

DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Chapter 1

[Docket No. FAR–2023–0051, Sequence No. 4]

**Federal Acquisition Regulation;
Federal Acquisition Circular 2023–05;
Introduction**

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

and National Aeronautics and Space
Administration (NASA).

ACTION: Summary presentation of final
rules.

SUMMARY: This document summarizes
the Federal Acquisition Regulation
(FAR) rules agreed to by the Civilian
Agency Acquisition Council and the
Defense Acquisition Regulations
Council (Councils) in this Federal
Acquisition Circular (FAC) 2023–05. A
companion document, the *Small Entity
Compliance Guide* (SECG), follows this
FAC.

DATES: For effective dates see the
separate documents, which follow.

ADDRESSES: The FAC, including the
SECG, is available at [https://
www.regulations.gov](https://www.regulations.gov).

FOR FURTHER INFORMATION CONTACT: The
analyst whose name appears in the table
below in relation to the FAR case. For
information pertaining to status or
publication schedules, contact the
Regulatory Secretariat Division at 202–
501–4755 or GSARegSec@gsa.gov.

RULES LISTED IN FAC 2023–05

Item	Subject	FAR case	Analyst
I	Use of Acquisition 360 to Encourage Vendor Feedback	2017–014	Delgado.
II	Small Disadvantaged Business Threshold	2023–004	Moore.
III	Update to ASSIST Database References	2022–008	Moore.
IV	Technical Amendments.		

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
2023–05 amends the FAR as follows:

**Item I—Use of Acquisition 360 To
Encourage Vendor Feedback (FAR Case
2017–014)**

This final rule amends the FAR to
implement the Acquisition 360 Survey
tool, a voluntary online survey to elicit
industry feedback on the preaward and
debriefing processes in a consistent and
standardized manner. Contracting
officers may insert the provision into
solicitations in accordance with agency
procedures. However, because it is
voluntary, the impact on offerors or
contractors is expected to be minimal.

**Item II—Small Disadvantaged Business
Threshold (FAR Case 2023–004)**

This final rule amends the FAR to
update the net worth threshold for the
owners of small disadvantaged business
concerns to align with SBA’s
regulations, and updates obsolete FAR
citations to certain SBA regulations.

**Item III—Update to ASSIST Database
References (FAR Case 2022–008)**

This final rule amends the FAR to
update obsolete contact information,
web addresses, and office titles
necessary to obtain Federal and Defense
specifications and standards from the

DoD Acquisition Streamlining and
Standardization Information System
(ASSIST) website or, for Defense
documents not available in ASSIST,
from the Defense Standardization
Program Office. These updates will
ensure offerors have the most current
information with which to obtain both
Federal and Defense specifications and
standards that are referenced in an
agency’s solicitation. The final rule will
not have a significant economic impact
on a substantial number of small entities
because it simply updates contact
information, web addresses and office
titles in existing regulations.

Item IV—Technical Amendments

Administrative change is made at
FAR 52.212–3.

William F. Clark,
*Director, Office of Government-wide
Acquisition Policy, Office of Acquisition
Policy, Office of Government-wide Policy.*

Federal Acquisition Circular (FAC)
2023–05 is issued under the authority of
the Secretary of Defense, the
Administrator of General Services, and
the Administrator of National
Aeronautics and Space Administration.

Unless otherwise specified, all
Federal Acquisition Regulation (FAR)
and other directive material contained
in FAC 2023–05 is effective August 8,
2023 except for Item I, which is effective
September 22, 2023, and Items II, III,

and IV, which are effective September 7,
2023.

John M. Tenaglia,
*Principal Director, Defense Pricing and
Contracting, Department of Defense.*

Jeffrey A. Koses,
*Senior Procurement Executive/Deputy CAO,
Office of Acquisition Policy, U.S. General
Services Administration.*

Karla Smith Jackson,
*Assistant Administrator for Procurement,
Senior Procurement Executive/Deputy CAO,
National Aeronautics and Space
Administration.*

[FR Doc. 2023–16657 Filed 8–7–23; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Parts 1, 12, 26, and 52

[FAC 2023–05, FAR Case 2017–014, Item
I; Docket No. 2017–001, Sequence No. 1]

RIN 9000–AN43

**Federal Acquisition Regulation: Use of
Acquisition 360 To Encourage Vendor
Feedback**

AGENCY: Department of Defense (DoD),
General Services Administration (GSA),
and National Aeronautics and Space
Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to encourage use of voluntary feedback mechanisms, where appropriate, to support continual improvement of the acquisition process.

DATES: Effective September 22, 2023.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Ms. Zenaida Delgado, Procurement Analyst, at 202-969-7207, or by email at Zenaida.delgado@gsa.gov. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202-501-4755 or GSARegSec@gsa.gov. Please cite FAC 2023-05, FAR Case 2017-014.

SUPPLEMENTARY INFORMATION:

I. Background

Understanding how contractors experience the Federal marketplace is critical to the Government's ability to build and maintain a healthy, diverse, and resilient supplier base that can help Federal agencies use acquisition as a catalyst to address the needs of our Nation. While many agencies periodically seek feedback from their contractors, there are no Government-wide mechanisms for agencies to collect and consider this information in a consistent and organized manner. This final rule fills an important gap in Government-vendor communications by providing a standardized tool for voluntary vendor feedback.

