



FAR CHANGES FROM CICA INTERIM TO FINAL RULE LANGUAGE

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FAR Subpart 4.6 not addressed in Interim Rule.	a. FAR Subpart 4.6 is revised to require each agency to establish and maintain a computer file of information regarding the agency's procurements.	PART 4-ADMINISTRATIVE MATTERS 4.601 [Redesignated as 4.602] 2. Section 4.601 is redesignated as section 4.602, and a new section 4.601 is added to read as follows: 4.601 Record requirements. (a) Each executive agency shall establish and maintain for a period of 5 years a computer file, by fiscal year, containing unclassified records of all procurements, other than small purchases. (b) with respect to each procurement carried out using competitive procedures, agencies shall be able to access from the computer file, as a minimum, the following information: (1) The date of contract award. (2) Information identifying the source to whom the contract was awarded. (3) The property or services obtained by the Government under the procurement. (4) The total cost of the procurement. (5) Those procurements which result in the submission of a single bid or proposal so that they can be separately categorized and designated noncompetitive procurements using competitive procedures. (c) In addition to paragraph (b) above with respect to each procurement carried out using procedures other than competitive procedures, agencies shall be able to access from the computer file- (1) The reason under Subpart 6.3 for the use of such procedures; and (2) The identity of the organization or	



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		activity which conducted the procurement. (d) This information shall be transmitted to the Federal Procurement Data System in accordance with agency procedures.	
<p>5.202 Exceptions. The contracting officer need not submit the notice required by 5.201 when-</p> <p>(a) The Contracting officer determines that-</p> <p>(1) The contract action is of a classified nature, and the synopsis cannot be worded to preclude the disclosure of classified information; or disclosure of the agency's needs would compromise the national security. Other proposed classified contract actions shall be published in the CBD, even though access to classified matter might be necessary to submit a proposal or perform the contract;</p> <p>(2) The contract action is to fulfill a need for supplies or services that is of such an unusual and compelling urgency -that the Government would be seriously injured unless the agency is permitted to limit the number of sources from which it solicits bids or proposals and not comply with the time periods specified in 5.203;</p> <p>(3) The contract action is one for which either the written direction of a foreign government reimbursing the agency for the cost of the acquisition</p>	<p>b. In FAR 5.202 the exceptions to the requirement to publish notices of proposed contract actions have been revised to clarify their relationship to the exceptions to full and open competition in FAR Part 6. In addition, the blanket exception to publicizing acquisitions outside the United States, its possessions, or Puerto Rico, has been replaced by FAR 5.202(a)(12), which restricts the exception to defense agencies' contracts that will be made and performed outside the United' States, its possessions, or Puerto Rico when only local sources' will be solicited.</p>	<p>5.202 Exceptions. The contracting officer need. Not submit the notice required by 5.201 when-</p> <p>(a.) The contracting officer determines that-</p> <p>-</p> <p>(1) The synopsis cannot be worded to preclude disclosure of an agency's needs' and such disclosure would, compromise: the national, security (e.g., would result in disclosure of classified information). The fact that a proposed solicitation or contract action contains classified information, or that access to classified matter may be necessary to submit a, proposal or perform the. contract does not, in itself, justify use of this exception to synopsis;</p> <p>(2) The contract action is made under the conditions described in 6.302-2 and the Government would be. Seriously injured, if the agency complies with the time periods specified in 5.203(a) (see also 5.203(b));</p> <p>(3) The contract action is, one for which either the written direction of a foreign government reimbursing the agency for the cost of 'the acquisition of the supplies, or services for-such government, or the terms. of an international agreement or treaty between the United States and a foreign government or international organizations, has the effect of requiring that the acquisition shall be from specified sources;</p> <p>(4) The contract action is expressly</p>	



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<p>of the supplies or services for such government, or the terms of an international agreement or treaty between the United States and a foreign government, has the effect of requiring that the acquisition shall be from specified sources;</p> <p>(4) The contract action is expressly authorized or required by a statute to be made through another Government agency, including acquisitions from the SBA using the authority of section 8(a) of the Small Business Act, or from a specified source such as a workshop for the blind under the rules of the Committee for the Purchase from the Blind and Other Severely Handicapped;</p> <p>(5) The contract action is for utility services and only one source is available;</p> <p>(6) The contract action is an order placed under a requirements contract;</p> <p>(7) The contract action results from acceptance of a proposal under the Small Business Innovation Development Act of 1982 (Pub. L. 97-219), or an unsolicited research proposal that demonstrates a unique and innovative research concept and publication of any notice would improperly disclose the originality of thought or innovativeness of the proposed research;</p> <p>(8) The contract action is made for perishable subsistence supplies, and</p>		<p>authorized or required by a statute. to be made through another Government agency, including acquisitions from, the, Small Business Administration (SBA) using the authority of section 8(a) of the Small Business Act., or from, at specified source such as a workshop for the blind under the rules of the Committee for the Purchase from the Blind and Other Severely Handicapped;</p> <p>(5) The contract action is for utility services other than telecommunications services and only one source is available;</p> <p>(6) The contract action is an order placed under a requirements contract;</p> <p>(7), The contract action results from acceptance of a proposal under the Small Business Innovation Development Act of 1982 (Pub. L. 97-219);</p> <p>(8) The contract action results from the acceptance of an unsolicited research proposal' that demonstrates a unique and innovative research. Concept and publication of any notice would improperly disclose the originality of thought or innovativeness of the proposed research, or would disclose proprietary information associated with the proposal</p> <p>(9) The contract action is made for perishable subsistence supplies, and advance notice is not appropriate or reasonable;</p> <p>(10) The contract action is made under conditions- described in 6.302-3, or, 6.302-5 with regard to brand name commercial items for authorized resale, or 6.302-7 and</p>	



