

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR–2021–0051, Sequence No. 6]

Federal Acquisition Regulation; Federal Acquisition Circular 2022–02; 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) 2022–02. A
companion document, the *Small Entity
Compliance Guide* (SECG), follows this
FAC.

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

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 2022–02

Item	Subject	FAR case	Analyst
I	Update to Certain Online References in the FAR	2021–003	Glover.
II	Technical Amendments.		

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

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
2022–02 amends the FAR as follows:

Item I—Update to Certain Online References in the FAR (FAR Case 2021– 003)

This final rule amends the FAR to
replace FAR references to Federal
Business Opportunities (*FBO.gov*) and
Wage Determinations Online
(*WDOL.gov*) websites with references to
the System for Award Management
(*SAM.gov*) website because of their
integration with and the increased
functionality of *SAM.gov*. The rule is
administrative in nature as it simply
replaces website references.

Item II—Technical Amendments

Editorial changes are made at FAR
52.216–5, 52.216–6, 52.216–16, and
52.216–17.

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

Federal Acquisition Circular (FAC)
2022–02 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 2022–02 is effective December
15, 2021 except for Items I and II, which
are effective January 14, 2022.

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,
National Aeronautics and Space
Administration.

[FR Doc. 2021–26801 Filed 12–14–21; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 52

[FAC 2022–02; Item II; Docket No. FAR–
2021–0052; Sequence No. 4]

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
amendments to the Federal Acquisition
Regulation (FAR) in order to make
needed editorial changes.

DATES: Effective: January 14, 2022.

FOR FURTHER INFORMATION CONTACT: Ms.
Lois Mandell, Regulatory Secretariat
Division (MVCB), at 202–501–4755 or
GSARegSec@gsa.gov. Please cite FAC
2022–02, Technical Amendments.

SUPPLEMENTARY INFORMATION: This
document makes editorial changes 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 137; and 51 U.S.C. 20113.

■ 2. Amend section 52.216–5 by—

■ a. Revising the date of the clause; and

■ b. Removing from paragraph (h)(3) the
phrase “by the amount of any applicable
tax credits due the Contractor under 26
U.S.C. 1481 and”.

The revision reads as follows:

52.216–5 Price Redetermination—Prospective.

* * * *

Price Redetermination—Prospective (Jan 2022)

* * * *

- 3. Amend section 52.216–6 by—
- a. Revising the date of the clause; and
- b. Removing from paragraph (g)(2) the phrase “by the amount of any applicable tax credits due the contractor under 26 U.S.C. 1481 and”.

The revision reads as follows:

52.216–6 Price Redetermination—Retroactive.

* * * *

Price Redetermination—Retroactive (Jan 2022)

* * * *

- 4. Amend section 52.216–16 by—
- a. Revising the date of clause; and
- b. Removing from paragraph (g)(2) the phrase “by the amount of any applicable tax credits due the Contractor under 26 U.S.C. 1481 and”.

The revision reads as follows:

52.216–16 Incentive Price Revision—Firm Target.

* * * *

Incentive Price Revision—Firm Target (Jan 2022)

* * * *

- 5. Amend section 52.216–17 by—
- a. Revising the date of clause; and
- b. Removing from paragraph (i)(2) the phrase “by the amount of any applicable tax credits due the Contractor under 26 U.S.C. 1481 and”.

The revision reads as follows:

52.216–17 Incentive Price Revision—Successive Targets.

* * * *

Incentive Price Revision—Successive Targets (Jan 2022)

* * * *

[FR Doc. 2021–26803 Filed 12–14–21; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR–2021–0051, Sequence No. 6]

Federal Acquisition Regulation; Federal Acquisition Circular 2022–02; Small Entity Compliance Guide

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

RULES LISTED IN FAC 2022–02

Item	Subject	FAR case	Analyst
I	Update to Certain Online References in the FAR	2021–003	Glover.
II	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 2022–02 amends the FAR as follows: Item I—Update to Certain Online References in the FAR (FAR Case 2021–003)

This final rule amends the FAR to replace FAR references to Federal Business Opportunities (*FBO.gov*) and Wage Determinations Online (*WDOL.gov*) websites with references to the System for Award Management (*SAM.gov*) website because of their integration with and the increased functionality of *SAM.gov*. The rule is administrative in nature as it simply replaces website references. Item II—Technical Amendments

Editorial changes are made at FAR 52.216–5, 52.216–6, 52.216–16, and 52.216–17.

