

## FAR Operating Guide

Version 3

March 12, 2007

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**1. Councils**

The FAR Council provides the overall direction to the Civilian Agency Acquisition Council (CAAC) and the Defense Acquisition Regulations Council (DARC). The FAR Council is chaired by the Administrator for the Office of Federal Procurement Policy. The other Council members are the Director, Defense Procurement and Acquisition Policy, DoD; the Chief Acquisition Officer, GSA; and the Assistant Administrator for Procurement, NASA.

The CAAC and DARC independently deliberate all changes to the FAR and attempt to reach agreement on all proposed changes to the FAR. The FAR Council resolves any disagreements the CAAC and DARC are unable to resolve.

The CAAC is chaired by the GSA. The Council members are representatives of the following civilian agencies-

- Department of Agriculture
- Department of Commerce
- Department of Energy
- Department of Interior
- Department of Labor
- U.S. Treasury Department
- Department of Health and Human Services
- Department of Homeland Security
- Department of State
- Department of Transportation
- Department of Veterans Affairs
- Environmental Protection Agency
- Small Business Administration
- Social Security Administration

The DARC is chaired by the Deputy Director, Defense Acquisition Regulations (DARS). The Council members are representatives of-

- Army
- Air Force
- Defense Contract Management Agency
- Defense Logistics Agency
- Navy
- NASA

**2. FAR Teams**

**a. Types of Teams**

(1) **Standing FAR Teams**. The Standing FAR Teams are responsible for complex cases in their assigned FAR Parts. Complex cases are those that require expertise and/or deliberation by the FAR Team. Complex cases in FAR Parts not listed in the table below will be assigned to either a standing FAR team or an Ad Hoc team depending on the nature of the case. The teams are comprised of "core" members and "rotational" members. Core members, or their designated representative, attend all Standing FAR Team meetings. Rotational members are Team members for specific cases that impact their assigned areas of responsibility. Supplemental advisors (OFPP, DCAA, etc.) also support the Teams. Supplemental advisors have no voting rights. Representatives of OFPP are not team members.

The FAR Council establishes the composition of the Standing FAR Team's membership. The current Standing FAR Teams are:

Team	FAR Parts
Strategy	5-8, 10-19, 26, 34, 35
Implementation	4, 42-49, 51
Finance	15.4, 28, 30-32
Law	3, 9, 22-25, 27, 29, 33, 50
Technology	E-Commerce and IT issues w/o restriction to a FAR part

The FAR Secretariat maintains the official list of FAR Teams, including member names, email addresses, and phone numbers. The information is also available at <http://www.acq.osd.mil/dpap/dars/organization/farcommit.htm>

(2) **Ad Hoc Teams**. Ad Hoc Teams are established on a case-by-case basis to handle special taskings. The CAAC Chair; Deputy Director, DARS; and NASA Policy Representative to the DARC (Principals) determine team membership based on the special tasking.

(3) **Staff Level Teams**. Staff Level Teams are responsible for ***non-complex cases*** and are comprised of FAR and DARS case managers. The CAAC Chair and DARS Deputy Director assign their respective case managers to these teams.

**b. Appointment to Teams**

(1) **Chairs and Deputies.** Standing FAR Teams are chaired by DOD, GSA, and NASA. The CAAC Chair; Deputy Director, DARS; and NASA Assistant Administrator for Procurement appoint their respective chairs and deputies. Each Principal shall notify the other Principals of any changes to the team chair and deputies.

The FAR Council has assigned Chair and Deputy responsibility to the agencies as follows:

Team	Chair	Deputy
Strategy	DoD	GSA
Implementation	GSA	DOD
Finance	NASA	GSA
Law	DoD	GSA
Technology	GSA	DOD

**(2) Team Members**

The CAAC Chair; Deputy Director, DARS; and NASA Assistant Administrator for Procurement appoint their respective team members. Each Principal shall notify the other Principals of any respective team member changes.

**3. Roles and Responsibilities**

**a. Principals (CAAC Chair; Deputy Director, DARS; and NASA Policy Representative):**

- Mutually decide whether to open a new case or close an on-going case without FAR changes. Except in rare instances, closing a case also requires Council input.
- Assign cases to the appropriate teams.

- Prepare and distribute Case Management Records (CMRs) to open new FAR cases in accordance with paragraph 4a and in the format at Attachment 2. The CMR shall include either a due date or task the Team Chair to provide a recommended due date based on a projected case completion schedule.
- Provide specific direction to the teams on case objectives and request advice from the FAR Council when necessary.
- Issue Team taskings. The CAAC Chair issues tasking to the Standing FAR Teams chaired by GSA and DAR Director issues tasking to the Standing FAR Teams chaired by DoD or NASA.
- Establish due dates for team reports.
- Approve/disapprove requests for due date extensions.
- Obtain staff for all teams.
- Provide input on team members' performance to agency procurement executives through the FAR signatories, and provide appropriate recognition for outstanding individual and team performance.
- Ensure team members and their managers understand that FAR cases are the highest priority job assignments.
- Review team reports and assess the responsiveness of the report to the tasking. If non-responsive, recommend the Councils return the report to the team for additional action.
- Provide timely, constructive feedback to Standing FAR Team Chairs and Deputy Chairs on the quality and timeliness of team findings and recommendations, reports, and related documents.
- Provide appropriate team-related training to their respective chairs and team members.

**b. FAR Team Chairs:**

- Convene and preside at team meetings.
- Ensure members are provided appropriate background materials prior to team meetings

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(e.g., copies of tasking CMR and related documents).

- Submit a timeline for completion of the case. The recommended elapsed time for each step in the timeline is as follows:

Strawman Drafted for Distribution to Team	7 Days
Initial Team Meeting	7 Days
Draft Final Report Prepared/Distributed for Team Member Input	17 Days
Team Member Input Provided on Final Draft Report	7 Days
Final Report Signed by Team Leader	3 Days
<b>Total Elapsed Time</b>	<b>41 Days</b>

- Prior to team meetings, assign the responsibility for the preparation of a case strawman to be used to initiate team discussions.
- Obtain the appropriate expert and functional advice.
- Arrange for Deputy Chair or another team member to perform their duties during absences.
- Manage case work load and equitably assign to team members the lead responsibility for drafting quality team reports, proposed FAR coverage and recommendations that consider all relevant issues within established deadlines.
- Obtain needed training for members.
- Ensure the preparation and submission of quality, complete and accurate FAC Intros for all interim and final rules in accordance with Attachment 5.
- Meet established deadlines and provide timely notification to the Principals when extensions are needed. Any extensions must be approved by the Principals.
- Attend CAAC, DARC, or resolution meetings upon request.
- Ensure members are provided a full opportunity to provide timely input on all aspects of each case.

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- Provide members copies of the FAR language and Federal Register Notices after the Councils agree to the rule.
- Provide input to Principals on member's performance and make recommendations to recognize outstanding Team and member performance.
- Maintain records of attendance and coordination.
- Inform the Principals of any non-responsive members or agencies.
- Keep Principals informed.

### **c. Team Members:**

- Review all provided materials in advance of team meetings.
- Attend all meetings and participate in case discussions.
- Provide broad and/or specific acquisition expertise to develop rules for Government-wide application.
- At the direction of the team Chair-
  - Assume lead responsibility for drafting quality strawman, draft/final reports, proposed FAR coverage, and recommendations that consider all relevant information for deliberation by the full team and for meeting the established deadlines.
  - Attend CAAC, DARC, and related meetings.
- Keep the Chair informed of any change in work status (e.g., leave, extended travel, or change in phone or email address).
- Prepare and submit quality, complete and accurate reports in accordance with paragraph 5d.
- Prepare and submit quality, complete and accurate Federal Register Notices in accordance with Attachment 4.

**d. Supplemental Advisors:**

- Provide needed expert advice.
- Assist in research, and in the development or review of strawman, proposed changes and reports.

**e. Case Managers:**

- Serve as team members for assigned cases.
- Schedule and present cases to their respective Council.
- Serve as the liaison to their respective Council.
- Maintain case record files and databases.
- Advise the Principals on the progress of team assignments for assigned cases.
- Work together with their DoD or GSA counterpart case manager to timely resolve differences between the Councils and follow the coordination procedures in paragraph 7.
- Elevate issues that cannot be resolved in a timely manner to their Principal.
- CAAC case managers process rules for publication (i.e., through OFPP, OIRA and the FAR Secretariat).
- CAAC case managers will immediately notify the DAR case manager of any comments received from GSA Legal, OFPP, or OIRA, and work cooperatively with the DAR case manager to resolve the comments.
- Notify their Principal if GSA Legal, OFPP, or OIRA review exceeds 30 days.
- Prepare FAC Intros for interim and final rules in accordance with Attachment 5.
- Obtain necessary approvals to publish proposed rules.
- Advise the team and respective Council of final disposition of case resolution.
- Assure that the signature FAC reflects the OIRA approved version, revised for any minor changes agreed to by DOD, GSA and NASA.



**f. Councils:**

- Provide teams clarifying guidance or direction based on joint Council concurrence, when requested.
- Review FAR cases in parallel, whenever possible.
- Provide broad perspective, consistent with the guiding principles and conventions of the FAR.
- Review team reports for compliance with case objectives and provide timely feedback to teams on the quality and timeliness of team reports.
- Provide department or agency final policy views on matters before the Council.

**4. Opening and Closing FAR Cases**

**a. Opening New FAR Cases.** The Principals must agree to open new FAR cases. The sponsoring Principal submits a draft CMR (see Attachment 2) to the other Principals when the sponsor recommends opening a new case. The CMR shall include a due date or task the Team Chair to provide a recommended due date based on a projected case completion schedule. Once the Principals finalize the tasking CMR, the CAAC chair assigns the FAR case number.

If a Council receives a request for a new FAR case from an agency represented on its Council, that Council may decide not to open a case without consulting with the other Council. However, if a Council receives a request from a source not represented on its Council, the CAAC or DARC Case Manager will forward the request and their respective Council's position on opening the case to the Principals. If the Principals disagree and resolution cannot be reached, the Principals may raise the issue to the FAR signatories. If the Principals do not open the case, the case manager will respond to the originator with rationale for not opening the case.

**b. Closing FAR Cases.** Cases are closed when the final FAR rule is published in the Federal Register. Cases may be closed without publication of a rule at OMB direction. Principals, with appropriate consultations with the DARC and CAAC may approve the closing of a case. In some instances (e.g., the FAR Council specifically

requested opening the case), closing a case may need FAR Council approval.

**c. Placing FAR Cases on Hold.** Cases may only be placed on hold at the direction of OMB or by agreement of the Principals.

**5. Standing FAR Team Procedures**

**a. Team Tasking**

The Principals issue taskings to the Standing FAR Teams using the CMR (see Attachment 2). The tasking CMR provides detailed information on what is expected of the team, including any desired courses of action or conditions of implementation and the report due date, which may be decided with input from the Chair. The due date will be based on the complexity of the subject matter, case priority, coordination required, and existing team workload.

