

**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Chapter 1**

[Docket No. FAR–2021–0051, Sequence No. 5]

**Federal Acquisition Regulation; Federal Acquisition Circular 2022–01; Small Entity Compliance Guide**

**AGENCY:** Department of Defense (DoD), General Services Administration (GSA),

and National Aeronautics and Space Administration (NASA).

**ACTION:** Small Entity Compliance Guide.

**SUMMARY:** This document is issued under the joint authority of DoD, GSA, and NASA. This *Small Entity Compliance Guide* has been prepared in accordance with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of the rules appearing in Federal Acquisition Circular (FAC) 2022–01, which amends the Federal Acquisition Regulation (FAR). Interested parties may obtain further information regarding these rules by

referring to FAC 2022–01, which precedes this document.

**DATES:** November 4, 2021.

**ADDRESSES:** The FAC, including the SECG, is available via the internet at <https://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For clarification of content, contact the analyst whose name appears in the table below. Please cite FAC 2022–01 and the FAR Case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or [GSARegSec@gsa.gov](mailto:GSARegSec@gsa.gov). An asterisk (\*) next to a rule indicates that a regulatory flexibility analysis has been prepared.

**RULES LISTED IN FAC 2022–01**

Item	Subject	FAR case	Analyst
* I .....	Revision of Definition of “Commercial Item” .....	2018–018	Delgado.
* II .....	Consolidation and Substantial Bundling .....	2019–003	Bowman.
III .....	Maximum Award Price for Certain Sole Source Manufacturing Contracts .....	2021–007	Jackson.

**SUPPLEMENTARY INFORMATION:**

Summaries for each FAR rule follow. For the actual revisions and/or amendments made by these FAR rules, refer to the specific item numbers and subjects set forth in the documents following these item summaries. FAC 2022–01 amends the FAR as follows:

**Item I—Revision of Definition of “Commercial Item” (FAR Case 2018–018)**

This final rule removes the definition of “commercial item” and replaces it with the definitions of “commercial product” and “commercial service”. The rule makes numerous conforming changes throughout the FAR. The rule implements section 836 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115–232). This final rule will not have a significant economic impact on a substantial number of small entities.

**Item II—Consolidation and Substantial Bundling (FAR Case 2019–003)**

This final rule amends the FAR to implement section 863 of the National Defense Authorization Act for Fiscal Year 2016, as implemented in the Small Business Administration (SBA) final rule published at 84 FR 65647 on November 29, 2019. Section 863 requires publication of public notices of determinations for consolidation and substantial bundling of contract requirements. Specifically, section 863 requires the head of an agency to publish a notice on a public website within 7 days of making the determination that an acquisition plan involves a substantial bundling of contract requirements. Section 863 also requires the Senior Procurement Executive or Chief Acquisition Officer to publish a notice on a public website that consolidation of contract requirements is necessary and justified. In both cases, the agency may not issue the solicitation any earlier than 7 days after publication of the notices. The

agency must also publish the justification along with the solicitation.

**Item III—Maximum Award Price for Certain Sole Source Manufacturing Contracts (FAR Case 2021–007)**

This final rule amends the FAR to implement section 864 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116–283, January 1, 2021). Section 864 amends the Small Business Act to modify the maximum award price for manufacturing contracts to \$7 million for 8(a) program participants, Women-Owned Small Business (WOSB) program participants, Historically Underutilized Business Zone (HUBZone) small business concerns, and Service-Disabled Veteran-Owned Small Business (SDVOSB) concerns.

**William F. Clark,**

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