

Defense Procurement & Acquisition Policy (DPAP) Defense Acquisition Regulations System (DARS) Update

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<http://www.acq.osd.mil/dpap/dars/>





Agenda

▶ **DARS:**

- Mission
- Rulemaking Process

▶ **FAR and DFARS:**

- Recent Updates
- Cases in Progress

▶ **Class Deviations:**

- Uses
- Process



DARS: Mission

DARS develops and maintains acquisition rules and guidance to facilitate the Acquisition Workforce as they acquire the goods and services DoD requires to ensure America's Warfighters' continued worldwide success.



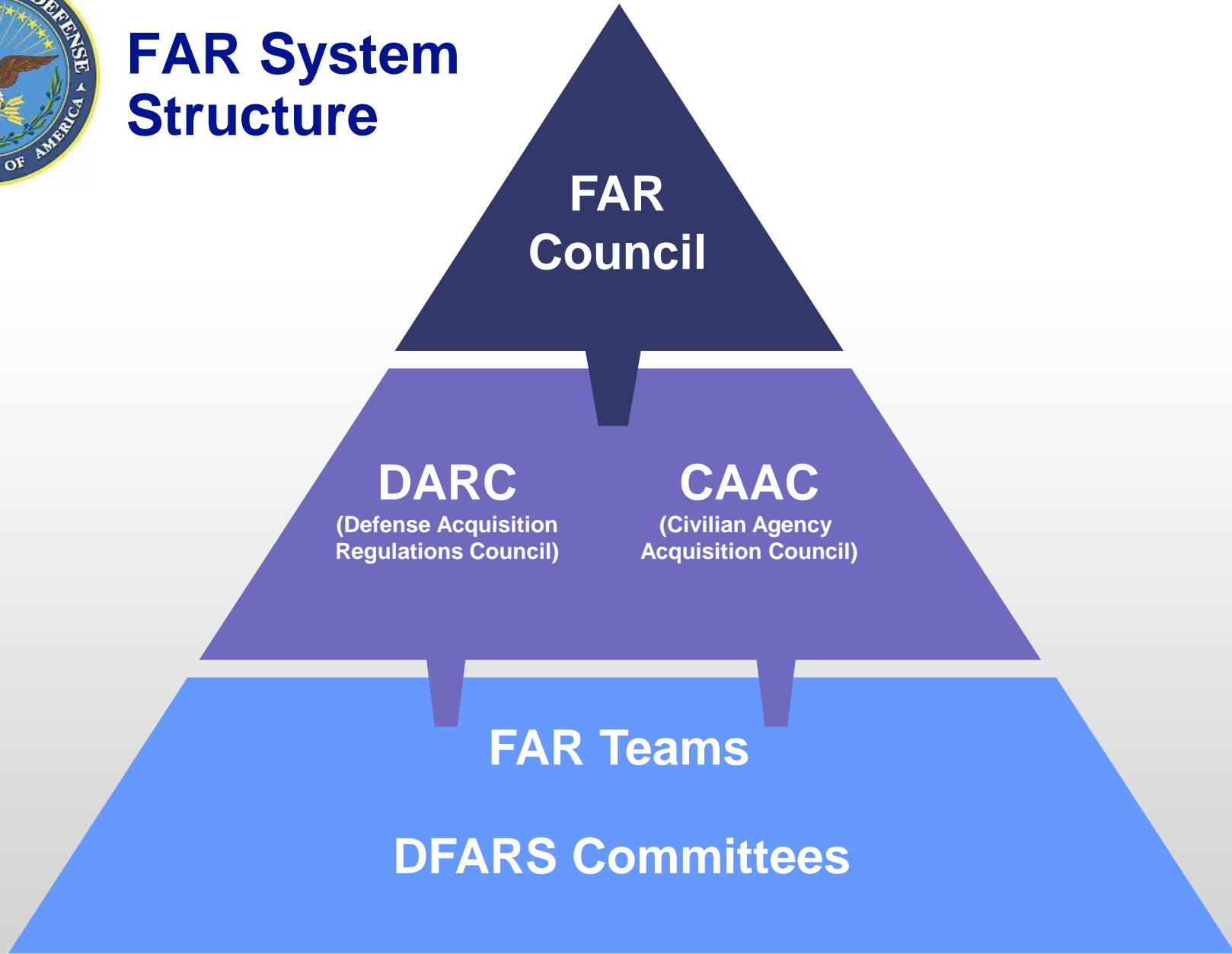


The Rulemaking Process





FAR System Structure





Sources of FAR/DFARS/PGI Changes

Legislation

IG & GAO Recommendations

Court Decisions

OFPP Policy Letters

Executive Orders

Agency Recommendations

Individual Recommendations

Industry Recommendations

Policy Changes (e.g., USD (AT&L), DPAP)

**FAR
DFARS
PGI**



FAR Case Standard Timeline

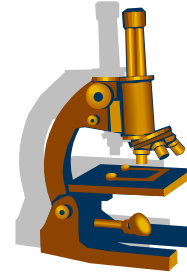
Committee Report with Draft Proposed / Interim Rule (8 weeks)