**b. Team Meetings**

Teams meet as frequently as necessary to complete their taskings by the established due dates. Teams must complete the tasking as outlined in the tasking CMR and may also propose alternative solutions with supporting rationale. Teams should begin discussions with a case strawman that contains, at a minimum, a summary of the issues (either the issues to be addressed by the Team or, in the case of published proposed rules, a summary of the issues identified by the public comments).

**c. Voting**

Teams generally accomplish business on a consensus basis. If necessary, the Chair may call for a vote to reach agreement. Each Chair, Deputy Chair, and Team Member gets one vote. Supplemental Advisors do not get a vote. In the case of a tie, the Chair shall cast the deciding vote. Case managers/FAR analysts do not get a vote unless they are a permanent or rotational member of the team.

**d. Team Reports**

Teams prepare reports in accordance with Attachment 1. The report should reflect the views of all members that concur with the report.

The Chairs submit the reports directly to the CAAC and DARC chairs. The assigned case managers submit the reports to their respective Councils.

If the team cannot submit a required report by the established report due date, the chair must request an extension from the principals and provide an explanation of why the extension is needed. The chairs submit requests for extensions to the principals through the case manager. If requested, the team submits periodic progress reports.

**e. Minority Opinions**

If a Team Member does not concur with the team report, the member may submit a minority opinion. Members must submit the minority opinion to the chair in time for the team to prepare a rebuttal. The chair may establish a due date for the minority opinion. Both the minority opinion and the rebuttal are included in the team report. The minority opinion should include a detailed discussion of the basis of the dissent and the suggested alternative.

**6. Council Deliberations**

**The councils deliberate cases using either-**

**a. Formal Discussion.** Formal discussions are normally used for **complex cases**. The councils meet and deliberate the case.

**b. "Expedited Review" or "Reclama".** "Expedited review" is a CAAC term. "Reclama" is the equivalent DARC term. These streamlined procedures are generally used for **non-complex cases**. The procedures are also used for cases previously discussed by the councils when the proposed or interim rule is being converted to a final rule without change.

**7. Coordinating and Resolving Differences Between Councils**

**a. Definitions**

"*Council 1*" means the council that first discusses a case when council discussions occur sequentially rather than concurrently.

"*Council 2*" means the council that receives Council 1's comments before its discussion of the case.

"*Discussion baseline*" means the current FAR baseline as amended by the FAR Team's proposed changes.

"*Revised discussion baseline*" means the discussion baseline as amended by changes recommended by a council after its review. All council recommended changes must be annotated and explained via footnotes.

**b. Process**

Case managers must check the FAR baseline used by the team and update it if the baseline does not reflect the current FAR language. If the baseline is incorrect, case managers should confer to ensure that each council has the correct FAR baseline. The discussion baseline is to be presented to each council.

***When a case is discussed concurrently:***

(1) Case managers will review the revised discussion baseline of the other council and develop a plan for resolution of disagreements (resolution may require resubmission to the councils).

(2) Case managers will advise their respective council chair of the resolution plan.

***When a case is discussed sequentially:***

(1) Council 1 will provide Council 2 a revised discussion baseline.

(2) Council 2 will provide the Council 1 revised discussion baseline to its members. If it is not possible for Council 2 to consider the Council 1 revised discussion

baseline, proceed with procedures for concurrent discussions.

(3) If it is possible for Council 2 to consider the Council 1 revised discussion baseline, any Council 2 revisions must track to the Council 1 revised discussion baseline and be annotated and explained via footnote. Proceed with procedures for concurrent discussions.

Case managers must explain each change to the discussion baseline and revised discussion baseline via footnote. The explanation should clearly indicate why the change was needed.

**8. Marking Changes**

Teams must not use the Microsoft Word track changes function in any document submitted to the DARC or CAAC (e.g., Federal Register notices and FAR revisions). Changes to documents that will be submitted to the FARSEC must be made using the following conventions. Deviation from this format requires prior approval of the Principals.

<p>First revision:</p> <p>Deletions from baseline: <del>Strikethrough</del> Additions to baseline: <b>[Bolded and bracketed]</b></p>
<p>Second revision:</p> <p>Start with the first revision, showing baseline, deletions and additions of the first revision. New deletions from baseline: <del><u>Strikethrough and underline.</u></del> New additions to baseline: <b><u>[Bolded and bracketed and underlined]</u></b> Reinstatement of previously deleted text: <del><u>Remove strikethrough and add underline.</u></del> Deletion of previously added text: <del><b>[Bolded, bracketed, strikethrough, and underline]</b></del></p>

Third revision:

Start with the second revision, showing baseline, and the deletions and additions of the first and second revisions.

New deletions: ~~Strikethrough and double underline.~~

New additions: **[Bolded and bracketed and double underlined]**

Reinstatement of previously deleted text: Remove strikethrough and add double underline.

Deletion of previously added text: ~~**[Bolded, bracketed, strikethrough, and double underline]**~~

Subsequent revisions beyond the third revision:

Use colors to show changes. Use blue to show changes made by the CAAC, and red for changes made by the DARC.

Examples

Original:	Revision 1:	Revision 2:	Revision 3:	Revision 4:
<p>(3) "Domestic concern," as used in this part, means a concern incorporated in the United States or an unincorporated concern having its place of business in the United States.</p>	<p>(3) "Domestic concern," as used in this part, means[-  <b>(i) A]a</b>  <del>concern</del><b>[firm]</b> incorporated in the United States <b>[(including a subsidiary that is incorporated in the United States, even if the corporation is a foreign concern);]</b> or  <b>[(ii) A]an</b> unincorporated <del>concern</del><b>[firm]</b> having its place of business in the United States.</p>	<p>(3[6]) "Domestic concern," <u>as used in this part,</u> means[-  <b>(i) A]a</b>  <del>concern</del><b>[firm]</b> incorporated in the United States <b>[(including a subsidiary that is incorporated in the United States, even if the parent corporation is a foreign concern);]</b> or  <b>[(ii) A]an</b> unincorporated <del>concern</del><b>[firm]</b> having its <b>[principal]</b> place of business in the United States.</p>	<p>(3[67]) "Domestic concern," <u>as used in this part,</u> means[-  <b>(i) A]a</b>  <del>concern</del><b>[firm]</b> incorporated in the United States <b>[(including a subsidiary that is incorporated in the United States, even if the parent corporation is a foreign concern);]</b> or  <b>[(ii) A]an</b> unincorporated <del>concern</del><b>[firm]</b> having its <b>[principal]</b> place of business in the United States.</p>	<p>(3[67]) "Domestic concern," <u>as used in this part,</u> means[-  <b>(i) A]a</b>  <del>concern</del><b>[firm]</b> incorporated in the United States <b>[(including a subsidiary or affiliate that is incorporated in the United States, even if the parent corporation is a foreign concern);]</b> or  <b>[(ii) A]an</b> unincorporated <del>concern</del> <b>[firm]</b> (e.g., a sole proprietorships or unincorporated partnership) having its <b>[principal]</b> place of business in the United States.</p>

**9. FAR Operating Guide Updates****a. Requesting changes**

Requested changes to this guide should be submitted by e-mail to the FAR Operating Guide editor at DFARS@OSD.mil, and include the subject line: **FAR Operating Guide**. Updates to this FAR Operating Guide shall be submitted to the Principals for approval when four changes have been requested or six months have elapsed since the last update, unless the requested change is of a very sensitive nature.

**b. Summary of revisions**

A summary of revisions made to the guide are shown below:

**Version 1:** Initial Guide

**Version 2:**

1. Clarified language describing appointments of Team Chairs and Deputies to make it clear that the respective agencies appoint their team chairs and deputies (e.g., if the team chair is from NASA, then NASA makes the appointment; if the deputy is from GSA, then GSA makes the appointment).
2. Revised the draft sample report to eliminate the specific names of the CAAC and DARC chairs.
3. Added an E-Business Systems Checklist so that the systems personnel will be notified regarding FAR revisions are being made that will impact those systems.
4. Added an attachment on the proper use of asterisks. Several questions on this issue have been raised by some FAR team members.
5. Revised the CMR document to change "Assessment" to "Timeline". This provides a more accurate description of what the team is required to provide.



## Report Format

Date

**MEMORANDUM FOR: DIRECTOR, CIVILIAN AGENCY ACQUISITION COUNCIL**

**DIRECTOR, DEFENSE ACQUISITION REGULATIONS  
COUNCIL**

**SUBJECT: (Same as subject line in tasking CMR)**

1. **Case Summary.** Provide a synopsis of the case.
2. **Recommendation.** Summarize the team's recommendations, including proposed FAR changes (attach the proposed FAR language as TAB A).
3. **Background.** Define the problem and issues, including any redefinition of the problem, if appropriate. Identify any information required to place the case in appropriate context.
4. **Discussion and Analysis.** Address all relevant issues in the team's deliberation, including -
  - a. A thorough analysis of all issues associated with the case and the complete rationale for the recommended action;
  - b. An explanation of each proposed FAR revision;
  - c. A recommendation as to whether or not any proposed provisions or clauses should be applicable to the procurement of commercial items;
  - d. An explanation of any special requirement to delay the effective date of the proposed revision, such as time needed to conduct intensive training on a complex revision, or time required to reprogram automated systems; and
  - e. When analyzing public comments on a proposed or interim rule, a thorough review and analysis of all comments suitable for incorporation in the Federal Register notice for any resulting final (or second interim) rule. When duplicate or similar comments are received, comments shall be grouped and discussed by general topic. For each issue, the report should describe the comment and provide a team response in sufficient detail to fully understand the commentor(s) position and the

team rationale. For comments submitted late, the Council chairs will decide whether late comments should be considered. If late comments received before the team completes its report are to be considered, they should be handled the same as timely comments. If late comments received after the team completes its report are to be considered, they shall be tasked as a report addendum.

Example-

The Councils published the interim rule in the Federal Register at 70 FR 11740 on March 9, 2005 with a request for comments by May 9, 2005. One respondent submitted a comment in response to the interim rule. The comment is addressed below.

**5. Alternative Approaches.** Address all alternatives that the team considered, including pros and cons of each. Identify any alternatives that might reduce the burden on small business and why the team did not recommend them. Explain if there are no viable alternatives.

**6. Associated Impacts of the Change.**

a. Discuss how and to what degree the proposed change will affect Government and contractor operations. For the effect on Government, address any impact on the contracting officer or the solicitation, negotiation, award or administration process.

b. Identify, and quantify if possible, any expected cost impact to the Government or contractors resulting from the proposed change.

c. Provide an assessment of the impact of the proposed change on existing automated systems, if known.

**7. Training.** Address if FAR changes warrant development of training material. Attach a completed training form to the Team Report (Attachment 3).

**8. Impact on Business Systems.** Attach a completed business systems checklist to the Team Report (Attachment 7). This checklist is required for all cases to document the impact on business systems. However, in addition to this checklist, if the Team is aware that the case could have a significant impact on business systems, the Team chair should request the participation of business systems personnel during the development of the report.

