

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

[Docket FAR 2012–0080, Sequence 3]

**Federal Acquisition Regulation;
Federal Acquisition Circular 2005–58;
Introduction**

AGENCY: 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) 2005–58. 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 2005–58 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 2005–58

Item	Subject	FAR case	Analyst
I	Biobased Procurements	2010–004	Clark.
II	Representation Regarding Export of Sensitive Technology to Iran	2010–018	Davis.
III	Justification and Approval of Sole-Source 8(a) Contracts	2009–038	Morgan.
IV	Technical Amendments.		

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
subject set forth in the documents
following these item summaries. FAC
2005–58 amends the FAR as specified
below:

**Item I—Biobased Procurements (FAR
Case 2010–004)**

This final rule amends the FAR to
implement changes that require
contractors to report the biobased
products purchased under service and
construction contracts. The Farm
Security and Rural Investment Act (7
U.S.C. 8102) requires agencies to report
this information to the Office of Federal
Procurement Policy. This reporting will
enable agencies to monitor compliance
with the Federal preference for
purchasing biobased products.
Contractors may need to create an
inventory management system to track
the biobased products purchased for
each contract. However, this rule may
enhance small business biobased
product suppliers' participation in this
market.

**Item II—Representation Regarding
Export of Sensitive Technology to Iran
(FAR Case 2010–018)**

This final rule adopts, with minor
changes, an interim rule which added a
representation to implement section 106
of the Comprehensive Iran Sanctions,
Accountability, and Divestment Act of
2010. Section 106 imposes a

procurement prohibition relating to
contracts with persons that export
certain sensitive technology to Iran.
This rule has no significant impact on
small business concerns.

**Item III—Justification and Approval of
Sole-Source 8(a) Contracts (FAR Case
2009–038)**

This rule adopts as final, without
change, an interim rule published in the
Federal Register at 76 FR 14559 on
March 16, 2011, which implemented
section 811 of the National Defense
Authorization Act for Fiscal Year 2010
(Pub. L. 111–84). Section 811 prohibits
the award of a sole-source contract in an
amount over \$20 million under the 8(a)
program authority (15 U.S.C. 637(a))
without first obtaining a written
Justification and Approval (J&A)
approved by an appropriate official, and
making public the J&A and related
information. This internal Government
requirement for the development and
approval of a sole-source J&A for 8(a)
sole-source awards over \$20 million
neither prohibits such awards nor
increases the qualifications required of
8(a) firms.

Item IV—Technical Amendments

Editorial changes are made at FAR
1.201–1, 52.212–5, and 52.219–28.

Dated: April 11, 2012.

Laura Auletta,

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

Federal Acquisition Circular (FAC)
2005–58 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 2005–58 is effective April 18,
2012, except for Items I and II which are
effective May 18, 2012.

Dated: April 10, 2012.

Richard Ginman,

*Director, Defense Procurement and
Acquisition Policy.*

Dated: April 5, 2012.

Joseph A. Neurauter,

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

Dated: April 11, 2012.

William P. McNally,

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

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