

CONTRACTING NEWS TO NOTE  
Compiled by NCMA Saguaro Chapter

The following is a summary of key or significant proposed rules and actual changes from Sep. 1, 2011 through Sep.30, 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>

FAR CHANGES			
CASE NO.	DESCRIPTION	EFFECTIVE DATE	SOURCE
	NONE		

PROPOSED FAR CHANGES			
CASE NO.	DESCRIPTION	DATE PUBLISHED	COMMENTS DUE
2009-016	A proposed rule to amend the FAR to address the impact of the decision in Rothe Development Corporation vs. the DoD and the U.S. Dept. of the Air Force (USAF) on small disadvantaged business concerns and certain institutions of higher education was published. The Rothe case successfully challenged the constitutionality of section 1207 of the National Defense Authorization Act (NDAA) of 1987, Public Law 99-661 alleging that it violated the right to equal protection under the Due Process Clause of the Fifth Amendment to the United States Constitution. Sec. 1207 established the DoD, NASA, and the U.S. Coast Guard (USCG), Small Disadvantaged Business (SDB) Participation Program which was to ensure that SDBs could fully participate in the Federal contracting process. Sec. 1207 provided the authority for DoD, NASA, and USCG contracting officers to apply a price adjustment of up to 10% to afford SDBs a competitive price advantage when competing in a full and open competition and assist in achieving a 5% SDB goal. Section 1207 serves as the statutory underpinning for FAR subpart 19.11, Price Evaluation Adjustment for Small Disadvantaged Business Concerns, as well as some of FAR subpart 19.12, Small Disadvantaged Business Participation Program, and certain associated FAR clauses. This proposed change is to remove coverage at FAR subparts 19.11, 19.12, and corresponding clauses.	Sep. 9, 2011	Nov. 8, 2011

CONTRACTING NEWS TO NOTE  
Compiled by NCMA Saguaro Chapter

DFARS CHANGES			
CASE NO.	DESCRIPTION	EFFECTIVE DATE	SOURCE
2010-D026	DoD issued a final rule amending the DFARS to require contractors to display the DoD fraud hotline poster in common work areas. This final rule implements the recommendations of the DoD Inspector General (DoDIG) by providing a DFARS clause to use in lieu of the FAR clause at 52.203-14, Display of Hotline Poster(s).	Sep. 16, 2011	Publication Notice 20110916
2011-D033	DoD issued an interim rule based on a proposed rule published Nov. 12, 2010, amending the DFARS to implement those sections of the NDAA for FY 2011 and 2010 providing increased statutory authorities to reduce or deny award fees to companies found to jeopardize the health or safety of Government personnel and adding a mechanism to decrease or eliminate a contractor's award fee for a specific performance period. In addition, this rule modifies the section of the NDAA for FY 2009 that requires that information on the final determination of award fee be entered into the Federal Awardee Performance and Integrity Information System (FAPIIS).	Sep. 16, 2011	Publication Notice 20110916
2011-D010	DoD issued a final rule amending the DFARS to increase the use of fixed-price incentive (firm target) contracts, with particular attention to share lines and ceiling prices. This DFARS case was initiated to implement an initiative to incentivize productivity and innovation in industry, as set forth in a memorandum from the Under Secretary of Defense for Acquisition, Technology, & Logistics (USD AT&L), dated Nov. 3, 2010. The memorandum provided guidance to the secretaries of the military departments and directors of defense agencies on obtaining greater efficiency and productivity in defense spending. In support of this initiative, DoD published a proposed rule in the Federal Register (FR) on Mar. 2, 2011. The proposed rule required that contracting officers must- 1) Give particular consideration to the use of fixed-price incentive (firm target) contracts, especially for acquisitions moving from development to production; and (2) Pay particular attention to share line and ceiling prices for fixed-price incentive (firm target) contracts, with 120 percent ceiling and a 50/50 share ratio as the default arrangement.	Sep. 16, 2011	Publication Notice 20110916
2011-D037	DoD issued a final rule to clarify that a contracting officer's representative must be an employee, military or civilian, of the U.S. Government, a foreign government, or a North Atlantic Treaty Organization (NATO)/coalition partner, and that contractor personnel shall not serve as contracting officer's representatives.	Sep. 20, 2011	Publication Notice 20110920

