

**Federal Acquisition Regulation
Federal Acquisition Circular 2005-91 Summary of Rules**

FAC 2005-91

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Item I— Prohibition on Contracting with Corporations with Delinquent Taxes or a Felony Conviction (FAR Case 2015-011)

This final rule adopts the interim rule published December 4, 2015 without change. The interim rule amended the FAR to implement sections 744 and 745 of Division D of the Consolidated and Further Continuing Appropriations Act, 2015, to prohibit the Federal Government from entering into a contract with any corporation having a delinquent Federal tax liability or a felony conviction under any Federal law, unless an agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

Item II— Updating Federal Contractor Reporting of Veterans' Employment (FAR Case 2015-036)

This final rule adopts the interim rule published December 4, 2015 without change. The interim rule amended the FAR to implement a final rule issued by the Department of Labor's Veterans' Employment and Training Service (VETS) revising the regulations at 41 CFR part 61 to include the reporting requirements under the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA), as amended and the Jobs for Veterans Act (JVA) (Pub. L. 107-288).

Item III— Non-Retaliation for Disclosure of Compensation Information (FAR Case 2016-007)

This interim rule amends the FAR to implement Executive Order 13665 entitled ‘‘Non-Retaliation for Disclosure of Compensation Information,’’ and a final rule issued by the Department of Labor to implement the same Executive Order. E.O. 11246, originally issued September 24, 1965, establishes nondiscrimination and affirmative action obligations in employment for Federal contractors and subcontractors. It prohibits employment discrimination because of race, color, religion, sex, sexual orientation, gender identity, or national origin. E.O. 13665 amends E.O. 11246 to provide for a uniform policy for the Federal Government to prohibit Federal contractors from discriminating against employees and job applicants who inquire about, discuss, or disclose their own compensation or the compensation of other employees or applicants.

Item IV— Sole Source Contracts for Women-Owned Small Businesses (FAR Case 2015-032)

This final rule adopts the interim rule published December 31, 2015 as final with a minor edit. The rule amends the FAR to implement regulatory changes made by the Small Business Administration (SBA) in its final rule as published in the Federal Register at 80 FR 55019, on September 14, 2015. SBA’s final rule implements the statutory requirements of paragraph (a)(3) of section 825 of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015, Public Law 113–291, which granted contracting officers the authority to award sole source contracts to economically disadvantaged women-owned small business (EDWOSB) concerns and to women-owned small business (WOSB) concerns eligible under the WOSB Program. The anticipated price, including options, must not exceed \$6.5 million for manufacturing North American Industry Classification System (NAICS) codes, or \$4 million for other NAICS codes.

Item V— Unique Identification of Entities Receiving Federal Awards (FAR Case 2015-022)

This final rule amends the FAR to eliminate references to the proprietary Data Universal Numbering System (DUNS®) number, and provide appropriate references to the Web site where information on the unique entity identifier used for Federal contractors will be located. The Government does not intend to move away from the use of the DUNS® number in the short term.

Item VI— Consolidation and Bundling (FAR Case 2014-015)

This final rule incorporates regulatory changes made by the SBA in its final rule which published in the Federal Register at 78 FR 61113 on October 2, 2013, concerning consolidation and bundling. SBA’s final rule implements sections 1312 and 1313 of the Small Business Jobs Act of 2010 (Pub. L. 111– 240), as well as section 1671 of the

National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 (Pub. L. 112–239). The FAR final rule adds coverage on consolidations and reorganizes coverage on bundling at FAR 7.107. Before conducting a consolidated acquisition estimated to exceed \$2,000,000, the Senior Procurement Executive or Chief Acquisition Officer must make a written determination that the consolidation is necessary and justified.

Item VII— Amendment Relating to Multi-year Contract Authority for Acquisition of Property (FAR Case 2016-006)

This final rule amends FAR subpart 17.1 to implement section 811 of the NDAA for FY 2016 (Pub. L. 114–92). Section 811 amended subsection (a)(1) of 10 U.S.C. 2306b by striking “substantial” and inserting “significant”. This rule makes conforming changes at FAR 17.105–1(b)(1) to state that the head of an agency may enter into a multi-year contract for supplies, if the use of such a contract will result in significant savings of the total estimated costs of carrying out the program through annual contracts. This change applies to the DoD, NASA, and the Coast Guard.

Item VIII— New Designated Countries—Ukraine and Moldova (FAR Case 2016-009)

This final rule amends the FAR to add Ukraine and Moldova as new designated countries under the World Trade Organization Government Procurement Agreement (WTO GPA).

Item IX— Contractors Performing Private Security Functions (FAR Case 2014-018)

This final rule amends FAR 25.302 and the clause at 52.225–26, both entitled “Contractors Performing Private Security Functions Outside the United States.” This rule removes the DoD-unique requirements, which have been incorporated in the Defense Federal Acquisition Regulations Supplement (DFARS). This rule also adds the definition of “full cooperation” to FAR clause 52.225–26 in order to affirm that the contract clause does not foreclose any contractor rights arising in law, the FAR, or the terms of the contract when cooperating with any Government authorized investigation into incidents reported pursuant to the clause.

Item X— Limitation on Allowable Government Contractor Employee Compensation Costs (FAR Case 2014-012)

This final rule adopts the interim rule published in the Federal Register at 79 FR 35865 on June 24, 2014 as final with minor changes.

This rule amends the FAR to implement section 702 of the Bipartisan Budget Act of 2013. Section 702 revises the allowable compensation cost limit for contractor and subcontractor employees to be \$487,000, as adjusted annually to reflect the change in the Employment Cost Index for all workers as calculated by the Bureau of Labor Statistics. Also, section 702 allows for the narrowly targeted exceptions to this allowable cost limit for scientists, engineers or other specialists, upon an agency determination that such

exceptions are needed to ensure that the executive agency has continued access to needed skills and capabilities.

Item XI – Technical Amendments

Editorial changes were made at FAR 1.603–1, 4.1400, 22.805, 23.704, 26.103, and 52.234–1.