



Legislative Update

MSFC SBELT 4 April 2019



Open FAR Cases as of 3/29/2019

Case Number	Part Number	Title	Synopsis	Status
2016-011	19, 52	(S) Revision of Limitations on Subcontracting	Implements SBA's final rule (81 FR 34243) for section 1651 of the NDAA for FY 2013 (Pub. L. 112-239), which revised the limitations on subcontracting and the nonmanufacturer rule. Also implements SBA's regulatory clarifications concerning application of the limitations on subcontracting, nonmanufacturer rule, and size determination of joint ventures.	02/20/2019 DARC Director tasked Acquisition Small Business Team to review public comments, draft final FAR rule. Report due 04/17/2019.

Similarly Situated

DoD issued Class Deviation



Open FAR Case as of 3/29/2019

Case Number	Part Number	Title	Synopsis	Status
2018-003		(S) Credit for Lower-Tier Small Business Subcontracting	Implements section 1614 of the NDAA for FY 2014, as implemented in the SBA regulations on 12/23/2016 (81 FR 94246), which allows prime contractors to receive credit toward goals in their small business subcontracting plans for subcontracts awarded by their subcontractors.	03/13/2019 OFPP returned draft proposed rule. FAR and DAR staff preparing to resend to OFPP.

Getting Closer – David, any concerns from LB?

NASA Updates on:

- **NASA Procurement Class Deviation (PCDs) on Limitation of Subcontracting (i.e. Similarly Situated)?**
- **Small Business Runway Extension Act of 2018 – Average of 5 Year Annual Gross Receipts versus 3 Years?**
- **Others?**

Did you know?

GSA Streamlined Offer - Approaching 20-year contract term?

<https://vsc.gsa.gov/administration/streamlined.cfm>

GSA MAS Transformation - Consolidating 24 separate schedules to 1.

<https://www.gsa.gov/about-us/newsroom/news-releases/gsa-announces-transformation-of-multiple-awards-schedules>

GSA Order Level Materials (OLM)

<https://www.gsa.gov/buying-selling/purchasing-programs/gsa-schedules/schedule-features/orderlevel-materials-olms>

DoD Other Transactions Guide Update

<https://aaf.dau.mil/ot-guide/>

Stay Up to Date on:

Category Management

https://www.acquisition.gov/Category_Management

Best in Class Contracts (BIC)

<https://www.gsa.gov/buying-selling/category-management/bestinclass>

Spend Under Management (SUM)

https://www.gsa.gov/cdnstatic/BIC_%26_SUM_One-pager_252018.pdf

Section 809 Panel – February 2019 Report with 98 Recommendations

<https://section809panel.org/>

Reminder: Final Rule 2018-20706

- The rule changed FAR 4.1102, 4.1103, 52.204-7, and 52.212-1 (k) to require offeror registration in SAM prior to submission of an offer.
- Potential problems – newly formed Joint Ventures.