

JANUARY 2016 UPDATE - FAR COUNCIL RETROSPECTIVE PLAN

Agency	Sub-agency	Title Of Initiative/Rule or ICR	RIN/OMB Control Number	Summary of Initiative	Status of Initiative -- New to this update, Ongoing, or Completed	Target Completion Date (if completed, please add the publication date and cite in Federal Register for example)	Does the Initiative include regulatory flexibilities such as pilot projects, safe harbor exemptions, sunset provisions, trigger provisions, streamlined requirements, state flexibilities, or other similar strategies?	What methods will you engage in to Identify Improvements (public comment, analyses, third party assessments, etc). Please identify all that apply	If Available, anticipated or realized savings in costs &/or burdens and anticipated or realized changes in benefits
FAR Council (DoD, GSA, NASA)	N/A	FAR Case 2016-004	TBD	Raises Acquisition Threshold for Special Emergency Procurement Authorities.	New	Proposed rule in FY 2016	No	Public Comments	More flexibility to move quickly on contracts for contingency operations or defense against or recovery from nuclear, biological, chemical, or radiological attack.
FAR Council (DoD, GSA, NASA)	N/A	Improve Pricing 1) FAR Case 2015-021, Determination of Fair and Reasonable Prices on Orders Under MACs, (proposed rule)	9000-AM94	Improve practices for ensuring fair and reasonable pricing on orders Governmentwide contracts.	New	FY 2016	This initiative will allow the government to implement smarter buying practices to obtain better pricing.	Rulemaking and public comment process/open dialogue, as necessary.	Potential cost savings -TBD. Anticipate that smarter buying practices will produce savings and reduce contract spend.
FAR Council (DoD, GSA, NASA)	N/A	2) FAR Case 2015-023, FSS Order Level Materials; and 3) FAR Case 2015-015, Strategic Sourcing Doc.	9000-AM95 9000-AM89	Implements OFPP Dec 4, 2014 memo, Transforming the Marketplace: Simplifying Federal Procurement to Improve Performance, Drive Innovation, and Increase Savings.	New	FY 2016	This initiative will allow the government to implement smarter buying practices to obtain better pricing.	Rulemaking and public comment process/open dialogue, as necessary.	Potential cost savings -TBD. Anticipate that smarter buying practices will produce savings and reduce contract spend.
FAR Council	NA	Improving Federal Procurement Processes	TBD	National Dialogue and Pilot opened to reduce reporting compliance costs for Federal contractors and grantees.	New	FY 2016	This initiative will use the national dialogue to collect information from industry. This is one phase in a multi-phase, multi-faceted approach that will result in recommendations and actions to reduce reporting burden, standardize processes and forms, and reduce costs and eliminate	National Dialogue May 30, 2015–May 30, 2017 https://cao.gov/national-dialogue/ .	Potential cost savings -TBD. Anticipate savings when the government has access to tools and resources that will assist COs in determining prices fair and reasonable.
FAR Council	N/A	Reduce the burdens for Commercial Items acquisitions	TBD	Reduce burden in commercial item acquisitions, especially for small businesses, and increase the use of effective commercial solutions and practices by the Government. Implements OFPP December 4, 2014 memo.	New	FY 2015/2016	Eliminate unnecessary and reduce the application of requirements to commercial item acquisitions. Reduce barriers to new entrants entering into the Federal government marketplace and increase small business participation.	Open Dialogue, as well as relevant studies of Federal acquisition, especially those that focus on FAR and agency level regulations that generate the greatest reporting burdens or impose unnecessary restrictions that keep new, innovative companies from entering the Federal marketplace.	Potential burden reduction will be determined after specific requirements are identified for revision or deletion.
FAR Council	N/A	Remove Outdated Regulations in FAR and Agency FAR Supplements (Dec 4th memo) FAR Case 2015-035, Removal of Regulations Relating to Telegraphic Communication	TBD	Review FAR and agencies will review their respective FAR supplements and take steps to eliminate any outdated, ineffective, or unnecessarily burdensome requirements.	New	FY 2016	Eliminate outdated, ineffective, or unnecessarily burdensome regulations from agency supplements.	Rulemaking and public comment process/open dialogue, as necessary	Cost savings and/or burden reduction - TBD
FAR Council	N/A	Strengthen information security/ protection of government information	TBD	Review policies and regulations and incorporate OMB cybersecurity guidance in the FAR.	New	FY 2016	This guidance will ensure that the government has effective cybersecurity measures in contracts involving sensitive government data, and bring greater standardization in practice where appropriate.	Rulemaking and public comment process/open dialogue, as necessary.	The guidance will reduce the vulnerability of government information via attacks on its systems and networks and those of govt contractors.
FAR Council	N/A	1) FAR Case 2011-020, Basic Safeguarding of Contractor IT Systems 2) FAR Cases 2010-013 Privacy Training	9000-AM19 9000-AM02	Establish regulations that provide basic safeguarding of contractor information systems to enhance the protections of government information and improve privacy training.	Ongoing	FY 2015/2016 1) proposed rule was published on July 26, 12 (77 FR 51496); 2) proposed rule was published on Oct 14, 2011 (79 FR 63896).	Protect sensitive government and contractor data.	Rulemaking and public comment process/ open dialogue, as necessary.	These rules improve protections for government and contractor information stored on or transiting through contractor systems as well as in a cloud environment. In the long run, these changes could add up to potential savings for both contractor and government.