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<p>advance notice is not appropriate or reasonable;</p> <p>(9) The contract action is made under conditions described in 6.302-3, or 6.302-5 with regard to brand name commercial items for authorized resale, and advance notice is not appropriate or reasonable; or</p> <p>(10) The contract action is made under the terms of an existing contract that was previously synopsisized in sufficient detail to comply with the requirements of 5.207 with respect to the current contract action.</p> <p>(b) The head of the agency determines in writing after consultation with the Administrator for Federal Procurement Policy and the Administrator of the Small Business Administration, that advance notice is not appropriate or reasonable.</p> <p>19. Section 5.203 and its title are revised to read as follows: 5.203 Publicizing and response time. Whenever agencies are required to publish notice of contract actions under 5.201, they shall proceed as follows:</p> <p>(a) A proper notice of the contract action shall be published in the CBD at least 15 days before issuance of a solicitation.</p> <p>(b) Agencies shall allow at least 30 days response time for receipt of bids</p>		<p>advance notice is not appropriate or reasonable;</p> <p>(11) The contract action is made under the terms of an existing contract that was previously, synopsisized in sufficient detail to; comply with the requirements of 5.207 with, respect, to the current contract action; or</p> <p>(12), The contract action is by a Defense agency and the contract action will be made and performed outside the United States, its possessions, or Puerto Rico and only local sources will be solicited.</p> <p>7. Section 5.203 is revised to read as follows: 5.203 Publicizing, and, response time. Whenever agencies are required to publish notice of contract actions under 5.201, they shall proceed as follows:</p> <p>. (al A notice of the contract action, shall be published in the! CBD at least 15 days before issuance of a solicitation.</p> <p>(b) Agencies shall allow at least 30 days response time for receipt of bids or proposals from the date of issuance of a solicitation.</p> <p>(c) Agencies shall allow at least 30 days response time from the date of publication of a proper notice of intent to contract for architect-engineer services or before issuance of an order under a basic ordering agreement or similar arrangement.</p> <p>(d) Agencies shall allow at least 45 days response time for receipt of bids or proposals from the date of publication of the notice required in 5.201 for contract</p>	



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<p>or proposals from the date of issuance of a solicitation.</p> <p>(c) Agencies shall allow at least 30 days response time from the date of publication of a proper notice of intent to contract for architect-engineer services or before issuance of a unilateral sole source order under a basic ordering agreement or similar arrangement.</p> <p>(d) Agencies shall allow at least 45 days response time for receipt of bids or proposals from the date of issuance of the notice required in 5.201 for contract actions categorized as research and development.</p> <p>(e) Nothing in this subpart prohibits officers or employees of agencies from responding to requests for information.</p> <p>(f) Contracting officers may, unless they have evidence to the contrary, presume that notice has been published 10 days (6 days if electronically transmitted) following transmittal of the synopsis to the CBD.</p>		<p>actions categorized as research and development.</p> <p>(e) Nothing.in this subpart prohibits officers or employees, of agencies, from responding to requests- for information..</p> <p>(f) Contracting officers may, unless they have evidence to the contrary, presume that notice has beer published 10 days (6 days if electronically transmitted) following transmittal of the*synopsis to the CBD.</p>	
<p>5.207 Preparation and transmittal of synopses.</p> <p>(b) * * *</p> <p>(1) * * * Prepare the synopsis to ensure that it includes a clear description of the supplies or services to be contracted for, is not unnecessarily restrictive of competition, and will allow a</p>	<p>c. The regulations in FAR 5.207(b) regarding the preparation of synopses have been revised to require that synopses contain a provision that reflects whether the solicitation requires an offeror, its product, or service meet a qualification requirement and identifies the office from which additional information</p>	<p>5.207 Preparation and transmittal of synopses.,</p> <p>(b) .</p> <p>(4) * * *</p> <p>(iv) Specification and whether an offeror, its product, or service must meet a qualification requirement in order to be eligible- for award, and, identification of the office from which additional</p>	