DoD, GSA, and NASA published a proposed rule in the **Federal Register** at 85 FR 57177 on September 15, 2020, to encourage use of voluntary feedback mechanisms, where appropriate, to support continual improvement of the acquisition process. These mechanisms were largely developed through pilot efforts conducted in accordance with the Office of Federal Procurement Policy (OFPP) memorandum "Acquisition 360—Improving the Acquisition Process through Timely Feedback from External and Internal Stakeholders." The memorandum established the Acquisition 360 Survey tool, a voluntary online survey to elicit industry feedback on the preaward and debriefing processes in a consistent and standardized manner.

An advance notice of proposed rulemaking (ANPR) was published at 83 FR 34820 on July 23, 2018, to obtain public input regarding matters related to contractor feedback, the overall cost of compliance and any specific regulatory requirements that are particularly

burdensome. The proposed Acquisition 360 Survey questions were also posted.

One respondent submitted comments on the proposed rule.

II. Discussion and Analysis

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) reviewed the public comments in the development of the final rule. A discussion of the comments is provided as follows:

A. Summary of Significant Changes

There are no significant changes from the proposed rule. Minor corrections were made at FAR 1.102-3(a)(3) to the citation referencing performance standards, and to update a reference at FAR 26.206(a). The new FAR provision at FAR 52.201-1 was added to the list of provisions and clauses at FAR 12.301(e) to reflect the final rule's applicability to commercial solicitations.

B. Analysis of Public Comments

1. Support for the Rule

Comment: The respondent commends OFPP and the Federal Acquisition Regulatory Council for their initiative in advancing this rule, and states that both the information and the initiative to promote voluntary feedback has merit. The respondent also notes the Government estimate of 10 minutes to complete the survey, and finds this to be a worthy time investment to facilitate effective communication that could prevent delays or errors due to miscommunication.

Response: The Councils appreciate the support for the rule.

2. True 360-Degree Rollout

Comment: The respondent suggests that "Acquisition 360" techniques would be most effective by implementing a "true 360-degree rollout, including adding questions that would identify both contract type and non-bidders."

Response: OFPP will consider the respondent's comment during development of the final question set. The final question set will be available for public comment as part of the Paperwork Reduction Act common form information collection notice.

3. Acquisition 360 Should Be Made Mandatory

Comment: Rather than merely encouraging Contracting Officers to insert the provision at FAR 52.201-1, more should be provided to ensure the full accomplishment of the Acquisition 360 initiative and achieve the objective

to obtain actionable feedback on the acquisition process. The respondent also recommends more direct language to encourage participants' feedback.

Response: While actionable feedback is desired, it is equally important that participants understand the survey is completely voluntary and will not impact the outcome of a specific acquisition. Adding language to further encourage survey use may confuse participants or compel a response out of fear that not responding would preclude the opportunity to participate in an acquisition.

4. Rule Does Not Accomplish the Goals of the 2015 OFPP Memorandum

i. Public Reporting

Comment: The effort outlined in the proposed rule falls short of the goals outlined in the memorandum dated March 18, 2015, titled "Improving the Acquisition Process through Timely Feedback from External and Internal Stakeholders," by failing to publicly report information acquired from such evaluations.

Response: The Councils and OFPP agree that publicly reporting survey data would be beneficial; however, the open-comment fields present the possibility of personal or private information being disclosed, if entered voluntarily by a participant. Full transparency is not feasible, as review and redaction of comments would be necessary prior to publication to prevent the unintentional release of personal or private information. The Councils and OFPP intend to publicize efforts taken in response to the survey data so that all parties can understand the impact and efforts undertaken as a result.

ii. Postaward Goals

Comment: The proposed rule does not meet the goals of Acquisition 360 by not including postaward experiences or acquisition outcomes in the evaluation.

Response: The survey does include questions regarding the postaward debriefing process. Additionally, the proposed revisions at 1.102-3(a)(3) encourage agencies to seek feedback on "targeted aspects of an acquisition throughout its lifecycle".

5. Use of Pilot Program Version of the Survey Questions

Comment: The respondent recommends reviving the original intent by using the pilot program version of the survey questions in the Acquisition 360 portal and adding three options: "contractor", "program office", and "acquisition office" to route survey participants to the appropriate version of the survey.

Response: OFPP will consider the respondent's comment during development of the final question set. The final question set will be available for public comment as part of the Paperwork Reduction Act common form information collection notice.

6. OMB Centralized Survey Portal

Comment: The respondent suggests that survey data be collected through the Office of Management and Budget's (OMB) centralized survey portal, which should facilitate greater data submission, access, and analysis across the Government.

Response: The current iteration of the survey, though hyper-linked at [acquisition.gov/360](https://www.acquisition.gov/360) for ease, is hosted via the OMB MAX Survey tool so that agencies can be granted access to data. Ease of access and the ability of agencies to receive their response data will remain a priority when and if the survey tool is moved to other platforms.

7. Anonymization of the Data

Comment: Respondent recommends language that allows the survey to anonymously categorize the data for publication.

Response: Subject to the quality and reliability of the data, the Councils and OFPP may perform certain analyses and develop statistics, reports, or other items summarizing the results of the collection activity and may make public aggregate information discussing efforts taken in response to the survey data. Efforts will be made not to disclose personal or private information related to any particular survey participant.

8. Use of Other Mechanisms

Comment: Respondent recommends language to encourage the use of other mechanisms where Government and industry may also provide input through a freeform response on the OMB portal.

