

**Acquisition Policy  
DOT DASH  
2011-06**

**Date:** January 24, 2011

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

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

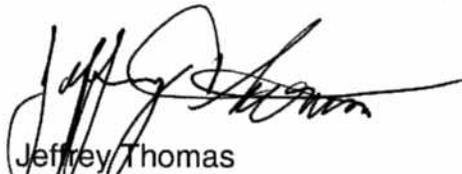
**Subject:** Federal Acquisition Circular 2005-48

**Summary:** Federal Acquisition Circular 2005-48, which makes changes to the Federal Acquisition Regulation (FAR), was published in the December 13, 2010, issue of the Federal Register. It concludes four (4) separate rulemakings which are described in the attached summary sheet.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 2005-48 is effective December 30, 2010, except for Items I, II, and III, which are effective January 31, 2011.

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

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



Jeffrey Thomas  
Associate Director,  
Acquisition Policy Oversight and Business Strategies

Attachment

## ATTACHMENT (1)

Federal Acquisition Regulation Circular (FAC) 2005-48 amends the Federal Acquisition Regulation (FAR) as specified below:

### List of Rules in FAC 2005-48

- I. Repeal of the Small Business Competitiveness Demonstration Program (FAR Case 2011-005)
- II. Personal Identity Verification of Contractor Personnel (Case 2009-027)
- III. Terminating Contracts (FAR Case 2009-031)
- IV. Payrolls and Basic Records (FAR Case 2009-018)

SUPPLEMENTARY INFORMATION: Summaries for each FAR rule follow.

#### **Item I—Repeal of the Small Business Competitiveness Demonstration Program (FAR Case 2011-005)**

This final rule amends the FAR to remove FAR subpart 19.10, Small Business Competitiveness Demonstration Program. This change is necessary to address the requirements of section 1335 of the Small Business Jobs Act of 2010 (Public Law 111-240) which repealed the Small Business Competitiveness Demonstration Program.

This final rule also removes the following clauses: FAR 52.219-19, Small Business Concern Representation for the Small Business Competitiveness Demonstration Program; FAR 52.219-20, Notice of Emerging Small Business Set-Aside; and FAR 52.219-21, Small Business Size Representation for Targeted Industry Categories under the Small Business Competitiveness Demonstration Program.

#### **Item II – Personal Identity Verification of Contractor Personnel (FAR Case 2009-027)**

This final rule amends the FAR to provide additional regulatory coverage in subpart 4.13 and in FAR clause 52.204-9 to reinforce the requirement of collecting from contractors all forms of Government-provided identification once they are no longer needed to support a contract. The contracting officer may delay final payment under a contract if the contractor fails to comply with these requirements.

#### **Item III – Terminating Contracts (FAR Case 2009-031)**

This final rule amends the FAR to clarify procedures regarding the applicability of FAR part 49, Termination of Contracts, to commercial item contracts. Minor changes are

made to the proposed rule published in the Federal Register at 75 FR 28228 on May 20, 2010.

The rule specifically impacts contracting officers and contractors by clarifying that FAR part 49 does not apply to the acquisition of commercial items when using procedures at FAR part 12. The rule does not have a significant economic impact on small entities because the rule does not impose any additional requirements on small businesses.

#### **Item IV – Payrolls and Basic Records (FAR Case 2009-018)**

The rule adopts as final, with a minor change, the interim rule published in the Federal Register at 75 FR 34286 on June 16, 2010. The interim rule amended the FAR at 52.222-8, Payrolls and Basic Records to delete the requirement for submission of full social security numbers and home addresses of individual workers on weekly payroll transmittal by prime contractors. The rule requires contractors and subcontractors to maintain the full social security number and current address of each covered worker, and provide them upon request to the contracting officer, the contractor, or the Wage and Hour Division of the Department of Labor's finding that complete social security numbers and home addresses for individual workers are personal information to the worker and that any unnecessary disclosure and submittal of such information creates an exposure to identity theft and the invasion of privacy for workers.