

IV. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule because this final rule does not constitute a significant FAR revision and 41 U.S.C. 1707 does not require publication for public comment.

V. Paperwork Reduction Act

The final rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subject in 48 CFR Part 52

Government procurement.

Dated: July 26, 2013.

William Clark,

Acting Director, Office of Government-wide Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR part 52 as set forth below:

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 1. The authority citation for 48 CFR part 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

■ 2. Amend section 52.223–2 by—

■ a. Revising the date of the clause and paragraph (c)(1);

■ b. Removing from paragraph (c)(2)(ii) “; and” and adding a period in its place; and

■ c. Removing paragraphs (c)(3) and (d).

The revised text reads as follows:

52.223–2 Affirmative Procurement of Biobased Products Under Service and Construction Contracts.

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Affirmative Procurement of Biobased Products Under Service and Construction Contracts. (Sept, 2013)

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(c) * * *

(1) Report to <http://www.sam.gov>, with a copy to the Contracting Officer, on the product types and dollar value of any USDA-designated biobased products purchased by the Contractor during the previous Government fiscal year, between October 1 and September 30; and

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 2, 22, and 52

[FAC 2005–69; Item VII; Docket 2013–0080; Sequence 4]

Federal Acquisition Regulation; Technical Amendments

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This document makes amendments to the Federal Acquisition Regulation (FAR) in order to make editorial changes.

DATES: *Effective:* August 1, 2013.

FOR FURTHER INFORMATION CONTACT: The Regulatory Secretariat Division (MVCB), 1800 F Street NW., 2nd Floor, Washington, DC 20405, 202–501–4755, for information pertaining to status or publication schedules. Please cite FAC 2005–69, Technical Amendments.

SUPPLEMENTARY INFORMATION: In order to update certain elements in 48 CFR parts 2, 22, 29, and 52, this document makes editorial changes to the FAR.

List of Subject in 48 CFR Parts 2, 22, and 52

Government procurement.

Dated: July 26, 2013.

William Clark,

Acting Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 2, 22, 29, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 2, 22, 29, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 2—DEFINITIONS OF WORDS AND TERMS

2.101 [Amended]

■ 2. Amend section 2.101, in paragraph (b)(2), in the definition “Commercially available off-the-shelf (COTS) item”, by—

■ a. Removing “(COTS) item” and adding “(COTS) item—” in its place; and

■ b. In paragraph (2) of the definition removing “bulk cargo, as defined in

section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702)” and adding “bulk cargo, as defined in 46 U.S.C. 40102(4)” in its place.

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

22.1801 [Amended]

■ 3. Amend section 22.1801, in the definition “Commercially available off-the-shelf (COTS) item”, paragraph (2), by removing “bulk cargo, as defined in section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702)” and adding “bulk cargo, as defined in 46 U.S.C. 40102(4)” in its place.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 4. Amend section 52.209–6 by—

■ a. Revising the date of the clause; and

■ b. Removing from paragraph (a)(2) in the definition “Commercially available off-the-shelf (COTS) item” the words “bulk cargo, as defined in section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702)” and adding “bulk cargo, as defined in 46 U.S.C. 40102(4)” in their place.

The revision reads as follows:

52.209–6 Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment.

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Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment (Aug, 2013)

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■ 5. Amend section 52.212–5 by revising the date of the clause and paragraph (b)(6) to read as follows:

52.212–5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items.

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Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items (Aug, 2013)

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(b) * * *

(6) 52.209–6, Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment. (Aug, 2013) (31 U.S.C. 6101 note).

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■ 6. Amend section 52.222–54 by—

■ a. Revising the date of the clause; and

■ b. Removing from paragraph (a)(2) of the definition “Commercially available off-the-shelf (COTS) item” the words “bulk cargo, as defined in section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702)” and adding “bulk cargo, as defined in 46 U.S.C. 40102(4)” in its place.

The revision reads as follows:

52.222–54 Employment Eligibility Verification.

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Employment Eligibility Verification (Aug. 2013)

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket FAR 2013–0078; Sequence 5]

Federal Acquisition Regulation; Federal Acquisition Circular 2005–69; Small Entity Compliance Guide

AGENCY: 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 DOD, GSA, and NASA. 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 the rule appearing in Federal Acquisition Circular (FAC) 2005–69, which amends the Federal Acquisition Regulation (FAR). An asterisk (*) next to a rule indicates that a regulatory flexibility analysis has been prepared. Interested parties may obtain further information regarding this rule by referring to FAC 2005–69, which precedes this document. These documents are also available via the Internet at <http://www.regulations.gov>.

DATES: August 1, 2013.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact the analyst whose name appears in the table below. Please cite FAC 2005–69 and the FAR case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755.

LIST OF RULES IN FAC 2005–69

Item	Subject	FAR Case	Analyst
*I	Definition of Contingency Operation	2013–003	Corrigan.
II	Iran Threat Reduction	2012–030	Davis.
III	Documenting Contractor Performance	2012–009	Glover.
IV	Repeal of Sunset for Certain Protests of Task or Delivery Order Contracts	2013–011	Jackson.
V	Least Developed Countries that are Designated Countries	2013–009	Davis.
VI	Update to Biobased Reporting Requirements	2013–006	Petrusek.
VII	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 2005–69 amends the FAR as specified below:

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

This final rule amends, without change, the interim rule published in the **Federal Register** at 78 FR 13765 on February 28, 2013, revising 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. 112–81). Expanding the definition to include responding to a major disaster or emergency will increase the circumstances under which agencies may raise the micropurchase 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—Iran Threat Reduction (FAR Case 2012–030)

This final rule adopts the interim rule published in the **Federal Register** at 77 FR 73516, on December 10, 2013, with minor changes. The interim rule amended the FAR to require certifications that implement the expansion of sanctions relating to the energy sector of Iran and sanctions with respect to Iran’s Revolutionary Guard Corps, as contained in titles II and III of the Iran Threat Reduction and Syria Human Rights Act of 2012. This final rule will not have a significant economic impact on a substantial number of small entities. As a result, the certification required in this case ensures that contracting officers will not award to offerors that engage in transactions with the Iran Revolutionary Guard Corps that exceed \$3,000.

Item III—Documenting Contractor Performance (FAR Case 2012–009)

This rule amends FAR part 42 to provide Governmentwide standardized past performance evaluation factors and

performance ratings, and to require all past performance information be entered into the Contractor Performance Assessment Reporting System (CPARS).

This change is required by statute, as well as by the Office of Federal Procurement Policy, which requested that FAR part 42 be revised to include recommendations from the Government Accountability Office Report GAO–09–374, Better Performance Information Needed to Support Agency Contract Award Decisions, to provide Governmentwide standardized evaluation factors and rating scales for the evaluation of contractor performance.

This rule specifically impacts contracting officers and contractors by clarifying the evaluation factors and performance ratings in the FAR. The rule also requires that all past performance information be entered into CPARS. The rule does not have a significant economic impact on small entities because the rule does not impose any additional requirements on small business.