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<p>prospective offeror to make an informal business judgment as to whether a copy of the solicitation should be requested.</p> <p>(2) * * * Put each separate proposed contract action in a separate paragraph. * * *</p> <p>(3) <i>Contracting office and address.</i> Begin the name, address, and telephone number of the contracting office on the first line of the text. Do not abbreviate except for the names of States. The address shall include an attention phrase, including title, code, and telephone number, that identifies the person(s) to contact for further information and for obtaining a copy of the solicitation. In addition, the contracting officer's name, business address, and telephone number shall be included if different from that of the person to contact for further information.</p> <p>* * * * *</p> <p>(4) * * *</p> <p>(vi) Size, dimensions, or other form, fit, or function.</p> <p>(vii) Predominant material of manufacture.</p> <p>(5) Insert a statement that all responsible sources may submit a bid, proposal, or quotation which shall be considered by the agency.</p> <p>(6) In the case of a contract action under Subpart 6.3, insert a statement of the authority and justification, and</p>	<p>about the qualification requirement may be obtained. In addition, FAR 5.207(b)(6) has been clarified to require that synopses contain a statement of the reason justifying other than full and open competition.</p>	<p>information about the qualification requirement may be obtained (see Subpart 9.2).</p> <p>* * *r* * *</p> <p>(6), In the case of a contract action under Subpart 6.3, insert a statement of the reason justifying other than full and open competition, and the identity of the intended source(s) (see 5.207(d)(3)).</p>	



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<p>the identity of the intended source(s) (See 5.207(d)(3)).</p> <p>* * * *</p> <p>(d) * * *</p> <p>If the synopsis is for a proposed contract action intended to be awarded on a sole source basis, the synopsis shall include reference to Numbered Note 22.</p> <p>* * * *</p> <p>(e) * * *</p> <p>(1) Availability of specification, plans, drawing, or other technical data. *</p> <p>* * * *</p>			
<p>6.001 Applicability.</p> <p>This part applies to all acquisitions except-</p> <p>(a) Contracts awarded using the small purchase procedures of Part 13;</p> <p>(b) Contracts awarded under the 8(a) program (see Subpart 19.8);</p> <p>(c) Contracts awarded using contracting procedures (other than those addressed in this part) that are expressly authorized by statute;</p> <p>(d) Contract modifications that are within the scope and under the terms of an existing contract;</p> <p>(e) Orders placed under requirements contracts or definite-quantity contracts; or</p> <p>(f) Orders placed under indefinite quantity contracts that were entered into pursuant to this Part when-</p> <p>(1) The contract was awarded under</p>	<p>d. FAR 6.001, 6.302-5, and 19.809-1 have been revised to reflect changes made by Pub. L. 98-577 that contracts awarded under the Small Business Administration 8(a) program are excepted from the requirement for full and open competition under FAR 6.302-5, Authorized or Required by Statute. FAR 6.302-5(c)(2) states that such contracts need not be supported by written justifications and approvals.</p>	<p>6.001 Applicability</p> <p>This part applies to all acquisitions except-</p> <p>(a) Contracts awarded using the small purchase procedures of Part 13;</p> <p>(b) Contracts awarded using contracting procedures (other than those addressed in this part) that are expressly authorized by statute;</p> <p>(c) Contract modifications that are within the scope and under the terms of an existing contract;</p> <p>(d) Orders placed under requirements contracts or definite-quantity contracts; or</p> <p>(e) Orders placed under indefinite quantity contracts that were entered into pursuant to this Part when-</p> <p>(1) The contract was awarded under Subpart 6.1 or 6.2 and all responsible sources were realistically permitted to compete for the requirements contained in the order; or</p> <p>(2) The contract was awarded under</p>	



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<p>Subpart 6.1 or 6.2 and all responsible sources were realistically permitted to compete for all requirements contained in the order; or</p> <p>(2) The contract was awarded under Subpart 6.3 and the required justification and approval adequately covers the requirements contained in the order.</p> <p>6.302-5 Authorized or required by statute.</p> <p>(a) <i>Authority.</i> (1) Citations: 10 U.S.C. 2304(c)(5) or 41 U.S.C. 253(c)(5). (2) Full and open competition need not be provided for when (i) a statute expressly authorizes or requires that the acquisition be made through another agency or from a specified source, or (i) the agency's need is for a brand name commercial item for authorized resale.</p> <p>(b) <i>Application.</i> This authority may be used when statutes, such as the following, expressly authorize or require that acquisition be made from a specified source or through another agency:</p> <p>(1) Federal Prison Industries (UNICOR)-18 U.S.C. 4124 (see Subpart 8.6); (2) Qualified Nonprofit Agencies for the Blind or other Severely Handicapped-41 U.S.C. 46-48c (see 8.7); (3) Government Printing and Binding-</p>		<p>Subpart 6.3 and the required justification and approval adequately covers the requirements contained in the order.</p> <p>6.302-5 Authorized or required by statute.</p> <p>(a) <i>Authority.</i> (1) Citations: 10 U.S.C. 2304(c)(5) or 41 U.S.C. 253(c)(5). (2) Full and open competition need not be provided for when (i) a statute expressly authorizes or requires that the acquisition be made through another agency or from a specified source, or (ii) the agency's need is for a brand name commercial item for authorized resale.</p> <p>(b) <i>Application.</i> This authority may be used when statutes, such as the following, expressly authorize or require that acquisition be made from a specified source or through another agency:</p> <p>(1) Federal Prison Industries (UNICOR)-18 U.S.C. 4124 (see Subpart 8.6); (2) Qualified Nonprofit Agencies for the Blind or other Severely Handicapped--41 U.S.C. 46-48c (see Subpart 8.7); (3) Government Printing and Binding-44 U.S.C. 501-504, 1121 (see Subpart 8.8); or (4) 8(a) Program-I5 U.S.C. 637 (see Subpart 19.8).</p> <p>(c) <i>Limitations.</i> (1) The authority in paragraph (a)(2)(ii) above may be used only for purchases of brand-name commercial items for resale through commissaries or other similar facilities. Ordinarily, these purchases will involve</p>	



