

Do not use this code for contracts or

agreements with provisions for orders or calls—H

* * * * *

(b) *Illustration of PII number.* The following illustrates a properly configured PII number:

Position	Contents	N00062	09	C	0001
1-6	Identification of department/agency office				
7-8	Last two digits of the fiscal year in which the procurement instrument is issued or awarded				
9	Type of instrument				
10-13	Four position serial number				

PART 217—SPECIAL CONTRACTING METHODS

■ 4. Section 217.207 is added to read as follows:

217.207 Exercise of options.

(c) In addition to the requirements at FAR 17.207(c), exercise an option only after determining that the contractor's record in the Central Contractor Registration database is active and the contractor's Data Universal Numbering System (DUNS) number, Commercial and Government Entity (CAGE) code, name, and physical address are accurately reflected in the contract document.

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DEPARTMENT OF DEFENSE**Defense Acquisition Regulations System****48 CFR Parts 204, 219, and 253**

RIN 0750-AF77

Defense Federal Acquisition Regulation Supplement; Contract Reporting (DFARS Case 2007-D006)

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

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to address DoD requirements for reporting of contract actions in the Federal Procurement Data System.

DATES: *Effective Date:* July 29, 2009.

FOR FURTHER INFORMATION CONTACT: Mr. Julian Thrash, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone 703-602-0310; facsimile 703-602-7887. Please cite DFARS Case 2007-D006.

SUPPLEMENTARY INFORMATION:**A. Background**

The Federal Procurement Data System (FPDS) provides a comprehensive Web-based tool for Federal agencies to report contract actions. General reporting requirements for FPDS are in Subpart 4.6 of the Federal Acquisition Regulation. This final rule updates DFARS text addressing reporting of contract actions, to remove references to obsolete reporting form DD 350, and to address current DoD procedures for reporting of contract actions in FPDS.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This rule will not have a significant cost or administrative impact on

contractors or offerors, or a significant effect beyond the internal operating procedures of DoD. Therefore, publication for public comment under 41 U.S.C. 418b is not required. However, DoD will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2007-D006.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply, because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 204, 219, and 253

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR Parts 204, 219, and 253 are amended as follows:

■ 1. The authority citation for 48 CFR Parts 204, 219, and 253 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 204—ADMINISTRATIVE MATTERS

■ 2. Sections 204.602, 204.604, and 204.606 are added to read as follows:

204.602 General.

See PGI 204.602 for additional information on the Federal Procurement Data System (FPDS) and procedures for resolving technical or policy issues relating to FPDS.

204.604 Responsibilities.

(1) The process for reporting contract actions to FPDS should, where possible, be automated by incorporating it into contract writing systems.

(2) Data in FPDS is stored indefinitely and is electronically retrievable. Therefore, the contracting officer may reference the contract action report (CAR) approval date in the associated Government contract file instead of including a paper copy of the electronically submitted CAR in the file. Such reference satisfies contract file documentation requirements of FAR 4.803(a).

(3) By December 15th of each year, the chief acquisition officer of each DoD component required to report its contract actions shall submit to the Director, Defense Procurement and Acquisition Policy, its annual certification and data validation results for the preceding fiscal year in accordance with the DoD Data Improvement Plan requirements at <http://www.acq.osd.mil/dpap/pdi/eb>. The Director, Defense Procurement and Acquisition Policy, will submit a consolidated DoD annual certification to the Office of Management and Budget by January 5th of each year.

204.606 Reporting data.

In addition to FAR 4.606, follow the procedures at PGI 204.606 for reporting data to FPDS.

204.670 [Removed]

■ 3. Section 204.670 is removed.

■ 4. Section 204.902 is revised to read as follows:

204.902 General.

(b) DoD uses the Federal Procurement Data System (FPDS) to meet these reporting requirements.

204.7203 [Amended]

■ 5. Section 204.7203 is amended by removing paragraph (c).

PART 219—SMALL BUSINESS PROGRAMS

■ 6. Section 219.001 is amended by revising paragraph (2)(iv) to read as follows:

219.001 Definitions.

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(2) * * *

(iv) Reporting contract actions with SDB concerns in the Federal Procurement Data System (FPDS).

■ 7. Section 219.202–5 is amended by revising the introductory text to read as follows:

219.202–5 Data collection and reporting requirements.

Determine the premium percentage to be entered in the Federal Procurement Data System (FPDS) as follows:

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PART 253—FORMS**253.204 and 253.204–70 [Removed]**

■ 8. Sections 253.204 and 253.204–70 are removed.

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DEPARTMENT OF DEFENSE**Defense Acquisition Regulations System**

48 CFR Parts 204, 236, 237, 239, 245, and 252

RIN 0750–AF92

Defense Federal Acquisition Regulation Supplement; Government Property (DFARS Case 2007–D020)

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

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update text addressing management of Government property in the possession of contractors. The DFARS changes are consistent with changes made to the Federal Acquisition Regulation (FAR).

DATES: *Effective Date:* July 29, 2009.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Gomersall, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone 703–602–0302; facsimile 703–602–7887. Please cite DFARS Case 2007–D020.

SUPPLEMENTARY INFORMATION:**A. Background**

This final rule updates and reorganizes DFARS Subparts 245.1, 245.3, 245.4, and 245.5 for consistency with FAR changes addressing management of government property in the possession of contractors, published at 72 FR 27364 on May 15, 2007. Related changes are made in Parts 204, 236, 237, 239, and 252. The following table summarizes the DFARS changes in this rule:

DFARS citation	Changes made by this rule
204.7003	Removed “facilities contracts” from the list of contract types, consistent with the removal of references to facilities contracts from the FAR.
237.7003	Updated the reference to the applicable FAR Government Property clause.
239.7402	Updated and clarified the text in paragraphs (b)(3) and (4).
245.104	Updated and relocated the text to 245.105.
245.301	(1) Updated the definition of “facilities project” and relocated it to 237.7501. (2) Relocated the definition of “mapping, charting, and geodesy” to 245.101 without change. (3) Removed the definition of “provide,” since this term is now defined in FAR 45.101. (4) Removed the definitions of “agency-peculiar property,” “industrial plant equipment,” and “other plant equipment,” as they are no longer considered necessary.
245.302–1(a)	Revised to eliminate text addressing responsibilities for approval of facilities projects, as these responsibilities are addressed DoD Directive 4275.5. The remaining text is relocated to 237.7502, with cross-references added at 236.275 and 245.102(3).
245.302–1(b) and DD Form 1419 ..	Removed. The specified equipment screening procedures have become obsolete.
245.302–2 and 245.302–7	Removed. The separate procedures for facilities contracts are no longer necessary.
245.303–2	Updated and relocated to 245.102(2).
245.307–2	Removed. The corresponding FAR text has been removed.