William F. Clark,

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

[FR Doc. 2021–26804 Filed 12–14–21; 8:45 am]

BILLING CODE 6820–EP–P

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) 2022–02, which amends the Federal Acquisition Regulation (FAR). Interested parties may obtain further information regarding these rules by referring to FAC 2022–02, which precedes this document.

DATES: December 15, 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 2022–02 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.

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 2, 5, 6, 7, 8, 16, 22, 47, and 52

[FAC 2022–02; FAR Case 2021–003; Item I; Docket No. FAR–2021–0003; Sequence No. 1]

RIN 9000–AO21

Federal Acquisition Regulation: Update to Certain Online References in the FAR

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 replace FAR references to Federal Business Opportunities (*FBO.gov*) and Wage Determinations Online (*WDOL.gov*) websites with the System for Award Management (*SAM.gov*) website because of their integration with and the increased functionality of *SAM.gov*.

DATES: Effective January 14, 2022.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis E. Glover, Sr., Procurement Analyst, at 202–501–1448 or by email at curtis.glover@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 2022–02, FAR Case 2021–003.

SUPPLEMENTARY INFORMATION:**I. Background**

DoD, GSA, and NASA are amending the Federal Acquisition Regulation (FAR) to replace references to Federal Business Opportunities (*FBO.gov*) and Wage Determinations Online (*WDOL.gov*) websites with the System for Award Management (*SAM.gov*) website because of their integration with and the increased functionality of *SAM.gov*.

The System for Award Management (SAM) is a Federal website that consolidates the capabilities of Central Contractor Registration (CCR), Online Representations and Certifications Applications (ORCA), and the Excluded Parties List System (EPLS) and continues to evolve to incorporate the capabilities of other systems used in Federal procurement processes.

On April 26, 2021, legacy *SAM.gov* functionality was integrated with *beta.SAM.gov* and renamed to *SAM.gov*. As a result of the integration, *SAM.gov* now includes the site for users to execute actions formerly accomplished on Federal Business Opportunities (*FBO.gov*) and Wage Determinations Online (*WDOL.gov*). In response, the FAR needs to be updated to remove obsolete names and URL references and incorporate in their place the new *SAM.gov* website.

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

The statute that applies to the publication of the Federal Acquisition Regulation (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 have a significant effect or impose any new requirements on contractors or offerors. The rule simply replaces FAR references to Federal Business Opportunities (*FBO.gov*) and Wage Determinations Online (*WDOL.gov*) with the System for Award Management (*SAM.gov*).

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 simply replaces references to Federal Business Opportunities (*FBO.gov*) and Wage Determinations Online (*WDOL.gov*) with the System for Award Management (*SAM.gov*). This rule does not impose any new requirements on contracts at or below the SAT, or 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

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. A major rule cannot take effect

until 60 days after it is published in the **Federal Register**. 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

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) does not apply to this rule, 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 III. of this preamble). Accordingly, no regulatory flexibility analysis is required and none has been prepared.

VII. 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. 3501–3521).

List of Subjects in 48 CFR Parts 2, 5, 6, 7, 8, 16, 22, 47, 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, 5, 6, 7, 8, 16, 22, 47, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 2, 5, 6, 7, 8, 16, 22, 47, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; 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 “Governmentwide point of entry (GPE)” by removing “<https://www.fbo.gov>” and adding “<https://www.sam.gov>” in its place.

PART 5—PUBLICIZING CONTRACT ACTIONS**5.102 [Amended]**

■ 3. Amend section 5.102 by removing from paragraph (a)(1) “<https://www.fbo.gov>” and adding “<https://www.sam.gov>” in its place.

