

## **DEFENSE FAR SUPPLEMENT (DFARS) Change Notice 20040608**

DoD published the following interim, final, and proposed DFARS rules in the Federal Register on June 8, 2004:

### **Interim Rules**

#### **Written Assurance of Technical Data Conformity (DFARS Case 2003-D104) (Comments due August 9, 2004)**

Applies to contracts that require the contractor to deliver technical data to the Government. Eliminates the requirement for the contractor to provide a written statement that the delivered technical data is complete, accurate, and complies with all requirements of the contract. The change will reduce paperwork for contractors, but will not diminish the contractor's obligation to provide complete and accurate technical data that satisfies contract requirements. Implements Section 844 of the National Defense Authorization Act for Fiscal Year 2004.

#### **Contracting for Architect-Engineer Services (DFARS Case 2003-D105) (Comments due August 9, 2004)**

Applies to contracts for architect-engineer services for military construction or family housing projects. Increases, from \$85,000 to \$300,000, the threshold below which acquisitions for these services must be set aside for small business concerns. Implements Section 1427 of the National Defense Authorization Act for Fiscal Year 2004.

### **Final Rules**

#### **Fish, Shellfish, and Seafood Products (DFARS Case 2002-D034)**

Applies to contracts for fish, shellfish, and seafood products. Revises the interim rule published on February 14, 2003 (DFARS Change Notice 20030214), that requires the acquisition of domestic fish, shellfish, and seafood, including fish, shellfish, and seafood manufactured or processed or contained in foods manufactured or processed in the United States. Clarifies that fish, shellfish and seafood delivered under a DoD contract must be taken from the sea by U.S.-flag vessels or obtained from fishing in the United States. Implements Section 8136 of the DoD Appropriations Act for Fiscal Year 2003 and Section 8118 of the DoD Appropriations Act for Fiscal Year 2004.

#### **Follow-On Production Contracts for Products Developed Pursuant to Prototype Projects (DFARS Case 2002-D023)**

Applies to production contracts for DoD weapons and weapon systems. Authorizes the contracting officer to award a follow-on production contract without competition, if the "other transaction" agreement for the prototype project provides for a follow-on production contract and meets certain other statutory requirements. The contracting officer may continue with the existing contractor or may determine that further competition is appropriate. Implements Section 822 of the National Defense Authorization Act for Fiscal Year 2002.

### **Production Surveillance and Reporting (DFARS Case 2002-D015)**

Eliminates requirements for a contract administration office to perform production surveillance on contractors that have only Criticality Designator C (low-urgency) contracts, and for monitoring of progress on any Criticality Designator C contract, unless production surveillance or contracting monitoring is specifically requested by the contracting officer. The change will permit proper allocation of contract administration resources to critical and high-risk contracts.

### **Proposed Rules - DFARS Transformation**

**The following proposed rules are a result of DFARS Transformation, which is a major DoD initiative to dramatically change the purpose and content of the DFARS. The transformed DFARS will contain requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect on the public. Our objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. Additional information on the DFARS Transformation initiative is available at <http://www.acq.osd.mil/dpap/dfars/transf.htm>.**

### **Reporting Contract Performance Outside the United States (DFARS Case 2004-D001) (Comments due August 9, 2004)**

Proposed change applies to solicitations and contracts with a value exceeding \$500,000. Clarifies requirements for contractor reporting of contract performance outside the United States; and establishes two separate clauses to eliminate confusion between two reporting requirements presently contained in one clause. Relocates text pertaining to contracting officer distribution of reports to the new DFARS companion resource, Procedures, Guidance, and Information (PGI). A proposed rule describing the purpose and structure of PGI was published on February 23, 2004 (DFARS Change Notice 20040223).

### **Acquisition of Commercial Items (DFARS Case 2003-D074) (Comments due August 9, 2004)**

Proposed change applies to contracts for the acquisition of commercial items. Deletes unnecessary text pertaining to structuring of contracts; and updates a FAR reference.