CONTRACTING NEWS TO NOTE  
Compiled by NCMA Saguaro Chapter

DFARS CHANGES			
CASE NO.	DESCRIPTION	EFFECTIVE DATE	SOURCE
2009-D011	DoD issued a final rule amending the DFARS to conform it to higher-level changes in the Code of Federal Regulation (CFR) relating to annual representations and certifications. DFARS 204.1202 prescribes use of DFARS provision 252.204-7007, Alternate A, Annual Representations and Certifications, in contracts that also incorporate FAR provision 52.204-8, Annual Representations and Certifications. FAR 52.204-8 was changed to add a new paragraph (c), which lists the applicable representations and certifications in the Online Representations and Certifications Application (ORCA). This FAR change necessitated a similar modification of DFARS 252.204-7007.	Sep. 20, 2011	Publication Notice 20110920
2011-D036	On Jan. 4, 2011, Public Law 111-350 enacted a new codified version of Title 41, United States Code (U.S.C.), entitled "Public Contracts." A final rule was issued to update all references to Title 41 in the DFARS to conform to the recodification.	Sep. 20, 2011	Publication Notice 20110920
2010-D017	A final rule was issued to establish a standard procedure for offerors to propose an alternative line item structure that reflects the offeror's business practices for selling and billing commercial items and initial provisioning spares for weapon systems. A proposed rule was published in the FR on Apr. 19, 2011, to add DFARS language that provides offerors the opportunity to propose an alternative line item structure in solicitations for commercial items and initial provisioning spares. This DFARS change will allow offerors to provide information about their products that may not have been known to the Government prior to issuance of the solicitation.	Sep. 20, 2011	Publication Notice 20110920
2010-D014	A final rule was issued to update requirements relating to the use of passive radio frequency identification (RFID). A proposed rule was published in the FR on Feb. 26, 2011, in response to a request of the Office of Logistics and Materiel Readiness, Office of the Secretary of Defense (AT&L) to update requirements relating to the use of passive RFID.	Sep. 20, 2011	Publication Notice 20110920
2007-D003	A final rule based on a proposed rule of May 7, 2010 was issued to implement sections of the FY 2007 and 2008 NDAA, including special requirements and procedures related to the validation of a contractor's or subcontractor's asserted restrictions on technical data and computer software. Sec. 802(b) of the FY 2007 NDAA modified 10 U.S.C. 2321(f)(2) as to the presumption of development at private expense for major systems. Sec. 815 of the FY 2008 NDAA revised 10 U.S.C. 2321(f)(2) to exempt commercially available off-the-shelf items from the requirements established for major systems.	Sep. 20, 2011	Publication Notice 20110920

CONTRACTING NEWS TO NOTE  
Compiled by NCMA Saguaro Chapter

DFARS CHANGES			
CASE NO.	DESCRIPTION	EFFECTIVE DATE	SOURCE
2009-D019	A final rule was issued to allow the use of U.S. Government fuel cards in lieu of a Purchase Order-Invoice-Voucher for fuel, oil, and refueling-related items for purchases not exceeding the simplified acquisition threshold. A proposed rule was published on Apr. 19, 2011, to add language to DFARS 213.306(a)(1)(A) to include purchases of marine fuel, oil, and refueling-related items up to the simplified acquisition threshold using the Ships Bunkers Easy Acquisition (SEA) Card[reg] in lieu of the SF 44, Purchase Order-Invoice-Voucher. Additionally, this section is revised to include additional ground refueling-related services when using the AIR Card[supreg]. These changes for use of the AIR Card[supreg] and SEA Card[supreg] will improve the refueling capability of aircraft and smaller vessels at non-contract locations.	Sep. 20, 2011	Publication Notice 20110920
2010-D013	A final rule was issued based on a proposed rule published Nov. 24, 2010, to implement the recommendation of the DoD Source Selection Joint Analysis Team (JAT) which strongly encourage the use of discussions in all competitive negotiated procurements over \$100 million. The rule amends DFARS part 215 to strongly recommend, for acquisitions of more than \$100 million, that contracting officers hold discussions rather than use the authority at FAR 52.215-1 to award on initial offers without discussions.	Sep. 20, 2011	Publication Notice 20110920
2009-D026	A final rule was issued to update and clarify the requirements for multiyear contracting. This DFARS case was initiated by DoD to perform a comprehensive review of DFARS subpart 217.1, Multiyear Contracting. On March 2, 2011, DoD published a proposed rule to update and clarify the requirements relating to multiyear contracting. This final rule reorganizes and updates existing coverage for multiyear acquisitions.	Sep. 20, 2011	Publication Notice 20110920
2010-D024	A final rule was issued based on a proposed rule published Apr. 19, 2011 to remove the requirement to use DoD-unique forms to prepare contractor performance evaluations for construction and architect-engineer (A&E) services.	Sep. 20, 2011	Publication Notice 20110920
2009-D023	A final rule was issued to revise Appendix F to provide procedures and instructions for the use, preparation, and distribution Wide Area WorkFlow Receiving Report (WAWF RR) and DD 250 which will now be used on an exception basis.	Sep. 20, 2011	Publication Notice 20110920

