

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

[Docket No. FAR 2014–0051, Sequence No. 6]

**Federal Acquisition Regulation;  
Federal Acquisition Circular 2005–78;  
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) 2005–78. 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 2005–78 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 2005–78**

Item	Subject	FAR case	Analyst
I .....	Incorporating Section K in Contracts .....	2014–001	Glover.
II .....	Streamlining Claims Processing .....	2014–011	Loeb.
III .....	Year Format .....	2014–006	Loeb.
IV .....	Higher-Level Contract Quality Requirements .....	2012–032	Loeb.
V .....	Technical Amendments.		

**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  
2005–78 amends the FAR as specified  
below:**Item I—Incorporating Section K in  
Contracts (FAR Case 2014–001)**This final rule revises the language at  
FAR subpart 4.12, Representations and  
Certifications, and adds a new clause at  
FAR 52.204–19 to standardize the  
incorporation by reference of  
representations and certifications in  
contracts regardless of which contract  
award form is used. FAR clause 52.212–  
4 has a new paragraph (v) to cover this  
issue for commercial items.Peer reviews and procurement  
management reviews have found that  
Section K-Representations and  
Certifications are inconsistently or not  
incorporated in contract awards.This final rule does not change or  
impact the existing representations and  
certifications submitted by small  
entities; this final rule should have no  
impact on small entities.**Item II—Streamlining Claims  
Processing (FAR Case 2014–011)**This final rule implements the  
Streamlining Claims Processing for  
Federal Contractor Employees Act, Pub.  
L. 113–50, which transferred certainauthority for construction wage under-  
payments from the Government  
Accountability Office to the Department  
of Labor. There is no effect on small  
businesses.**Item III—Year Format (FAR Case 2014–  
006)**This final rule amends the FAR to  
delete obsolete regulations relating to  
the year 2000 compliance. There is no  
impact on small businesses.**Item IV—Higher-Level Contract Quality  
Requirements (FAR Case 2012–032)**This final rule amends FAR parts 44  
and 46 to (1) provide that agencies  
should establish procedures for  
determining when higher-level quality  
standards are to be included in a  
contract, (2) provide that higher-level  
quality standards should be given  
special attention during Contractor  
Purchasing System Reviews, and (3)  
adds an example of higher-level quality  
standards as it relates to counterfeit  
electronic parts. The contracting officer,  
in accordance with agency procedures,  
will choose the higher-level quality  
standards that will apply. These  
standards will be used to help minimize  
and mitigate counterfeit items or  
suspect counterfeit items in Government  
contracting. This rule impacts large and  
small businesses who provide critical  
items directly to the Government or to  
Government prime contractors.**Item V—Technical Amendments**Editorial changes are made at FAR  
1.106, 16.103, 22.1006, 31.109, 52.204–  
8, and 53.219.

Dated: November 17, 2014.

**William Clark,***Acting Director, Office of Government-Wide  
Acquisition Policy, Office of Acquisition  
Policy, Office of Government-Wide Policy.*Federal Acquisition Circular (FAC)  
2005–78 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 2005–78 is effective November  
25, 2014 except for items I, II, III and IV,  
which are effective December 26, 2014.

Dated: November 17, 2014.

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

Dated: November 17, 2014.

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

Dated: November 18, 2014.

**Ronald A. Poussard,***Director, Contract and Grant Policy Branch  
NASA, Office of Procurement.*

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