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48 CFR Chapter 1

Federal Acquisition Regulation; Final Rules

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

[Docket FAR 2012–0080, Sequence 7]

**Federal Acquisition Regulation;
Federal Acquisition Circular 2005–62;
Introduction**AGENCIES: Department of Defense (DoD),
General Services Administration (GSA),and National Aeronautics and Space
Administration (NASA).**ACTION:** Summary presentation of a final
and interim rule.**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) 2005–62. 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 each FAR case.
Please cite FAC 2005–62 and the
specific FAR case numbers. For
information pertaining to status or
publication schedules, contact the
Regulatory Secretariat at 202–501–4755.

LIST OF RULES IN FAC 2005–62

Item	Subject	FAR case	Analyst
I	Updates to Contract Reporting and Central Contractor Registration	2010–014	Loeb.
II	Interagency Acquisitions: Compliance by Nondefense Agencies with Defense Procurement Requirements.	2012–010	Corrigan.
III	Free Trade Agreement—Panama	2012–027	Davis.

SUPPLEMENTARY INFORMATION:

Summaries for each FAR rule follow.
For the actual revisions and/or
amendments made by these FAR cases,
refer to the specific item numbers and
subjects set forth in the documents
following these item summaries. FAC
2005–62 amends the FAR as specified
below:

**Item I—Updates to Contract Reporting
and Central Contractor Registration
(FAR Case 2010–014)**

GSA, DOD, and NASA published a
proposed rule in the **Federal Register** at
76 FR 73564 on November 29, 2011 to
revise the practice for and limit the use
of generic Data Universal Numbering
System (DUNS) Numbers, update
policies on reporting into the Federal
Procurement Data System (FPDS), and
revise clauses for Central Contractor
Registration (CCR) and DUNS Number
reporting. The rule increases
transparency by reducing the use of
generic DUNS, but may require more
small businesses to register in CCR. The
rule clarifies that non-appropriated fund
awards will generally not be included in
FPDS. The rule also clarifies
requirements for agencies to submit and
review contract action reports in FPDS.
This rule uses the existing term “Central
Contractor Registration” rather than
“System for Award Management,”
because FAR Case 2012–033 will
address the terminology update to
“System for Award Management”
throughout the FAR.

**Item II—Interagency Acquisitions:
Compliance by Nondefense Agencies
With Defense Procurement
Requirements (FAR Case 2012–010)**

This interim rule amends the FAR to
implement section 801 of the National
Defense Authorization Act for Fiscal
Year 2008 (Pub. L. 110–181), as
amended (10 U.S.C. 2304 note). Section
801 requires compliance certifications
by non-defense agencies that purchase
on behalf of DoD, and clarifies which
DoD laws and regulations apply. The
agencies must comply with new FAR
subpart 17.7, in addition to complying
with FAR subpart 17.5. To provide
clarification for small business and
contracting officers, existing policy for
small business goal credit for assisted
acquisitions is added to section FAR
4.603(c).

**Item III—Free Trade Agreement—
Panama (FAR Case 2012–027)**

This interim rule implements a new
Free Trade Agreement with Panama (see
the United States–Panama Trade
Promotion Agreement Implementation
Act (Pub. L. 112–43) (19 U.S.C. 3805
note)).

This Trade Promotion Agreement is a
free trade agreement that provides for
mutually non-discriminatory treatment
of eligible products and services from
Panama. This interim rule is not
expected to have a significant economic
impact on a substantial number of small
entities.

Federal Acquisition Circular (FAC)
2005–62 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 2005–62 is effective November
20, 2012, except for Item I which is
effective December 20, 2012.

Dated: November 9, 2012.

Laura Auletta,

Director, Office of Governmentwide
Acquisition Policy, Office of Acquisition
Policy, Office of Governmentwide Policy.

Dated: November 6, 2012.

Richard Ginman,

Deputy Director, Defense Procurement and
Acquisition Policy.

Dated: November 5, 2012.

Joseph A. Neurauter,

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

Dated: November 5, 2012.

William P. McNally,

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