

#### 46-1, Contract Quality Requirements Guide.

#### Item XXXIII—Contract Data Reporting (DFARS Case 95-D711/95-D713)

This final rule contains the guidance issued by Departmental Letter 95-014, on July 6, 1995, and additional guidance pertaining to DD Form 350 and DD Form 1057 reporting requirements. The rule revises DFARS 204.6, 253.204-70 and 253.204-71 to comply with reporting requirements of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103-355). Except for contracting actions pertaining to contingencies as described at FAR 13.101, contracting officers will continue to use DD Form 350 to report all contracting actions exceeding \$25,000. Contracting actions pertaining to contingencies will continue to be reported on DD Form 1057. Until the forms are revised, the term "small purchase procedures" used on DD Forms 350 and 1057 shall be interpreted to mean "simplified acquisition procedures."

#### Item XXXIV—Master Agreements (DFARS Case 95-D038)

This final rule deletes DFARS 237.270, Master Agreements. The authority to award master agreements for advisory and assistance services under 10 U.S.C. 2304 expired on September 30, 1994.

#### Item XXXV—Acquisition of Commercial Items (DFARS Case 95-D712)

This interim rule amends the DFARS to conform to the FAR changes pertaining to the acquisition of commercial items, published as Item III of FAC 90-32 on September 18, 1995. The rule also implements DoD-unique requirements of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103-355) regarding the acquisition of commercial items. Following is a summary of the DFARS amendments contained in this rule:

- Part 203 is amended to reflect that the statutory prohibitions of 10 U.S.C. 2397b do not apply to contractors that supply only commercial items to DoD.
- Part 207 is amended to reflect the preference for commercial items and the requirement for market research contained in FAR Parts 10 and 11.
- Parts 210, 211, and 212 are revised to reflect the restructuring of FAR Parts 10, 11, and 12. Part 210 is retitled "Market Research" and contains no DFARS text; Part 211 is retitled "Describing Agency Needs" and revised to include guidance that was previously included in Part 210; and

Part 212 is retitled "Acquisition of Commercial Items" and revised to include two new subparts. Subpart 212.3 prescribes solicitation provisions and contract clauses for use in DoD acquisitions of commercial items, to include a new solicitation provision at 252.212-7000, Offeror Representations and Certifications—Commercial Items, and a new contract clause at 252.212-7001, Contract Terms and Conditions Required to Implement Statutes Applicable to Defense Acquisition of Commercial Items. Subpart 212.5 contains lists of statutes that do not apply, or have limited application to, contracts or subcontracts for the acquisition of commercial items.

- Part 217 is amended to state that the requirement for contractor identification of sources of supply does not apply to commercial items.
- Part 225 is amended to state that certain foreign source restrictions do not apply to commercial items or components purchased by contractors from subcontractors/suppliers.
- Part 227 is amended to delete definitions which appear in FAR Part 2 and to clarify that clauses prescribed by 227.7102-3 and 227.7103-15 do not flow down to subcontractors providing commercial items or components.
- Part 234 is amended to include the definitions of "systems" and "systems acquisition" which were deleted from 210.001.
- Part 246 is amended to conform to the policy in FAR 12.208 on contract quality assurance.
- Amendments are made to conform terminology to the definition of "commercial items" in FAR Part 2 and to delete obsolete references.

#### Item XXXVI—Editorial Revisions

Note: The asterisked items are revisions being made only in the looseleaf edition of the DFARS.

- (a) DFARS is amended by revising "Under Secretary of Defense for Acquisition (USD(A))" to read "Under Secretary of Defense for Acquisition & Technology (USD(A&T))" each place it appears.
- \* (b) Section 202.101 is amended by revising in the definition "Contracting activity" under the heading "NAVY" the entry "Space and Naval Warfare Systems Command" to read "Space and Naval Warfare Systems Command."
- (c) Section 204.7003(a)(1) is amended to update the department/agency identification characters used in procurement instrument identification numbers.

(d) Section 209.403 is amended to update the Air Force entry to read "Air Force—Deputy General Counsel (Contractor Responsibility)."

(e) Section 209.405-1 is amended to redesignate paragraphs (a) and (b) as paragraphs (b) and (c), respectively.

(f) Section 214.406-3(e)(i) is amended to revise "DARPA" to read "ARPA."

(g) Section 225.302. is amended by revising in paragraph (b)(i) under the heading "DEFENSE LOGISTICS AGENCY" the entry "Executive Director, Contracting" to read "Executive Director, Procurement"; and to add a new heading and entry between the headings "DEFENSE MAPPING AGENCY" and "ON-SITE INSPECTION AGENCY" to read "DEPARTMENT OF DEFENSE OFFICE OF DEPENDENT SCHOOLS, Director."

(h) Section 225.770-1 is amended by revising between the word "that" and the word "does" the word "is" to read "it."

(i) Section 227.7103-6 is amended in paragraph (a) to revise the word "Innovative" to read "Innovation."

(j) Section 227.7104 is amended in the title by revising the word "Innovative" to read "Innovation" and by revising in paragraph (a) the word "Innovative" to read "Innovation."

\* (k) Section 232.704-70(c) is amended to revise the word "funs" to read "funds."

(l) Section 242.705-2 is amended to redesignate paragraphs (b)(2)(iii) and (b)(2)(v) as paragraphs (b)(2)(ii) and (b)(2)(iv), respectively.

(m) Section 249.7002(b) is amended in the introductory text to revise the phrase "Office of Economic Adjustment (OEA), Assistant Secretary of Defense (Force Management and Personnel)" to read "Assistant Secretary of Defense (Economic Security), Office of Economic Adjustment (OEA)."

(n) Section 249.7002(b)(2) is amended to revise the Telefax number to read "(703) 604-5843."

\* (o) Section 252.223-7004(a)(1) is amended to revise "employee" to read "employee."

(p) Section 252.225-7040 is amended to revise in the introductory text the reference "225.7004-5(c)" to read "225.7004-6(c)."

(q) Section 252.227-7018 is amended in the section title to revise the word "Innovative" to read "Innovation" and in the clause title to revise the word "INNOVATIVE" to read "INNOVATION."

(r) Appendix F, F-401, Table 2, is amended to update the Army address for Foreign Military Sales.

(s) Appendix G is revised to update activity addresses.