**9. Collateral Requirements.**

a. Address if the changes are significant revisions (see FAR 1.501-1) that require public comment. Address whether this is a significant regulatory action pursuant to Executive Order 12866 or a major rule under 5 U.S.C. 804 and include appropriate language in the draft Federal Register notice.

b. If OMB approval under the Paperwork Reduction Act is required for any new or modified information collection requirements, include a summary of the approval request to be submitted to OMB as a TAB and include appropriate language in the draft Federal Register notice.

c. If the Regulatory Flexibility Act (Act) applies, include the appropriate analysis as required by the Act as a TAB and include appropriate language in the draft Federal Register notice.

d. Provide the rationale if the team determines that any of these statutory requirements are not applicable.

**10. Concurrences.** Identify the team member with lead responsibility for the report, list all members who participated in team deliberations, and indicate which members concur. Provide an explanation of any minority opinions by voting or nonvoting members (attach copy of the minority opinion and other supporting documentation as a TAB). List as nonresponsive any members (or agencies, as appropriate) that failed to participate in team deliberations or respond to requests for final coordination in a reasonable time.

**11. Signature.** The Team Chair (or an Acting Chair) dates and signs the report.

**12. Enclosures.** Include a complete list of enclosures identified as Tabs A, B, C, etc. Tabs may include, as applicable—

a. **FAR Text and Clauses:** Submit recommended additions, deletions, or revisions to FAR text or clauses as TAB A to the committee report. Cite the appropriate authority if the revisions are based on public law or Executive order. Baseline is always the current FAR.

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- b. Minority Opinions:** Provide minority opinion and rebuttal.
- c. Federal Register Notice:** Include a complete draft Federal Register notice for all proposed, interim, and final rules, in accordance with Attachment 4.
- d. FAC Intro.** This is a short summary done for interim and final rules. The FAC Intro is prepared in accordance with Attachment 5.
- e. Paperwork Reduction Act:** As addressed in paragraph 8b.
- f. Reg Flex Act:** As addressed in paragraph 8c.
- g. Matrix of Public Comments:** Group public comments by topic area or category and indicate which of the respondents provided that comment. Include a table or matrix, similar to the following, which lists all respondents and tracks public comment categories to respondents.

**List of respondents on (Proposed or Interim) Rule:**

<u>Number</u>	<u>Name of Respondent</u>
1.	ABC, Incorporated
2.	R. L. Brown, Assoc.
3.	Parry and Sons
4.	Johnson and Jones, Ltd.

**Matrix:**

<u>Respondent</u>	<u>Comment</u>	
	A	B
1.	X	
2.	X	
3.	X	
4.	X	X

**Comment:**

- A.** The rule fails to address the direction in Section 1010 of the statute.
- B.** The information collection requirement is burdensome and unnecessary.

## Case Management Record

<b>FAR Case:</b> 200X-XXX <b>Title:</b> Enter Case Title		<b>Date Submitted:</b> Enter Date	
<b>Recommended Due Date:</b> _____ Insert date and check appropriate box <input type="checkbox"/> Timeline <input type="checkbox"/> Reclama <input type="checkbox"/> Coordination <input type="checkbox"/> Report <input type="checkbox"/> Discussion <input type="checkbox"/> Other _____			
<b>Priority</b> 1 (Law, Urgent) or 2	<b>Submitted By</b> Identify		<b>Origination Code</b> Enter Code
<b>Case Manager(s)</b> Enter GSA and DAR members		<b>Case References</b> Enter appropriate references	
<b>FAR Cite</b> Identify affected FAR cites			
<b>Cognizant Committees/Team</b> Identify Team			
<b>Coordination</b> Indicate required coordinations			
<b>Recommended Actions:</b> <p>For a new case, provide background and other relevant summary information, including case timeline or date by which the assigned FAR team will provide a timeline.</p> <p>For a follow-on CMR to discuss a report submitted by a Team or case manager, identify the team's recommended action (e.g., CAAC and DARC discuss proposed, interim or final rule).</p> <p>Example for a new case: This is a new FAR case to delete the Xxxx Program in FAR xx.x. We are removing the FAR provisions because the legislative authority for the Program terminated xxxxx xx, xxxx. Report due (or timeline for submitting report due) by xx/xx/xx.</p> <p>Example for follow-on CMRs on a case: Attached is the Xxxxxx Team report dated xxxx xx, providing an analysis of the impact of the case. The Team recommends a draft proposed FAR rule as shown at TAB A. All Team members concurred with the report.</p>			
<b>Priorities:</b> 1 = Statutory or very high priority; 2 = all other <b>Origination codes:</b> A-Army; C-CAAC; D-DLA; E-Executive Branch (OFPP/OMB); F-Air Force; G-GAO; I-DoDIG; L-Legislation, M-DCMA; N-Navy; O-OSD; P-Public; R-DCAA; S-NASA			

**FAR Case Training Form**

Purpose of this form: To identify to DAU and FAI the FAR cases requiring Federal contracting training curricula.

**Date:** \_\_\_\_\_ **Case No.** \_\_\_\_\_

**Committee:** \_\_\_\_\_

**General Topic of Case:**  
\_\_\_\_\_

**Case Manager (Name/e-mail/phone number):**  
\_\_\_\_\_

**Training Required for Federal Contracting Workforce:**

**Yes** \_\_\_\_\_ (Continue with rest of form)

**No** \_\_\_\_\_ (File form with case documentation)

**Brief Description of Case (include scope, impact, etc.):**

---

**Training Mode Recommended (check one or more):**

Rapid Deployment Training \_\_\_\_\_

Continuous Learning Module \_\_\_\_\_

Change to CON course curriculum \_\_\_\_\_

**FAX to:** Ray Ward (DAU) @ 703-805-3011 and Linda Ott (FAI) @ 202-501-3341

**Federal Register Documents**

REQUIREMENT <sup>1</sup>	ALWAYS AS FOLLOWS-
<p>Document Format-                      Font - Courier New 12                      Double-spaced                      1 inch margin on top, bottom, and sides                      Number all pages on bottom center.</p> <p>DO NOT Use Microsoft Word Track Changes in any Federal Register Document.</p> <p>For interim and final rules, also prepare a FAC Intro Item.</p>	
<p><b>HEADING:</b> Begin each rule document with headings that identify the FAR signatory agencies and the subject matter of your document. The headings of a rule document also identify the CFR title and part(s) your document (1) proposes to amend for proposed rules and (2) amends for interim and final rules. The HEADING includes.</p> <ul style="list-style-type: none"> <li>• FAR signatory agency</li> <li>• CFR Citation</li> <li>• Agency Docket Number (Case Number)</li> <li>• Regulation Identifier Number (RIN)</li> <li>• Subject Heading</li> </ul>	<p><b>DEPARTMENT OF DEFENSE</b></p> <p><b>GENERAL SERVICES ADMINISTRATION</b></p> <p><b>NATIONAL AERONAUTICS AND SPACE ADMINISTRATION</b></p> <p><b>48 CFR Part(s) XX</b></p> <p><b>FAR Case 200X-XXX</b></p> <p><b>RIN 9000--(FAR Secretariat adds RIN)</b></p> <p><b>Federal Acquisition Regulation: (Insert Case Title)</b></p>

<sup>1</sup> The source for the "Requirements" column is mainly the National Archives and Records Administration's Document Drafting Handbook at <http://www.nara.gov/federal-register/write/handbook/>

FAR Operating Guide

Version 3

March 12, 2007

REQUIREMENT	ALWAYS AS FOLLOWS-
<p><b>PREAMBLE:</b> Each rule published in the Federal Register must contain a preamble. The preamble follows the subject heading of the document. It identifies the FAR signatory agencies and explains the basis and purpose of the regulatory text, but contains no regulatory text. It arranges basic information on the "who, what, where, when, and why" of a document for the reader's convenience. These captions must appear in the order shown.</p>	<p><b>AGENCIES:</b> [Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA)]</p> <p><b>ACTION:</b></p> <p><b>SUMMARY:</b></p> <p><b>DATES:</b></p> <p><b>ADDRESSES:</b> [Not applicable to final rule]</p> <p><b>FOR FURTHER INFORMATION CONTACT:</b></p> <p><b>SUPPLEMENTARY INFORMATION:</b></p>
REQUIREMENT	ALWAYS AS FOLLOWS-
<p><b>AGENCY:</b> The agency caption states the "who" of the document.</p>	<p><b>AGENCY:</b> Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).</p>
REQUIREMENT	OPTIONS
<p><b>ACTION:</b> The ACTION caption identifies the type of document. It does not summarize the substance of a document.</p>	<p><b>ACTION:</b> Advance notice of proposed rulemaking.</p> <p><b>ACTION:</b> Proposed rule with request for comments.</p> <p><b>ACTION:</b> Interim rule with request for comments.</p> <p><b>ACTION:</b> Final rule.</p>



REQUIREMENT	EXAMPLES
<p><b>SUMMARY:</b> Under the SUMMARY caption you explain the "what," "why," and "effect" of the document. In the SUMMARY, you must answer these three questions:</p> <ul style="list-style-type: none"> <li>• What action is being taken?</li> <li>• Why is the action necessary? Explain the content and purpose of the document.</li> <li>• What is the intended effect of this action?</li> </ul> <p>Use the following guidelines in preparing a SUMMARY.</p> <ul style="list-style-type: none"> <li>• Use language a non-expert will understand.</li> <li>• Describe what the document does, not how it affects the CFR.</li> <li>• Refer to an act of Congress by the popular name of the act.</li> <li>• Do not use legal citations (e.g. Public Laws, U.S.C., etc.) or FAR references.</li> <li>• Do not include regulatory history or extensive background.</li> <li>• Do not include qualifications, exceptions, or specific details.</li> <li>• Be brief.</li> </ul>	<p><b>ADVANCE NOTICE OF PROPOSED RULEMAKING</b></p> <p><b>SUMMARY:</b> The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are considering amending the Federal Acquisition Regulation (FAR) to ....</p> <p><b>PROPOSED RULE</b></p> <p><b>SUMMARY:</b> The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to ....</p> <p><b>INTERIM RULE</b></p> <p><b>SUMMARY:</b> The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are issuing an interim rule amending the Federal Acquisition Regulation (FAR) to implement Section XXX of [insert popular name of act]. Section XXX extends ....</p> <p><b>PROPOSED TO FINAL RULE</b></p> <p>The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are issuing a final rule amending the Federal Acquisition Regulation (FAR) to</p>

REQUIREMENT	EXAMPLES
<p><b>SUMMARY CONTINUED:</b>                      You may not use the SUMMARY to prove a point or argue a case. Supporting information, details, discussion of the regulatory history, and precise legal citations are essential in an adequate preamble but do not belong in the SUMMARY. Extended discussion of the proposed rule belongs in the SUPPLEMENTARY INFORMATION section.</p>	<p><b>INTERIM TO FINAL RULE NO CHANGES</b>  <b>SUMMARY:</b> The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have adopted as final, without change, an interim rule amending the Federal Acquisition Regulation (FAR) to implement Section XXX of (insert popular name of act). Section XXX provides ...</p> <p><b>INTERIM TO FINAL RULE WITH CHANGES</b>  <b>SUMMARY:</b> The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have adopted as final, with changes, the interim rule amending the Federal Acquisition Regulation (FAR) to ...</p>
REQUIREMENT	OPTIONS
<p><b>DATES:</b> The DATES caption presents the "when" of a document. Include the dates that are essential to the document.</p> <p>Include the following dates, if appropriate:</p> <ul style="list-style-type: none"> <li>• Comment deadlines.</li> <li>• Extension of comment deadlines.</li> <li>• Public meeting dates.</li> <li>• Other dates the public may need to know.</li> </ul>	<p><b>PROPOSED RULE</b>  <b>DATES:</b> Interested parties should submit written comments to the Regulatory Secretariat at the address shown below on or before <b>[Insert 60 days after publication in the FEDERAL REGISTER*]</b> to be considered in the formation of the final rule.</p>

