

**Federal Acquisition Regulation
Federal Acquisition Circular 2005-73 & 2005-74 Summary of Rules**

FAC 2005-73

| <u>Item</u> | <u>Subject</u> | <u>FAR Case</u> |
|-------------|---------------------------------------|-----------------|
| I | Positive Law Codification of Title 41 | 2011-018 |
| II | Technical Amendments | |

Item I--Positive Law Codification of Title 41 (FAR Case 2011-018)

Title 41 of the United States Code, "Public Contracts" was enacted into positive law on January 4, 2011 (Pub.L 111-350). This codification reorganized and renumbered the statutes, but did not change their meaning or legal effect. This final rule amended the Federal Acquisition Regulation (FAR) to conform references throughout the FAR to the new positive law codification. A table at FAR 1.110 provides the popular names of the Acts, the present statutory citation, and the new titles of the statutes. For example the "Service Contract Act of 1965" is now the "Service Contract Labor Standards statute".

Item II--Technical Amendments

Editorial changes were made at FAR 9.105-2, 9.203, 11.201, 52.203-17, 52.208-8, 52.211-2, and 52.212-1.

FAC 2005-74

| <u>Item</u> | <u>Subject</u> | <u>FAR Case</u> |
|-------------|---------------------------------------------------------------------------|-----------------|
| I | Commercial and Government Entity Code | 2012-024 |
| II | Repeal of the Recovery Act Reporting Requirements | 2014-016 |
| III | Expansion of Applicability of the Senior Executive Compensation Benchmark | 2012-017 |
| IV | Contractor Comment Period, Past Performance Evaluations | 2012-028 |
| V | Defense Base Act | 2012-016 |

Item I—Commercial and Government Entity Code (FAR Case 2012-024)

This final rule (effective November 1, 2014) adds subpart 4.18, "Commercial and Government Entity Code," and related provisions and clauses to the FAR. Offerors are now required to provide their CAGE code to Contracting Officers and, if they are owned by another entity or entities, offerors must provide the names and CAGE codes of those entities.

Item II—Repeal of the Recovery Act Reporting Requirements (FAR Case 2014-016)

Section 627 of Division E of the Consolidated Appropriations Act, 2014 (Pub.L. 113-76) repealed the contractor reporting requirements of the Recovery Act. As of February 1, 2014 future reporting is not required. The website www.federalreporting.gov has been closed for reporting since March 20, 2014. CO's may, in their discretion, modify existing contracts to amend 52.204-11 to add the following statement to paragraph (c): "Starting February 1, 2014, future reporting is not required."

Item III—Expansion of Applicability of the Senior Executive Compensation Benchmark (FAR Case 2012-017)

This final rule adopts without change the interim rule published in FAC 2005-68 and summarized in Policy Flash 2013-67. It only applies to contracts with the Department of Defense, NASA and Coast Guard.

Item IV—Contractor Comment Period, Past Performance Evaluations (FAR Case 2012-028)

This final rule (effective July 1, 2014) implements a statutory requirement to shorten the timeframe that contractors have to comment on past performance evaluations before they are posted. Whereas, presently contractors must be given at least 30 days to comment, they will now have a maximum of 14 calendar days. After 14 calendar days, the evaluation (along with any contractor submitted information) will be automatically transferred to PPIRS.

Item V—Defense Base Act (FAR Case 2012-016)

This final rule revises FAR clause 52.228-3 Workers Compensation Insurance (Defense Base Act) to clarify the responsibilities of contractors and subcontractors under the Defense Base Act of 1941, which extended the federal workers' compensation program to persons employed at United States defense bases overseas, and is intended to provide medical treatment and compensation to employees of defense contractors injured in the scope and course of employment. Coverage has since been extended to other categories of contractor employees working outside of the United States through the War Hazards Compensation Act of 1942, and the Mutual Security Act of 1954.