solicitation's stated requirements under the past performance factor. The full decision is found at: <a href="http://www.gao.gov/products/B-405180.2">http://www.gao.gov/products/B-405180.2</a> .</p>	<p>Nov. 28, 2011 Released Dec. 16, 2011</p>	<p>B-405180.2</p>
<p>Kingdomware Technologies, of Waldorf, MD, a service-disabled veteran-owned small business (SDVOSB) concern, protests the corrective action taken by the Department of Veterans Affairs (VA) in response to the firm's protest of the terms of a request for quotations for subscription and support services at the VA San Francisco Medical Center. The protester asserts that the VA improperly failed to comply with applicable statutes and regulations to determine whether the procurement should be set aside for SDVOSB concerns. GAO concurred and sustained the protest. The full decision is located at: <a href="http://www.gao.gov/products/B-405727">http://www.gao.gov/products/B-405727</a></p>	<p>Dec. 19, 2011 Released Dec. 20, 2011</p>	<p>B-405727</p>
<p>NCI Information Systems, Inc., of Reston, VA protested the issuance of a task order to Harris IT Services by the Department of the Air Force under an RFP for information technology (IT) support services pursuant to the agency's "Information Technology Enterprise Solutions 2" indefinite delivery/indefinite quantity contract. NCI contends that the proposal submitted by Harris was ineligible for award because the final proposal revision was submitted late. GAO sustained the protest finding that because the RFP specified "close of business" and not a specific time that the default time prescribed in the FAR of 4:30 p.m. was applicable and the proposal was submitted after that time. The full text of the decision is found at: . <a href="http://www.gao.gov/products/B-405745">http://www.gao.gov/products/B-405745</a></p>	<p>Dec. 14, 2011 Released Dec. 21, 2011</p>	<p>B-405745,</p>

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<b>CASES/DECISIONS OF INTEREST</b>		
SYNOPSIS	DATE	CASE NO.
<p>APEX-MBM, JV, of San Antonio, TX, protested the award of a contract to Wilson Technologies, Inc., of Silver Spring, MD under an RFP issued by the Army for hospital housekeeping services. APEX-MBM, JV protested that the agency used unstated evaluation criteria when it rejected its proposal for failure to propose site-specific staff deployments and supplies and equipment. GAO sustained the protest finding that the solicitation did not require, and its general instructions and 15-page limitation for submissions did not suggest, that offerors propose staff deployments or supplies and equipment, and instead required such details to be coordinated with, and approved by, the agency after contract award. The full text is found at: <a href="http://www.gao.gov/products/B-405107.3">http://www.gao.gov/products/B-405107.3</a></p>	<p>Oct. 3, 2011 Redacted and released Dec. 21, 2011</p>	<p>B-405107.3</p>
<p>W.B. Construction and Sons, Inc. of Pierre Part, LA protested the award of a contract to DQSI, Corporation, of Covington, LA, under an RFP, issued by the Department of the Army for various types of construction work at Fort Polk, LA for eligible 8(a) firms. W.B. Construction contends that the award was improper because the awardee was not the offering entity and does not exist, and because the offering entity is not an eligible 8(a) firm. GAO sustained the protest find that the contracting agency improperly awarded the contract because the record reflects that the legal entity awarded the contract did not participate in the procurement and appears to be a different legal entity from the offering entity. The full text of the decision can be found at: <a href="http://www.gao.gov/products/B-405874,B-405874.2">http://www.gao.gov/products/B-405874,B-405874.2</a>.</p>	<p>Dec. 16, 2011 Released Dec. 23, 2011</p>	<p>B-405874, B-405874.2,</p>
<p>Commandeer Construction Company LLC (CCC), of Twinsburg, OH, protested the rejection of its bid under a VA invitation for bids, issued as a set-aside for service-disabled veteran-owned small businesses (SDVOSB), for renovation of an existing medical facility in Chillicothe, OH. CCC asserts that the VA improperly rejected its bid on the basis that the firm was not listed as an SDVOSB in the agency's Vendor Information Pages (VIP). GAO sustained the protest finding that the agency improperly rejected CCC's bid in violation of a solicitation clause which contained a latent ambiguity. GAO determined that the protester reasonably concluded that the clause at issue allowed for an expedited verification review of "the apparently successful offeror's" status for inclusion in the Department of Veterans Affairs Vendor Information Pages database of eligible service-disabled veteran-owned small business concerns, and the protester had no basis to be aware of the agency's contrary interpretation of the clause. The full decision is at: <a href="http://www.gao.gov/products/B-405771">http://www.gao.gov/products/B-405771</a>.</p>	<p>Dec. 29, 2011</p>	<p>B-405771</p>