AQAA
DAR COUNCIL ACTIVITY REPORT
30 July 1997

FAR/DFARS Cases Discussed:

95-011	**Subcontract Consent (PAT):** Revises FAR to delete the subcontract consent requirement, unless specifically required by the contracting officer. Case manager to provide information from draft IG report for consideration and discussion on 08/06/97.	Discuss further on 08/06/97.
97-013	**Foreign Patent Costs:** Revises cost principles to make the costs associated with filing and protecting foreign patents expressly allowable on Government contracts. Navy legal representative to prepare report regarding patent issues for consideration and discussion on 08/13/97.	Extended discussion to 08/13/97.
97-018	**New Mexico Gross Receipts Compensating Tax:** Adds DSWA to agency list at FAR 29.401-6(c)(1), as an agency that has entered into an agreement with the State of New Mexico.	Agreed to draft final rule.
94-781	**Small Business (SDB portion of 94-780):** Case was initiated to provide FAR implementation for sections 4004,7101,7102, and 7106, of FASA, PL 103-355, relating to small disadvantaged business set-asides and the evaluation preference for small disadvantaged businesses. FAR Case 94-780, Small Business, implemented language of FASA sections 7101(a) and 7106. Section 7101(b) was implemented as a test program in DFARS. Section 7106 has been implemented in FAR Subpart 19.7. Section 4004 was transferred to FAR Case 94-770. The post-Adarand group is considering Section 7102 in developing its final rule. Any public comments submitted under FAR Case 94-780 pertaining to Section 7102 are superseded by the proposed rule under FAR Case 97-004, Reform of Affirmative Action in Federal Government Procurement. This case is being closed and withdrawn.	Agreed to close case.
97-D025	**Weighted Guidelines--FFRDCs:** Exempts Federally Funded Research and Development Centers (FRDCs) from the weighted guidelines. DDP advises that, because their fee is based on an assessment of need, FFRDCs should not be subject to the structured, risk-based approach embodied in the DoD methodology for establishing profit and fee objectives, the weighted guidelines.	Agreed to proposed rule, as edited. Subject to reclama by 08/01/97.
95-D706	**Small Business:** Case was initiated to provide appropriate DFARS implementation language for sections 4004, 7101, 7102, 7103, 7105, and 7106 of FASA, PL 103-355. Associated FAR changes were published in FAR Case 94-780. A draft final rule was prepared, but never published. This case is being closed pending resolution of Adarand issues that are being addressed under FAR Case 97-004, Reform of Affirmative Action in Federal Government Procurement, which was issued as a proposed rule on 05/19/97, with a public comment extension through 08/08/97.	Agreed to close case.

97-D709	**Simplified Acquisition Threshold/FACNET:** Case was initiated to provide appropriate DFARS implementation language for sections 1502, 1551, 2001, 2051, 4001, 4002, 4003, 4101, 4102, 4103, 4104, 4201, 4202, 4203, 4301, 4401, 4402, 4404, 9001, 9002, 9003, and 9004, of FASA, PL 103-355. Those sections define the simplified acquisition threshold as $100,000; limit the use of simplified acquisition procedures by procurement activities not having certified interim Federal Acquisition Computer Network (FACNET) capability to procurements not exceeding $50,000; and, establish new FAR coverage on FACNET. An interim DFARS rule was prepared, but never published for public comment. Associated FAR changes are being made under FAR Case 94-772, Reorganization of FAR Part 13, Simplified Acquisition Procedures. DFARS Case 95-D709 is hereby canceled and superseded by DFARS Case 97-D306. The Simplified Acquisition Committee has been tasked to prepare a draft DFARS rule with appropriate revisions and collaterals.	Agreed to close case.
95-D715	**Past Performance:** Case was initiated to implement Section 1091 of FASA, PL 103-355, and requirements of OFPP Policy Letter 95-2, Past Performance Information. Proposed rule was published in *Federal Register* on 11/17/95. Policy issues relating to collection and appropriate use of past performance information were identified. Past Performance IPT is currently developing appropriate resolution of these issues and developing revised past performance policy. This case is being closed and the proposed rule withdrawn. A new DFARS case will be opened, and a new rule proposed, once the Past Performance IPT has developed its recommendations.	Agreed to close case.