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<p>44 U.S.C.'501-504, 1121 (see 8.8); or (4) Utility Services-40"U.S.C. 481 (see 8.3).</p> <p>(c) <i>Limitations.</i> (1) The authority in (a)(2)(ii) above may be used only for purchase of brand-name commercial items for resale through commissaries or other similar facilities. Ordinarily, these purchases will involve articles desired or preferred by customers of the selling activities-(but see 6.301(d)).</p> <p>(2) Contracts awarded using this authority shall be supported by the written justifications and approvals described in 6.303 and 6.304, except for those contracts awarded under (b)(2) above.</p> <p>19.809-1 [Amended] 153. Section 19.809-1 is amended by removing the third sentence in paragraph (a) and removing and reserving paragraph (b)(1).</p>		<p>articles desired or preferred by customers of the selling activities (but see 6.301(d)).</p> <p>(2) Contracts awarded using this authority shall be supported by the written justifications and approvals described in 6.303 and 6.304, except for those contracts awarded under paragraphs (b)(2) and (b)(4) above.</p> <p>19.809-1 General. (h) * * * (.,) The award form shall cite 41 U.S.C. 253 (c)(5) or 10 U.S.C. 2304(c)(5) (as appropriate) as the authority for use of other than full and open competition.</p>	
<p>6.302-1 Only one responsible source.</p> <p>(a) <i>Authority.</i> (1) Citations: 10 U.S.C. 2304(c)(1) or 41 U.S.C. 253(c)(1).</p> <p>(2) When the supplies or services required by the agency are available from only one responsible source and no other type of supplies or services will satisfy agency requirements, full and open competition need not be provided for.</p> <p>(b) <i>Application.</i> This authority shall</p>	<p>e. The title of FAR 6.302-1 is revised to clarify that the first exception to providing for full and open competition applies when the required supplies or services are available from only one responsible source and no other supplies or services will satisfy agency requirements. Further, the subsection is amended to clarify the exception's specific application to unsolicited research proposals and follow-on contracts and possible</p>	<p>6.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.</p> <p>(a) <i>Authority.</i> (1) Citations: 10 U.S.C. 2304(c)(1) or 41 U.S.C. 253(c)(1).</p> <p>(2) When the supplies or services required by the agency are available from only one responsible source and no other type of supplies or services will satisfy agency requirements, full and open competition need not be provided for.</p> <p>(i) Supplies or services may be considered</p>	



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<p>be used, if appropriate, in preference to the authority in 6.302-7; it shall not be used when any of the other circumstances is applicable. This authority may be used in situations such as the following (these examples are not intended to be all-inclusive):</p> <p>(1) The required supplies or services are available from only one source.</p> <p>(2) Follow-on contracts for the continued development or production of a major system or highly specialized equipment, including major components thereof, may be deemed to be available only from the original source when it is likely that award to any other source would result in-</p> <p>(i) Substantial duplication of cost to the Government that is not expected to be recovered through competition; or</p> <p>(ii) Unacceptable delays in fulfilling the agency's requirements.</p> <p>(3) Contracts for supplies or services that result from acceptance of an unsolicited research proposal shall be considered to be available from only one source if the source has submitted an unsolicited research proposal that demonstrates a unique and innovative concept, the substance of which-</p> <p>(i) Is not otherwise available to the Government; and</p> <p>(ii) Does not resemble the substance of a pending competitive acquisition.</p>	<p>application to other listed examples.</p>	<p>to be available from only one source if the source has submitted an unsolicited research proposal that demonstrates a unique and innovative concept the substance of which (A) is not otherwise available to the Government, and (B) does not resemble the substance of a pending competitive acquisition. (See 10 U.S.C. 2304(d)(1)(A) or 41 U.S.C. 253(d)(1)(A).)</p> <p>(ii) Supplies may be deemed to be available only from the original source in the case of a follow-on contract for the continued development or production of a major system or highly specialized equipment, including major components thereof, when it is likely that award to any other source would result in (A) substantial duplication of cost to the Government that is not expected to be recovered through competition, or (B) unacceptable delays in fulfilling the agency's requirements.. (See 10 U.S.C. 2304(d)(1)(B) or 41 U.S.C. 253(d)(1)(B).)</p> <p>(b) Application. This authority shall be used, if appropriate, in preference to the authority in 6.302-7; it shall not be used when any of the other circumstances is applicable. Use of this authority may be appropriate in situations such as the following (these examples are not intended to be all inclusive and do not constitute authority in and of themselves):</p> <p>(1) When there is a reasonable basis to conclude that the agency's minimum needs can only be satisfied by unique supplies or services available from only one source or</p>	



