

FAR Alert Notice (FAN)

Issuance of Proposed Rules and Federal Acquisition Circulars 2005-73 through 2005-74

This *FAR Alert Notice (FAN)* provides awareness to the acquisition workforce about upcoming regulatory changes.¹ This FAN highlights noteworthy proposed rules, and interim and final rules recently published in the released Federal Acquisition Circular (FAC) that impact the acquisition workforce.²

A brief description of each rule is provided below with hyperlinks to an expanded version of the rules. Agencies are encouraged to disseminate this FAN widely across their acquisition workforce.

Rules at a Glance

Proposed Rules

FAR Case 2013-022, Extension of Limitations on Contractor Employee Personal Conflicts of Interest
FAR Case 2014-001, Incorporating Section K in Contracts

FAC 2005-73 (published on April 29, 2014)

FAR Case 2011-018, Positive Law Codification of Title 41

FAC 2005-74 (Published on May 30, 2014)

FAR Case 2012-024, Commercial and Government Entity Code
FAR Case 2014-016, Repeal of the Recovery Act Reporting Requirements
FAR Case 2012-017, Expansion of Applicability of the Senior Executive Compensation Benchmark
FAR Case 2012-028, Contractor Comment Period, Past Performance Evaluations
FAR Case 2012-016, Defense Base Act

Proposed Rules

[FAR Case 2013-022, Extension of Limitations on Contractor Employee Personal Conflicts of Interest](#), published on 4/2/2014. This rule will implement a section of the National Defense Authorization Act (NDAA) for Fiscal Year 2013 to extend the limitations on contractor employee personal conflicts of interest to apply to the performance of all functions that are closely associated with inherently governmental functions and contracts for personal services.

[FAR Case 2014-001, Incorporating Section K in Contracts](#), published on 4/23/2014. This rule will standardize the incorporation by reference of representations and certifications in contracts.

Final Rules

FAC 2005-73 (Published on April 29, 2014)

[FAR Case 2011-018, Positive Law Codification of Title 41.](#)

This final rule implements the positive law codification of Title 41, United States Code, “Public Contracts” (Pub. L. 111-350).

FAC 2005-74 (Published on May 30, 2014)

[FAR Case 2012-024, Commercial and Government Entity Code.](#)

This final rule adds subpart 4.18, “Commercial and Government Entity Code,” and related provisions and clauses, to the FAR.

¹This FAR Alert was established by the Office of Federal Procurement Policy (OFPP) in 2012 to help improve agency awareness of regulatory changes. GSA prepares the FAN for dissemination to the acquisition workforce via the FAI website. Questions about the individual rules should be directed to the analyst in the Federal Register Notice.

² Proposed rules announce future changes being considered to the Code of Federal Regulations (CFR), include proposed regulatory text, and solicit public comments. Interim rules announce immediate changes to the CFR are effective immediately upon publication, or on a specified date after publication, but may be amended based on public comment. Final rules make permanent changes to the FAR after considering public comment. Final rules are effective on a specified date after publication.

FAR Case 2014-016, *Repeal of the Recovery Act Reporting Requirements.*

This final rule adopts as final, with changes, two interim rules published on March 31, 2009, and July 2, 2010, under FAR case numbers 2009-009 and 2010-008, respectively. The interim rules amended the FAR to implement reporting requirements of the American Recovery and Reinvestment Act in subparts 4.15 and 42.15, and clause 52.204-11.

FAR Case 2012-017, *Expansion of Applicability of the Senior Executive Compensation Benchmark.*

This final rule adopts, without change, the interim rule published on June 26, 2013, at 78 FR 38535. The interim rule amended the FAR by expanding the reach of the limitation on allowability of compensation for certain contractor personnel from a contractor's five most highly paid executives to all employees, but only for contracts with DoD, NASA, and the Coast Guard.

FAR Case 2012-028, *Contractor Comment Period, Past Performance Evaluations.*

This final rule implements section 853 of the NDAA for fiscal year 2013. These statutes require the Government to provide past performance information to source selection officials more quickly and to give contractors 14 calendar days from the date of delivery to submit comments.

FAR Case 2012-016, *Defense Base Act.*

This final rule amends the FAR to clarify contractor and subcontractor responsibilities to obtain workers' compensation insurance or to qualify as a self-insurer and other requirements.