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Department of Defense

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42 CFR Parts 1, 2, 4, et al.

Federal Acquisition Regulation; Final Rules

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

[Docket No. FAR 2014–0051, Sequence No. 5]

**Federal Acquisition Regulation;
Federal Acquisition Circular 2005–77;
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) 2005–77. 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 2005–77 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 2005–77**

Item	Subject	FAR case	Analyst
I	Federal Contracting Programs for Minority-Owned and Other Small Businesses	2009–016	Uddowla
II	Irrevocable Letters of Credit	2011–023	Davis
III	Uniform Procurement Identification	2012–023	Loeb

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
2005–77 amends the FAR as specified
below:

**Item I—Federal Contracting Programs
for Minority-Owned and Other Small
Businesses (FAR Case 2009–016)**

This final rule amends the FAR to
remove certain coverage involving
procurements with small disadvantaged
business concerns and certain
institutions of higher education that is
based on authority which has expired
and been found to be unconstitutional
by the Court of Appeals for the Federal
Circuit. These changes harmonize the
FAR with current statutory authorities.
The impact of this rule on small
businesses should be minimal, given
that the coverage applied only to prime
contracting opportunities in specific
North American Industry Classification
System codes, and was applicable to
only three Government agencies, (DoD,
NASA and U.S. Coast Guard). The
obligation of Federal Agencies to meet
or exceed the statutory five percent
small disadvantaged business goals at
the prime and subcontracting levels are
not affected by this rule.

**Item II—Irrevocable Letters of Credit
(FAR Case 2011–023)**

This final rule amends the FAR to
remove all references to Office of

Federal Procurement Policy (OFPP)
Pamphlet No. 7, Use of Irrevocable
Letters of Credit (ILC). This change is
necessary to update the sources of data
required to verify the credit worthiness
of a financial entity issuing or
confirming an ILC.

This final rule has no significant
impact on the Government and
contractors including small business
entities and imposes no new
requirements. Contracting Officers are
currently required to verify the credit
worthiness of a financial entity issuing
or confirming an ILC and will benefit
from this updated information to
conduct an accurate analysis.

**Item III—Uniform Procurement
Identification (FAR Case 2012–023)**

This final rule amends the FAR to
implement a uniform Procurement
Instrument Identification (PIID)
numbering system, which will require
the use of Activity Address Codes
(AACs) as the unique identifier for
contracting offices and other offices, in
order to standardize procurement
transactions across the Federal
Government. Agencies shall comply
with the new PIID procedures in FAR
subpart 4.16 by October 1, 2017, for new
solicitations and contract awards.

Dated: September 30, 2014.

William Clark,

*Acting Director, Office of Government-wide
Acquisition Policy, Office of Acquisition
Policy, Office of Government-wide Policy.*Federal Acquisition Circular (FAC)
2005–77 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 2005–77 is effective October 14,
2014 except for items II and III which
are effective November 13, 2014.

Dated: October 1, 2014.

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

Dated: August 11, 2014.

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

Dated: September 29, 2014.

William P. McNally,*Assistant Administrator for Procurement,
National Aeronautics and Space
Administration.*

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