Response: The revisions at 1.102–3(a) encourage agencies to “utilize a variety of feedback mechanisms available to the public (e.g., surveys, in-person, and/or group exchanges)” and seek feedback on “targeted aspects of an acquisition throughout its lifecycle.” This may include freeform response. In addition, improving communication between Government and industry partners is an ongoing process and multi-dimensional effort that involves the coordination of various elements and networks. Besides regulatory actions, agency personnel such as the designated industry liaisons and acquisition innovation advocates, continue to promote effective and meaningful communication strategies. With the aid of a “crowd-sourcing” idea

management tool, OFPP will also solicit additional, targeted input to gather more ideas on modernizing and improving communication during the acquisition process. These efforts will continue in parallel with the rollout of this rulemaking and the voluntary use of a standardized feedback survey as part of broader efforts to improve Government-vendor communication and strengthen the diversity and resiliency of the Federal supplier base.

III. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Products, Including Commercially Available Off-the-Shelf (COTS) Items, or for Commercial Services

This rule adds a provision at FAR 52.201–1, Acquisition 360: Voluntary Survey. The provision is not prescribed for any particular procurement; agencies, in accordance with their procedures, may include it in solicitations at or below the SAT and in solicitations for commercial services and commercial products, including COTS items.

IV. Expected Impact of the Rule

This final rule amends the FAR to implement the Acquisition 360 Survey tool, a voluntary online survey to elicit industry feedback on the preaward and debriefing processes in a consistent and standardized manner. Contracting officers may insert the provision into solicitations per agency guidance. However, because it is voluntary, the impact on offerors or contractors is expected to be minimal.

V. 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.

VI. Congressional Review Act

The Congressional Review Act (5 U.S.C. 801–808) requires interim and final rules to be submitted to Congress before the rule takes effect. DoD, GSA, and NASA will send this rule to each

House of the Congress and to the Comptroller General of the United States. The Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget has determined that this is not a major rule under 5 U.S.C. 804.

VII. Regulatory Flexibility Act

DoD, GSA, and NASA have prepared a Final Regulatory Flexibility Analysis (FRFA) consistent with the Regulatory Flexibility Act, 5 U.S.C. 601–612. The FRFA is summarized as follows:

This final rule amends the Federal Acquisition Regulation to implement the voluntary use of the Acquisition 360 Survey to elicit feedback on preaward and debriefing processes in a consistent and standardized manner. The objective of the rule is to encourage agency use of the Acquisition 360 Survey tool to obtain feedback from offerors which may be used to improve their acquisition processes.

No public comments were received in response to the initial regulatory flexibility analysis.

Data generated from the Federal Procurement Data System (FPDS) and the System for Award Management (SAM) have been used as the basis for estimating the number of small entities affected by this rule. Currently, there are approximately 331,899 small entities registered in SAM that were small in at least one North American Industry Classification Systems (NAICS) code. The rule, therefore, will potentially impact all 331,899 small entities.

To estimate the likely number of small entities impacted by the rule, we used the average of FPDS data for fiscal years 2020, 2021, and 2022. Examination of the data reveals that the number of unique small entities that received contract awards was 79,264. DoD, GSA, and NASA estimate that each unique small entity would respond to approximately 3 solicitations, equating to 237,791 potential offers. It is anticipated that 33 percent of these potential offerors will submit a response to the survey based upon the outcome of a previous OFPP-conducted pilot. Based upon this data, it is anticipated that 78,471 small entities will likely be affected by the rule.

The final rule encourages potential offerors to provide feedback at <https://www.acquisition.gov/360> on agency acquisition processes.

There were other alternatives considered, to include the status quo, for Government acquisition officials to elicit feedback from their contractors, such as vendor outreach with industry days on the agency's performance of its contract administration responsibilities; however, these would not accomplish the stated objective of the rule, nor would they minimize the economic impact of the rule on small entities.

Interested parties may obtain a copy of the FRFA from the Regulatory Secretariat Division. The Regulatory Secretariat Division has submitted a copy of the FRFA to the Chief Counsel

for Advocacy of the Small Business Administration.

VIII. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501–3521) applies. The rule contains information collection requirements. OMB has cleared this information collection requirement under OMB Control Number 9000–0204, Acquisition 360 Voluntary Survey.

List of Subjects in 48 CFR Parts 1, 12, 26, and 52

Government procurement.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 1, 12, 26, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 1, 12, 26, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 4 and 10 U.S.C. chapter 137 legacy provisions (see 10 U.S.C. 3016); and 51 U.S.C. 20113.

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

1.102–3 and 1.102–4 [Redesignated]

■ 2. Redesignate sections 1.102–3 and 1.102–4 as sections 1.102–4 and 1.102–5.

■ 3. Add new section 1.102–3 to read as follows:

1.102–3 Evaluating agency acquisition processes.

(a) Agencies are encouraged to develop internal procedures seeking voluntary feedback from interested parties in an acquisition to assess process strengths and weaknesses and improve effectiveness and efficiency of the acquisition process. Agencies may—

(1) Utilize a variety of feedback mechanisms available to the public (e.g., surveys, in-person, and/or group exchanges);

(2) Utilize the core preaward and debriefing survey questions at <https://www.acquisition.gov/360>; and

(3) Seek additional feedback on targeted aspects of an acquisition throughout its lifecycle (e.g., performance standards at 1.102–2 or postaward contract administration responsibilities at 42.302).

(b) Contracting officers are encouraged to insert the provision 52.201–1, Acquisition 360: Voluntary Survey, in accordance with agency procedures.

