

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

[Docket No. FAR 2015–0051, Sequence No. 2]

**Federal Acquisition Regulation;
Federal Acquisition Circular 2005–82;
Small Entity Compliance Guide****AGENCIES:** Department of Defense (DoD),
General Services Administration (GSA),and National Aeronautics and Space
Administration (NASA).**ACTION:** Small Entity Compliance Guide.**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)
2005–82, which amends the Federal
Acquisition Regulation (FAR). An
asterisk (*) next to a rule indicates that
a regulatory flexibility analysis has been
prepared. Interested parties may obtainfurther information regarding these
rules by referring to FAC 2005–82,
which precedes this document. These
documents are also available via the
Internet at <http://www.regulations.gov>.**DATES:** May 7, 2015.**FOR FURTHER INFORMATION CONTACT:** For
clarification of content, contact the
analyst whose name appears in the table
below. Please cite FAC 2005–82 and the
FAR case number. For information
pertaining to status or publication
schedules, contact the Regulatory
Secretariat at 202–501–4755.**RULES LISTED IN FAC 2005–82**

List	Subject	FAR Case	Analyst
* I	Equal Employment and Affirmative Action for Veterans and Individuals with Disabilities	2014–013	Loeb.
II	Review and Justification of Pass-Through Contracts	2013–012	Hopkins.
III	Enhancements to Past Performance Evaluation Systems	2014–010	Glover.
IV	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
2005–82 amends the FAR as specified
below:**Item I—Equal Employment and
Affirmative Action for Veterans and
Individuals with Disabilities (FAR Case
2014–013)**DoD, GSA, and NASA are issuing a
final rule adopting the interim rule
published July 25, 2014, without
change. The interim rule amended the
FAR to implement final rules issued on
September 24, 2013, by the Office of
Federal Contract Compliance Programs
at the Department of Labor (DOL)
relating to equal opportunity and
affirmative action for veterans and
individuals with disabilities. The DOL
rules provide clarification of mandatory
listing of employment openings, the
posting of notices, making notices
accessible to persons with disabilities,
and requiring nondiscrimination
statements in contractor solicitations or
advertisements for employees. The FAR
clauses were restructured in the interim
rule to provide a citation to the
applicable clause in the DOL regulations
and include a statement that
summarizes contractors' top levelobligations under each clause. There is
no significant impact on small entities
imposed by the FAR rule.**Item II—Review and Justification of
Pass-Through Contracts (FAR Case
2013–012)**This final rule amends the FAR to
implement section 802 of the National
Defense Authorization Act for Fiscal
Year 2013 (Pub. L. 112–239), which
provided for additional requirements
relative to the review and justification of
pass-through contracts. In those
instances where an offeror for a
contract, task order, or delivery order
informs the agency pursuant to FAR
52.215–22 of their intention to award
subcontracts for more than 70 percent of
the total cost of work to be performed
under the contract, task order, or
delivery order, section 802 requires the
contracting officer to (1) consider the
availability of alternative contract
vehicles and the feasibility of
contracting directly with a
subcontractor or subcontractors that will
perform the bulk of the work; (2) make
a written determination that the
contracting approach selected is in the
best interest of the Government; and (3)
document the basis for such
determination. These statutory
requirements are being implemented in
FAR 15.404–1(h) and for consistency
purposes are applicable to all of the
agencies subject to the FAR even thoughsection 802 only applied to the
Department of Defense, the Department
of State, and the United States Agency
for International Development.Because the rule augments the current
responsibilities of contracting officers
relative to the review and justification of
pass-through contracts and does not
initiate or impose any new
administrative or performance
requirements on contractors, and
specifically exempts contract actions
awarded pursuant to FAR subparts 19.5,
19.8, 19.13, 19.14, or 19.15, there is no
impact on small businesses.**Item III—Enhancements to Past
Performance Evaluation Systems (FAR
Case 2014–010)**This final rule changes the language at
FAR 42.1502 to accommodate the recent
merger of the Architect-Engineer
Contract Administration Support
System (ACASS) and the Construction
Contractor Appraisal Support System
(CCASS) as modules within the
Contractor Performance Assessment
Reporting System (CPARS) database.
This action will standardize the past
performance reporting requirements
under the CPARS database. The ACASS
and CCASS modules were merged into
CPARS on July 1, 2014.This change does not place any new
requirements on small entities.

Item IV—Technical Amendments

Editorial changes are made at FAR
4.905(a), 22.102–2(a), 39.101(a)(1)(ii),
52.212–4(v), 52.212–5(b)(36)(i),

(b)(36)(ii), (b)(39)(ii), and (e)(1)(v),
52.213–4(a) and (b), and 52.223–16.

Dated: April 30, 2015.

William Clark,

*Director, Office of Government-wide
Acquisition Policy, Office of Acquisition
Policy, Office of Government-wide Policy.*

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