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48 CFR Chapter 1

Federal Acquisition Regulations; Final Rules

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Chapter 1**

[Docket No. FAR 2014–0051, Sequence No. 6]

**Federal Acquisition Regulation;
Federal Acquisition Circular 2005–78;
Introduction**AGENCIES: 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) 2005–78. A
companion document, the *Small Entity
Compliance Guide* (SECG), follows this
FAC. The FAC, including the SECG, is
available via the Internet at [http://
www.regulations.gov](http://www.regulations.gov).**DATES:** For effective dates and comment
dates see separate documents, which
follow.**FOR FURTHER INFORMATION CONTACT:** The
analyst whose name appears in the table
below in relation to the FAR case.
Please cite FAC 2005–78 and the
specific FAR case number. For
information pertaining to status or
publication schedules, contact the
Regulatory Secretariat at 202–501–4755.**RULES LISTED IN FAC 2005–78**

Item	Subject	FAR case	Analyst
I	Incorporating Section K in Contracts	2014–001	Glover.
II	Streamlining Claims Processing	2014–011	Loeb.
III	Year Format	2014–006	Loeb.
IV	Higher-Level Contract Quality Requirements	2012–032	Loeb.
V	Technical Amendments.		

SUPPLEMENTARY INFORMATION:Summaries for each FAR rule follow.
For the actual revisions and/or
amendments made by these rules, refer
to the specific item numbers and
subjects set forth in the documents
following these item summaries. FAC
2005–78 amends the FAR as specified
below:**Item I—Incorporating Section K in
Contracts (FAR Case 2014–001)**This final rule revises the language at
FAR subpart 4.12, Representations and
Certifications, and adds a new clause at
FAR 52.204–19 to standardize the
incorporation by reference of
representations and certifications in
contracts regardless of which contract
award form is used. FAR clause 52.212–
4 has a new paragraph (v) to cover this
issue for commercial items.Peer reviews and procurement
management reviews have found that
Section K-Representations and
Certifications are inconsistently or not
incorporated in contract awards.This final rule does not change or
impact the existing representations and
certifications submitted by small
entities; this final rule should have no
impact on small entities.**Item II—Streamlining Claims
Processing (FAR Case 2014–011)**This final rule implements the
Streamlining Claims Processing for
Federal Contractor Employees Act, Pub.
L. 113–50, which transferred certainauthority for construction wage under-
payments from the Government
Accountability Office to the Department
of Labor. There is no effect on small
businesses.**Item III—Year Format (FAR Case 2014–
006)**This final rule amends the FAR to
delete obsolete regulations relating to
the year 2000 compliance. There is no
impact on small businesses.**Item IV—Higher-Level Contract Quality
Requirements (FAR Case 2012–032)**This final rule amends FAR parts 44
and 46 to (1) provide that agencies
should establish procedures for
determining when higher-level quality
standards are to be included in a
contract, (2) provide that higher-level
quality standards should be given
special attention during Contractor
Purchasing System Reviews, and (3)
adds an example of higher-level quality
standards as it relates to counterfeit
electronic parts. The contracting officer,
in accordance with agency procedures,
will choose the higher-level quality
standards that will apply. These
standards will be used to help minimize
and mitigate counterfeit items or
suspect counterfeit items in Government
contracting. This rule impacts large and
small businesses who provide critical
items directly to the Government or to
Government prime contractors.**Item V—Technical Amendments**Editorial changes are made at FAR
1.106, 16.103, 22.1006, 31.109, 52.204–
8, and 53.219.

Dated: November 17, 2014.

William Clark,*Acting Director, Office of Government-Wide
Acquisition Policy, Office of Acquisition
Policy, Office of Government-Wide Policy.*Federal Acquisition Circular (FAC)
2005–78 is issued under the authority of
the Secretary of Defense, the
Administrator of General Services, and
the Administrator for the National
Aeronautics and Space Administration.Unless otherwise specified, all
Federal Acquisition Regulation (FAR)
and other directive material contained
in FAC 2005–78 is effective November
25, 2014 except for items I, II, III and IV,
which are effective December 26, 2014.

Dated: November 17, 2014.

Richard Ginman,*Director, Defense Procurement and
Acquisition Policy.*

Dated: November 17, 2014.

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

Dated: November 18, 2014.

Ronald A. Poussard,*Director, Contract and Grant Policy Branch
NASA, Office of Procurement.*

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