(c) Contracting officers shall not review information until after contract

award and shall not consider it in the award decision.

■ 4. In section 1.106, amend the table by adding an entry for “52.201–1” in numerical order to read as follows:

1.106 OMB approval under the Paperwork Reduction Act.

FAR segment	OMB control No.
* * * * *	
52.201–1	9000–0204
* * * * *	

1.108 [Amended]

■ 5. Amend section 1.108 by removing from paragraph (b) “1.102–4(b)” and adding “1.102–5(b)” in its place.

PART 12—ACQUISITION OF COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES

■ 6. Amend section 12.301 by—
■ a. Redesignating paragraphs (e)(1) through (4) as paragraphs (e)(2) through (5); and

■ b. Adding a new paragraph (e)(1).
The addition reads as follows:

12.301 Solicitation provisions and contract clauses for the acquisition of commercial products and commercial services.

* * * * *
(e) * * *

(1) The contracting officer may use the provision at 52.201–1, Acquisition 360: Voluntary Survey, as prescribed in 1.102–3(b).

* * * * *

PART 26—OTHER SOCIOECONOMIC PROGRAMS

26.206 [Amended]

■ 7. Amend section 26.206 by removing from paragraph (a) “12.301(e)(4)” and adding “12.301(e)(5)” in its place.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 8. Add section 52.201–1 to read as follows:

52.201–1 Acquisition 360: Voluntary Survey.

As prescribed in 1.102–3(b), insert the following provision:
Acquisition 360: Voluntary Survey (Sep 2023)

(a) All actual and potential offerors are encouraged to provide feedback on the preaward and debriefing processes,

as applicable. Feedback may be provided to agencies up to 45 days after award. The feedback is anonymous, unless the participant self-identifies in the survey. Actual and potential offerors can participate in the survey by selecting the following link: <https://www.acquisition.gov/360>.

(b) The Contracting Officer will not review the information provided until after contract award and will not consider it in the award decision. The survey is voluntary and does not convey any protections, rights, or grounds for protest. It creates a way for actual and potential offerors to provide the Government constructive feedback about the preaward and debriefing processes, as applicable, used for a specific acquisition.

(End of provision)

[FR Doc. 2023–16658 Filed 8–7–23; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 2, 19, and 52

[FAC 2023–05, FAR Case 2023–004, Item II; Docket No. 2023–0004; Sequence No. 1]

RIN 9000–AO52

Federal Acquisition Regulation: Small Disadvantaged Business Threshold

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement regulatory changes made by the Small Business Administration to adjust the net worth threshold for owners of small disadvantaged business concerns.

DATES: Effective September 7, 2023.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Ms. Carrie Moore, Procurement Analyst, at 571–300–5917, or by email at carrie.moore@gsa.gov. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or GSARegSec@gsa.gov. Please cite FAC 2023–05, FAR Case 2023–004.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA are amending the FAR to implement regulatory changes made by the Small Business Administration (SBA) in its interim rule published on November 17, 2022, at 87 FR 69118, which adjusted for inflation the net worth threshold for an individual to be eligible as an owner of a small disadvantaged business concern from \$750,000 to \$850,000. To do so, this rule updates this threshold to reflect a reference to SBA's regulations at 13 CFR 124.104(c)(2), which is used in the definition of "small disadvantaged business concern," in the FAR. This rule also updates FAR citations to former SBA regulations 13 CFR 124.1002 through 124.1016, as SBA removed these sections from their regulations in a rule published May 8, 2020 (85 FR 27290).

II. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the FAR is 41 U.S.C. 1707. Subsection (a)(1) of 41 U.S.C. 1707 requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment because it does not change existing acquisition procedures for agencies or contractors; instead, this final rule simply revises the FAR to align with SBA's regulation by reflecting the increased threshold established by SBA in its regulations, and updates obsolete FAR citations to certain SBA regulations that no longer exist.

III. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Products (Including Commercially Available Off-the-Shelf (COTS) Items), or for Commercial Services

This rule amends the solicitation provisions at FAR 52.212–3 and 52.219–1, and contract clauses at FAR 52.212–5, 52.213–4, 52.219–8, 52.219–9, 52.219–28, and 52.244–6. However, this rule does not impose any new requirements on contracts valued at or below the SAT, or on contracts for commercial products, including COTS items, or commercial services. The

clauses continue to apply to acquisitions at or below the SAT and to acquisitions for commercial products, including COTS items, and commercial services.

IV. 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.

V. Congressional Review Act

As required by the Congressional Review Act (5 U.S.C. 801–808) before an interim or final rule takes effect, DoD, GSA, and NASA will send the rule and the "Submission of Federal Rules Under the Congressional Review Act" form to each House of the Congress and to the Comptroller General of the United States. The Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget has determined that this is not a major rule under 5 U.S.C. 804.

VI. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section II. of this preamble), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612) are not applicable. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

VII. Paperwork Reduction Act

This 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. 3501–3521).

List of Subjects in 48 CFR Parts 2, 19, and 52

Government procurement.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 2, 19, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 2, 19, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 4 and 10 U.S.C. chapter 137 legacy provisions (see 10 U.S.C. 3016); and 51 U.S.C. 20113.

PART 2—DEFINITIONS OF WORDS AND TERMS

2.101 [Amended]

■ 2. Amend section 2.101, in paragraph (b)(2), in the definition of "Small disadvantaged business concern" by—

■ a. Removing from the introductory text "13 CFR 124.1002" and adding "13 CFR 124.1001" in its place; and

■ b. Removing from paragraph (1)(ii) "\$750,000" and adding "the threshold at 13 CFR 124.104(c)(2)" in its place.

