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48 CFR Chapter 1

Federal Acquisition Regulations; Final Rules

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

[Docket FAR 2013–0076, Sequence 2]

**Federal Acquisition Regulation;
Federal Acquisition Circular 2005–66;
Introduction**

AGENCY: Department of Defense (DoD),
General Services Administration (GSA),

and National Aeronautics and Space
Administration (NASA).

ACTION: Summary presentation of final
and interim rules.

SUMMARY: This document summarizes
the Federal Acquisition Regulation
(FAR) rules agreed to by the Civilian
Agency Acquisition Council and the
Defense Acquisition Regulations
Council (Councils) in this Federal
Acquisition Circular (FAC) 2005–66. A
companion document, the *Small Entity
Compliance Guide* (SECG), follows this
FAC. The FAC, including the SECG, is
available via the Internet at [http://
www.regulations.gov](http://www.regulations.gov).

DATES: For effective dates and comment
dates see separate documents, which
follow.

FOR FURTHER INFORMATION CONTACT: The
analyst whose name appears in the table
below in relation to each FAR case.
Please cite FAC 2005–66 and the
specific FAR case numbers. For
information pertaining to status or
publication schedules, contact the
Regulatory Secretariat at 202–501–4755.

LIST OF RULES IN FAC 2005–66

| Item | Subject | FAR case | Analyst |
|-----------|--|----------|-----------|
| I | Definition of Contingency Operation (Interim) | 2013–003 | Corrigan. |
| II | Changes to Time-and-Materials and Labor-Hour Contracts and Orders | 2011–025 | Jackson. |
| III | Extension of Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items | 2013–007 | Jackson. |
| IV | Technical Amendments. | | |

SUPPLEMENTARY INFORMATION:

Summaries for each FAR rule follow.
For the actual revisions and/or
amendments made by these FAR cases,
refer to the specific item numbers and
subjects set forth in the documents
following these item summaries. FAC
2005–66 amends the FAR as specified
below:

**Item I—Definition of Contingency
Operation (FAR Case 2013–003)
(Interim)**

This interim rule amends the
definition of “contingency operation” in
FAR 2.101 to address the statutory
change to the definition made by
paragraph (b) of section 515 of the
National Defense Authorization Act for
Fiscal Year 2012 (Pub. L. 112–081).
Expanding the definition to include
responding to a major disaster or
emergency will increase the
circumstances under which agencies
may raise the micro-purchase and
simplified acquisition thresholds. This
may increase opportunities for awarding
contracts to small entities located at or
near a major disaster area or emergency
activities.

**Item II—Changes to Time-and-
Materials and Labor-Hour Contracts
and Orders (FAR Case 2011–025)**

This rule adopts as final a proposed
rule implementing a policy that
provides additional guidance to address
actions required when raising the
ceiling price for a time-and-materials
(T&M) or labor-hour (LH) contract or
order or otherwise changing the general

scope of a T&M or LH contract or order.
The rule provides guidance to
contracting officers to address this issue
for the respective areas of the FAR
addressing T&M and LH contracts or
orders, such as FAR sections 8.404,
12.207, and 16.601. This rule deals with
the administration of T&M and LH
contracts and orders and will have no
direct effect on contractors. This rule
will not affect how many small
businesses are awarded this type of
contract.

**Item III—Extension of Authority for
Use of Simplified Acquisition
Procedures for Certain Commercial
Items (FAR Case 2013–007)**

This final rule amends the FAR to
implement section 822 of the National
Defense Authorization Act (NDAA) for
Fiscal Year (FY) 2013. Section 822
extends the authority of the Commercial
Item Test Program at FAR subpart 13.5
to January 1, 2015. FAR subpart 13.5
authorizes as a test program, the use of
simplified procedures for the
acquisition of certain commercial items
in amounts greater than the simplified
acquisition threshold, but not exceeding
\$6.5 million (\$12 million for
acquisitions described in FAR 13.500(e))
including options, if the contracting
officer can reasonably expect that offers
will include only commercial items.
This final rule extends the sunset date
of the authority at FAR 13.500(d) from
January 1, 2012, to January 1, 2015.

Item IV—Technical Amendments

Editorial changes are made at FAR
5.601, 7.105, 10.002, and 52.229–7.

Dated: February 20, 2013.

Laura Auletta,

*Director, Office of Governmentwide
Acquisition Policy, Office of Acquisition
Policy, Office of Governmentwide Policy.*

Dated: February 19, 2013.

Richard Ginman,

*Director, Defense Procurement and
Acquisition Policy.*

Dated: February 20, 2013.

Joseph A. Neurauter,

*Senior Procurement Executive/Deputy CAO,
Office of Acquisition Policy, U.S. General
Services Administration.*

Dated: February 19, 2013.

William P. McNally,

*Assistant Administrator for Procurement,
National Aeronautics and Space
Administration.*

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