

DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Chapter 1

[Docket No. FAR–2024–0051, Sequence No. 3]

**Federal Acquisition Regulation;
Federal Acquisition Circular 2024–05;
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)
2024–05, which amends the Federal
Acquisition Regulation (FAR).
Interested parties may obtain further
information regarding these rules by
referring to FAC 2024–05, which also

published in this issue of the **Federal
Register**.

DATES: April 22, 2024.

ADDRESSES: The FAC, including the
SECG, is available at [https://
www.regulations.gov](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 2024–05 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 2024–05

Item	Subject	FAR case	Analyst
*I	Sustainable Procurement	2022–006	Hawes.
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
2024–05 amends the FAR as follows:

**Item I—Sustainable Procurement (FAR
Case 2022–006)**

This final rule amends the Federal
Acquisition Regulation (FAR) to
restructure and update FAR part 23 to
focus on current environmental and
sustainability matters and to implement
a requirement for agencies to procure
sustainable products and services to the
maximum extent practicable. As a result
of this rule, content related to
sustainable products and services,
energy savings performance contracts,
hazardous and radioactive materials,
pollution prevention at Federal
facilities, and greenhouse gases are
consolidated into single subparts at FAR
subpart 23.1, 23.2, 23.3, 23.4, and 23.5,

respectively. Non-environmental
matters, to include requirements for a
drug-free workplace and encouraging
contractors to ban texting while driving,
are moved to FAR part 26. The existing
statutory and other Environmental
Protection Agency (EPA) purchasing
program requirements (previously
implemented in FAR subparts 23.2,
23.4, 23.7, and 23.8) are consolidated in
FAR subpart 23.1. This rule will require
agencies to specify in the statement of
work, or elsewhere in the contract, the
sustainable products and services,
including the purchasing programs and
types of products or services, that are
applicable to the acquisition. A new
omnibus contract clause at FAR 52.223–
23, Sustainable Products and Services,
will require contractors to ensure the
sustainable products and services
identified in the contract are delivered,
incorporated, or furnished under the
contract. The rule also updates agency
requirements for construction and
architect-engineer contracts at FAR
36.104(b)(1) to align with the Council on

Environmental Quality’s Guiding
Principles for Federal Leadership in
High-Performance and Sustainable
Buildings. The final rule may have a
significant economic impact on a
substantial number of small entities
who compete on Federal contracts.
These entities will need to ensure that
they are offering and delivering
sustainable products and services, as
specified in agency solicitations and
contracts.

Item II—Technical Amendments

An administrative change is made at
FAR 1.106, 1.401, 4.1702, 5.704, 8.402,
8.404, 8.405–1, 8.405–2, 8.405–3, 8.405–
6, 16.505, 19.305, 19.507, 28.203–1,
31.205–40, 39.000, and 52.212–3.

William F. Clark,
*Director, Office of Government-wide
Acquisition Policy, Office of Acquisition
Policy, Office of Government-wide Policy.*
[FR Doc. 2024–07933 Filed 4–19–24; 8:45 am]

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