PART 19—SMALL BUSINESS PROGRAMS

19.301–1 [Amended]

■ 3. Amend section 19.301–1 by removing from the third sentence of paragraph (h) the phrase "13 CFR 124.1004 for small disadvantaged business, 13 CFR 125.29" and adding "13 CFR 128.600" in its place.

19.304 [Amended]

■ 4. Amend section 19.304 by removing from paragraph (c) "13 CFR 124.1001(b)" and adding "13 CFR 124.1001" in its place.

■ 5. Amend section 19.305 by revising the section heading, introductory text, and paragraph (c) to read as follows:

19.305 Reviews of SDB status.

This section applies to reviews of a small business concern's SDB status as a prime contractor or subcontractor.

* * * * *

(c) An SBA review of a subcontractor's SDB status differs from a formal protest. Protests of a concern's size as a prime contractor are processed under 19.302. Protests of a concern's size as a subcontractor are processed under 19.703(b).

19.703 [Amended]

■ 6. Amend section 19.703 by:

- a. Removing from paragraph (a)(2)(iv) “13 CFR 121.411, 124.1015, 125.29, 126.900, and 127.700” and adding “13 CFR 121.411, 126.900, 127.700, and 128.600” in its place; and
- b. Removing paragraph (e).

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

- 7. Amend section 52.212–3 by—
 - a. Revising the date of the provision; and
 - b. In paragraph (a), in the definition of “Small disadvantaged business concern” by—
 - i. Removing from the introductory text “13 CFR 124.1002” and adding “13 CFR 124.1001” in its place; and
 - ii. Removing from paragraph (1)(ii) “\$750,000” and adding “the threshold at 13 CFR 124.104(c)(2)” in its place.

The revision reads as follows:

52.212–3 Offeror Representations and Certifications—Commercial Products and Commercial Services.

* * * * *

Offeror Representations and Certifications—Commercial Products and Commercial Services (Sep 2023)

* * * * *

- 8. Amend section 52.212–5 by—
 - a. Revising the date of the clause;
 - b. Removing from paragraphs (b)(17) “(OCT 2022)” and adding “(Sep 2023)” in its place;
 - c. Removing from paragraph (b)(18)(i) “(OCT 2022)” and adding “(Sep 2023)” in its place;
 - d. Removing from paragraph (b)(18)(v) “(SEP 2021)” and adding “(Sep 2023)” in its place;
 - e. Removing from paragraph (b)(23)(i) “(MAR 2023)” and adding “(Sep 2023)” in its place;
 - f. Removing from paragraph (e)(1)(vi) “(OCT 2022)” and adding “(Sep 2023)” in its place; and
 - g. In Alternate II by—
 - i. Revising the date of the Alternate; and
 - ii. Removing from paragraph (e)(1)(ii)(F) “(OCT 2022)” and adding “(Sep 2023)” in its place.

The revisions read as follows:

52.212–5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Products and Commercial Services.

* * * * *

Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Products and Commercial Services (Sep 2023)

* * * * *

Alternate II (Sep 2023) * * *

* * * * *

- 9. Amend section 52.213–4 by:
 - a. Revising the date of the clause; and
 - b. Removing from paragraph (a)(2)(vii) “(JUN 2023)” and adding “(Sep 2023)” in its place.

The revision reads as follows:

52.213–4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Products and Commercial Services).

* * * * *

Terms and Conditions—Simplified Acquisitions (Other Than Commercial Products and Commercial Services) (Sep 2023)

* * * * *

- 10. Amend section 52.219–1 by—
 - a. Revising the date of the provision;
 - b. In paragraph (a), in the definition of “Small disadvantaged business concern” by—

- i. Removing from the introductory text “13 CFR 124.1002” and adding “13 CFR 124.1001” in its place; and
 - ii. Removing from paragraph (1)(ii) “\$750,000” and adding “the threshold at 13 CFR 124.104(c)(2)” in its place; and
 - c. Removing from paragraph (c)(2) “13 CFR 124.1002” and adding “13 CFR 124.1001” in its place.

The revision reads as follows:

52.219–1 Small Business Program Representations.

* * * * *

Small Business Program Representations (Sep 2023)

* * * * *

- 11. Amend section 52.219–8 by—
 - a. Revising the date of the clause;
 - b. In paragraph (a), in the definition of “Small disadvantaged business concern” by—
 - i. Removing from the introductory text “13 CFR 124.1002” and adding “13 CFR 124.1001” in its place; and
 - ii. Removing from paragraph (1)(ii) “\$750,000” and adding “the threshold at 13 CFR 124.104(c)(2)” in its place; and
 - c. Removing from paragraph (e)(4) “13 CFR 121.411, 124.1015, 125.29, 126.900, and 127.700” and adding “13 CFR 121.411, 126.900, 127.700, and 128.600” in its place.

The revision reads as follows:

52.219–8 Utilization of Small Business Concerns.