CONTRACTING NEWS TO NOTE  
Compiled by NCMA Saguaro Chapter

<b>PROPOSED DFARS REGULATIONS</b>			
CASE NO.	DESCRIPTION	DATE PUBLISHED	COMMENTS DUE
2011-D013	DoD is proposing to amend the DFARS to address acquisitions using competitive procedures in which only one offer is received. With some exceptions, the contracting officer must resolicit for an additional period of at least 30 days, if the solicitation allowed fewer than 30 days for receipt of proposals and only one offer is received. If a period of at least 30 days was allowed for receipt of proposals, the contracting officer must determine prices to be fair and reasonable through price or cost analysis or enter negotiations with the offeror. This rule was initially published on July 25, 2011. The comment period originally closed Sep. 23, 2011 and is being reopened.	Sep. 30, 2011	Oct. 7, 2011

<b>OTHER CHANGES, NOTICES, AND MEMORANDA</b>		
DESCRIPTION	DATE	SOURCE
The Department of Commerce (DoC) published a final rule change to the Export Administration Regulations (EAR). The Netherlands Antilles dissolved on Oct. 10, 2010. This rule removes the Netherlands Antilles from all places where it is mentioned in the EAR, e.g., the Commerce Country Chart, the Country Groups, and License Exception APP. Cura[ccedil]ao and Sint Maarten (the Dutch two-fifths of the island of Saint Martin) became semi-autonomous entities within the Kingdom of the Netherlands. Therefore, Cura[ccedil]ao and Sint Maarten are added to the Commerce Country Chart. The territories and dependencies of a country are treated as the parent country under the EAR. Bonaire, Saba, and Sint Eustatius now fall under the direct administration of the Netherlands. Therefore, these dependencies are treated like the Netherlands and will not be listed on the Commerce Country Chart. This rule also revises the name "East Timor" to read "Timor-Leste" throughout the EAR.	Sep. 3, 2011 Effective Sep. 6, 2011	Federal Register
The Director, Defense Procurement and Policy (DPAP) issued a memo entitled, "Contracting Officer's Representative On-Line Training." This memorandum provides guidance to contracting officer's when designating COR's who require on-line COR training for certification. The full memo can be found at: <a href="http://www.acq.osd.mil/dpap/policy/policyvault/USA005180-11-DPAP.pdf">http://www.acq.osd.mil/dpap/policy/policyvault/USA005180-11-DPAP.pdf</a> .	Sep. 6, 2011	DPAP website
GSA issued Federal Travel Regulation (FTR) Amendment 2011-03; which changes, updates, and clarifies various provisions of Chapters 300 and 301 regarding temporary duty (TDY) travel. These changes include adjusting the definition of incidental expenses; clarifying necessary deduction amounts from the meals and incidental expense reimbursement on travel days; extending agencies the authority to issue blanket actual expense approval for TDY travel during Presidentially-Declared Disasters; and	Sep. 7, 2011	Federal Register

