

**Acquisition Policy  
DOT DASH  
2010-15**

**Date:** July 29, 2010

**To:** Chief of the Contracting Office (COCO)  
Acquisition Personnel

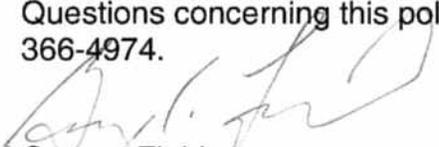
**From:** Office of the Senior Procurement Executive

**Subject:** Federal Acquisition Circular (FAC) 2005-43

**Summary:** Federal Acquisition Circular (FAC) 2005-43, which makes changes to the Federal Acquisition Regulation (FAR) was published in the July 2, 2010, issue of the Federal Register. Unless otherwise specified, all FAR and other directive material contained in FAC 2005-43 is effective July 2, 2010, except for Items I, II, and IV which are effective August 2, 2010. A summary of the changes are attached.

This DASH and its attachment will be available online at the following website:  
<http://www.dot.gov/ost/m60>, under Breaking News, Quick Picks, Policy DASH.

Questions concerning this policy DASH should be directed to Lenita Ahmadi at (202) 366-4974.



George Fields  
Acting Senior Procurement Executive, M-61

Attachment

**Federal Acquisition Regulation Circular (FAC) 2005-43 amends the Federal Acquisition Regulation (FAR) as specified below:**

**Item I-Government Property (FAR Case 2008-011)**

This final rule amends the FAR to revise FAR part 45 and its associated clauses. Changes are being made to FAR parts 2, 4, 15, 32, 45 and 52. These changes are to clarify and correct the previous FAR rule for part 45, Government Property, published under Federal Acquisition Circular 2005-17, FAR case 2004-025, May 15, 2007, (72 FR 27364). Minor changes are made to the proposed rule published August 6, 2009 (74 FR 39262).

The rule specifically impacts contracting officers, property administrators, and contractors responsible for the management of Government property. The rule does not affect the method of managing Government property. The rule merely clarifies and corrects the previous FAR rule.

**Item II-Registry of Disaster Response Contractors (FAR Case 2008-035)**

This final rule adopts, without change, the interim rule implementing Public Law 109-295, the Department of Homeland Security Appropriations Act 2007, section 697, which requires the establishment and maintenance of a registry of disaster response contractors. The Disaster Response Registry is located at <http://www.ccr.gov>. The Federal Emergency Management Agency (within the Department of Homeland Security) has a link to the registry for vendors on it's Website at <http://www.fema.gov/business/contractor.htm>. The Registry covers domestic disaster and emergency relief activities.

**Item III-Recovery Act Subcontract Reporting Procedures (FAR Case 2010-008)**

This interim rule amends the FAR to revise the clause at FAR 52.204-11, American Recovery and Reinvestment Act-Reporting Requirements. The revised clause will require first -tier subcontractors with Recovery Act funded awards of \$25,000 or more, to report job information to the prime contractor for reporting into [FederalReporting.gov](http://FederalReporting.gov). It also will require prime contractor to submit its first report on or before the 10<sup>th</sup> day after the end of the calendar quarter in which the prime contractor received the award and quarterly thereafter.

The revised clause will be used for all new solicitations and awards issued on or after the effective date of this interim rule. This clause is not required for any existing contracts, or task and delivery orders issued under a contract, that contain the original clause FAR 52.204-11 (March 2009). Therefore, this interim rule does not require renegotiation of existing Recovery Act contracts that include the clause dated March 2009.

#### **IV-Clarification of Criteria for Sole Source Awards to Service Disabled Veteran-Owned Small Business Concerns (FAR Case 2008-023)**

This final rule amends FAR 19.1406(a) to clarify the criteria that need to be met in order to conduct a sole source service-disabled veteran-owned small business (SDVOSB) concern acquisition. The FAR language is amended to be consistent with the Veterans Benefit Act of 2003 (15 U.S.C. 657f) and the Small Business Administration's regulation (13 CFR 125.20) that implements the Act. This final rule also amends FAR 19.1306 (a) to clarify the criteria that need to be met in order to conduct a sole source for Historically Underutilized Business Zone (HUBZONE) small business concern acquisitions. These amendments to the FAR alleviate confusion for contracting officers on the appropriate use of the criteria needed to conduct sole source HUBZONE small business and SDVOSB concerns.

#### **Item V-Trade Agreements Thresholds (FAR Case 2009-040)**

This interim rule adjusts the thresholds for application of the World Trade Organization Government Procurement Agreement and the free trade agreements as determined by the United States Trade Representative, according to a pre-determined formula under the agreements.