

revealed by FPDS. DoD, GSA, and NASA note that the set-aside authority can only be used where a contracting officer has a reasonable expectation that offers will be received from at least two small businesses and that award will be made at a fair market price. Similarly, sole-source authority under any of the small business programs also requires certain conditions to be met before being utilized.

Nonetheless, this rule may have a significant positive economic impact on small business concerns competing for Federal contracting opportunities since it will provide additional Federal contracting opportunities.

This rule does not include any new reporting, recordkeeping, or other compliance requirements for small businesses.

This final rule is not expected to have a negative impact on any small entity.

Interested parties may obtain a copy of the FRFA from the Regulatory Secretariat Division. The Regulatory Secretariat Division has submitted a copy of the FRFA to the Chief Counsel for Advocacy of SBA.

VIII. Paperwork Reduction Act

This 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, 19, 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, 19, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 2, 19, 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 of “Bundling”, by removing paragraph (3).

PART 19—SMALL BUSINESS PROGRAMS

■ 3. Amend section 19.000 by revising paragraph (b) to read as follows:

19.000 Scope of part.

* * * * *

(b)(1) Unless otherwise specified in this part (see subparts 19.6 and 19.7)—

(i) Contracting officers shall apply this part in the United States and its outlying areas; and

(ii) Contracting officers may apply this part outside the United States and its outlying areas.

(2) Offerors that participate in any procurement under this part are required to meet the definition of “small business concern” at 2.101 and the definition of “concern” at 19.001.

■ 4. Amend section 19.309 by revising paragraphs (a)(1), (b), and (c)(1) to read as follows:

19.309 Solicitation provisions and contract clauses.

(a)(1) Insert the provision at 52.219–1, Small Business Program Representations, in solicitations exceeding the micro-purchase threshold when the contract is for supplies to be delivered or services to be performed in the United States or its outlying areas, or when the contracting officer has applied this part in accordance with 19.000(b)(1)(ii).

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(b) When contracting by sealed bidding, insert the provision at 52.219–2, Equal Low Bids, in solicitations when the contract is for supplies to be delivered or services to be performed in the United States or its outlying areas, or when the contracting officer has applied this part in accordance with 19.000(b)(1)(ii).

(c)(1) Insert the clause at 52.219–28, Post-Award Small Business Program Rerepresentation, in solicitations and contracts exceeding the micro-purchase threshold when the contract is for supplies to be delivered or services to be performed in the United States or its outlying areas, or when the contracting officer has applied this part in accordance with 19.000(b)(1)(ii).

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PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 5. Amend section 52.204–8 by revising the date of the provision and paragraphs (c)(1)(xii) introductory text and (c)(1)(xiii) to read as follows:

52.204–8 Annual Representations and Certifications.

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Annual Representations and Certifications (May 2022)

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(c)(1) * * *
(xii) 52.219–1, Small Business Program Representations (Basic, Alternates I, and II). This provision applies to solicitations when the

contract is for supplies to be delivered or services to be performed in the United States or its outlying areas, or when the contracting officer has applied part 19 in accordance with 19.000(b)(1)(ii).

* * * * *

(xiii) 52.219–2, Equal Low Bids. This provision applies to solicitations when contracting by sealed bidding and the contract is for supplies to be delivered or services to be performed in the United States or its outlying areas, or when the contracting officer has applied part 19 in accordance with 19.000(b)(1)(ii).

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■ 6. Amend section 52.212–3 by revising the date of the provision and paragraph (c) introductory text to read as follows:

52.212–3 Offeror Representations and Certifications—Commercial Products and Commercial Services.

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Offeror Representations and Certifications—Commercial Products and Commercial Services (May 2022)

* * * * *

(c) Offerors must complete the following representations when the resulting contract is for supplies to be delivered or services to be performed in the United States or its outlying areas, or when the contracting officer has applied part 19 in accordance with 19.000(b)(1)(ii). Check all that apply.

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 4, 12, 15, 18, 46, and 52

[FAC 2022–06; Item II; Docket No. FAR–2022–0052; Sequence No. 1]

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: May 1, 2022.

