

**DEPARTMENT OF DEFENSE****GENERAL SERVICES  
ADMINISTRATION****NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION****48 CFR Chapter 1**

[Docket No. FAR–2023–0051, Sequence No. 1]

**Federal Acquisition Regulation;  
Federal Acquisition Circular 2023–02;  
Introduction****AGENCY:** Department of Defense (DoD),  
General Services Administration (GSA),and National Aeronautics and Space  
Administration (NASA).**ACTION:** Summary presentation of final  
rules.**SUMMARY:** This document summarizes  
the Federal Acquisition Regulation  
(FAR) rules agreed to by the Civilian  
Agency Acquisition Council and the  
Defense Acquisition Regulations  
Council (Councils) in this Federal  
Acquisition Circular (FAC) 2023–02. A  
companion document, the *Small Entity  
Compliance Guide* (SECG), follows this  
FAC.**DATES:** For effective dates see the  
separate documents, which follow.**FOR FURTHER INFORMATION CONTACT:** The  
analyst whose name appears in the table  
below in relation to the FAR case. For  
information pertaining to status or  
publication schedules, contact the  
Regulatory Secretariat Division at 202–  
501–4755 or [GSARegSec@gsa.gov](mailto:GSARegSec@gsa.gov).**RULES LISTED IN FAC 2023–02**

Item	Subject	FAR case	Analyst
I .....	Accelerated Payments Applicable to Contracts with Certain Small Business Concerns .....	2020–007	Delgado.
II .....	Small Business Program Amendments .....	2019–008	Jones.
III .....	Technical Amendments.		

**ADDRESSES:** The FAC, including the  
SECG, is available at [https://  
www.regulations.gov](https://www.regulations.gov).**SUPPLEMENTARY INFORMATION:**Summaries for each FAR rule follow.  
For the actual revisions and/or  
amendments made by these FAR rules,  
refer to the specific item numbers and  
subjects set forth in the documents  
following these item summaries. FAC  
2023–02 amends the FAR as follows:**Item I—Accelerated Payments  
Applicable to Contracts With Certain  
Small Business Concerns (FAR Case  
2020–007)**This final rule provides for  
accelerated payments to contractors that  
are small businesses and to small  
business subcontractors by accelerating  
payments to their prime contractors.  
The rule implements section 873 of the  
National Defense Authorization Act  
(NDAA) for Fiscal Year (FY) 2020 (Pub.  
L. 116–92), which amends 31 U.S.C.  
3903(a). The rule also implements  
section 815 of the William M. (Mac)  
Thornberry NDAA for FY 2021, which  
amended 10 U.S.C. 2307(a) (now found  
at 10 U.S.C. 3801). This final rule may  
have a positive impact on small entities,  
but it will not have a significant  
economic impact on a substantial  
number of small entities.**Item II—Small Business Program  
Amendments (FAR Case 2019–008)**This final rule amends the FAR to  
align with SBA's regulations related to  
several topic areas. This rule clarifies  
that SBA determines size status as of thedate of initial offer for a multiple-award  
contract, whether or not the offer  
includes price, or the price is evaluated.  
Additionally, in accordance with FAR  
19.301–2(b)(2), the “ostensible  
subcontractor rule” (a small business  
must not be unduly reliant on a  
nonsimilarly situated small business  
subcontractor or have such a  
subcontractor perform the primary and  
vital requirements of the contract) is  
implemented in this rule as a new  
ground for socioeconomic status protest.  
The rule also clarifies that contracting  
officers will not be able to exercise  
options past the fifth year of long-term  
8(a) contracts if the 8(a) contractor no  
longer qualifies for the 8(a) program.  
Lastly, the rule clarifies the size  
standard for the information technology  
value added resellers under North  
American Industry Classification  
System code 541519 is 150 employees,  
not 500 employees.**Item III—Technical Amendments**Administrative change is made at  
FAR 2.101.**William F. Clark,***Director, Office of Government-wide  
Acquisition Policy, Office of Acquisition  
Policy, Office of Government-wide Policy.*Federal Acquisition Circular (FAC)  
2023–02 is issued under the authority of  
the Secretary of Defense, the  
Administrator of General Services, and  
the Administrator of National  
Aeronautics and Space Administration.Unless otherwise specified, all  
Federal Acquisition Regulation (FAR)and other directive material contained  
in FAC 2023–02 is effective February  
14, 2023 except for Items I through III,  
which are effective March 16, 2023.**John M. Tenaglia,***Principal Director, Defense Pricing and  
Contracting, Department of Defense.***Jeffrey A. Koses,***Senior Procurement Executive/Deputy CAO,  
Office of Acquisition Policy, U.S. General  
Services Administration.***Karla Smith Jackson,***Assistant Administrator for Procurement,  
Senior Procurement Executive, National  
Aeronautics and Space Administration.*

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**BILLING CODE 6820–EP–P****DEPARTMENT OF DEFENSE****GENERAL SERVICES  
ADMINISTRATION****NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION****48 CFR Parts 12, 32, and 52****[FAC 2023–02; FAR Case 2020–007; Item  
I; Docket No. FAR–2020–0007, Sequence 1]****RIN 9000–AO10****Federal Acquisition Regulation:  
Accelerated Payments Applicable to  
Contracts With Certain Small Business  
Concerns****AGENCY:** Department of Defense (DoD),  
General Services Administration (GSA),