5.201 [Amended]

■ 4. Amend section 5.201 by removing from paragraph (d) “<https://www.fbo.gov>” and adding “<https://www.sam.gov>” in its place.

5.207 [Amended]

- 5. Amend section 5.207 by—
- a. Removing from paragraphs (b) and (c)(19) “<https://www.fbo.gov>” and adding “<https://www.sam.gov>” in their places, respectively; and
- b. Removing from paragraph (e) “<https://www.fbo.gov>” and adding “<https://www.sam.gov>” in its place.

5.704 [Amended]

- 6. Amend section 5.704 by removing from paragraph (b) introductory text “<https://www.fbo.gov>” and adding “<https://www.sam.gov>” in its place.

5.705 [Amended]

- 7. Amend section 5.705 by removing from paragraphs (a)(2) introductory text and (c) “<https://www.fbo.gov>” and adding “<https://www.sam.gov>” in their places, respectively.

PART 6—COMPETITION REQUIREMENTS**6.305 [Amended]**

- 8. Amend section 6.305 by removing from paragraph (d)(1) “<https://www.fbo.gov>” and adding “<https://www.sam.gov>” in its place.

PART 7—ACQUISITION PLANNING**7.105 [Amended]**

- 9. Amend section 7.105 by removing from paragraph (b)(16) “<https://www.fbo.gov>” and adding “<https://www.sam.gov>” in its place.

PART 8—REQUIRED SOURCES OF SUPPLIES AND SERVICES**8.405–6 [Amended]**

- 10. Amend section 8.405–6 by removing from paragraph (a)(2)(i)(B)(1) “<https://www.fbo.gov>” and adding “<https://www.sam.gov>” in its place.

8.602 [Amended]

- 11. Amend section 8.602 by removing from paragraphs (a)(4)(ii)(A) and (B) “FedBizOpps, also known as FBO” and adding “Contract Opportunities at *SAM.gov*” in its place.

PART 16—TYPES OF CONTRACTS**16.505 [Amended]**

- 12. Amend section 16.505 by removing from paragraph (b)(2)(ii)(D)(2)(i) “<https://www.fbo.gov>” and adding “<https://www.sam.gov>” in its place.

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

- 13. Amend section 22.001 by—

- a. In the definition “*e98*” removing “<http://www.wdol.gov>” and adding “<https://www.sam.gov>” in its place; and
- b. Removing the definition of “*Wage Determinations OnLine (WDOL)*” and adding a definition for “*Wage Determinations at SAM.gov*” in its places.

The addition reads as follows:

22.001 Definitions.

* * * * *

Wage Determinations at SAM.gov means the Government internet website for both Construction Wage Rate Requirements statute and Service Contract Labor Standards statute wage determinations available at <https://www.sam.gov>.

- 14. Amend section 22.404–1 by revising paragraph (a)(2) to read as follows:

22.404–1 Types of wage determinations.

(a) * * *

(2) General wage determinations are published on the Wage Determinations at *SAM.gov* website. General wage determinations are effective on the publication date of the wage determination or upon receipt of the wage determination by the contracting agency, whichever occurs first. “Publication” within the meaning of this section shall occur on the first date the wage determination is published on the Wage Determinations at *SAM.gov*. Archived Construction Wage Rate Requirements statute general wage determinations that are no longer current may be accessed in the “Archived DB WD” database on Wage Determinations at *SAM.gov* website for information purposes only. Contracting officers may not use an archived wage determination in a contract action without obtaining prior approval of the Department of Labor. To obtain prior approval, contact the Department of Labor, Wage and Hour Division, using <https://www.sam.gov>, or contact the procurement agency labor advisor listed on <https://www.sam.gov>.

* * * * *

22.404–3 [Amended]

- 15. Amend section 22.404–3 by removing from paragraph (a) and paragraph (b) introductory text “WDOL” and adding “Wage Determinations at *SAM.gov*” in its place.