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<p>(4) The existence of patent rights, copyrights, or secret processes; the control of basic raw material; or similar circumstances, make the supplies and services available from only one source (however, the mere existence of such rights or circumstances does not in and of itself justify the use of these authorities) (see Part 27).</p> <p>(5) When acquiring electric power or energy, gas (natural or manufactured), water, or other utility services, circumstances may dictate that only one supplier can furnish the service (see 8.304-5(d)); or when the contemplated contract is for construction of a part of a utility system and the utility company itself is the only sourced available to work on the system.</p> <p>(6) When the agency head has determined in accordance with the agency's standardization program that only specified makes and models of technical equipment and parts will satisfy the agency's needs for additional units or replacement items, and only one source is available.</p> <p>(c) <i>Limitations.</i> (1) Contracts awarded using this authority shall be supported by the written justifications and approvals described in 6.303 and 6.304.</p> <p>(2) For contracts awarded using this authority, the notices required by</p>		<p>only one supplier with unique capabilities.</p> <p>(2) The existence of limited rights in data, patent rights, copyrights, or secret processes; the control of basic raw material; or similar circumstances, make the supplies and services available from only one source (however, the mere existence of such rights or circumstances does not in and of itself justify the use of these authorities) (see Part 27),</p> <p>(3) When acquiring electric power or energy, gas (natural or manufactured), water, or other utility services, circumstances may dictate that only one supplier can furnish the service (see 8.304-5(d)); or when the contemplated contract is for construction of a part of a utility system and the utility company itself is the only source available to work on the system.</p> <p>(4) When the agency head has determined in accordance with the agency's standardization program that only specified makes and models of technical equipment and parts will satisfy the agency's needs for additional units or replacement items, and only one source is available.</p> <p>(c) <i>Limitations.</i> (1) Contracts awarded using this authority shall be supported by the written justifications and approvals described in 6.303 and 6.304.</p> <p>(2) For contracts awarded using this authority, the notices required by 5.201 shall have been published and any bids and proposals must have been considered. (See 15.402(g).)</p>	



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5.201 shall have been published and any bids and proposals must have been considered.			
<p>6.303-1 Requirements.</p> <p>(a) A contracting officer shall not commence negotiations for a sole source contract, commence negotiations for a contract resulting from an unsolicited proposal, or award any other contract without providing for full and open competition unless the contracting officer-</p> <p>(1) Justifies, if required in 6.302, the use of such actions in writing;</p> <p>(2) Certifies the accuracy and completeness of the justification; and</p> <p>(3) Obtains the approval required by 6.304.</p> <p>(b) Technical and requirements personnel are responsible for providing and certifying as accurate and complete necessary data to support their recommendation for other than full and open competition.</p> <p>(c) Justifications required by (a) above may be made on an individual or class basis. However, any justification for contracts awarded under the authority of 6.302-7 shall only be made on an individual basis.</p> <p>(d) Contract actions subject to the Agreement on Government Procurement (see Subpart 25.4, Foreign Acquisition) may be made without providing for full and open</p>	<p>f. FAR 6.303-1 is revised to require that contracting officers ensure and document that each contract action not providing for full and open competition taken pursuant to the authority of a class justification and approval is within the scope of that class justification and approval. Further, FAR 6.303-2, which specifies the contents of justifications, is revised to include information regarding the publicizing of the requirement in the Commerce Business Daily.</p>	<p>6.303-1 Requirements.</p> <p>. (c) Justifications required by paragraph (a) above may be made on an individual or class basis. Any justification for contracts awarded under the authority of 6.302-7 shall only be made on an individual basis. Whenever a justification is made and approved on a class basis, the contracting officer must ensure that each-contract action taken pursuant to the authority of the class justification and approval is within the scope of the class justification and approval and shall document the contract file for each contract action accordingly.</p>	



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<p>competition only when permitted and justified pursuant to this subpart. If, in such a contract action, the authority of 6.302-3(a)(2)(i) or 6.302-7 is being cited as a basis for not providing for full and open competition, a copy of the justification shall also be forwarded, in accordance with agency procedures, to the agency's point of contact with the Office of the United States Trade Representative.</p> <p>(e) The justification for contracts awarded under the authority cited in 6.302-2 may be prepared and approved after contract award when preparation and approval prior to award would unreasonably delay the acquisition.</p>			
<p>6.304 Approval of the justification.</p> <p>(a) Except for (b) below, the justification for other than full and open competition shall be approved in writing-</p> <p>(1) For a proposed contract not exceeding \$100,000. at a level above the contracting officer. This review and approval is not required for-</p> <p>(i) Contracts under the authority cited in 6.302-4 or 6.302-5;</p> <p>(ii) Contracts for electric power or energy, gas (natural or manufactured), water, or other utility services when such services are available from only one source; or</p> <p>(iii) Contracts for educational services from nonprofit institutions.</p>	<p>g. FAR 6.304 is revised to clarify that contracts not exceeding \$25,000 do not require approval of the justification for other than full and open competition, and to require the inclusion of the estimated dollar value of all options in determining the approval level of justifications.</p>	<p>6.304 Approval of the justification.</p> <p>(a) * * *</p> <p>(1) For a proposed contract not exceeding \$100,000, at a level above the contracting officer. This approval is not required for-</p> <p>(i) Contracts under the authority cited in 6.302-4 or 6.302-5;</p> <p>(ii) Contracts for electric power or energy, gas (natural or manufactured), water, or other utility services when such services are available from only one source;</p> <p>(iii) Contracts for educational services from nonprofit institutions; or</p> <p>(iv) Contracts not exceeding \$25,000.</p> <p>(d) The estimated dollar value of all options shall be included in determining the approval level of a justification.</p>	