CONTRACTING NEWS TO NOTE  
Compiled by NCMA Saguaro Chapter



<b>OTHER CHANGES, NOTICES, AND MEMORANDA</b>		
DESCRIPTION	DATE	SOURCE
updating other miscellaneous provisions.		
<p>The Federal Aviation Administration (FAA) issued a final rule which updates, simplifies, and streamlines the current regulations governing the procedures for bid protests brought against the FAA and contract disputes brought against or by the FAA. FAA developed the Acquisition Management System (AMS) for the management of FAA procurement. The AMS included a system of policy guidance that maximized the use of agency discretion in the interest of best business practices. As a part of the AMS, the FAA created the Office of Dispute Resolution for Acquisition to facilitate the Administrator's review of procurement protests and contract disputes. This amendment adds a voluntary dispute avoidance and early resolution process. This action ensures the regulations reflect the changes that have evolved since they were first implemented in 1999. The intended effect of this action is to further improve the protest and dispute process.</p>	Sep. 7, 2011 Effective Oct. 7, 2011	Federal Register
<p>A joint memo issued by DPAP and the Director, Human Capital Initiatives was issued entitled, "Implementing the Fiscal Year 2012 Changes to the Contracting Career Field Certification Standards." This memorandum extends the certification timeframe for the contracting career field from 24 months to 40 months, due to the significant curriculum changes that take effect October 1, 2011. Currently, the Defense Acquisition Workforce Improvement Act (DAWIA) provides the acquisition workforce members up to 24 months to meet certification requirements for their position. <a href="http://www.acq.osd.mil/dpap/policy/policyvault/USA005002-11-DPAP.pdf">http://www.acq.osd.mil/dpap/policy/policyvault/USA005002-11-DPAP.pdf</a></p>	Sep. 7, 2011	DPAP Website
<p>GAO issued a report entitled, "Interagency Contracting: Improvements Needed in Setting Fee Rates for Selected Programs." Federal agencies spend over \$50 billion annually on goods and services using interagency contracts, which leverage the government's buying power, simplify procuring commonly used goods and services, and allow agencies to use the contracts and expertise of other agencies. Agencies that operate interagency contracts and provide assisted acquisition services for other agencies recover their costs by charging a fee to their customers. Fee rates for the selected interagency contract programs range from 0.25 percent to 12.0 percent of the value of the order for FY 2011 and vary depending on the level of service and type of acquisition services provided. GAO did an analysis of these rates and made recommendations. The full report can be found at: <a href="http://www.gao.gov/products/GAO-11-784">http://www.gao.gov/products/GAO-11-784</a></p>	Sep. 9, 2011	GAO-11-784
<p>The Office of Federal Procurement Policy (OFPP) in the Office of Management and Budget (OMB) is issuing OFPP Policy Letter 11-01 to provide guidance to Executive Departments and agencies on managing the performance of inherently governmental and critical functions. The guidance addresses direction to OMB in the Presidential Memorandum on Government Contracting, issued on March 4,</p>	Sep. 12, 2011	Federal Register

CONTRACTING NEWS TO NOTE  
Compiled by NCMA Saguaro Chapter

<b>OTHER CHANGES, NOTICES, AND MEMORANDA</b>		
DESCRIPTION	DATE	SOURCE
<p>2009, to clarify when governmental outsourcing of services is, and is not, appropriate, consistent with section 321 of the NDA for FY 2009 (Pub. L. 110-417) which requires OMB to: (i) Create a single definition for the term "inherently governmental function" that addresses any deficiencies in the existing definitions and reasonably applies to all agencies; (ii) establish criteria to be used by agencies to identify "critical" functions and positions that should only be performed by Federal employees; and (iii) provide guidance to improve internal agency management of functions that are inherently governmental or critical. The Presidential Memorandum is available at <a href="http://www.whitehouse.gov/the_press_office/Memorandum-for-the-Heads-of-Executive-Departments-and-Agencies-Subject-Government/">http://www.whitehouse.gov/the_press_office/Memorandum-for-the-Heads-of-Executive-Departments-and-Agencies-Subject-Government/</a>.</p>		
<p>DPAP issued a memorandum entitled, "Implementation of the System for Award Management (SAM)." GSA is preparing to deploy the first phase of SAM. This memorandum requests that the components designate a specific representative(s) with whom DPAP can work with that will be responsible for communicating information provided by GSA and DPAP, within the component to effected stakeholders including their internal contract writing system providers. The full memo is located at: <a href="http://www.acq.osd.mil/dpap/policy/policyvault/USA005210-11-DPAP.pdf">http://www.acq.osd.mil/dpap/policy/policyvault/USA005210-11-DPAP.pdf</a>.</p>	Sep. 12, 2011	DPAP website
<p>GAO issued a report entitled, "Small Business Innovation Research: SBA Should Work with Agencies to Improve the Data Available for Program Evaluation." Federal agencies with a budget of at least \$100 million for research and development (R&amp;D) conducted by others must participate in the Small Business Innovation Research (SBIR) program. SBIR has four purposes: meet federal R&amp;D needs; stimulate technological innovation; increase commercialization (e.g., sales) of innovations based on federal R&amp;D; and encourage participation in innovation by small businesses owned by disadvantaged individuals and women. The SBA oversees the efforts of participating agencies, which make awards to small businesses using SBIR funds. Congress directed SBA to develop a database with commercialization data for government use in evaluating the program. GAO was asked to determine (1) how agencies have addressed SBIR's purposes and (2) the extent of data available to evaluate progress in increasing commercialization. GAO analyzed program documents and interviewed officials at SBA and five agencies that accounted for about 96 percent of SBIR awards. GAO recommends that SBA work with participating agencies to (1) collect data on applications from small businesses owned by disadvantaged individuals and women and (2) identify best practices for verification of commercialization data. The full report can be found at: <a href="http://www.gao.gov/products/GAO-11-698">http://www.gao.gov/products/GAO-11-698</a>.</p>	Aug. 15, 2011 released Sep. 14, 2011	GAO-11-698
<p>NASA proposes to revise the NASA FAR Supplement (NFS) to update the Award Fee for Service Contracts clause (NFS 1852.216-76) to clarify that the amount of award fee held in reserve, if any,</p>	Sep. 15, 2011 Comments by	Federal Register