REQUIREMENT	OPTIONS
<p><b>DATES CONTINUED:</b>                      The Federal Register publisher computes and inserts dates tied to Federal Register publication.</p> <p>Do not include information other than dates in the DATES caption. Place any discussion of meeting agenda, content of material available for inspection, etc., in the SUPPLEMENTARY INFORMATION section. Remember that DATES and ADDRESSES are separate captions.</p>	<p><b>INTERIM RULE</b>  <b>DATES:</b> <u>Effective Date:</u> <b>[Insert date of publication in the FEDERAL REGISTER.]</b>  <u>Comment Date:</u> Interested parties should submit written comments to the Regulatory Secretariat at the address shown below on or before <b>[Insert 60 days after publication in the FEDERAL REGISTER*]</b> to be considered in the formation of the final rule.</p> <p><i>* In compelling circumstances, the public comment period may be less than 60 days, but must be at least 30 days.</i></p> <p><b>FINAL RULE</b>  <b>EFFECTIVE DATE:</b> <b>[Insert date 30 days after publication in the FEDERAL REGISTER except for interim-to-final rules without change.]</b></p> <p>If interim-to-final rule without change, use-</p> <p><b>EFFECTIVE DATE:</b> <b>[Insert date of publication in the FEDERAL REGISTER.]</b></p>

REQUIREMENT	OPTIONS
<p><b>ADDRESSES:</b> The ADDRESSES caption contains the “where” of the document. Include any address that the public needs to know. You may include addresses for:</p> <ul style="list-style-type: none"> <li>• Mailing public comments.</li> <li>• Hand-delivering public comments.</li> <li>• Attending a public hearing (or meeting).</li> <li>• Examining any material available for public inspection.</li> </ul> <p><b>ADDRESSES are not used for final rules.</b></p> <p>Do not include information other than addresses in the ADDRESSES caption. Place any discussion of how to register for a meeting, meeting agenda, content of material available for inspection, etc., in the SUPPLEMENTARY INFORMATION section. Place the electronic addresses in the ADDRESSES section.</p>	<p><b>PROPOSED AND INTERIM RULES</b></p> <p>ADDRESSES: Submit comments identified by FAR case 200X-XXX by any of the following methods:</p> <ul style="list-style-type: none"> <li>• Federal eRulemaking Portal: <a href="http://www.regulations.gov">http://www.regulations.gov</a>. Follow the instructions for submitting comments.</li> <li>• Agency Web Site: <a href="http://www.acqnet.gov/far/ProposedRules/proposed.htm">http://www.acqnet.gov/far/ProposedRules/proposed.htm</a>. Click on the FAR case number to submit comments.</li> <li>• E-mail: <a href="mailto:farcase.200X-XXX@gsa.gov">farcase.200X-XXX@gsa.gov</a>. Include FAR case 200S-XXX in the subject line of the message.</li> <li>• Fax: 202-501-4067.</li> <li>• Mail: General Services Administration, Regulatory Secretariat (VIR), 1800 F Street, NW., Room 4035, ATTN: Laurieann Duarte, Washington, DC 20405.</li> </ul> <p>Instructions: Please submit comments only and cite FAR case 200X-XXX in all correspondence related to this case.</p> <p>All comments received will be posted without change to <a href="http://www.acqnet.gov/far/ProposedRules/proposed.htm">http://www.acqnet.gov/far/ProposedRules/proposed.htm</a>, including any personal information provided.</p>

REQUIREMENT	FOR ALL RULES
<p><b>FOR FURTHER INFORMATION CONTACT:</b> Under the FOR FURTHER INFORMATION CONTACT caption, you must include the name and telephone number of the FAR analyst who can answer questions about the document.</p>	<p><b>FOR FURTHER INFORMATION CONTACT:</b> The (name of GSA case manager), Procurement Analyst, at (202) 501-XXXX for clarification of content. The FAR Secretariat at (202) 501-4755 for information pertaining to status or publication schedules. Please cite FAR case 200X-XXX.</p>
REQUIREMENT	EXAMPLE
<p><b>(SUPPLEMENTARY INFORMATION)</b></p> <p><b>BACKGROUND:</b> In this section, include the regulatory history, including statutory references and regulation citations, of this rulemaking proceeding. You should present the background information and for proposed and interim rules, the detail necessary to give adequate notice of the issues to be commented on. Present this information in language that the reader can easily understand.</p> <p>If public comments were solicited prior to issuing the rule (i.e, proposed or interim to final rule or proposed rule to interim rule), also include a summary of any public comments (by general category) and the Councils' disposition for the public comments. If no comments were received, indicate such in the final rule.</p>	<p>A. Background</p> <p>The Councils published an interim rule at XX FR XXX on June 18, 2004, to implement Section XXXX of the (popular name of act) (Pub. L. XXX-XXX). (Number of commenters) submitted comments on the interim rule. A discussion of the comments and the changes made to the rule as a result of those comments are provided below:</p>

REQUIREMENT	OPTIONS
<p><b>BACKGROUND CONTINUED</b></p> <p>Each Background section ends with language addressing whether or not the rule is considered significant and subject to formal review under Executive Order 12866. Choose the appropriate language.</p> <p><b>Rules are only significant and/or major if declared so by OMB.</b></p>	<p><b>NOT SIGNIFICANT AND NOT MAJOR</b></p> <p>This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.</p> <p><b>SIGNIFICANT AND NOT MAJOR</b></p> <p>This is a significant regulatory action and, therefore, was subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.</p>

REQUIREMENT <sup>2</sup>	EXAMPLE
<p><b>Regulatory Flexibility Act:</b></p> <p>Provide statements and reasoning as to whether the rule will have a significant economic impact on a substantial number of small entities. Generally, a rule will have a significant economic impact on a <i>substantial number of small entities</i> if the rule-</p> <ul style="list-style-type: none"> <li>1) Impacts 20 percent or more of small businesses contracting with the Government in the major supply, service, or construction field to which the rule relates, or</li> <li>2) Imposes a severe hardship on even a few small businesses.</li> </ul>	<p><b>B. Regulatory Flexibility Act</b></p> <p><b>NO IMPACT PROPOSED OR INTERIM RULE</b></p> <p>The Councils do not expect this proposed/interim) rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because _____.</p> <p>Therefore, an Initial Regulatory Flexibility Analysis has not been performed. The Councils will consider comments from small entities concerning the affected FAR (Insert affected part) in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C 601, et seq. (FAC 200X-XX, FAR case 200X-XXX), in correspondence.</p>

<sup>2</sup> Regulatory Flexibility Act requires either publication of the IRFA/FRFA in FRN or summary.

REQUIREMENT <sup>3</sup>	EXAMPLE
<p><b>Regulatory Flexibility Act Continued</b></p> <p>If the rule will have a significant economic impact on a substantial number of small entities, include the Initial Regulatory Flexibility Analysis (IRFA)/Final Regulatory Flexibility Analysis (FRFA) or a summary of the IRFA/FRFA in the Federal Register Document. If you are unsure how significant the impact will be, assume the rule will have a significant economic impact.</p> <p><b>If the rule will not have a significant impact, provide the rationale for that conclusion. The rationale should be credible and related to the rule.</b></p>	<p><b>IMPACT PROPOSED OR INTERIM RULE</b></p> <p>The change may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act 5 U.S.C. 601, et seq., because _____</p> <p>The FAR Secretariat has submitted a copy of the Interim Regulatory Flexibility Analysis (IRFA) to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the Regulatory Secretariat. The Councils will consider comments from small entities concerning the affected FAR Part(s) in accordance with 5 U.S.C. 610. Comments must be submitted separately and should cite 5 U.S.C. 601, et seq. (FAC 200X-XX, FAR case 200X-XXX), in correspondence. The analysis is summarized as follows:</p>

<sup>3</sup> Regulatory Flexibility Act requires either publication of the IRFA/FRFA in FRN or summary.



REQUIREMENT	EXAMPLE
<p><b>Regulatory Flexibility Act Continued</b></p> <p>Provide statements and reasoning as to whether the rule will have a significant economic impact on a substantial number of small entities.</p> <p>If the rule will have a significant economic impact on a substantial number of small entities, provide a summary of the regulatory flexibility analysis. If the rule will not have a significant impact, provide the rationale for that conclusion.</p>	<p><b>B. Regulatory Flexibility Act</b></p> <p><b>NO IMPACT FINAL RULE</b></p> <p>The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because _____.</p> <p><b>IMPACT FINAL RULE</b></p> <p>The Regulatory Flexibility Act, 5 U.S.C. 601, et seq., applies to this final rule. The Councils prepared a Final Regulatory Flexibility Analysis (FRFA) and it is summarized as follows: ...</p> <p>Interested parties may obtain a copy of the FRFA from the FAR Secretariat. The FAR Secretariat has submitted a copy of the Final Regulatory Flexibility Analysis (FRFA) to the Chief Counsel for Advocacy of the Small Business Administration.</p>

REQUIREMENT	EXAMPLE
<p><b>Regulatory Flexibility Act Continued</b></p> <p><b>If a rule does not have a significant effect beyond the internal operating procedures of the agency issuing the rule, the rule is not a significant change to the FAR. If the rule is not a significant change to the FAR, the Regulatory Flexibility Act does not apply.</b></p>	<p><b>FINAL RULE with NO Prior Proposed or Interim Rule</b></p> <p>The Regulatory Flexibility Act does not apply to this rule. This final rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Public Law 98-577, and publication for public comments is not required. However, the Councils will consider comments from small entities concerning the affected FAR Part(s) in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, et seq. (FAC 200X-XX, FAR case XXXX-XXX), in correspondence.</p>

REQUIREMENT	EXAMPLE
<p><b>Paperwork Reduction Act</b></p> <p>Provide a statement as to whether the rule contains any information collection requirements that require OMB approval under the Paperwork Reduction Act.</p> <p><b>If the rule contains a new information collection requirement, data regarding the information collection must be included in the notice and submitted to OMB for approval.</b></p>	<p><b>C. Paperwork Reduction Act</b></p> <p><b>PROPOSED, INTERIM, OR FINAL RULE</b></p> <p><b>NO INFORMATION COLLECTION REQUIREMENT</b></p> <p>The Paperwork Reduction Act does not apply because the (proposed, interim, or final) rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, et seq.</p> <p><b>INFORMATION COLLECTION REQUIREMENT ALREADY COVERED BY EXISTING OMB CLEARANCE</b></p> <p>The Paperwork Reduction Act does apply, because the interim rule affects the certification and information collection requirements in the provisions at FAR XX.XXX-X and XX.XXX-XX currently approved under OMB clearances 9000-XXXX and 9000-XXXX respectively. The impact, however, is negligible.</p> <p style="text-align: center;"><b>or</b></p> <p>The Paperwork Reduction Act does apply; however, these changes to the FAR do not impose additional information collection requirements to the paperwork burden previously approved under OMB Control Number _____.</p>