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<p>(2) For a proposed contract over \$100,000 but not exceeding \$1,000,000, by the competition advocate for the procuring activity designated pursuant to 6.501. This authority is not delegable.</p> <p>(3) For a proposed contract over \$1,000,000 but not exceeding \$10,000,000, by the head of the procuring activity, or a designee who-</p> <p>(i) If a member of the armed forces, is a general or flag officer; or</p> <p>(ii) If a civilian, is serving in a position in grade GS 16 or above under the General Schedule (or in a comparable or higher position under another schedule).</p> <p>(4) For a proposed contract over \$10,000,000, by the senior procurement executive of the agency designated pursuant to the OFPP Act (41 U.S.C. 414(3)) in accordance with agency procedures. This authority is not delegable.</p> <p>(b) Any justification for a contract awarded under the authority of 6.302-7, regardless of dollar amount, shall be considered approved when the determination required by 6.302-7(c)(1) is made.</p> <p>(c) A class justification for other than full and open competition shall be approved in writing in accordance – with agency procedures. The approval level shall be determined by the</p>			



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<p>estimated total value of the class.</p> <p>7.102 Policy. Agencies shall perform acquisition planning and conduct market surveys to promote and provide for full and open competition (see Part 6) or, when full and open competition is not required in accordance with Part 6, to obtain competition to the maximum extent practicable, with due regard to the nature of the supplies and services to be acquired (10 U.S.C. 2301(a)(5) and 41 U.S.C. 253A(a)(1)). This planning shall integrate the efforts of all personnel responsible for significant aspects of the acquisition. The purpose of this planning is to ensure that the Government meets its needs in the most effective, economical, and timely manner. Agencies that have a detailed acquisition planning system in place that generally meets the requirements of 7.104 and 7.105 need not revise their system to specifically meet all of these requirements.</p> <p>30. Section 7.103 is amended by redesignating the existing paragraphs (a) through (h) as (c) through (j) and adding new paragraphs (a) and (b) to read as follows:</p> <p>7.103 Agency-head responsibilities. * * * *</p> <p>(a) Ensuring that in no case is a contract entered into without full and open competition on the basis of a</p>	<p>h. FAR Part 7 is revised to clarify that agencies are required to perform acquisition planning and market surveys for all acquisitions, and to remove the requirement for concurrence in the plan by the cognizant competition advocate. Coordination by this official is still required</p>	<p>PART 7-ACQUISITION PLANNING 16. Section 7.102 is revised to read as follows:</p> <p>7.102 Policy. Agencies shall perform acquisition planning and conduct market surveys for all acquisitions in order to promote and provide for full and open competition (see Part 6), or, when full and open competition is not required in accordance with Part 6, to obtain competition to the maximum extent practicable, with due regard to the nature of the supplies and services to be acquired (10 U.S.C.-2301(a)(5) and 41 U.S.C. 253A(a)(1)). This planning shall integrate the efforts of all personnel responsible for significant aspects of the acquisition. The purpose of this planning is to ensure that the Government meets its needs in the most effective, economical, and timely manner. Agencies that have a detailed acquisition planning system in place that generally meets the requirements of 7.104 and 7.105 need not revise their ' system to specifically meet 'all of these requirements.</p> <p>17. Section 7.104 is amended by revising paragraph (c) to read as follows:</p> <p>7.104 General procedures. (c) The planner shall coordinate with and secure the concurrence of the contracting officer in all acquisition planning. If the plan proposes using other than full and open competition, the plan shall also be coordinated with the cognizant competition advocate.</p>	



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<p>lack of acquisition planning or concerns related to the amount of funds available to the agency for acquisitions (10 U.S.C. 2304(f)(5) and 41 U.S.C. 253(f)(5)(A)).</p> <p>(b) Ensuring that acquisition planners address the requirement to specify needs, develop specifications, and to solicit offers in such a manner to promote and provide for full and open competition with due regard to the nature of the supplies and services to be acquired (10 U.S.C. 2305(a)(1)(A) and 41 U.S.C. 253A(a)(1)). (See Part 6 and 10.002.)</p> <p>31. Section 7.104 is amended by revising paragraph (c) to read as follows:</p> <p>7.104 General procedures. • * * • *</p> <p>(c) The planner shall coordinate with and secure the concurrence of the contracting officer in all acquisition planning. If the plan proposes using other than full and open competition, the plan shall also be coordinated with and concurred in by the cognizant competition advocate.</p> <p>32. Section 7.105 is amended by revising the second sentence in paragraph (a)(5); removing in the first sentence of paragraph (b)(1) the word "will" and inserting in its place the word "can"; adding a sentence at the end of paragraph (b)(1); revising</p>		<p>* * *</p>	