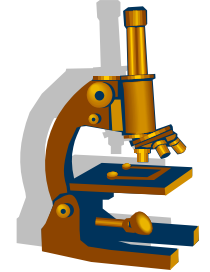
DARC / CAAC Review (8 weeks)



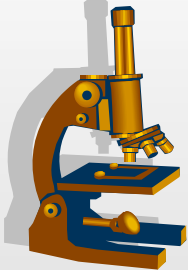
GSA Legal Review (4 weeks)



OFPP Review (4 weeks)



OIRA Clearance (4 weeks)



OIRA Clearance (4 weeks)



FAR Secretariat Publish Final in FAC (6 weeks)

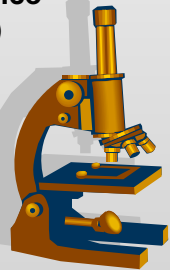
FAR Final Rule Published



FAR Secretariat Publish (Proposed / Interim(FAC)) (7 weeks)



Public Comment Period (60 days) (9 weeks)



OFPP Review (3 weeks)



GSA Legal Review (3 weeks)



DARC / CAAC Review (5 weeks)

Committee Report with Disposition of Public Comments and Draft Final Rule (4 weeks)



Recent FAR Updates





FAR: Small Business Subcontracting Improvements

▶ **Basis:**

- SBA final rule of July 16, 2013
- Sections 1321 and 1322 of the Small Business Jobs Act of 2010

▶ **What it does:**

- Requires good faith efforts to utilize small businesses consistent with proposal
- Allows COs additional discretion with regard to subcontracting plans
- Requires subcontracting plans if a modification causes a contract to exceed the threshold for a subcontracting plan
- Requires subcontract reporting at the order level for task/delivery order contracts with subcontracting plans
- Allows COs to set subcontracting goals at the order level



FAR: Contracts Under the Small Business Administration 8(a) Program

▶ **Basis:** SBA final rule of February 11, 2011

▶ **What it does:**

– Clarifies the following:

- Evaluation, offering, and acceptance process
- Procedures for obtaining SBA's consent to procure an 8(a) requirement outside the 8(a) program
- Impact of exiting the 8(a) program in terms of the firm's—
 - Ability to receive future 8(a) requirements
 - Current contractual obligations



Current FAR and DFARS Cases





FAR Cases

- ▶ **Clarification of Requirement for Justifications for 8(a) Sole-Source Contracts**
- ▶ **Set-Asides Under Multiple-Award Contracts**
- ▶ **Policy on 8(a) Joint Ventures**
- ▶ **Applicability of Small Business Regulations Outside the United States**
- ▶ **Duties of Office of Small & Disadvantaged Business Utilization**



FAR: Revision of Limitations on Subcontracting

▶ **Basis:**

- SBA final rule of May 31, 2016
- Section 1651 of the NDAA for FY 2013

▶ **What it Does:**

- Standardizes the limitations on subcontracting
- Allows small business prime contractors to use subcontracts with similarly situated entities to meet the limitations

▶ **Stage in Rulemaking Process:**

- Proposed/interim FAR rule in progress



DFARS Cases

- ▶ **Temporary Extension of Test Program for Comprehensive Small Business Subcontracting Plans**
- ▶ **Amendment to Mentor-Protege Program**
- ▶ **Pilot Program for Streamlining Awards for Innovative Technology Projects**
- ▶ **Consolidation of Contract Requirements**
- ▶ **Submission of Summary Subcontract Reports**
- ▶ **Mentor-Protege Program Modifications**



Class Deviations





Introduction to Class Deviations

- ▶ **Deviation:** Issuance of a policy, procedure, solicitation provision, or contract clause that is inconsistent with the FAR or DFARS
- ▶ **Class Deviation:** Affects more than one contract action
- ▶ **Purpose:** To meet specific needs and requirements of the agency under urgent and compelling circumstances



Process for Issuing Class Deviations

- ▶ **All class deviations require approval of Director, DPAP**
- ▶ **See DFARS 201.402 for details**
- ▶ **Submit requests for deviations:**
 - Through department/agency channels
 - Through Director, DARC
 - To Director, DPAP



OUSD(AT&L) DPAP/DARS urls



DPAP/DARS URLs

➤ OUSD(AT&L) DPAP

<http://www.acq.osd.mil/dpap>

➤ OUSD(AT&L) DPAP/DARS

<http://www.acq.osd.mil/dpap/dars/index.html>

FAR and DFARS

DoD Class Deviations

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Getting Involved in the Rulemaking Process

▶ Review DFARS and FAR proposed and interim rules

- Publication Notices:
<http://www.acq.osd.mil/dpap/dars>

▶ Submit input

- Agency comment (through command channels)
- Internet (follow local and agency procedures)

▶ View public comments on proposed & interim rules

- DFARS rules: www.regulations.gov
- FAR rules: www.regulations.gov

▶ View status of open cases

- <http://www.acq.osd.mil/dpap/dars>



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