

Acquisition Policy
DOT DASH
2009-014

Date: August 27, 2009
To: Chief of the Contracting Office (COCO)
Acquisition Personnel
From: Office of the Senior Procurement Executive
Subject: Federal Acquisition Circular (FAC) 2005-36

Summary: Attached for your information is Federal Acquisition Circular 2005-36 which makes miscellaneous changes to the Federal Acquisition Regulation. A summary of the changes is attached for your information.

The DASH and its attachment are available at <http://www.dot.gov/ost/m60>, under Quick Picks, Policy DASHES, and Acquisition.

Questions concerning this policy DASH should be directed to Lenita Ahmadi at (202) 366-4974 or lenita.ahmadi@dot.gov.



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Attachment

Federal Acquisition Circular 2005-36

Item Subject

- I. Federal Technical Data Solution (FedTeDS)
- II. Fair Labor Standards Act and Service Contract Act Price Adjustment Clauses
- III. New Designated Country—Taiwan (Interim)
- IV. Prohibition on Restricted Business Operations in Sudan and Imports from Burma
- V. List of Approved Attorneys, Abstractors, and iii Title Companies
- VI. Cost Accounting Standards (CAS) Administration Associated Federal Acquisition Regulation Clauses
- VII. Technical Amendments

FAC 2005-36 amends the FAR as specified below:

Item I—Federal Technical Data Solution (FedTeDS) (FAR Case 2008-038)

This final rule amends the Federal Acquisition Regulation (FAR) subparts 5.1, 5.2, and 7.1 to remove all references to the Federal Technical Data Solution (FedTeDS) System, and refer to the enhanced capabilities of the Government wide Point of Entry (GPE) system. The FedTeDS system was used to post on-line technical data packages and other items associated with solicitations that required some level of access control. It was interfaced directly with the GPE system. In April 2008, the newest version of the GPE was launched. This version incorporated the capabilities of FedTeDS, allowing the FedTeDS system to be retired. This rule will only have a slight impact on government. It will inform and direct both internal and external users to the new system and website. This rule does not have a significant impact on any automated systems.

Item II—Fair Labor Standards Act and Service Contract Act Price Adjustment Clauses (FAR Case 2007-021)

This final rule amends the Federal Acquisition Regulation (FAR) to specifically require the incorporation of FAR clauses 52.222-43, Fair Labor Standards Act and Service Contract Act-Price Adjustment (Multiple Year and Option Contracts) and 52.222-44, Fair Labor Standards Act and Service Contract Act-Price Adjustment, in time-and-materials and labor-hour service contracts subject to the Service Contract Act.

**Item III—New Designated Country—Taiwan (FAR Case 2009-014)
(Interim)**

This interim rule implements in FAR Parts 22, 25, and 52, as appropriate, the designation of Taiwan under the World Trade Organization Agreement on Government Procurement, which took effect on July 15, 2009. This FAR change allows contracting officers to purchase goods and services made in Taiwan without application of the Buy American Act if the acquisition is covered by the World Trade Organization Agreement on Government Procurement.

**Item IV—Prohibition on Restricted Business Operations in Sudan
and Imports from Burma (FAR Case 2008-004)**

This final rule converts the interim rule published in the Federal Register at 73 FR 33636 on June 12, 2008, to a final rule with changes. This final rule implements Section 6 of the Sudan Accountability and Divestment Act of 2007, which requires certification in each contract entered into by an Executive Agency that the contractor does not conduct certain business operations in Sudan. In addition, in accordance with Executive Orders 13310 and 13448, the Councils added Burma to the list of countries from which most imports are prohibited.

**Item V—List of Approved Attorneys, Abstractors, and Title
Companies (FAR Case 2006-013)**

This final rule amends Federal Acquisition Regulation (FAR) 28.203-3 and 52.228-11 to update the procedures for the acceptance of a bond with a security interest in real property. The FAR has relied on the Department of Justice (DOJ) to provide a “List of Approved Attorneys, Abstractors, and Title Companies”. However, DOJ has discontinued maintenance of the List. Replacing the List, DOJ published “Title Standards 2001”, establishing the evidence requirements for acceptance of title to real property for individual sureties. The rule also provides that in lieu of evidence of title that is consistent with DOJ standards, that sureties may provide a mortgagee title insurance policy in an insurance amount equal to the amount of the lien.

**Item VI—Cost Accounting Standards (CAS) Administration and
Associated Federal Acquisition Regulation Clauses
(FAR Case 2007-002)**

This final rule converts, without change, the interim rule published in the Federal Register at 73 FR 54011 September 17, 2008. No comments were received in response to the interim rule. The interim rule amended the Federal Acquisition Regulation (FAR) to revise FAR 30.201-4(b)(1) and 52.230-1 through 52.230-5 to maintain consistency between the Federal Acquisition Regulation (FAR) and Cost Accounting Standards (CAS) regarding the administration of the CAS