

## I. Background

DoD published an interim rule in the **Federal Register** at 77 FR 19127 on March 30, 2012, to implement section 814(b) of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. 112–81). The interim rule adjusted the dollar limitation on the acquisition of right-hand drive passenger sedans from \$30,000 per vehicle to \$40,000 per vehicle, and included this dollar limitation on the list of statutory acquisition-related dollar thresholds subject to inflation adjustment in accordance with the requirements of 41 U.S.C. 1908. One respondent submitted a public comment in response to the interim rule.

## II. Discussion and Analysis of the Public Comments

The respondent concurred with the inflation threshold increase listed at DFARS 212.271. There were no comments suggesting changes to the interim rule. Therefore, DoD is finalizing the interim rule without change.

## III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

## IV. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because it merely adjusts upward the current limitation for acquisition of right-hand drive passenger vehicles from \$30,000 to \$40,000 due to inflation.

## V. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the

Paperwork Reduction Act (44 U.S.C. chapter 35).

## List of Subjects in 48 CFR Parts 201 and 212

Government procurement.

**Manuel Quinones,**

*Editor, Defense Acquisition Regulations System.*

## Interim Rule Adopted as Final Without Change

■ Accordingly, the interim rule amending 48 CFR parts 201 and 212, which was published at 77 FR 19127 on March 30, 2012, is adopted as a final rule without change.

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## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Parts 209, 210, 215, 217, 230, 237, 245, and 252

#### Defense Federal Acquisition Regulation Supplement; Technical Amendments

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement (DFARS) to provide needed editorial changes.

**DATES:** *Effective Date:* August 29, 2012.

**FOR FURTHER INFORMATION CONTACT:** Mr. Manuel Quinones, Defense Acquisition Regulations System, OUSD(AT&L)DPAP(DARS), Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060. Telephone 571–372–6088; facsimile 571–372–6094.

**SUPPLEMENTARY INFORMATION:** This final rule amends the DFARS as follows:

1. Clarifies the designation at 209.403(1) for the Department of Army debarring and suspending official.
2. Revises codes of offices designated to receive reports referenced at 215.403–1(c)(3)(B) and 230.201–5.
3. Directs contracting officers to additional DFARS procedures, guidance, and information by adding references at 210.002, 217.7404, 237.102–77, and 237.102–78.
4. Corrects a form title at 245.7001–6.
6. Corrects a typographical error in clause 252.219–7003, paragraph (f), and revises the clause date.

7. Makes a conforming change to clause 252.225–7017(a) to add Armenia to the definition of “Designated country”, which was inadvertently omitted from publication of the final rule under DFARS Case 2011–D046 (77 FR 30368). The final rule for DFARS Case 2011–D057 (77 FR 4631) had previously added Armenia as a World Trade Organization Government Procurement Agreement country and a designated county.

#### List of Subjects in 48 CFR Parts 209, 210, 215, 217, 230, 237, 245, and 252

Government procurement.

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*Editor, Defense Acquisition Regulations System.*

Therefore, 48 CFR parts 209, 210, 215, 217, 230, 237, 245, and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 209, 215, 217, 245, and 252 continues to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

#### PART 209—CONTRACTOR QUALIFICATIONS

##### 209.403 [Amended]

■ 2. Section 209.403(1) is amended by removing “Director, Soldier & Family Legal Services” and adding in its place “Army—Director, Soldier & Family Legal Services”.

#### PART 210—MARKET RESEARCH

■ 3. The authority citation for 48 CFR 210 is revised to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

■ 4. Section 210.002 is added to read as follows:

##### 210.002 Procedures.

When contracting for services, see the market research report guide for improving the tradecraft in services acquisition at PGI 210.070.

#### PART 215—CONTRACTING BY NEGOTIATION

##### 215.403–1 [Amended]

■ 5. Section 215.403–1(c)(3)(B) is amended by removing “ATTN: DPAP/CPF” and adding in its place “ATTN: DPAP/CPIC”.

#### PART 217—SPECIAL CONTRACTING METHODS

■ 6. Section 217.7404 is amended by adding introductory text to read as follows:

**217.7404 Limitations.**

See PGI 217.7404 for additional guidance on obtaining approval to authorize use of an undefinitized contract action, documentation requirements, and other limitations on their use.

\* \* \* \* \*

**PART 230—COST ACCOUNTING STANDARDS ADMINISTRATION**

■ 7. The authority citation for 48 CFR 230 is revised to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

**230.201–5 [Amended]**

■ 8. Section 230.201–5(e) is amended by removing “ATTN: DPAP/CPF” and adding in its place “ATTN: DPAP/CPIC”.