CONTRACTING NEWS TO NOTE  
Compiled by NCMA Saguaro Chapter



<b>OTHER CHANGES, NOTICES, AND MEMORANDA</b>		
DESCRIPTION	DATE	SOURCE
<p>shall not exceed \$100,000 for the contract. The purpose of this reserve is to protect the Government's interests relative to an orderly and timely closeout of the contract. In addition, the Award Fee for End Item Contracts clause (NFS 1852.216-77) is being updated to add language similar to that contained in the Award Fee for Service Contracts clause to allow the contracting officer to withhold fee payments, at a not to exceed amount of \$100,000 for the contract, to protect the Government's interests relative to an orderly and timely closeout of the contract.</p>	Nov. 14, 2011	
<p>GAO issued a report entitled, "Small Business Contracting: Opportunities to Improve the Effectiveness of Agency and SBA Advocates and Mentor-Protégé Programs." This testimony discussed GAO's recent work on the federal government's efforts to increase contracting opportunities for small businesses. This work covered (1) the Offices of Small and Disadvantaged Business Utilization (OSDBU) at federal agencies, (2) federal mentor-protégé programs, and (3) the SBA's Procurement Center Representatives (PCR) and Commercial Market Representatives (CMR). The Small Business Act requires that all federal agencies with procurement powers establish an OSDBU, which would advocate for small businesses in a variety of ways and that OSDBU directors be responsible only to and report directly to agency heads or their deputies. The functions an OSDBU may perform include administering a mentor-protégé program. Overall, mentor-protégé programs seek to enhance the ability of small businesses to compete more successfully for federal contracts. Thirteen agencies currently have mentor-protégé programs. This testimony discusses three reports issued in June 2011. Specifically, this testimony discusses GAO's work on (1) the reporting structure at and functions performed by OSDBUs in agencies with major contracting activity, (2) the mentor-protégé programs at 13 federal agencies, and (3) SBA's PCRs and CMRs. In summary, GAO found: (1) Nine of the 16 agencies reviewed were in compliance with the Small Business Act's requirement that OSDBU directors be responsible only to and report directly to the agency or deputy agency head; however, seven were not. GAO recommended that the seven agencies act to comply with the requirement. (2) While controls existed at all 13 federal agencies with mentor-protégé programs to help ensure that participants met eligibility criteria and benefited from the program, the agencies generally did not track protégé achievements after program completion. GAO recommended that 10 agencies consider doing so. (3) Although SBA had some measures to assess the effectiveness of PCRs and CMRs, select data these staff reported were not reliable and report controls and reviews had weaknesses. GAO recommended that SBA take measures to improve data reliability and internal controls. The full report can be found at: <a href="http://www.gao.gov/products/GAO-11-844T">http://www.gao.gov/products/GAO-11-844T</a></p>	Sep. 15, 2011	GAO-11-844T

CONTRACTING NEWS TO NOTE  
Compiled by NCMA Saguaro Chapter

<b>OTHER CHANGES, NOTICES, AND MEMORANDA</b>		
DESCRIPTION	DATE	SOURCE
<p>President Obama signed into law, a bill that significantly reforms the U.S. patent system and will result in major changes to the way that patents are awarded, reviewed and asserted. The "America Invents Act" (H.R. 1249), which the U.S. House of Representatives passed in late June and the Senate approved in early Sep. is a culmination of more than eight years of Congressional negotiations and is the most significant modification of the U.S. patent system in nearly six decades. Some aspects of the America Invents Act are designed to harmonize the U.S. patent system with the patent systems of countries around the world, including a move to a "first-to-file" system. The changes also include modifications to provisions related to prior user rights, false marking, and business method patents, among others. The full text of the law is available at: <a href="http://www.gpo.gov/fdsys/pkg/PLAW-112publ29/html/PLAW-112publ29.htm">http://www.gpo.gov/fdsys/pkg/PLAW-112publ29/html/PLAW-112publ29.htm</a>.</p>	Sep. 16, 2011	Public Law 112-29
<p>GAO issued a report on "Weapons Acquisition Reform: Actions Needed to Address Systems Engineering and Development Testing Challenges." For the past 2 years, DOD has been implementing the Weapon Systems Acquisition Reform Act (Reform Act) requirements for systems engineering and developmental testing. These activities are important to DOD's ability to control acquisition costs, which increased by \$135 billion over the past 2 years for 98 major Defense acquisition programs. GAO was asked to determine (1) DOD's progress in implementing the Reform Act's requirements and (2) whether there are challenges at the military service level that could affect their systems engineering and developmental testing activities. To do this, GAO analyzed implementation status documents, discussed developmental testing office concerns with current and former DOD officials, and analyzed military service workforce growth plans and test range funding data. GAO found that the new offices for systems engineering and developmental test and evaluation are continuing to make progress implementing Reform Act requirements but expressed concern that future growth may be difficult because of budget cuts and a clarification in DOD's insourcing approach, which may make civilian hiring more difficult. For example, the services now plan to hire about 800 fewer systems engineers by 2015 than they originally projected. Further, cuts to development test ranges' fiscal year 2012 budgets of nearly \$1.2 billion (17%) over the next 5 years could offset some of the workforce gains already achieved. Currently, the services lack metrics that could be used to justify funding levels, effectively allocate funding cuts, make workforce decisions, or make difficult decisions related to mothballing, closing, or consolidating test capabilities, if future budget cuts are necessary. To the extent DOD cannot provide adequate systems engineering and developmental testing support to its weapon systems portfolio, the risks of executing the portfolio within cost and schedule are increased. GAO recommends that DOD assess the resources needed by the developmental test and evaluation office, develop a plan</p>	Sep. 19, 2011	GAO 11-806

CONTRACTING NEWS TO NOTE  
Compiled by NCMA Saguaro Chapter

OTHER CHANGES, NOTICES, AND MEMORANDA		
DESCRIPTION	DATE	SOURCE
to implement the assessment, develop metrics to aid funding decisions, and report the effect budget cuts are having on the services' ability to meet program office needs.. The full report can be found at: <a href="http://www.gao.gov/products/GAO-11-806">http://www.gao.gov/products/GAO-11-806</a>		
DPAP issued a memo entitled "Annual Review of the Acquisition of Services Policy and Oversight." This memo advises the Defense Agencies and Military Departments of the initiation of the annual review of the Department's policy for the acquisition of services as required by DoDI 5000.02, Enclosure 9, Paragraph 3.f. The focus of last year's review was to understand what organizational changes had been put in place or were being considered for implementation that provide better management and oversight of the acquisition of services. The focus of this year's review will be the efforts to implement the USD AT&L Better Buying Power initiatives as they relate to Improving Tradecraft in the Acquisition of Services, as outlined in the memos of Sep. 14, 2010, and Nov. 3, 2010. The memo is located at: <a href="http://www.acq.osd.mil/dpap/policy/policyvault/USA005456-11-DPAP.pdf">http://www.acq.osd.mil/dpap/policy/policyvault/USA005456-11-DPAP.pdf</a>	Sep. 20, 2011	DPAP Website
GAO issued a report on "Contingency Contracting: Improved Planning and Management Oversight Needed to Address Challenges with Closing Contracts." In this report, GAO found that since 2002, DOD obligated at least \$166.6 billion on contracts supporting reconstruction and stabilization efforts in Iraq and Afghanistan. Many of these contingency contracts, in particular those awarded in Iraq, need to be closed. Contract closeout is a key step to ensure the government receives the goods and services it purchased at the agreed upon price and, if done timely, provides opportunities to use unspent funds for other needs and reduces exposure to other financial risks. To assess DOD's efforts to close its Iraq contracts, GAO examined the (1) number of contracts that are eligible for closeout and the extent to which they will be closed within required time frames, (2) factors contributing to contracts not being closed within required time frames, (3) steps DOD took to manage the financial risks associated with not closing contracts within required time frames, and (4) extent to which DOD captured and implemented lessons learned from closing its Iraq contracts. GAO reviewed contingency contracting guidance, analyzed contract and closeout data for contracts awarded between fiscal years 2003 and 2010, and interviewed DOD officials from six organizations responsible for awarding or closing out these contracts. GAO made several recommendations for improving the closeout process of these contracts. The full report is located at: <a href="http://www.gao.gov/products/GAO-11-891">http://www.gao.gov/products/GAO-11-891</a> .	Sep. 27, 2011	GAO-11-891,
GSA issued FTR Amendment 2011-04 which adopted as final, with two changes, an interim rule amending the FTR by adding terms and definitions for "Dependent", "Domestic partner", and "Domestic partnership", and by revising the definition of "Immediate family" to include "Domestic partner" and children, dependent parents, and dependent brothers and sisters of the Domestic partner as	Sep. 28, 2011	Federal Register