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<p>paragraph (b)(2); removing from paragraph (b)(4) the words "formal advertising" and inserting in their place the words "sealed bidding"; removing paragraph (b)(5) and redesignating paragraphs (6) through (20) as (5) through (19); adding paragraph (b)(12)(iv); and revising the milestone steps of new paragraph (b)(18) as follows:</p> <p>7.105 Contents of written acquisition plans.</p> <p>(a) * * *</p> <p>(5) * * * Explain and provide reasons for any urgency if it results in concurrency of development and production or constitutes justification for not providing for full and open competition..</p> <p>* • • * *</p> <p>(b) * * *</p> <p>11) * * * If the acquisition or part of it is for other than commercial or commercial-type products, address the extent and results of the market survey conducted or the reasons one was not or will not be conducted.</p> <p>(2) Competition. (i) Describe how competition will be sought, promoted, and sustained throughout the course of the acquisition. If full and open competition is not contemplated cite the authority in 6.302, discuss the basis for the application of that authority, identify the source(s), and discuss why full and open</p>			



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<p>competition cannot be obtained.</p> <p>(ii) Identify the major components or subsystems. Discuss component breakout plans relative to these major components or subsystems. Describe how competition will be sought, promoted, and sustained for these components or subsystems.</p> <p>(iii) Describe how competition will be sought, promoted, and sustained for spares and repair parts. Identify the key logistic milestones, such as technical data delivery schedules and acquisition method coding conferences, that affect competition.</p> <p>* * * * *</p> <p>(12) • * •</p> <p>(iv) Standardization concepts, including the necessity to designate, in accordance with agency procedures, technical equipment as "standard" so that future purchases of the equipment can be made from the same manufacturing source.</p> <p>(18 * * *</p> <p>Acquisition plan approval. Statement of work. Specifications. Data requirements. Completion of acquisition-package preparation. Purchase request. Justification and approval for other than full and open competition where applicable and/or any required D&F approval. Issuance of synopsis. Issuance of solicitation. Evaluations of proposals, audits, and field reports. Beginning and</p>			



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<p>completion of negotiations. Contract preparation, review, and clearance. Contract award.</p> <p>• * * • *</p> <p>7.304 (Amended)</p> <p>• 33. Section 7.304 is amended by removing in paragraph (d)(1)(ii) the words "formally advertised" and inserting in their place the words "sealed bid".</p> <p>7.305 [Amended]</p> <p>34. Section 7.305 is amended by removing in paragraph (a) the words "formal advertising" and inserting in their place the words "sealed bidding" and removing the word "(Advertised)" and inserting in its place the words "(Sealed-Bid)".</p> <p>7.306 (Amended)</p> <p>35. Section 7.306 is amended by removing from the title in paragraph (a) the words "Formal advertising:" and inserting in their place the words "Sealed bidding:".</p>			
<p>10.002 Policy.</p> <p>(b) Acquisition policies and procedures of defense agencies shall require descriptions of agency requirements, whenever practicable, to be stated in terms of functions to be performed or performance required.</p>	<p>i. FAR 10.002(b) required that defense agencies include descriptions of agency requirements, whenever practicable, to be stated in terms of functions to be performed or performance required. This preference for functional or performance specifications has been revised to apply government-wide, rather than just to defense agencies.</p>	<p>10.002 Policy.</p> <p>(b) Acquisition policies and procedures shall require descriptions of agency requirements, whenever practicable, to be stated in terms of functions to be performed or performance required.</p>	
<p>15.502 Policy.</p> <p>Agencies shall encourage the</p>	<p>j. FAR Subpart 15.5 prescribes the policies and procedures for the</p>	<p>15.500 Scope of subpart.</p> <p>This subpart prescribes policies and</p>	



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<p>submission of unsolicited research proposals and avoid organizational or regulatory constraints that may inhibit generation and acceptance of innovative and unique research ideas from prospective contractors. Other unsolicited proposals may be accepted (see 15.507).</p> <p>15.503 [Amended]</p> <p>102. Section 15.503 is amended by removing in paragraph (c)(1) the word "or" and inserting in its place the word "and", by removing in paragraph (d) the words "broad agency announcements" and inserting in their place the words "a publicized general statement of agency needs", and by removing in paragraph (e) the word "or" and inserting in its place the word "and".</p> <p>103. Section 15.506-2. is amended by revising paragraph (a)(1) and by adding in paragraph (a)(2) a comma after the word "technical" as follows:</p> <p>15.506-2 Evaluation.</p> <p>(a) * * *</p> <p>(1) Unique and innovative methods, approaches, or concepts demonstrated by the proposal.</p> <p>VI * * *t</p>	<p>submission, receipt, evaluation, and acceptance of unsolicited proposals. This coverage is revised to specify that the subpart does not govern the competitive selection of basic research proposals and to refer the reader to FAR Subpart 6.3.</p>	<p>procedures for submission, -receipt, evaluation, and acceptance of unsolicited proposals. It does not govern the competitive selection of basic research proposals (see 6.102(d)(2)).</p> <p>21. Section 15.502 is revised to read as follows:</p> <p>,15.502 Policy.</p> <p>Agencies may accept unsolicited proposals in accordance with 15.507. To award a contract based on an unsolicited proposal without providing for full and open competition requires that appropriate authority exists in subpart 6.3. In-this connection. 6.302-</p> <p>1(a)(2)(i) provides special authority for unsolicited research proposals.</p> <p>22. Section 15.303 is amended by revising paragraph (c)(5) to read as follows:</p> <p>15.503 General.</p> <p>(c) * *</p> <p>(5) Not be an advance proposal for a known agency requirement that can be acquired by competitive methods.</p> <p>23. Section 15.507 is amended by adding the following sentence at the end of paragraph (b)(5) to read as follows:</p> <p>15.507 Contracting methods.</p> <p>(5) * * * (For unsolicited research proposals, see 6.302-1(a)(2)(i). A valid unsolicited proposal for other than research may be accepted only if otherwise perthissible under other provisions of Subpart 6.3.)</p>	
<p>15.1001 [Amended]</p> <p>125. Section 15.1001 is amended by</p>	<p>k. FAR 15.1001 discusses notifications to unsuccessful offerors.</p>	<p>15.100 Notifications to unsuccessful offerors.</p>	



