

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

[Docket FAR—2008—0003, Sequence 1]

**Federal Acquisition Regulation;
Federal Acquisition Circular 2005–25;
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 the
Secretary of Defense, the Administrator
of General Services and the
Administrator of the National
Aeronautics and Space Administration.
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 rules
appearing in Federal Acquisition
Circular (FAC) 2005–25 which amendthe FAR. An asterisk (*) next to a rule
indicates that a regulatory flexibility
analysis has been prepared. Interested
parties may obtain further information
regarding these rules by referring to FAC
2005–25 which precedes this document.
These documents are also available via
the Internet at [http://
www.regulations.gov](http://www.regulations.gov).**FOR FURTHER INFORMATION CONTACT:**
Diedra Wingate, FAR Secretariat, (202)
208-4052. For clarification of content,
contact the analyst whose name appears
in the table below.**LIST OF RULES IN FAC 2005–25**

Item	Subject	FAR case	Analyst
I	Federal Procurement Data System Reporting (Interim)	2004–038	Woodson.
II	Electronic Subcontracting Reporting System (eSRS) (Interim)	2005–040	Cundiff.
III	Revisions to the Defense Priorities and Allocations System (DPAS)	2006–033	Davis.
*IV	Use of Products Containing Recovered Materials in Service and Construction Contracts	2005–039	Clark.
V	Representations and Certifications - Tax Delinquencies	2006–011	Murphy.
VI	Enhanced Access for Small Business	2006–031	Murphy.
VII	Technical Amendment.		

SUPPLEMENTARY INFORMATION:Summaries for each FAR rule follow.
For the actual revisions and/or
amendments to these FAR cases, refer to
the specific item number and subject set
forth in the documents following these
item summaries.FAC 2005–25 amends the FAR as
specified below:**Item I—Federal Procurement Data
System Reporting (FAR Case 2004–038)
(Interim)**This interim rule amends the Federal
Acquisition Regulation (FAR) Subpart
4.6 to revise the process for reporting
contract actions to the Federal
Procurement Data System (FPDS). FPDS
will allow agencies to obtain Federal
procurement reports as well as several
workload reports designed specifically
for first-line supervisors. The use of the
Federal reports will alleviate the need
for individual agencies to collect, verify,
and distribute statistics for a host of
requirements such as the Small
Business Goaling Report (SBGR), the
Performance-Based Acquisition (PBA)
report, the Central Contractor
Registration (CCR), and the Resource
Conservation and Recovery Act (RCRA)
report. The rule provides questions and
answers to facilitate the public's
understanding of the changes proposed
in the interim for reporting contract
actions under FAR Subpart 4.6.**Item II—Electronic Subcontracting
Reporting System (eSRS) (FAR Case
2005–040) (Interim)**This interim rule amends the Federal
Acquisition Regulation to require that
small business subcontract reports be
submitted using the Electronic
Subcontracting Reporting System
(eSRS), rather than Standard Form 294
- Subcontract Report for Individual
Contracts and Standard Form 295 -
Summary Subcontract Report. The eSRS
is a web-based system managed by the
Integrated Acquisition Environment.
The eSRS is intended to streamline the
small business subcontracting program
reporting process and provide the data
to agencies in a manner that will enable
them to more effectively manage the
program.**Item III—Revisions to the Defense
Priorities and Allocations System
(DPAS) (FAR Case 2006–033)**This final rule amends the language in
the Federal Acquisition Regulation
(FAR) to reflect the President's
delegation of the Defense Production
Act's priorities and allocations
authorities in Executive Order 12919,
and the current provisions of the
Defense Priorities and Allocations
System (DPAS) regulations of the
Department of Commerce in 15 CFR Part
700.FAR changes incorporated in parts 2,
11, 18, 52, and 53 benefit both the
Government and industry in thereceiving of timely and proper delivery
of industrial resources. Contracting
officers should take notice of the
changes in the FAR especially the
changes to the Standard Form (SF) 26,
Award/Contract and SF 1447,
Solicitation/Contract, and use the
revised SF 26 and SF 1447 that reflects
the 15 CFR 700 citation and 2008
edition date change.**Item IV—Use of Products Containing
Recovered Materials in Service and
Construction Contracts (FAR Case
2005–039)**This final rule amends the Federal
Acquisition Regulation (FAR) to clarify
language within the FAR regarding the
use of products containing recovered
materials, pursuant to the Resource
Conservation and Recovery Act of 1976,
and Executive Order 13101 "Greening
the Government Through Waste
Prevention, Recycling, and Federal
Acquisition." The rule also prescribes a
new clause for use in service or
construction contracts, to ensure that
contractors deliver and make maximum
use of products containing recovered
material.**Item V—Representations and
Certifications - Tax Delinquencies (FAR
Case 2006–011)**This final rule amends the Federal
Acquisition Regulation (FAR) to add
conditions regarding refusal to pay
delinquent Federal taxes to standards of

contractor responsibility, causes for suspension and debarment, and the certifications regarding debarment, suspension, and proposed debarment. The changes are intended to add clarity regarding the specific circumstances under which tax delinquencies are so serious that suspension or debarment should be considered. The changes originated in response to a request from the Senate Permanent Subcommittee on Investigations.

Item VI—Enhanced Access for Small Business (FAR Case 2006–031)

This final rule creates a different, higher dollar ceiling enabling small businesses to use the small claims procedure for appealing a contracting officer's final decision. Section 857 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Pub. L. 109–364) changed the ceiling under the Contract Disputes Act from \$50,000 or less to \$150,000 or less for small businesses. The ceiling remains at

\$50,000 or less for other types of businesses. The change to 41 U.S.C. 608 is a ceiling change only.

Item VII—Technical Amendment

An editorial change is made at FAR 1.603–1.

Dated: April 4, 2008.

Al Matera,

Director, Office of Acquisition Policy.

[FR Doc. E8–8419 Filed 4–21–08; 8:45 am]

BILLING CODE 6820–EP–S