REQUIREMENT	EXAMPLE
<p><b>Paperwork Reduction Act Continued</b></p>	<p><b>C. Paperwork Reduction Act</b></p> <p><b>PROPOSED, INTERIM, OR FINAL RULE</b></p> <p><b>NEW INFORMATION COLLECTION REQUIREMENT</b></p> <p><b>PROPOSED OR INTERIM RULE</b></p> <p>The Paperwork Reduction Act (44 U.S.C. Chapter 35) applies because the proposed rule contains information collection requirements. Accordingly, the FAR Secretariat has submitted a request for approval of a new information collection requirement concerning (case title) to the Office of Management and Budget under 44 U.S.C. 3501, et seq.</p> <p>Public reporting burden for this collection of information is estimated to average xx hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.</p> <p>The annual reporting burden is estimated as follows:</p> <p>Respondents: xx  Responses per respondent: xx  Total annual responses: xx  Preparation hours per response: xx  Total response burden hours: xx</p>

REQUIREMENT	EXAMPLE
<p><b>Paperwork Reduction Act Continued</b></p>	<p><b>NEW INFORMATION COLLECTION REQUIREMENT</b></p> <p><b>FINAL RULE</b></p> <p>The Paperwork Reduction Act (44 U.S.C. Chapter 35) applies because the final rule contains information collection requirements. Accordingly, the FAR Secretariat will forward a request for approval of a new information collection requirement concerning XXXX to the Office of Management and Budget under 44 U.S.C. 3501, <u>et seq.</u> Public comments concerning this request will be invited through a subsequent <u>Federal Register</u> notice.</p>
REQUIREMENT	EXAMPLE
<p><b>Determination to Issue an Interim Rule:</b></p> <p>Required for all interim rules.</p> <p>Explains the urgency that justifies issuance of an interim rule prior to affording the public an opportunity to comment.</p>	<p><b>INTERIM RULE</b></p> <p><b>E. Determination to Issue an Interim Rule</b></p> <p>A determination has been made under the authority of the Secretary of Defense (DoD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This action is necessary because _____. However, pursuant to Pub. L. 98-577 and FAR 1.501, the Councils will consider public comments received in response to this interim rule in the formation of the final rule.</p>

REQUIREMENT	EXAMPLE
LIST OF SUBJECTS:	List of Subjects in 48 CFR Part(s) xx  Government procurement.

**FAC Intro**

A FAC Intro is required for all interim and final rules. The FAC Intro contains the case number and title, and addresses the following-

- 1) what the rule does;
- 2) why a change is required (for example if required by law); and
- 3) a summary of the impact on the Government, the contractor and, if applicable, any automated systems.

The FAC Intro should be short. The best FAC Intros are 3 to 4 sentences long. They should be easily understandable by a contracting officer/specialist in the field. Examples-

This interim rule amends the FAR by increasing the justification and approval thresholds for DoD, NASA, and the U.S. Coast Guard from \$50,000,000 to \$75,000,000. This change implements Section 815 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, which amends 10 U.S.C. 2304(f)(1)(B) (Public Law 108-375). This reduces the administrative burden of approving a justification for other than full and open competition by allowing the head of the procuring activity in DoD, NASA, or the Coast Guard to approve justifications up to \$75 million.

This final rule amends Federal Acquisition Regulation (FAR) 25.104(a) to add certain food and textile items to the list of articles not available from domestic sources in sufficient and reasonably available commercial quantities of a satisfactory quality. This case is based on extensive market research by the Defense Logistics Agency. Unless the contracting officer learns before the time designated for receipt of bids in sealed bidding or final offers in negotiation that an article on the list is available domestically in sufficient and reasonably available quantities of a satisfactory quality, the Buy American Act does not apply to acquisition of these items as end products, and the contracting officer may treat foreign components of the same class or kind as domestic components.

**REVISED as of 3/15/00**

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Federal Acquisition Regulation Drafting Guide  
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**EXHIBIT 1—FAR PROVISION/CLAUSE MATRIX UPDATE**

## FOREWORD

This guide provides the conventions for writing the Federal Acquisition Regulation (FAR). The guide addresses guidelines for clear writing; structure and format of text, solicitation provisions, and contract clauses; writing conventions; and terminology.

This guide addresses conventions specific to the FAR. For general guidance concerning the drafting of clear and simple regulations, refer to the following documents:

- Office of the Federal Register *Drafting Legal Documents* available via the Internet at <http://www.nara.gov/fedreg/dldhome.html>
- Office of the Federal Register *Document Drafting Handbook* available via the Internet at <http://www.nara.gov/fedreg/ddhhome.html>
- NPR plain language web site: <http://www.plainlanguage.gov>
- Government Printing Office *Style Manual*.

This guide implements the President's memorandum of June 1, 1998 (Plain Language in Government Writing). The guide encourages clear and simple writing using—

- Active voice;
- Short sentences and paragraphs;
- Vertical lists; and
- Care in using and placing words.

This guide is effective immediately. All amendments to the FAR should comply with this guide.

## **CHAPTER 1--FAR DRAFTING PRINCIPLES**

(a) Draft changes to the FAR using a uniform structure and style that results in an easily understood and unambiguous regulation.

(b) Limit FAR requirements (including provisions and clauses) to the minimum necessary to—

- (1) Implement statutes and Executive branch policy;
- (2) Correct a critical problem or deficiency; or
- (3) Otherwise add value to the overall procurement process.

(c) If the requirement has limited applicability or broad exclusions, assess whether inclusion of the requirement in the FAR is truly necessary.

## **CHAPTER 2--CLEAR WRITING**

(a) **Organize coverage**. Organize coverage in a logical manner that will be most useful to your reader.

(b) **Use short sentences**. A sentence should express one idea clearly. Try to use simple terms to express complex and technical material. Strive to use sentences of 20 words or less. Generally, do not let any one sentence exceed 30 words unless you arrange it in a vertical list.

(c) **Use short paragraphs**. Limit each paragraph to a single topic. Present complex material in a series of related paragraphs.

(d) **Use vertical lists** to—

- (1) Highlight important topics;
- (2) Help the reader understand the order in which things happen;
- (3) Make it easy for the reader to identify all necessary steps in a process; and
- (4) Break long sentences or paragraphs into smaller segments for easy reading.

(e) **Use the active voice**. The active voice eliminates confusion by forcing you to name an "actor." It also makes clear to the reader who has the authority or

responsibility. Generally arrange the sentence to name the actor first and then the recipient.

**Don't Say:** The information must be given to the contractor.

**Say:** The contracting officer must inform the contractor.

**(f) Use words with their most common meaning,** if there is no common meaning, define the term.

**(g) Do not use different words to denote the same thing.** Avoid using varying terminology to refer to something, e.g., avoid using "buying activity," "purchasing operation," "contracting organization," and "procuring office" for the same entity.

**(h) References for Additional Writing Conventions.**

Refer to the *Style Manual* of the Government Printing Office for format and style not addressed in this guide.

The Office of the Federal Register provides additional guidance for regulation writing in *Drafting Legal Documents* and *Document Drafting Handbook*. These documents are available via the Internet at <http://www.nara.gov/fedreg/dldhome.html> and <http://www.nara.gov/fedreg/ddhome.html>, respectively.

NPR plain language web site: <http://www.plainlanguage.gov>

**CHAPTER 3--STRUCTURE**

**(a) Numbering.**

(1) The FAR contains parts, subparts, sections, and subsections. Every FAR section and subsection has an identifying number. The number to the left of the decimal point identifies the part number. The numbers between the decimal point and the dash identify the subpart (one or two digits) and the section (two digits). The number to the right of the dash is the subsection. The following is an example of FAR numbering

**Part** <=====| **14.201-2**  
**Subpart** <=====|

**Section <=====|**

**Subsection <=====|**

(2) Identify divisions below the section or subsection level by parenthetical alphanumerics, using the following sequence:

(a)(1)(i)(A)(1)(i).

(3) Do not use unnumbered or unlettered paragraphs, except in sections and subsections containing only one paragraph (see paragraph (d)(2) of this chapter for special treatment of definitions).

(4) Number the "Scope" section of each part by placing three zeros after the decimal point (e.g., number a "Scope" section summarizing Part 12 as "12.000").

(5) If using a "Scope" section to summarize a subpart, number the section by placing two zeros after the subpart number (e.g., number a "Scope" section summarizing Subpart 12.3 as "12.300").

(6) For guidance concerning the numbering of solicitation provisions and contract clauses, see paragraph (e) of this chapter.

**(b) Headings. Use informative headings that best describe the contents of the division.**

(1) Use a heading for all parts, subparts, sections, and subsections.

(2) When necessary, include at the beginning of a part or subpart, under the most appropriate heading, the circumstances under which the part or subpart applies and any exceptions. This section follows any "Scope" or "Definitions" section.

(3) For multiple paragraphs within a section or subsection—

(i) Use headings when necessary to assist the reader in locating material more easily;

(ii) Be consistent in the use of headings (all paragraphs at the same level of division within any section or subsection either should or should not use headings);

(iii) If using a heading, italicize it and begin the text on the same line, immediately following the heading; and

(iv) When a breakdown into lower divisions follows immediately without any preceding text or heading, place the first lower division designation on the same line as the higher division designation.

**Examples:**

5.207 Preparation and transmittal of synopses.

(a) *Transmittal*. Contracting officers must . . .

(1) *Electronic transmission*. All synopses transmitted . . .

(2) *Hard copy transmission*. When electronic transmission is . . .

(b) *Format*. The contracting officer must . . .

(1) *General*. Format for all synopses must . . .

(2) *Spacing*. Begin each line flush left . . .

**14.409-1 Award of unclassified contracts.**

(a)(1) The contracting officer must...

(2) For acquisitions subject to the Trade Agreements Act...

(c) **Scope**. Use a "Scope" section to summarize a part. Generally, it is also useful to include a "Scope" section in a subpart.

(d) **Definitions**.

(1) Enclose a defined term in quotation marks followed by the word "means."

(2) List definitions in alphabetical order and do not number or otherwise identify them. If a definition contains more than one paragraph, number the paragraphs starting with "(1)".

(3) If a term requiring definition in the FAR is used in more than one part, define it in Subpart 2.1.

(4) If a term, as used in a specific part or subpart, has a different meaning than its common meaning or as it is defined in Subpart 2.1, define it in the part or subpart where it is used.

(i) If defining a single term, use the heading "Definition." and insert the phrase, ", as used in this part (or subpart), means...", after the term.

(ii) If defining multiple terms, use the heading "Definitions." and the introductory phrase, "As used in this part (or subpart)—".

(iii) Place a reference to a definition for a specific part or subpart in Subpart 2.1.

**Example:**

**2.101 Definitions.**

"Subcontract" means ...,  
except as follows:

(1) For use in 3.502, see the  
definition at 3.502-1.

(2) For use in Part 12, see the  
definition at 12.001.

(3) ...