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revising the title to read "15.1001 Notifications to unsuccessful offerors."; removing the references after paragraphs (a)(2) through (a)(4); and removing in paragraph (c)(3) the words "and subject to the exceptions in 15.1001(a)".	FAR 15.1001(a) is revised to remove the exceptions to notifying unsuccessful offerors that had been inadvertently retained in the interim rule.	<p>(a) <i>General.</i> The Contracting officer shall promptly notify each offeror whose proposal is determined to be unacceptable or whose offer is not selected for award, unless disclosure might prejudice the Government's interest.</p> <p>(b) * * *</p> <p>(2) In a small business set-aside (see Subpart 19.5), upon completion of negotiations and determinations of responsibility, but prior to award, the contracting officer shall inform each unsuccessful offeror in writing of the name and location of the apparent successful offeror. The notice shall also state that (i) the Government will not consider subsequent revisions of the unsuccessful proposal and (ii) no response is required unless a basis exists to challenge the small business size status of the apparently successful offeror. The notice is not required when the contracting officer determines in writing that the urgency of the requirement necessitates award without delay.</p>	
<p>PART 34-MAJOR SYSTEM ACQUISITION</p> <p>170. Section 34.002 is amended by revising paragraphs (a) and (b) to read as follows:</p> <p>34.002 Policy.</p> <p>• * t * *</p> <p>(a) Promote innovation and full and open competition in the development of major system concepts by (1) expressing agency needs and major</p>	<p>I. FAR Part 34, Major System Acquisition, requires agencies to sustain effective competition between alternative system concepts and sources. In order to clarify this requirement, the definition of effective competition has been added to FAR 34.001.</p>	<p>PART 34-MAJOR SYSTEM ACQUISITION</p> <p>28. Section 34.001 is amended by adding in alphabetical sequence the following definition:</p> <p>34. 01 Definitions.</p> <p>"Effective competition," as used in this part, is a market condition which exists when two or more contractors, acting independently, actively contend for the Government's business in a manner which</p>	



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<p>system acquisition program objectives in terms of the agency's mission and not in terms of specified systems to satisfy needs, -and (2) focusing agency resources and special management attention on activities conducted in the initial stage of major programs; and</p> <p>(b) Sustain effective competition between alternative system concepts and sources for as long as it is beneficial. (See Part 6 for competition policies.)</p> <p>171. Section 34.005-1 is amended by revising the first sentence of paragraph</p> <p>(a) to read as follows:</p> <p>34.005-1 Competition.</p> <p>(a) The program manager shall, throughout the acquisition process, promote full and open competition and sustain effective competition between alternative major system concepts and sources, as long as it is economically beneficial and practicable to do so.</p> <p>172. Section 34.005-2 is amended by revising paragraph (a)(2) and the introductory text of paragraph (b); and removing from paragraph (c) the acronym "RFP" and inserting in its place the word "solicitation".</p> <p>34.005-2 Mission-oriented solicitation.</p> <p>(a) * **</p> <p>(2) If appropriate hold a</p>		<p>ensures that the Government will be offered the lowest cost or price alternative or best technical design meeting its minimum needs.</p> <p>29. Section 34.002 is amended by revising paragraphs (a) and (b) to read as follows:</p> <p>34.002 Policy.</p> <p>(a) Promote innovation and full and open competition as required by Part 6 in the development of major system concepts by</p> <p>(1) expressing agency needs and major system acquisition program objectives in terms of the agency's mission and not in terms of specified systems to satisfy needs, and (2) focusing agency resources and special management attention on activities conducted in the initial stage of major programs; and</p> <p>(b) Sustain effective competition between alternative system concepts and sources for as long as it is beneficial.</p>	



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presolicitation" conference (see 15.404) and/or send copies of the proposed solicitation to all prospective offerors for their comments. After evaluation of these comments, the solicitation should be revised, if appropriate. (b) The contracting officer shall send the final solicitation to all prospective offerors. It shall- * * * * *			