* * * * *

Utilization of Small Business Concerns (Sep 2023)

* * * * *

- 12. Amend section 52.219–9 by—
 - a. Revising the date of the clause;
 - b. Removing from paragraph (c)(2)(iv) “13 CFR 121.411, 124.1015, 125.29,

126.900, and 127.700” and adding “13 CFR 121.411, 126.900, 127.700, and 128.600” in its place; and

- c. In Alternate IV by—
 - i. Revising the date of the alternate; and
 - ii. Removing from paragraph (c)(2)(iv) “13 CFR 121.411, 124.1015, 125.29, 126.900, and 127.700” and adding “13 CFR 121.411, 126.900, 127.700, and 128.600” in its place.

The revision reads as follows:

52.219–9 Small Business Subcontracting Plan.

* * * * *

Small Business Subcontracting Plan (Sep 2023)

* * * * *

Alternate IV (Sep 2023) * * *

* * * * *

- 13. Amend section 52.219–28 by:
 - a. Revising the date of the clause; and
 - b. Removing from paragraph (h)(2) “13 CFR 124.1002” and adding “13 CFR 124.1001” in its place.

The revision reads as follows:

52.219–28 Post-Award Small Business Program Rerepresentation.

* * * * *

Post-Award Small Business Program Rerepresentation (Sep 2023)

* * * * *

- 14. Amend section 52.244–6 by:
 - a. Revising the date of the clause; and
 - b. Removing from paragraph (c)(1)(viii) “(OCT 2022)” and adding “(Sep 2023)” in its place.

The revision reads as follows:

52.244–6 Subcontracts for Commercial Products and Commercial Services.

* * * * *

Subcontracts for Commercial Products and Commercial Services (Sep 2023)

* * * * *

[FR Doc. 2023–16659 Filed 8–7–23; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Parts 9, 11, 23, 52, and 53

[FAC 2023–05, FAR Case 2022–008, Item III; Docket No. 2022–0008, Sequence No. 1]

RIN 9000–AO45

**Federal Acquisition Regulation:
Update to ASSIST Database
References**

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to update contact information, web addresses, and office titles associated with the DoD Acquisition Streamlining and Standardization Information System and clarify the authoritative source for a form.

DATES: Effective September 7, 2023.

FOR FURTHER INFORMATION CONTACT: Ms. Carrie Moore, Procurement Analyst, at 571–300–5917 or by email at carrie.moore@gsa.gov, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or GSARegSec@gsa.gov. Please cite FAC 2023–05, FAR Case 2022–008.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA are amending the FAR to update the contact information, web addresses, and office titles necessary to obtain Federal and Defense specifications and standards from the DoD Acquisition Streamlining and Standardization Information System (ASSIST) website or, for Defense documents not available in ASSIST, the Defense Standardization Program Office. This final rule also adds a reference in part 53, Forms, to the American National Standards Institute (ANSI) Z39.18, Scientific and Technical Reports—Preparation, Presentation, and Preservation, with the prescription for the Standard Form 298, Report Documentation Page.

DoD, GSA, and NASA published a final rule at 64 FR 72446, on December 27, 1999, to provide guidance to offerors

on how to obtain Defense specifications and standards formerly listed in the DoD Index of Specifications and Standards (DoDISS) from the ASSIST database or from the DoD Single Stock Point (DoDSSP). DoD, GSA, and NASA published additional revisions to this guidance at 71 FR 227, on January 3, 2006, which replaced references to DoDISS with ASSIST and made several updates associated with obtaining DoD specifications and standards via internet, phone, and fax.

This final rule updates the web address where offerors may download unclassified DoD specifications and standards from the ASSIST website, as well as the program office name and the contact information where offerors can obtain Defense specifications and standards that are not available from the ASSIST website. The rule also removes obsolete guidance for ordering specifications, standards, and/or product descriptions by mail or in person via a physical address, fax, or phone, as these methods of contact were replaced by a more immediate method of access via the ASSIST database. Conforming changes are made in the FAR provisions at 52.211–1, Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101–29; 52.211–2, Availability of Specifications, Standards, and Data Item Descriptions Listed in the Acquisition Streamlining and Standardization Information System (ASSIST); and 52.212–1, Instructions to Offerors—Commercial Products and Commercial Services.

Additionally, this rule adds a reference to ANSI Standard Z39.18 within the prescription for form SF 298 in part 53 to provide the source document that requires the use of the form.

II. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the FAR is 41 U.S.C. 1707. Subsection (a)(1) of 41 U.S.C. 1707 requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment because this rule only:

updates the obsolete contact information and methods for obtaining Defense specifications and standards and Federal specifications, standards, and product descriptions; and identifies the source document that requires the use of a standard form identified in the FAR. This rule does not change the policy regarding or necessity for obtaining such documents or using the form.

III. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Products, Including Commercially Available Off-the-Shelf (COTS) Items, and for Commercial Services

This rule does not create any new solicitation provisions or contract clauses. This rule does amend the provisions at FAR 52.211–1, 52.211–2, and 52.212–1 to incorporate the updated directions to obtain Federal and DoD documents, but does not impose any new requirements on contracts at or below the SAT, for commercial products, including COTS items, or for commercial services. The provision 52.212–1 continues to apply to acquisitions at or below the SAT and to acquisitions for commercial products, including COTS items, or for commercial services; while the provisions 52.211–1 and 52.211–2 continue to apply to acquisitions at or below the SAT, and not apply to acquisitions for commercial products, including COTS items, or for commercial services.

IV. 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.

V. Congressional Review Act

The Congressional Review Act (5 U.S.C. 801–808) requires interim and final rules to be submitted to Congress before the rule takes effect. The Office of Information and Regulatory Affairs (OIRA) in the Office of Management and

Budget has determined that this is not a major rule under 5 U.S.C. 804.

