Agenda

- DARS:
  - Mission
  - Rulemaking Process

- FAR and DFARS:
  - Statutory Cases
  - Other Cases
DARS: Supporting the Warfighter

Our 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

FAR Council

DARC
(Defense Acquisition Regulations Council)

CAAC
(Civilian Agency Acquisition Council)

FAR Drafting Teams

DFARS Drafting Teams
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 (A&S), DPC)
FAR Case Standard Timeline

32.5 weeks:
- Draft & coordinate proposed/interim rule
- OMB review & clearance to publish in Federal Register
- Publish in Federal Register

9 weeks:
- Public Comment Period

27.5 weeks:
- Analyze & resolve public comments
- Draft & coordinate final rule
- OMB review & clearance to publish in Federal Register
- Publish in Federal Register

69 weeks
Recent FAR and DFARS Updates
Recent FAR Update

- Duties of Office of Small and Disadvantaged Business Utilization
  - Implemented sections 1812, 1813(a), and 1821(b) of the NDAA for FY 2017
  - Provided additional duties of the OSDBU
  - Final rule published May 1, 2018
Recent DFARS Updates

- Consolidation of Contract Requirements
  - Removed outdated coverage of consolidation

- Amendment to Mentor-Protege Program
  - Implemented statutory amendments to DoD Pilot Mentor-Protege Program

- Temporary Extension of Test Program for Comprehensive Small Business Subcontracting Plans
  - Implemented statutory amendments to Test Program
Current FAR and DFARS Cases
FAR Small Business Cases – Statutory

- Construction Contract Administration
- Credit for Lower-Tier Small Business Subcontracting
- Revision of Limitations on Subcontracting
- Set-Asides Under Multiple-Award Contracts
- Potential Future Case: Incentives for Subcontracting with Puerto Rico Businesses
FAR Small Business Cases – Non-statutory

- Policy on Joint Ventures
- Applicability of Small Business Regulations Outside the United States
DFARS Small Business Cases

- **Statutory Cases**
  - Small Business Set-Aside for Architect-Engineer and Construction Design Contracts
  - Mentor-Protege Program Modifications

- **Non-statutory Cases**
  - Update of Clause on Section 8(a) Direct Award
  - Submission of Summary Subcontract Reports
OUUSD(A&S) DPC/DARS urls
DPAP/DARS URLs

- OUSD(A&S) DPC
  

- OUSD(A&S) DPC/DARS
  

  - FAR and DFARS
  - DoD Class Deviations
Getting Involved in the Rulemaking Process

- Review FAR and DFARS proposed and interim rules

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

- View public comments on proposed & interim rules
  - FAR rules: [www.regulations.gov](http://www.regulations.gov)
  - DFARS rules: [www.regulations.gov](http://www.regulations.gov)

- View status of open cases
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