CONTRACTING NEWS TO NOTE  
Compiled by NCMA Saguaro Chapter



OTHER CHANGES, NOTICES, AND MEMORANDA		
DESCRIPTION	DATE	SOURCE
named members of the employee's household. This final rule also adds references to domestic partners and domestic partnerships, where applicable, in the FTR.		
GAO issued a report entitled, "Defense Acquisition Workforce: Better Identification, Development, and Oversight Needed for Personnel Involved in Acquiring Services." In FY 2010, more than half of the \$367 billion dollars DOD spent on contracts was spent on services. Buying services is fundamentally different than buying weapon systems, yet most acquisition regulations, policies, processes, and training remain structured for acquiring weapon systems. Over the last decade, reports from GAO, DOD, and Congress have raised issues about services acquisitions and have also highlighted the importance of acquisition training. GAO previously reported on the training provided to the acquisition workforce as defined by DAWIA. This report addresses personnel working on services acquisitions who were outside the DAWIA acquisition workforce--termed non-DAWIA personnel with acquisition-related responsibilities--and the extent to which (1) DOD knows the composition of this population, (2) this population is taking acquisition training, and (3) DOD has implemented past recommendations related to this population. To complete this work, GAO reviewed sample of 29 service contracts, relevant policies, and recommendations from previous reports and met with key DOD officials. The full report can be found at: <a href="http://www.gao.gov/products/GAO-11-892">http://www.gao.gov/products/GAO-11-892</a> .	Sep. 28, 2011	GAO-11-892
DoD published a request for public comments on its updated Commercial Item Handbook. The purpose of the Handbook is to help acquisition personnel develop sound business strategies for procuring commercial items. DoD is seeking industry input on the contents before finalizing the Handbook.	Sep. 29, 2011 Comments due Nov. 30, 2011	Federal Register
GAO published notice of its intent to adopt the policies and procedures of the FAR regarding the debarment, suspension, and ineligibility of government contractors. As a legislative branch agency, GAO is not subject to the requirements of the FAR; however, it is GAO's general policy to follow the FAR, as appropriate and applicable. GAO's procurement rules are not contained in the CFR, but instead are contained in an internal GAO document referred to as "Government Accountability Office Procurement Guidelines" (GAO's Procurement Order). As such, the proposed policy regarding debarment and suspension will be added as a chapter to GAO's Procurement Order. However, persons or entities seeking government contracts could potentially be adversely affected if, pursuant to the proposed policy, they were debarred, suspended, or proposed for debarment by GAO. As such, GAO is providing interested persons an opportunity for notice and comment on this proposed policy.	Sep. 30, 2011 Comments by Nov. 14, 2011	Federal Register
DPAP issued a memo entitled, "Department of Defense (DoD)-Wide Policy for Using the Department of Energy's (DoE's) Work for Others (WFO) Program to Access DoE-Owned Research, Development and Production Facilities through Interagency Agreements (IAs) until rescinded." In Dec. 2010, the	Sep. 30, 2011	DPAP Website