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FAR Council	N/A	FAR Case 2014-002, Set Asides Under Multiple Award Contracts	9000-AM93	Harmonize FAR rules with Small Business Jobs Act, Small Business Regulations, and other regulations and laws to ensure sufficient small business contracting guidance is included in the FAR.	Ongoing	FY 2015/2016	Reduce barriers to entry. Increase small business participation. This rule provides for Governmentwide policy for partial set-asides, reserves, and order set-asides.	Rulemaking and public comment process/open dialogue, as necessary.	It is expected to increase small business participation in federal contracting but pending publication and implementation of the final rule, the savings/benefits associated have yet to be determined.
FAR Council	N/A	FAR Case 2014-003, Small Business SubKtr Improvements	9000-AM91	Harmonize FAR rules with Small Business Jobs Act, Small Business Regulations, and other regulations and laws to ensure sufficient small business contracting guidance is included in the FAR.	Ongoing	FY 2015/2016 - proposed rule published June 10, 15 (80 FR 32909)	Reduce barriers to entry. Among other things, this rule will increase small business participation at the subcontracting level by requiring primes to use small business subcontractors to the same extent used in preparing the bid/proposal.	Rulemaking and public comment process/open dialogue, as necessary.	There are over 297,181 small business registrants in SAM but since subktrs aren't required to be in SAM, the number of impacted subktrs could be more/less than this figure.
FAR Council	N/A	FAR Case 2014-004, Payment to Subcontractors	9000-AM98	Harmonize FAR rules with Small Business Jobs Act, Small Business Regulations, and other regulations and laws to ensure sufficient small business contracting guidance is included in the FAR.	Ongoing	FY 2015/2016-propuse rule was published on January 20, 2016 (81 FR 3087)	Reduce barriers to entry. Ensures small business subcontractors are paid in a timely manner to help them manage their cash flow, which will place them in stronger financial positions.	Rulemaking and public comment process/open dialogue, as necessary.	No savings or burden reduction anticipated.
FAR Council	N/A	FAR Case 2014-015, Consolidation of Contract Requirements	9000-AM92	Harmonize FAR rules with Small Business Jobs Act, Small Business Regulations, and other regulations and laws to ensure sufficient small business contracting guidance is included in the FAR.	Ongoing	FY 2015/2016 - proposed rule published June 3, 15 (80 FR 31561)	Reduce barriers to entry. Increase small business participation	Rulemaking and public comment process/open dialogue, as necessary.	Reduced barriers to new entrants. Increase small business participation. 351,203 small businesses may potentially benefit by limiting use of consolidation (FARIPFA).
FAR Council	N/A	FAR Case 2015-032, Sole Source Contracts for Women-owned Small Business (WOSB)	9000-AN13	Harmonize FAR rules with 2015 NDAA, Small Business Regulations, and other regulations and laws to ensure sufficient small business contracting guidance is included in the FAR.	Ongoing	FY 2015/2016 -Interim rule published December 31, 2015 (80 FR 81888)	Sole-source authority under WOSB Program. Increase WOSB participation by providing sole source authority under the program.	Rulemaking and public comment process/open dialogue, as necessary.	May benefit up to 34,000 women- own small businesses listed in SBA's Dynamic Small Business Search database as eligible under WOSB Program (SBA IRFA).
FAR Council	N/A	FAR Case 2011-001, Organizational Conflicts of Interest (OCI)	9000-AL82	Provide revised regulatory coverage on OCIs, additional coverage regarding contractor access to nonpublic information.	Ongoing	FY 2015/2016 - proposed rule was published on April 26, 11 (76 FR 23236); Comment period extended 6/29/11 (76 FR 38089)	Restructure and clarify rules addressing conflicts of interest -- OCIs.	Rulemaking and public comment process/ open dialogue, as necessary.	Improve controls in place to manage contractor's access to non-public information. No savings or burden reduction anticipated.

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FAR Council	N/A	FAR Case 2009-016, Federal Contracting Programs for Minority-Owned and Other Small Businesses	9000-AM05	Remove certain coverage involving procurements with small disadvantaged business (SDB) concerns and certain institutions of higher education that is based on authority that expired.	Completed action	Final rule published on Oct 14, 14 (79 FR 61746)	Remove outdated regulations.	Rulemaking and public comment process/ open dialogue, as necessary.	Reduction of 15,000 burden hours from 9000-0150, which implemented reporting requirements associated with the small disadvantaged business procurement programs.