VI. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section II. of this preamble), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612) are not applicable. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

VII. Paperwork Reduction Act

This 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. 3501–3521).

List of Subjects in 48 CFR Parts 9, 11, 23, 52, and 53

Government procurement.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 9, 11, 23, 52, and 53 as set forth below:

■ 1. The authority citation for 48 CFR parts 9, 11, 23, 52, and 53 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 4 and 10 U.S.C. chapter 137 legacy provisions (see 10 U.S.C. 3016); and 51 U.S.C. 20113.

PART 9—CONTRACTOR QUALIFICATIONS

■ 2. Amend section 9.203 by revising paragraphs (b), (c)(2), and (d) to read as follows:

9.203 QPL's, QML's, and QBL's.

* * * * *

(b) Specifications requiring a qualified product are included—

(1) In the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions; and

(2) On the Department of Defense Acquisition Streamlining and Standardization Information System (ASSIST) website at <https://assist.dla.mil>.

(c) * * *

(2) Department of Defense Manual 4120.24, Defense Standardization Program (DSP) Procedures, (www.esd.whs.mil/Directives/Issuances/dodm) as amended by Military Standards 961 and 962 (<https://assist.dla.mil>).

(d) The publications in paragraphs (b)(1) and (c)(1) of this section may be obtained from the address in 11.201(d)(1).

PART 11—DESCRIBING AGENCY NEEDS

11.102 [Amended]

■ 3. Amend section 11.102 by—

■ a. Removing from the first sentence “DoD 4120.24–M, Defense Standardization Program Policies and Procedures” and adding “DoD Manual 4120.24, Defense Standardization Program (DSP) Procedures” in its place; and

■ b. Removing from the third sentence “DoD 4120.24–M” and “see 11.201(d)(2) or (3)” and adding “DoD Manual 4120.24” and “<https://www.esd.whs.mil/Directives/Issuances/dodm> or see 11.201(d)(2) or (3)” in their places, respectively.

■ 4. Amend section 11.201 by—

■ a. Removing from paragraph (a) introductory text “the DoD Acquisition Streamlining and Standardization Information System (ASSIST), or other” and adding “available on the DoD Acquisition Streamlining and Standardization Information System (ASSIST) website, or listed in other” in its place;

■ b. Revising paragraphs (d)(1) through (3); and

■ c. Removing from paragraph (e) “DoDSSP” and adding “the Defense Standardization Program Office” in its place.

The revisions read as follows:

11.201 Identification and availability of specifications.

* * * * *

(d) (1) The GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101–29, may be viewed at the ASSIST website at <https://assist.dla.mil>.

(2) Most unclassified Defense specifications and standards may be downloaded from the ASSIST website at <https://assist.dla.mil>.

(3) Defense documents not available from the ASSIST website may be ordered from the Defense Standardization Program Office by—

(i) Using the ASSIST feedback module at <https://assist.dla.mil/feedback>; or

(ii) Contacting the Defense Standardization Program Office by telephone at 571–767–6888 or email at assisthelp@dlamail.

* * * * *

11.202 [Amended]

■ 5. Amend section 11.202 by—

■ a. Removing from paragraph (a) “listed in the DoDISS” and adding

“available at the ASSIST website” in its place; and

■ b. Removing from paragraph (b) “DoD 4120.24–M, Defense Standardization Program Policies and Procedures” and adding “DoD Manual 4120.24, Defense Standardization Program (DSP) Procedures” in its place.

■ 6. Amend section 11.204 by revising the section heading and paragraph (b) to read as follows:

11.204 Solicitation provisions.

* * * * *

(b) The contracting officer shall insert the provision at 52.211–2, Availability of Defense Specifications, Standards, and Data Item Descriptions in the Acquisition Streamlining and Standardization Information System (ASSIST) website, in solicitations that cite specifications available in ASSIST that are not furnished with the solicitation.

* * * * *

PART 23—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

23.704 [Amended]

■ 7. Amend section 23.704 by removing from paragraph (b)(1)(ii) “Pub. L.” and “(see 11.102)(c)” and adding “Public Law” and “(see 11.101(b))” in their places, respectively.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 8. Revise section 52.211–1 to read as follows:

52.211–1 Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101–29.

As prescribed in 11.204(a), insert the following provision:

Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101–29 (Sep 2023)

(a) The GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101–29, and copies of Federal specifications, standards, and product descriptions can be downloaded from the ASSIST website at <https://assist.dla.mil>.

(b) If the General Services Administration, Department of Agriculture, or Department of Veterans Affairs issued this solicitation, a copy of

specifications, standards, and commercial item descriptions cited in this solicitation may be obtained from the ASSIST website identified in paragraph (a) of this provision.

(End of provision)

■ 9. Revise section 52.211–2 heading and text to read as follows:

52.211–2 Availability of Defense Specifications, Standards, and Data Item Descriptions in the Acquisition Streamlining and Standardization Information System (ASSIST) website.

As prescribed in 11.204(b), insert the following provision:

Availability of Defense Specifications, Standards, and Data Item Descriptions in the Acquisition Streamlining and Standardization Information System (ASSIST) Website (Sep 2023)

(a) Most unclassified Defense specifications and standards may be downloaded from the ASSIST website at <https://assist.dla.mil>.