FOR FURTHER INFORMATION CONTACT: Ms. Lois Mandell, Regulatory Secretariat Division (MVCB), at 202-501-4755 or GSARegSec@gsa.gov. Please cite FAC 2022-06, Technical Amendments.

SUPPLEMENTARY INFORMATION: This document makes editorial changes to 48 CFR parts 4, 12, 15, 18, 46, and 52.

List of Subjects in 48 CFR Parts 4, 12, 15, 18, 46, 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 4, 12, 15, 18, 46, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 4, 12, 15, 18, 46, 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 4—ADMINISTRATIVE AND INFORMATION MATTERS

4.402 [Amended]

■ 2. Amend section 4.402 by removing from paragraph (d)(1) the phrase “via the Procurement Integrated Enterprise Environment (PIEE) at <https://wawf.eb.mil>” and adding “<https://www.dcsa.mil/is/nccs>” in its place.

■ 3. Amend section 4.1103 by revising paragraph (a)(3) to read as follows:

4.1103 Procedures.

(a) * * *

(3) Need not verify SAM registration before placing an order or call if the contract or agreement includes the clause at 52.204-13, System for Award Management Maintenance, or a similar agency clause, except when use of the Governmentwide commercial purchase card is contemplated as a method of payment. (See 32.1108(b)(2).)

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PART 12—ACQUISITION OF COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES

12.302 [Amended]

■ 4. Amend section 12.302 in paragraph (a) by removing from the second sentence the phrase “commercial items” and adding “commercial products and commercial services” in its place.

12.402 [Amended]

■ 5. Amend section 12.402 in paragraph (a) by removing from the fourth sentence the phrase “commercial items”

and adding “commercial products or commercial services” in its place.

PART 15—CONTRACTING BY NEGOTIATION

15.601 [Amended]

■ 6. Amend section 15.601 by removing the definition of “Commercial item offer” and adding the definition “Commercial product or commercial service offer” in its place to read as follows:

15.601 Definitions.

* * * * *

Commercial product or commercial service offer means an offer of a commercial product or commercial service that the vendor wishes to see introduced in the Government’s supply system as an alternate or a replacement for an existing supply item. This term does not include innovative or unique configurations or uses of commercial products or commercial services that are being offered for further development and that may be submitted as an unsolicited proposal.

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PART 18—EMERGENCY ACQUISITIONS

18.205 [Amended]

■ 7. Amend section 18.205 by removing from paragraph (b) the link “https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/assets/procurement_guides/emergency_acquisitions_guide.pdf” and adding the link “https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/assets/procurement_guides/emergency_acquisitions_guide.pdf” in its place.

PART 46—QUALITY ASSURANCE

46.102 [Amended]

■ 8. Amend section 46.102 by removing from paragraph (g) the phrase “(see subpart 42.1.)” and adding “(see 42.002 and subpart 42.2).” in its place.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 9. Amend section 52.212-5 by—

■ a. Revising the date of the clause;

■ b. Removing from paragraph (b)(36) the date “NOV 2021” and adding “MAY 2022” in its place;

■ c. Removing from paragraph (e)(1)(xvi) the date “NOV 2021” and adding “MAY 2022” in its place; and

■ d. In Alternate II:

■ i. Revising the date of the Alternate; and

■ ii. Removing from paragraph (e)(1)(ii)(O) the date “NOV 2021” and adding “MAY 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.

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CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS—COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES (May 2022)

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Alternate II (May 2022). * * *

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■ 10. Amend section 52.222-54 by—
■ a. Revising the date of the clause; and
■ b. Removing from paragraph (c) the phrase “<http://www.dhs.gov/E-Verify>” and adding “<https://www.e-Verify.gov>” in its place.

The revision reads as follows:

52.222-54 Employment Eligibility Verification.

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Employment Eligibility Verification (May 2022)

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR-2022-0051, Sequence No. 3]

Federal Acquisition Regulation; Federal Acquisition Circular 2022-06; 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)