FAR Council	N/A	FAR Case 2012-031 Accelerated Payments to Small Business Subcontractors	9000-AM37	A New clause FAR was added to require the prime contractor, upon receipt of accelerated payments from the Government, to make accelerated payments to SB SubKtrs, to the maximum extent practicable, after receipt of a proper invoice and all proper documentation from SB SubKtrs.	Completed action	Final rule published Nov 25, 13 (78 FR 70477)	1) OMB Memo M-14-10, Ext of Policy to Provide Accelerated Payment to SB SubKtrs - Issued July 10, 14, which extends until Dec 31, 16, the policy in M-12-16. 2) to implement OMB Memo M-12-16, M-13-15, and the temporary FAR deviation.	Rulemaking and public comment process/ open dialogue, as necessary.	Ensures small businesses are paid in a timely manner to help them manage their cash flow. No savings or burden reduction anticipated.
FAR Council	N/A	FAR Case 2013-010 , Contracting With Women-Owned Small Businesses	9000-AM59	Remove the dollar limitation for set-asides to economically disadvantaged women - owned small business (EDWOSB) concerns, and eligible women-owned small business (WOSB) concerns.	Completed action	Final rule published on June 25, 14 (79 FR 35864).	Removing the dollar threshold for set-asides under the WOSB Program will provide greater access to Federal contracting opportunities for WOSB.	Rulemaking and public comment process/ open dialogue, as necessary.	According to FPDS, since June 21, 2013 (effective date of Interim Rule), there have been 50 set-asides to WOSBs and EDWOSBs above the dollar limitation, totaling approximately \$2.2 billion.
FAR Council	N/A	1) FAR Case 2012-028, Contractor Comment Period, Past Performance Evaluations 2) FAR Case 2012-009, Documenting Contractor Performance	9000-AM40 9000-AM09	1) Require that past performance evaluations be made available to source selection officials sooner. 2) Standardize past performance evaluation factors and performance rating categories and required that past performance information be entered into single reporting tool, Contractor Performance Assessment Reporting System (CPARS).	Completed action	1) Final rule published on May 30, 14 (79 FR 31197). 2) Final rule published on August 01, 13 (78 FR 46787).	improve faster sharing of contractor performance information so agencies can make award decisions. Clarify guidance to improve the timely rand quality reporting and increase use of performance information.	Rulemaking and public comment process/ open dialogue, as necessary.	Program benefit. Federal agencies share information faster with other source selection officials and this standardized information will improve award decisions for the government and may lead to future work for contractors.
FAR Council	N/A	Delete Reporting Requirements - deleted the public burden estimated for the Recovery Act Reporting Requirements. FAR Case 2014-016, Repeal of the Recovery Act Reporting Requirements	9000-AM77 and Information Collections 9000-0166; 9000-0167; 9000-0168; 9000-0169; and 9000-0176.	Repeal future reporting requirements after January 31, 2014, in accordance with section 627 of Division E of the Consolidated Appropriations Act, FY 2014. The reporting website has also closed.	Completed action	Final rule published on May 30, 14 (79 FR 31193).	Remove repealed reporting burden.	Rulemaking and public comment process/ open dialogue, as necessary.	As a result this change, the public burden for reporting recovery actions has been reduced by 419,019 hours. (FAR PRA)
FAR Council	N/A	Remove Outdated Regulation - identify and remove outdated and obsolete requirements in the FAR. 1) FAR Case 2014-006, Deletion of Y2K compliance 2) FAR Case 2011- 023, Irrevocable letters of credit information	9000-AM53 9000-AM53	1) Delete regulations relating to the Y2K compliance 2) Remove all references to OFPP Pamphlet No. 7, Use of Irrevocable Letters of Credit (ILC), and also provide updated sources of data required to verify the credit worthiness of a financial entity issuing or confirming an ILC.	Completed action	1) Final rule published on November 25, 14 (79 FR 70343) 2) Final rule published on October 14, 14 (79 FR 61743)	Remove outdated and unnecessary regulations and policy guidance	Rulemaking and public comment process/ open dialogue, as necessary.	1) Based upon FPDS data, there were 9021 IT contractors in FY 2013, of which 6284 were small businesses. The impact on small businesses was neutral since this rule deleted an obsolete requirement. 2) This rule may impact 5,800 (10% of 58,000) contractors and that includes all contracts for services, supplies, or construction when a bid guarantee or performance and payment bonds may be required.
FAR Council	N/A	Improve Labor Practices in Federal Contracting FAR Case 2013-001, End TIP	9000-AM55	Implement EO 13627, Anti-Trafficking Strengthening Trafficking Protections in Federal Contracting	Completed action	Final rule published on Jan. 29, 15 (80 FR 4999).	Strengthens existing protections to prohibit contractors and subktrs from engaging in specific trafficking related activities.	Rulemaking and public comment process/ open dialogue, as necessary.	Improve work environment for federal contractors and promote economy and efficiency in Federal Government procurement.
FAR Council	N/A	Personal Conflicts Of Interests (PCI) FAR Case 2013-022, Extension of Limitations on Contractor Employee PCI	9000-AM69	Implements a section of the FY 2013 NDAA) to extend the limitations on contractor employee PCI to apply to the performance of all functions that are closely associated with inherently governmental functions and contracts for personal services.	Completed action	Final rule published on April 2, 14 (79 FR 18503)	Restructure and clarify PCI regulations.	Rulemaking and public comment process/ open dialogue, as necessary.	Rule benefits both federal agencies and contractors.