**PART 237—SERVICE CONTRACTING**

■ 9. The authority citation for 48 CFR 237 is revised to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

■ 10. Section 237.102–77 is added to read as follows:

**237.102–77 Automated requirements roadmap tool.**

See PGI 237.102–77 for guidance on using the Automated Requirements Roadmap Tool to develop and organize performance requirements into draft versions of the performance work statement, the quality assurance surveillance plan, and the performance requirements summary.

■ 11. Section 237.102–78 is added to read as follows:

**237.102–78 Market research report guide for improving the tradecraft in services acquisition.**

See PGI 210.070 for guidance on use of the market research report guide to conduct and document market research for service acquisitions.

**PART 245—GOVERNMENT PROPERTY****245.7001–6 [Amended]**

■ 12. In 245.7001–6, amend the section heading by removing “DD Form 1822,” and adding in its place “DLA Form 1822,”.

**PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES****252.219–7003 [Amended]**

■ 13. Section 252.219–7003 is amended by—

- a. Amending the clause date by removing “(JUN 2012)” and adding in its place “(AUG 2012)”; and
- b. Amending paragraph (f) by removing the word “approval” and adding in its place “approved”.

**252.225–7017 [Amended]**

■ 14. Section 252.225–7017 is amended by—

- a. Amending the clause date by removing “(JUN 2012)” and adding in its place “(AUG 2012)”; and
- b. Amending the paragraph (a) definition of “Designated country” at paragraph (i) by adding the country of Armenia within the parentheses at the beginning of the (WTO GPA) country list.

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**DEPARTMENT OF DEFENSE****Defense Acquisition Regulations System****48 CFR Parts 211, 212, and 252**

**RIN 0750–AG83**

**Defense Federal Acquisition Regulation Supplement: Reporting of Government-Furnished Property (DFARS Case 2012–D001)**

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to revise and standardize reporting requirements for Government-furnished property.

**DATES:** *Effective Date:* August 29, 2012.

**FOR FURTHER INFORMATION CONTACT:** Ms. Meredith Murphy, telephone 571–372–6098.

**SUPPLEMENTARY INFORMATION:****I. Background**

DoD published a proposed rule under DFARS Case 2009–D043 in the **Federal Register** at 75 FR 80426 on December 22, 2010. Subsequently, DoD published a second proposed rule, under DFARS Case 2012–D001, in the **Federal Register** at 76 FR 64885 on October 19, 2011, to revise and standardize reporting requirements for Government-furnished property to include items uniquely and non-uniquely identified, and to clarify policy for contractor access to Government supply sources. DoD held a public meeting to discuss the second

proposed rule on November 17, 2011. One respondent submitted comments in response to the second proposed rule. Discussions from the public meeting held to discuss the second proposed rule, as well as the public comments, were considered in drafting this final rule.

**II. Discussion and Analysis of the Public Comments**

DoD reviewed the public comments in the development of the final rule. A discussion of the comments and the changes made to the rule as a result of those comments is provided, as follows:

**A. Summary of Significant Changes**

The revisions modify and standardize contractor Government property reporting requirements, making revisions that are necessary given DoD’s emphasis on property accountability. The final rule alters the requirements of the current clause, which requires Defense contractors to report (primarily) Government-furnished equipment items valued at \$5,000 or more, to a new requirement to report all serialized Government-furnished property regardless of unit acquisition value. The revised reporting requirement includes electronic receipt requirements, which will be expanded to non-serialized items by 2014. This effort is consistent with Secretary of Defense memorandum dated October 13, 2011, which emphasizes both asset accountability and the need to accelerate key elements of DoD’s audit readiness plans.

**B. Analysis of Public Comments****1. General**

*Comment:* A respondent stated that the rule is “premature.” The respondent thought that the current DFARS and its associated contract clause at 252.211–7007, Reporting of Government-Furnished Property, should include a summary of end processes for various types of contracts, such as production, depot, or services, and should include references to business rules used in each type of arrangement. The respondent also proposed that the “military departments must own the end to end process and use the IUID registry as a tool to manage process, programs and items. The IUID Registry must be integrated into other DoD business management systems. A stand-alone contractor centric system will not provide sufficient benefits to sustain existence.” In support of its position, the respondent proposed to add to the DFARS text, at 211.274–4, a new paragraph (f) as follows: