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Part III

Department of Defense

Defense Acquisition Regulations System
48 CFR Parts 204, 212, 215 et al.
Defense Federal Acquisition Regulations; Final Rules and Proposed Rules
DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 252

Defense Federal Acquisition Regulation Supplement; Technical Amendments

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement (DFARS) to provide needed editorial changes.

DATES: Effective Date: July 24, 2012.


SUPPLEMENTARY INFORMATION: This final rule amends the DFARS as follows:


2. Section 252.204–7007 is amended—
   a. By removing the clause date “(JUN 2012)” and adding “(JUL 2012)” in its place; and
   b. By adding paragraph (d)(1)(vii) to read as follows:

   252.204–7007  Alternate A, Annual Representations and Certifications.
   * * * * * (d) * * * *(1) * * * *(vii) 252.247–7022, Representation of Extent of Transportation by Sea. Applies to all solicitations except those for direct purchase of ocean transportation services or those with an anticipated value at or below the simplified acquisition threshold.
   * * * * *

252.225–7036  [Amended]

3. Section 252.225–7036 is amended in Alternates IV and V by removing the clause date “(MAY 2012)” and adding “(JUL 2012)” in its place and in paragraph (c), by removing “Act”. [FR Doc. 2012–17586 Filed 7–23–12; 8:45 am]

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 215, 225, and 252

RIN 0750–AH42

Defense Federal Acquisition Regulation Supplement: Contracting With the Canadian Commercial Corporation (DFARS Case 2011–D049)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is amending the Defense Federal Acquisition Regulation Supplement (DFARS) to clarify the requirements for the Canadian Commercial Corporation to submit data other than certified cost or pricing data. DoD has waived the requirement for the Canadian Commercial Corporation and its contractors to submit certified cost or pricing data (see DFARS 215.403–1(c)(4)(C)). However, the purpose of this rule is to clarify that the requirement to submit data other than certified cost or pricing data has not been waived.

II. Discussion and Analysis

A. Summary of Significant Changes in the Final Rule as a Result of Public Comments

1. DFARS 215.408(5) has been revised to raise the threshold for cost-reimbursement contracts from the simplified acquisition threshold to $700,000.

2. DFARS 215.408(5) has also raised the level to which the head of the contracting activity can delegate approval authority for using the provison at 252.215–7003 and the clause at 252.215–7004 in accordance with 215.408(5)(i)(B) and (ii)(B), respectively, from one level above the contracting officer to two levels above the contracting officer.

3. DFARS 225.870–4(c)(5) and 252.215–7003 now include the text at FAR 15.403–3(b)(4) to notify the contracting officer and the offerors that in order to be eligible for award, offerors must provide data necessary to determine that the price is fair and reasonable.

4. The clause at 252.215–7004 has been revised to require data other than certified cost or pricing data for modifications only when they exceed the simplified acquisition threshold. The contracting officer may modify the clause to specify a higher threshold.

B. Analysis of Public Comments

1. Use of Domestic Policies, Procedures, and Practices

Comment: The respondent cited the Defence Production Sharing Agreement of 1956 and the need to apply Canadian domestic policies, practices, and procedures when conducting price analysis on a Canadian supplier.

Response: Data other than certified cost or pricing data can be released in line with Canadian laws and