(5) Include definitions in a separate "Definitions" section at the beginning of the part or subpart, after the "Scope" section if one is included. Number the "Definitions" section in a part by placing "001" after the decimal point; number this section in a subpart by placing "01" after the subpart number.

(6) See paragraph (e)(2)(v) of this chapter for guidance concerning definitions in solicitation provisions and contract clauses.

**(e) Solicitation Provisions and Contract Clauses.**

(1) *General.* Use—

(i) "Solicitation provision" or "provision" for items used only in solicitations and applying before award; and

(ii) "Contract clause" or "clause" for items used in both solicitations and contracts, applying after award or both before and after award.

(2) *Text.*

(i) Put the text of all provisions and clauses in Subpart 52.2, following the conventions in this document.

(ii) Direct provisions and clauses to the offeror or contractor. Provisions and clauses must adequately convey the responsibility of the offeror or contractor and must be consistent with the subject text.

(iii) Do not use provisions or clauses to prescribe policy not found in the subject text. The subject text must prescribe all policy and must stand alone without referring to a provision or clause.

(iv) Provisions and clauses also should stand alone. Do not refer to the subject text of the FAR in provisions and clauses, unless necessary to avoid extremely lengthy repetition of passages verbatim from the subject text.

(v) Include definitions, if needed, in the first paragraph. If defining a term in the subject text and using the term in a provision or clause, include the same definition of the term in the provision or clause. Restrict the definition to use in the provision or clause, because the same term may have a different use in another provision or clause. If defining a single term, use the heading "Definition." and insert the phrase, ", as used in this provision (or clause), means...", after the term. If defining multiple terms, use the heading "Definitions." and the introductory phrase, "As used in this provision (or clause)—".

(vi) Do not include instructions to Government personnel in provisions or clauses, other than instructions to the contracting officer for insertion of text. Provide a blank line for the insertion. Italicize the instructions and enclose them in brackets.

(vii) Do not combine provisions and clauses.

(3) *Numbering.* Identify provisions and clauses in Part 52 by number, title, and date. All FAR provision and clause numbers begin "52.2", since all provisions and clauses appear only in Subpart 52.2. The next two digits correspond to the number of the FAR part where the provision or clause is prescribed. Assign the number following the hyphen sequentially within each section of Subpart 52.2. Alternatively, use a number in the appropriate section identified as "Reserved."



**Example:****52.203-2, Certificate of Independent Price Determination.**

**52** - Part (Invariable)

**2** - Subpart (Invariable)

**03** - Identifies the part that prescribes the provision

(Part 3, Improper Business Practices and Personal Conflicts of Interest)

**-2** - Indicates that this is the second provision in section 52.203.

(4) *Title*. Give each provision or clause a unique, descriptive title based on its contents and application. No two provisions or clauses may have the same title.

(5) *Date*. Include the date of provision or clause codification (*Federal Register* publication) by month (abbreviated to first three letters) and year in parentheses after the provision or clause title, e.g., "(JUN 1996)". Also include a date for each provision or clause alternate. When revising a provision, clause, or alternate, revise its corresponding date. If the date is unknown at the time of drafting, use "(DATE)" instead.

(6) *Prescriptions*.

(i) To make it easier to locate provision and clause prescriptions, consolidate the prescriptions in a subpart, section, or subsection with a separate heading at the end of the text that describes the subject matter.

(ii) Do not prescribe a provision or clause in more than one place in the FAR. Use cross-references if necessary.

(iii) Include in the prescription all conditions, requirements, and instructions for using the provision or clause and any alternates. Also include instructions for any optional use of the provision or clause. For example, consider the following:

(A) Where used (solicitation only, contract only, both).

(B) Requirement (mandatory, optional).

(C) Type of acquisition (purchase, lease).

- (D) Purchase procedures (simplified acquisition, sealed bidding, negotiated, competitive, sole source, set-asides).
- (E) Acquisition value (estimated, actual).
- (F) Dollar threshold (micro-purchase, simplified acquisition, trade agreement).
- (G) Type of commodity (e. g., supply, service, construction, research and development, architect-engineer, major system, commercial item).
- (H) Type of contract (e.g., firm-fixed-price, fixed-price incentive, cost-plus-fixed-fee, award-fee, time-and-materials).
- (I) Location of purchasing office (inside, outside U.S.).
- (J) Location of item use (inside, outside U.S.).
- (K) Contractor location/place of performance (inside, outside U.S.).
- (L) Type of contractor (commercial, nonprofit, educational, Federally Funded Research and Development Center).
- (M) Size and status of contractor (e.g., large, small, small disadvantaged, women-owned small business).
- (iv) Do not use the word "all" in provision or clause prescriptions unless the provision or clause is required in all solicitations or contracts without exception.
- (v) Include in the provision or clause prescription any directions for completing (filling in the blanks) or modifying the provision or clause.

**Example:**

**XX.XXX Solicitation provision and contract clause.**

- (a) Insert the provision at [specify number and title] in solicitations for research and development contracts.
- (b)(1) Except as provided in paragraph (b)(2) of this section, insert the clause at—
  - (i) [specify number and title] in solicitations and contracts for supplies valued at less than \$; or

(ii) [specify number and title] in solicitations and contracts for services—

(A) Listed in [specify ]; or

(B) Valued at less than \$.

(2) Do not use the clauses in paragraph (b)(1) of this section in--

(i) Solicitations issued and contracts awarded by a contracting office located outside of the United States and its territories, if the supplies will be used or the services will be performed outside of the United States and its territories;

(ii) Acquisitions valued at or below the simplified acquisition threshold that are awarded using simplified acquisition procedures;

(iii) Total small business set-asides;

(iv) Contracts in support of U.S. national security interests;

(v) Contracts for essential spare, repair, or replacement parts available only from sanctioned European Union member states; or

(vi) Contracts for which the head of the agency has made a determination in accordance with [specify].

(7) *Introductory Text.*

Include introductory text for each provision or clause as follows:

"As prescribed in [insert reference to FAR text where the provision or clause is prescribed], insert the following provision (or clause):"

(8) *Modifications.*

(i) Modifications are slight changes in details that do not alter the substance of the provision or clause.

(ii) To permit modifications to a provision or clause to fit various situations, include in the prescription the authorization to make the modifications, as in—

(A) "The contracting officer may use a period shorter than 60 days (but not less than 30 days) in paragraph (x) of the clause"; or

(B) "The contracting officer may substitute the words "task order" for the word "Schedule" wherever that word appears in the clause."

(9) *Variations.*

(i) Variations are more significant changes that retain the salient features of the provision or clause and that are consistent with the intent, principle, and substance of the provision or clause.

(ii) To permit variations, prescribe the provision or clause on a "substantially the same as" basis.

(10) *Alternates.*

(i) Alternates make substantive changes to a provision or clause, and are specifically provided in the FAR. Alternates operate by deleting language from or adding language to the basic provision or clause, or by substituting language for language in the basic provision or clause.

(ii) Put provision or clause alternates directly after the basic provision or clause.

(iii) Since alternates do not stand alone, word the provision or clause prescription to include both the basic provision or clause and any alternates (e.g., if a clause is prescribed only for fixed-price contracts, it cannot have an alternate for use in cost-reimbursement contracts).

(iv) Do not use the term "basic provision" or "basic clause" in the prescription of a provision or clause alternate. Use the terms in the introductory text of the provision and clause alternates in Part 52. The introductory text gives instructions on the specific changes to be made to the basic provision or clause. After changing the basic provision or clause as required by the introductory text, it no longer is the "basic" provision or clause.

**Examples:****(1) Prescriptions for Clause Alternates.**

"If [specify], use the clause with its Alternate I."

**(2) Introductory Text for Clause Alternates.**

"Alternate I (DATE). As prescribed in [specify], add the following paragraph (d) to the basic clause: [specify]"

"Alternate I (DATE). As prescribed in [specify], substitute the following paragraph (a) for paragraph (a) of the basic clause: [specify]"

"Alternate I (DATE). As prescribed in [specify], delete paragraph (a) of the basic clause and renumber the remaining paragraphs accordingly."

"Alternate I (DATE). As prescribed in [specify], delete the second sentence from paragraph (a) of the basic clause."

"Alternate I (DATE). As prescribed in [specify], delete paragraph (a) of the basic clause, renumber the remaining paragraphs accordingly, and add the following paragraph (g): [specify]"

**(11) Flow Down.**

(i) To flow a clause down to first-tier subcontracts only, use a final paragraph such as

"(d) The Contractor shall insert the substance of this clause in each first-tier subcontract that exceeds \$100,000."

(ii) To extend the flow down to lower-tier subcontracts, use a final paragraph such as—

"(d) The Contractor shall insert the substance of this clause, including this paragraph (d), in all subcontracts that exceed \$100,000."

**(f) Clause Matrix.**

The solicitation provisions and contract clauses matrix at FAR 52.301 is a useful tool for contracting officers. To keep the matrix current, include a Matrix Data Form (Exhibit 1) with each proposed FAR revision that adds, deletes, or revises the prescription for a solicitation provision or contract clause.

**(g) Forms.**

- (1) Place optional and standard forms prescribed by the FAR in Part 53. Include in Part 53 only those forms prescribed by the FAR.
- (2) Include the prescription for use of a form in the appropriate FAR subject text.
- (3) Do not prescribe a form in more than one place in the FAR. Use cross-references if necessary.
- (4) Refer to optional and standard forms by number and title, e.g., Standard Form 1449, Solicitation/Contract/Order for Commercial Items, the first time mentioned in a subpart. You may abbreviate subsequent references within the subpart, e.g., SF 1449.

**(h) Index.**

Identify terms for inclusion in or deletion from the FAR index when drafting an interim or final FAR revision containing or removing any of the following types of terms:

- (1) Terms defined in FAR subject text, provisions, or clauses.
- (2) Common search terms.
- (3) Popular or unique terms applicable to the material, e.g., A-76 or NAFTA.
- (4) Major nouns in headings that identify the unique substance of the text.
- (5) Terms that explain the purpose or the issue being resolved by the text.

**(i) Impact on Commercial and Simplified Acquisition Provisions and Clauses.**

- (1) When adding, deleting, or amending a clause, consider the impact on the clauses at—
  - (i) 52.212-4, Contract Terms and Conditions—Commercial Items;
  - (ii) 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items;
  - (iii) 52.213-4, Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items); and

(iv) 52.244-6, Subcontracts for Commercial Items and Commercial Components.

(2) When adding, deleting, or amending a provision, consider the impact on the provisions at—

(i) 52.212-1, Instructions to Offerors—Commercial Items;

(ii) 52.212-2, Evaluation—Commercial Items; and

(iii) 52.212-3, Offeror Representations and Certifications—Commercial Items.

**CHAPTER 4--DRAFTING CONVENTIONS**

**(a) Avoid overuse of abbreviations.** Do not abbreviate terms that you use only a few times in a Part.

**(b) Abbreviations/Acronyms.**

1. When using an abbreviation or acronym--

(i) Spell out the word the first time it is used in the text of a subpart; and

(ii) Follow the word with the abbreviation or acronym in parentheses, e.g., Internal Revenue Service (IRS).