(b) Defense documents not available from ASSIST may be requested from the Defense Standardization Program Office by—

(1) Using the ASSIST feedback module (<https://assist.dla.mil/feedback>); or

(2) Contacting the Defense Standardization Program Office by telephone at 571–767–6888 or email at assisthelp@dlamail.

(End of provision)

■ 10. Amend section 52.212–1 by revising the date of the provision and paragraphs (i)(1), (2), and (3) to read as follows:

52.212–1 Instructions to Offerors—Commercial Products and Commercial Services.

* * * * *

Instructions to Offerors—Commercial Products and Commercial Services (Sep 2023)

* * * * *

(i) * * *

(1)(i) The GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101–29, and copies of Federal specifications, standards, and product descriptions can be downloaded from the ASSIST website at <https://assist.dla.mil>.

(ii) If the General Services Administration, Department of Agriculture, or Department of Veterans Affairs issued this solicitation, a copy of specifications, standards, and commercial item descriptions cited in this solicitation may be obtained from

the address in paragraph (i)(1)(i) of this provision.

(2) Most unclassified Defense specifications and standards may be downloaded from the ASSIST website at <https://assist.dla.mil>.

(3) Defense documents not available from the ASSIST website may be requested from the Defense Standardization Program Office by—

(i) Using the ASSIST feedback module (<https://assist.dla.mil/feedback>); or

(ii) Contacting the Defense Standardization Program Office by telephone at 571–767–6688 or email at assisthelp@dlamail.

* * * * *

PART 53—FORMS

53.235 [Amended]

■ 11. Amend section 53.235 by removing “35.010” and adding “35.010 and ANSI Standard Z39.18” in its place.

[FR Doc. 2023–16660 Filed 8–7–23; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 52

[FAC 2023–05; Item IV; Docket No. FAR–2023–0052; Sequence No. 3]

Federal Acquisition Regulation; Technical Amendments

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This document makes an amendment to the Federal Acquisition Regulation (FAR) in order to make needed editorial changes.

DATES: Effective: September 7, 2023.

FOR FURTHER INFORMATION CONTACT: Ms. Lois Mandell, Regulatory Secretariat Division (MVCB), at 202–501–4755 or GSARegSec@gsa.gov. Please cite FAC 2023–05, Technical Amendments.

SUPPLEMENTARY INFORMATION: This document makes an editorial change to 48 CFR part 52.

List of Subjects in 48 CFR Part 52

Government procurement.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR part 52 as set forth below:

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 1. The authority citation for 48 CFR part 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 4 and 10 U.S.C. chapter 137 legacy provisions (see 10 U.S.C. 3016); and 51 U.S.C. 20113.

52.212–3 [Amended]

■ 2. Amend section 52.212–3 by:

■ a. Revising the date of the provision; and

■ b. Removing from paragraph (g)(4)(i) “paragraph (g)(5)(ii)” and adding “paragraph (g)(4)(ii)” in its place.

The revision reads as follows:

52.212–3 Offeror Representations and Certifications—Commercial Products and Commercial Services.

* * * * *

Offeror Representations and Certifications—Commercial Products and Commercial Services (Sep 2023)

* * * * *

[FR Doc. 2023–16661 Filed 8–7–23; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR–2023–0051, Sequence No. 4]

Federal Acquisition Regulation; Federal Acquisition Circular 2023–05; 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 (SECG).

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) 2023-05, which amends the Federal Acquisition Regulation (FAR). Interested parties may obtain further information regarding these rules by

referring to FAC 2023-05, which precedes this document.

DATES: August 8, 2023.

ADDRESSES: The FAC, including the SECG, is available 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 2023-05 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. An asterisk (*) next to a rule indicates that a regulatory flexibility analysis has been prepared.

RULES LISTED IN FAC 2023-05

Item	Subject	FAR case	Analyst
*I	Use of Acquisition 360 to Encourage Vendor Feedback	2017-014	Delgado.
II	Small Disadvantaged Business Threshold	2023-004	Moore.
III	Update to ASSIST Database References	2022-008	Moore.
IV	Technical Amendments.		

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 2023-05 amends the FAR as follows:

Item I—Use of Acquisition 360 To Encourage Vendor Feedback (FAR Case 2017-014)

This final rule amends the FAR to implement the Acquisition 360 Survey tool, a voluntary online survey to elicit industry feedback on the preaward and debriefing processes in a consistent and standardized manner. Contracting officers may insert the provision into solicitations in accordance with agency procedures. However, because it is voluntary, the impact on offerors or contractors is expected to be minimal.

Item II—Small Disadvantaged Business Threshold (FAR Case 2023-004)

This final rule amends the FAR to update the net worth threshold for the owners of small disadvantaged business concerns to align with SBA’s regulations, and updates obsolete FAR citations to certain SBA regulations.

Item III—Update to ASSIST Database References (FAR Case 2022-008)

This final rule amends the FAR to update obsolete contact information, web addresses, and office titles necessary to obtain Federal and Defense specifications and standards from the DoD Acquisition Streamlining and Standardization Information System (ASSIST) website or, for Defense documents not available in ASSIST, from the Defense Standardization Program Office. These updates will

ensure offerors have the most current information with which to obtain both Federal and Defense specifications and standards that are referenced in an agency’s solicitation. The final rule will not have a significant economic impact on a substantial number of small entities because it simply updates contact information, web addresses and office titles in existing regulations.

Item IV—Technical Amendments

Administrative change is made at FAR 52.212-3.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2023-16662 Filed 8-7-23; 8:45 am]

BILLING CODE 6820-EP-P