22.404–6 [Amended]

- 16. Amend section 22.404–6 by removing from paragraphs (a)(3), (b)(1)(i) and (ii), (b)(2) and (6), (c)(1), and (d)(1)(ii), “WDOL” and adding “Wage Determinations at *SAM.gov*” in its place, wherever it appears.

22.1008–1 [Amended]

- 17. Amend section 22.1008–1 by removing from paragraphs (a), (c), (d), and (e)(1), “WDOL” and adding “Wage Determinations at *SAM.gov*” in its place, wherever it appears.

22.1008–2 [Amended]

- 18. Amend section 22.1008–2 by removing from paragraphs (d)(2) and (3) and (g) introductory text “WDOL” and adding “Wage Determinations at *SAM.gov*” in its place.

22.1012–1 [Amended]

- 19. Amend section 22.1012–1 by removing from paragraphs (a)(1)(i) and (a)(2) “WDOL” and adding “Wage Determinations at *SAM.gov*” in its place.

22.1012–2 [Amended]

- 20. Amend section 22.1012–2 by removing from paragraph (d) “WDOL” and adding “Wage Determinations at *SAM.gov*” in its place.

22.1903 [Amended]

- 21. Amend section 22.1903 by removing from paragraph (c) “<http://www.wdol.gov>” and adding “<https://www.sam.gov>” in its place.

22.1904 [Amended]

- 22. Amend section 22.1904 by removing from paragraph (a)(2) “Wage Determinations OnLine (WDOL), <http://www.wdol.gov>” and adding “Wage Determinations at *SAM.gov*, <https://www.sam.gov>” in its place.

PART 47—TRANSPORTATION

- 23. Amend section 47.202 by revising paragraph (a) to read as follows:

47.202 Presolicitation planning.

* * * * *

(a) The Service Contract Labor Standards statute requirement to obtain a wage determination by accessing the Wage Determinations at *SAM.gov* website (<https://www.sam.gov>) using the Wage Determinations at *SAM.gov* process or by submitting a request directly to the Department of Labor on this website using the e98 process before the issuance of an invitation for bid, request for proposal, or commencement of negotiations for any contract exceeding \$2,500 that may be subject to the Service Contract Labor Standards statute (see subpart 22.10);

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

- 24. Amend section 52.212–5 by—

- a. Revising the date of the clause;
 - b. Removing from paragraph (c)(7) “(NOV 2020)” and adding “(JAN 2022)” in its place;
 - c. Removing from paragraph (e)(1)(xvii) “(NOV 2020)” and adding “(JAN 2022)” in its place; and
 - d. In Alternate II—
 - i. Revising the date of the Alternate; and
 - ii. Removing from paragraph (e)(1)(iii)(P) “(NOV 2020)” and adding “(JAN 2022)” 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 (JAN 2022)

* * * * *

- Alternate II* (JAN 2022). * * *
- * * * * *
- 25. Amend section 52.213–4 by—
 - a. Revising the date of the clause;
 - b. Revising paragraph (a)(2)(viii); and
 - c. Removing from paragraph (b)(1)(ix) “(NOV 2020)” and adding “(JAN 2022)” in its place.

The revisions read 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) (JAN 2022)

- (a) * * *
- (2) * * *
- (viii) 52.244–6 Subcontracts for Commercial Products and Commercial Items (JAN 2022).

* * * * *

- 26. Amend section 52.222–55 by—
- a. Revising the date of the clause; and

- b. Removing from paragraph (b)(2) “*www.wdol.gov*” and adding “*https://www.sam.gov*” in its place.
- The revision reads as follows:

52.222–55 Minimum Wages Under Executive Order 13658.

* * * * *

Minimum Wages Under Executive Order 13658 (JAN 2022)

* * * * *

- 27. Amend section 52.244–6 by—
- a. Revising the date of the clause; and
- b. Removing from paragraph (c)(1)(xv) “(NOV 2020)” and adding “(JAN 2022)” 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 (JAN 2022)

* * * * *

[FR Doc. 2021–26802 Filed 12–14–21; 8:45 am]

BILLING CODE 6820–EP–P