(2) Well-known, universally familiar abbreviations and acronyms need not be spelled out, e.g., U.S., DoD, NASA, and OMB.

(3) Do not put an abbreviation or acronym in a title, unless it is a well-known, universally familiar abbreviation or acronym.

(4) Use "i.e." to mean "that is" and use "e.g." to mean "for example."

(5) The Government Printing Office *Style Manual* provides correct abbreviations for many standard terms. Check to see whether periods are included in the abbreviation. Some common abbreviations:

Code of Federal Regulations	CFR
Executive Order	E.O.
Public Law	Pub.L.
Standard Form	SF
United States Code	U.S.C.



**(c) Addresses.**

If it is necessary to include an address in the FAR, use the following format:

(1) For a mailing address:

General Services Administration  
Federal Supply Service  
Specifications Section  
Suite 8100  
470 East L'Enfant Plaza, SW  
Washington, DC 20407

(2) For an Internet address:

"... is available via the Internet at <http://...>"

**(d) Capitalization.**

(1) Use a capital letter to begin the first word of a section, subsection, or paragraph heading and the first word of each item in a vertical list. Capitalize other words of a heading or vertical list only if required for other reasons.

(2) Use a capital letter to begin each major word of a subpart heading.

(3) Write names of parts, provisions, clauses, and forms entirely in capital letters when they appear as titles. When referring to them in text material or in headings, capitalize only the major words (e.g., see the clause entitled "Restrictions on Certain Foreign Purchases").

(4) Capitalize the following terms:

(i) "State" when referring to one of the fifty United States, whether or not a specific State is intended.

(ii) "Government" or "Department" when referring to specific national governmental units. (When capitalized, "Government" refers to the U.S. Government).

(iii) "Contractor" and "Contracting Officer" only in acquisition forms, solicitation provisions, and contract clauses.

(iv) "Schedule" when referring to that part of a contract (Part I of the uniform contract format).

(v) "Title," "Chapter," "Subchapter," "Part," and "Subpart" only when they are followed by the number of the division.

(5) Unless capitalization is required for other reasons do not capitalize—

(i) Words naming individuals in a general sense, such as head of an agency, contractor, contracting officer, offeror, supplier, architect, or engineer;

(ii) Words referring to an entity in a general sense, such as a department, an agency, or a possession;

(iii) The word "government" when referring to State, local, or foreign governments;

(iv) The word "clause" when citing a specific clause by name, such as "Termination clause"; or

(v) The word "section," "subsection," or "paragraph," whether or not a number follows.

**(e) Cross-References.**

(1) Use cross-references only when necessary to ensure comprehensive understanding of the meaning of the guidance or to save excessive repetition.

(2) When using cross-references, refer to a—

(i) Part or subpart by the title "Part" or "Subpart," respectively, followed by the part or subpart number, e.g., "Part 22" or "Subpart 22.10";

(ii) Section or subsection by the number only, e.g., "22.1012" or "22.1012-2";

(iii) Paragraph within a section, subsection, provision, or clause by using the following format: "paragraph (a) of this section (subsection, provision, or clause);

(iv) Paragraph of another section or subsection by the section or subsection number followed by the paragraph designation, e.g., "22.1012-3(d)(2)"; and

(v) Paragraph of a provision or clause, in the subject text, by the paragraph designation and provision or clause number and title, e.g., "paragraph (a) of the clause at 52.222-50, Nondisplacement of Qualified Workers."

(3) Use the term "paragraph" to refer to all levels of paragraph division. Do not use the term "subparagraph."

(4) Do not use terms such as "herein," "above," "below," and "as set forth elsewhere."

(5) When referring to a designation that is uncertain at the time of drafting, insert an "X" in the uncertain part of the designation, e.g., SF XXXX, 4.804-X, or 52.204-X. Use "Y" or "Z" as necessary to refer to additional uncertain designations, e.g., SF XXXY, 4.804-Y, 4.804-Z, 52.204-Y, 52.204-Z.

**(f) Dates.**

Write dates included in text in the sequence of month, day, and year, e.g.,

"June 27, 1999." Abbreviate dates following provision and clause titles, using the following format: "(JUN 1999)."

**(g) Delegation of Authority.**

Individuals granted authority in the FAR may delegate that authority, unless the FAR specifically states that the authority is not delegable. Therefore, do not use terms such as "the agency head or a designee" or "the agency head or an authorized representative" for functions that are delegable; and clearly identify functions that are not delegable.

**(h) Dollar Thresholds.**

(1) Dollar thresholds in the FAR include the value of the basic contract and all priced options, unless otherwise specified.

(2) Use terms such as "exceeding," "or more," "less than," or "or less" to define thresholds based on dollar amount.

**Examples:**

The contracting officer must request a report for each proposal exceeding \$500,000.

If the contractor received contracts or subcontracts totaling \$50 million or more, . . . .

If the contract amount is \$100,000 or less, . . . .

Use the clause at . . . in solicitations and contracts if the expected value of the contract exceeds the micro-purchase threshold but does not exceed \$25,000.

**(i) Gender.**

Do not use gender-specific terminology.

**(j) Numbers.**

(1) When a number is spelled out, do not repeat it in figures, e.g., "two (2)." Instead, just use "two."

(2) Express dollars as figures, e.g., \$186,000; do not spell out except large even amounts, e.g., "\$20 million."

**(k) Punctuation.**

(1) *Periods.* Insert periods after headings.

(2) *Colons, semi-colons, and dashes.* Use colons or dashes to introduce vertical lists.

(i) If the introductory language of a vertical list is a complete sentence (as in this example), use the following conventions:

(A) End the introduction with a colon.

(B) Do not connect items by conjunctions.

(C) End each item with a period, unless the last item introduces another list, in which case the last item ends with a dash or a colon.

(ii) If the introductory language of a vertical list is not a complete sentence (as in this example)—

- (A) End the introduction with a dash;
- (B) End all but the last item with a semicolon;
- (C) Connect the last two items with a conjunction; and
- (D) End the last item with a period, unless it introduces another list, in which case the last item ends with a dash or colon.

**(l) Quotations.**

- (1) Use quotation marks to enclose a direct quotation.
- (2) Place periods and commas inside the closing quotation mark. Place semicolons and colons outside the closing quotation mark. The only exception to this rule is when showing changes to current FAR language where the punctuation is not part of the revised material.

**Examples:**

Do not use terms such as "herein," "above," "below," and "as set forth elsewhere."

Review the following items in the file labeled "In Process": the latest draft agreement and activity comments.

Amend Part 13 by deleting the words "small purchase limitation" and inserting the words "simplified acquisition threshold".

**(m) References to Statutes, Executive Orders, and Regulations.**

- (1) *General.* When a FAR text segment, provision, or clause implements a statute, Executive order, OMB circular, OFPP policy letter, or relevant portion of the Code of Federal Regulations, cite that authority.
- (2) *Citations in text.* To make it easier to refer to sources, observe the following guidelines when citing specific authorities:
  - (i) Place a parenthetical citation pertaining to a single sentence at the end of the sentence, before the period. If the citation relates only to part of the sentence, place the citation immediately after that part of the sentence. Place a citation relating to an entire paragraph at the end of the paragraph, following the final period.
  - (ii) Do not use the term "as amended" in a citation. Citations include reference to all applicable amendments unless otherwise stated.

(3) *Federal statutes*. Cite Federal statutes observing the following rules:

(i) Normally use the short title or popular name of the act first.

(ii) If the statute is in the United States Code and the citation is not cumbersome, cite the United States Code without the public law number.

**Examples:**

Anti-Deficiency Act (31 U.S.C. 1341)

Clean Air Act (42 U.S.C. 7401, *et seq.*)

Javits-Wagner-O Day Act (41 U.S.C. 46-48c)

(iii) If a statute is not in the United States Code, give the public law number.

(iv) If a statute appears in many scattered sections or titles of the United States Code and citation to all parts would be cumbersome, give the public law number.

(v) If only one section or paragraph of a statute is relevant, cite that section or paragraph specifically.

**Examples:**

Federal Acquisition Streamlining Act of 1994 (Pub. L. 103-355)  
Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423)

(4) *Executive orders*. Cite an Executive order by its number, date, and title, as they appear in the Executive Order, e.g., Executive Order 12969 of August 8, 1995, Federal Acquisition and Community Right-To-Know.

**(n) Telephone and Facsimile Numbers.**

Telephone and facsimile numbers change often. Therefore, include them in the FAR only when necessary.

## CHAPTER 5--FAR TERMINOLOGY

### Certification/representation.

(a) The FAR uses various forms of affirmation when requiring an offeror or contractor to provide assurance regarding the accuracy of information provided to the Government. "**Certification**," "**representation**," and "**declaration**" are common terms of affirmation.

(b) Congress has specifically prohibited the requirement for a "**certification**" by a contractor or offeror unless—

(1) The "**certification**" is required by statute; or

(2) The FAR Council obtains approval of the "**certification**" requirement from the OFPP Administrator. Sufficient justification must exist to support the request.

(c) The limitations regarding "**certification**" also apply when implementing a Federal agency regulation or other policy directive, including an Executive order that contains a "**certification**" requirement. If a statute does not impose the "**certification**," the OFPP Administrator must approve the "**certification**" requirement.

(d) Restrict the use of other terms of affirmation. Use the term "**represents**" when asking the offeror to provide information upon which the Government will rely in awarding a contract. The imposition of such a requirement does not need approval by the OFPP Administrator, but provide a justification for the requirement in the background section of the *Federal Register* notice.

**Contractor.** Use "**contractor**" to refer to the prime contractor only. (Also see "Potential offeror, offeror, prospective contractor, contractor.")

### Offer/bid/proposal/quotation.

(a) When referring to a response solely to—

(i) An invitation for bids (IFB), use the term "**bid**";

(ii) A request for proposals (RFP), use the term "**proposal**";

(iii) A request for quotations (RFQ), use the term "**quote**" or "**quotation**."

(b) When referring to responses to both IFBs and RFPs, use the term "**offers**."

(c) When referring to responses to IFBs, RFPs, and RFQs, use the term "**offers and quotes.**"

**Offeror/bidder/quoter.**

(a) When referring to a respondent solely to—

(i) An IFB, use the term "**bidder**";

(ii) A RFP, use the term "**offeror**";

(iii) A RFQ, use the term "**quoter.**"

(b) When referring to respondents to both IFBs and RFPs, use the term "**offerors.**"

(c) When referring to respondents to IFBs, RFPs, and RFQs, use the term "offerors and quoters."

**Potential offeror/offeror/prospective contractor/contractor.** Distinguish between these as follows: A "**potential offeror**" is an entity that possibly will submit an offer to perform a contract. Once an entity submits an offer, that entity becomes an "**offeror.**" A "**prospective contractor**" is one being considered or tentatively selected for award but to whom award has not yet been made. A "**contractor**" is one to whom award has been made.

**Shall/must/ should/will/may.**

(a) Use the terms "**shall**" and "**must**" to indicate an obligation to act. In the FAR "**shall**" and "**must**" have the same meaning. "**Must**" is the preferred term to use in FAR text other than provisions and clauses.

(b) Use the term "**should**" to indicate an expected course of action or policy to be followed unless inappropriate for a particular circumstance.