CONTRACTING NEWS TO NOTE  
Compiled by NCMA Saguaro Chapter



OTHER CHANGES, NOTICES, AND MEMORANDA		
DESCRIPTION	DATE	SOURCE
DoDIG completed an audit, "DoD Purchases Made Through the DoE." As a direct result of the audit, and in response to its findings and recommendations, the following policy is imposed: Effective Oct. 1, 2011, when entering into IAs with the DoE each component will enter into and administer all DoD WFO projects performed at DoE facilities in accordance with existing statutes, regulation and policy consistent with DoD standards, policies and procedures; except as such policies and procedures may be amended by the provisions stated in this memorandum. The full memo can be found at: <a href="http://www.acq.osd.mil/dpap/policy/policyvault/USA005442-11-DPAP.pdf">http://www.acq.osd.mil/dpap/policy/policyvault/USA005442-11-DPAP.pdf</a>		
DPAP issued a memo entitled, "Theater Business Clearance/Contract Administration Delegation (TBC/CAD) Update." The memo provides that in an effort to enable theater visibility and battle space awareness, all Continental United States (CONUS) awarded contracts to be performed in theater will use the DoD Contracting Officer Representative Tracking Tool (CORT Tool) in and shall also be incorporated into the TBC/CAD Checklist for compliance tracking, prior to the contract award. The full memo is located at: <a href="http://www.acq.osd.mil/dpap/policy/policyvault/USA004128-11-DPAP.pdf">http://www.acq.osd.mil/dpap/policy/policyvault/USA004128-11-DPAP.pdf</a> .	Sep. 30, 2011	DPAP Website
DoD issued a memo on the National Disability Employment Awareness Month and the AbilityOne program. Each October the President asks all Americans to recognize the achievements of workers with disabilities and to help create greater employment opportunities and career paths for people with disabilities. This year's National Disability Employment Awareness Month (NDEAM) theme, "Profit by Investing in Workers with Disabilities," honors the contributions of a highly skilled talent pool that can help employers compete in today's global economy. NDEAM is an excellent opportunity to recognize and celebrate the AbilityOne Program, which is the largest single source of employment in the United States for people who are blind or have other significant disabilities. The full memo is located at: <a href="http://www.acq.osd.mil/dpap/policy/policyvault/USA005666-11-DPAP.pdf">http://www.acq.osd.mil/dpap/policy/policyvault/USA005666-11-DPAP.pdf</a> .	Sep. 30, 2011	DPAP Website
DPAP issued a memo entitled, "Contract Line Item Pricing Integrity." This memorandum directs components to conduct corrective training, assign payment to the MOCAS entitlement system if the system they would otherwise use cannot pay properly written cost type contracts, and notifies them that DPAP will measure compliance. The full memo is located at: <a href="http://www.acq.osd.mil/dpap/policy/policyvault/USA001601-11-DPAP.pdf">http://www.acq.osd.mil/dpap/policy/policyvault/USA001601-11-DPAP.pdf</a>	Sep. 30, 2011	DPAP Website
A memo regarding "Reporting Sustainability Attributes to the Federal Procurement Data System (FPDS)" was issued. The FPDS will be updated in early Oct. 2011 to allow for the capture of additional data regarding procurements that have sustainability attributes in accordance with Resource Conservation and Recovery Act of 1976 (RCRA); Executive orders (E.O.): Strengthening Federal Environmental, Energy, and Transportation Management (E.O. 13423), and Federal Leadership in	Sep. 30, 2011	DPAP Website

CONTRACTING NEWS TO NOTE  
Compiled by NCMA Saguaro Chapter

<b>OTHER CHANGES, NOTICES, AND MEMORANDA</b>		
DESCRIPTION	DATE	SOURCE
Environmental, Energy, and Economic Performance (E.O. 13514); FAR part 23; and other policies. As a result, "recovered materials/sustainability" data element values, on the attachment to this memo, as approved by OMB, will be available for selection when a contracting officer reports a new contract or order awarded Oct. 1, 2011 or later. The full memo is found at: <a href="http://www.acq.osd.mil/dpap/policy/policyvault/USA005621-11-DPAP.pdf">http://www.acq.osd.mil/dpap/policy/policyvault/USA005621-11-DPAP.pdf</a> .		

<b>CASES/DECISIONS OF INTEREST</b>		
SYNOPSIS	DATE	CASE NO.
NONE		