(c) Use "**will**" to indicate an anticipated future action or result.

(d) Use "**may**" to indicate a discretionary action.

**Solicitation.** Use the term "**solicitation**" to refer to an invitation for bids, a request for proposals, or request for quotations. Use the more limited term, i.e., invitation for bids, if the policy only applies in sealed bidding, or request for proposals (or request for quotations, as appropriate), if the policy only applies to negotiation.



**Solicitation amendment/ contract modification.** Use—

(a) "**Amendment**" to refer to a change made to a solicitation before contract award (FAR 14.208 and 15.206).

(b) "**Contract modification**" to refer to a written change to the terms of a contract.

**Warranty.** Use the term "**warranty**," only when referring to a contractor's promise or affirmation regarding the nature, usefulness, or condition of supplies or services furnished under a contract, does not require separate justification. Do not use the term when referring to an affirmation that is a certification or representation.

**FAR PROVISIONS AND CLAUSES MATRIX UPDATE FORM**

<p><b>Key:</b></p> <p><u>Type of Contract:</u></p> <p>P or C = Provision or Clause</p> <p>IBR = Is Incorporation by Reference Authorized? (See FAR 52.102)</p> <p>UCF = Uniform Contract Format Section, when Applicable</p> <p>FP SUP = Fixed-Price Supply</p> <p>CR SUP = Cost-Reimbursement Supply</p> <p>FP R&amp;D = Fixed-Price Research &amp; Development</p> <p>CR R&amp;D = Cost-Reimbursement Research &amp; Development</p> <p>FP SVC = Fixed-Price Service</p> <p>CR SVC = Cost-Reimbursement Service</p> <p>FP CON = Fixed-Price Construction</p> <p>CR CON = Cost-Reimbursement Construction</p>	<p>DDR = Dismantling, Demolition,</p> <p>or Removal of Improvements</p> <p>FP A&amp;E = Fixed-Price Architect-Engineering</p> <p>CR A&amp;E = Cost-Reimbursement Architect-Engineering</p> <p>FAC = Facilities</p> <p>IND DEL = Indefinite Delivery</p> <p>TRN = Transportation</p> <p>SAP = Simplified Acquisition</p>
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<p>T&amp;M LH = Time &amp; Material/Labor Hours</p> <p>LMV = Leasing of Motor Vehicles</p> <p>COM SVC = Communication Services</p>	<p>Procedures (excluding micro-purchase)</p> <p>UTL SVC = Utility Services</p> <p>CI = Commercial Items</p> <p><u>Contract Purpose:</u></p> <p>R = Required</p> <p>A = Required when Applicable</p> <p>O = Optional</p> <p>v = Revision</p>
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														Principle Type and/or Purpose of Contract											
provisio n or clause	prescribed in	p or c	ibr	ucf	fp sup	cr sup	fp r&d	cr r&d	fp svc	cr svc	fp con	cr con	t&m lh	lmv	com svc	ddr	FP a&e	CR a&e	fac	ind del	trn	sap	utl svc	ci	

Check: \_\_\_ Addition \_\_\_ Deletion \_\_\_ Revision \_\_\_ Check if prescription requires use in letter contracts. (See Note 1 at end of Matrix)

\_\_\_ Check if prescription requires use in SBA 8(a) contracts. (See Note 2 at end of Matrix)

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Check: \_\_\_ Addition \_\_\_ Deletion \_\_\_ Revision \_\_\_ Check if prescription requires use in letter contracts. (See Note 1 at end of Matrix)

\_\_\_ Check if prescription requires use in SBA 8(a) contracts. (See Note 2 at end of Matrix)

Case Number and Title \_\_\_\_\_

FAR Case #:  
Title:  
CAAC / DARC Case Managers:  
Date Opened:

**FAR Case Business Systems Checklist**

*Please complete the following set of questions. If the answer is "Yes" to at least one of the questions, a copy of this checklist shall be provided to the Chair of the FAR Technology Team and to the offices identified below.*

**1. Does this case establish any new clauses/provisions? If so, list the new clauses/provisions.**

Yes                      No

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**2. Does this case change the text of any clauses/provisions? If so, list the clauses/provisions.**

Yes                      No

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**3. Does this case change the prescription of any clauses/provisions? If so, list the clauses/provisions.**

Yes                      No

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**4. Does this case require collection of any data, or a change in collection of any data (e.g., changes in terms, definitions, thresholds or method of reporting data)? If so, describe the new or revised data collection requirement and state where it is located in the FAR.**

Yes                      No

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**FAR Case Business Systems Checklist**

**5. Does this case affect anything in Part 4 (i.e., line item structure, contractual instrument identification, contract reporting requirements, etc.)? If so, list the specific section of Part 4 and what is affected.**

Yes                      No

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**6. Does this case require a new Standard Form, or change an existing Standard Form? If so, list the new or revised Standard form.**

Yes                      No

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**7. Does this case create a new or modified reporting requirement? If so, state the FAR section that imposes the new or modified reporting requirement.**

Yes                      No

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For FAR Cases send completed document by E-mail to:

- Federal eGov Integrated Acquisition Environment (IAE) initiative – [teresa.sorrenti@gsa.gov](mailto:teresa.sorrenti@gsa.gov) and [earl.warrington@gsa.gov](mailto:earl.warrington@gsa.gov)
- Defense Procurement & Acquisition Policy (DPAP) / Policy – [Teresa.brooks@osd.mil](mailto:Teresa.brooks@osd.mil)
- Business Transformation Agency (BTA) / Transformation Priorities & Requirements – [lisa.romney@bta.mil](mailto:lisa.romney@bta.mil)
- NASA CMM (Contract Management Module) Point of Contact -- [becky.k.crane@nasa.gov](mailto:becky.k.crane@nasa.gov)
- NASA Integrated Acquisition Environment (IAE) Point of Contact -- <mailto:ronald.e.crider@nasa.gov>

**Use of Asterisks**

If you add or revise only certain units of a section, the amendatory language must state exactly which units are added or revised, and only those units are printed. Use asterisks to represent text which is not changed.

**Use of 5 asterisks.** Use 5 asterisks to show that a whole paragraph, including its subordinate paragraphs, is not changed.

In this example, the 5 asterisks before revised paragraph (d) show that paragraphs (a), (b) and (c) remain unchanged. The 5 asterisks that follow revised paragraph (d) show that the remaining text in the section is also unchanged.

Example: Use of 5 asterisks.

Revise paragraph (d) of 166.15 to read as follows:

166.15 State status.

\* \* \* \* \*

(d) The following States issue licenses under cooperative agreements with the Animal and Plant Health Inspection Service, but do not have primary enforcement responsibility under the Act: Kentucky, Maryland, Puerto Rico, Texas, and Washington.

\* \* \* \* \*

**Use of 3 asterisks.** Use 3 asterisks when you change text at a subordinate level. This shows that the higher level paragraphs remain unchanged.

In this example, the 5 asterisks before paragraph (b) show that paragraph (a) remains unchanged. The 3 asterisks following "(b)" show that (b)(1) through (b)(4) remain unchanged, and the 3 asterisks following "(5)" show that the introductory text of (b)(5) is unchanged.

The 5 asterisks that follow revised paragraph (b)(5)(i) show that the remaining text in the section is unchanged.

Example: Use of 3 asterisks.

Revise 202.3(b)(5)(i) to read as follows:

202.3 Registration of copyright.

\* \* \* \* \*

(b) \* \* \*

(5) \* \* \*

(i) The Library of Congress receives two complimentary copies promptly after publication of each issue of the serial.

\* \* \* \* \*

We strongly recommend that you use no more than 3 paragraph levels. Use of more than 3 paragraph levels makes your rule hard to read and use.

The smallest unit you may revise is a sentence. When you revise only a sentence of a paragraph, use 3 asterisks to show that the remaining sentences in the paragraph are unchanged.

Example:

Revise the first sentence of 416.916 to read as follows:

416.916 What will happen if I fail to submit medical and other evidence?

You (and, if you are a child, your parent, guardian, relative, or other person acting on your behalf) must cooperate in furnishing us with, or in helping us to obtain or identify, available medical or other evidence about your impairment(s). \* \* \*

**Example: Use of both 3 and 5 asterisks in the same document.**

PART 216--REGULATIONS GOVERNING THE TAKING Part Heading  
AND IMPORTING OF MARINE MAMMALS

1. The authority citation for part 216 Authority Citation  
continues to read as follows:

Authority: 16 U.S.C. 1361-1407.

2. Revise paragraph (b) (1) (v), the Amendatory Language  
first sentence of paragraphs (b) (3)  
and (c) (2), and paragraph (c) (4) (i)  
introductory text; and add paragraph  
(b) (1) (vi) to 216.24 to read as follows:

216.24 Taking and related acts Section Heading  
incidental to commercial fishing  
operations.

\* \* \* \* \* Indicates Paragraph  
(a) Unchanged

(b) \* \* \* Indicates Paragraph  
(b) Introductory Text  
Unchanged

(1) \* \* \* Indicates Paragraphs

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- (b) (1) Introductory Text  
And (b) (1) (I) through  
(Iv) Unchanged
- (v) Category 5: Other gear.  
Commercial fishing operations  
utilizing trolling, gillnets, hook  
and line gear, and any gear not  
classified under paragraphs (b) (1) (i) and  
(b) (1) (ii) of this section. Revises Paragraph  
(b) (1) (v)
- (vi) Category 6: Commercial passenger  
fishing vessel operation. Commercial  
fishing operations from a commercial  
passenger fishing vessel for the purpose  
of active sport fishing as defined in 216.3. Adds Paragraph  
(b) (1) (vi)
- \* \* \* \* \* Indicates Paragraph  
(b) (2) Unchanged
- (3) Submit the original and two  
copies of the application for general  
permit to the Assistant  
Administrator. \* \* \* Revises First Sentence  
of Paragraph (b) (3)  
Indicates Remainder of  
Paragraph (b) (3)  
Unchanged
- \* \* \* \* \* Indicates Paragraphs  
(b) (4) through (7)  
Unchanged
- (c) \* \* \* Indicates Paragraph (c)  
Introductory Text and  
(c) (1) Unchanged
- (2) Operator's certificate of inclusion.  
You must hold a valid operator's  
certificate of inclusion if you are  
the person in charge of and actually  
controlling fishing operations  
(after this referred to as the operator) on a  
vessel engaged in commercial fishing operations  
for which a Category 2 or Category 6 general  
permit is required under this subpart. You may  
not transfer this certificate. You have a valid  
certificate only for a vessel having a valid  
vessel certificate of inclusion for the same  
category. In order to receive a certificate  
of inclusion, the operator must satisfactorily  
complete required training. You must renew your  
operator's certificate of inclusion annually. Revises Paragraph  
(c) (2).
- \* \* \* \* \* Indicates Paragraph  
(c) (3) Unchanged
- (4) \* \* \* Indicates Paragraph  
(c) (4) Introductory

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(i) Category 1, 3, 4, 5, and 6 applications:

\* \* \* \* \*

Text Unchanged

Revises Paragraph  
(c) (4) (i)  
Introductory Text

Indicates Remainder of  
Section Unchanged