

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Parts 19 and 35**

[FAR Case 2012–015, Docket No. FAR–
2012–0015, Sequence No. 1]

RIN 9000–AM33

**Federal Acquisition Regulation: Small
Business Set Asides for Research and
Development Contracts**

AGENCY: Department of Defense (DoD),
General Services Administration (GSA),
and National Aeronautics and Space
Administration (NASA).

ACTION: Proposed rule; withdrawal.

SUMMARY: DoD, GSA, and NASA are
withdrawing the proposed rule to
amend the Federal Acquisition
Regulation (FAR) titled: Small Business
Set Asides for Research and
Development Contracts. The decision
not to proceed with a final rule was
made because of the passage of time

since the proposed rule was issued, and
input from respondents indicating that
the proposed changes were, on balance,
unnecessary or unhelpful. Accordingly,
this proposed rule is withdrawn, and
the FAR case is closed.

DATES: The proposed rule published on
August 10, 2012, at 77 FR 47797 is
withdrawn as of March 19, 2021.

FOR FURTHER INFORMATION CONTACT:
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703–605–2815 or malissa.jones@gsa.gov,
gsa.gov. Please cite “FAR Case 2012–
015”.

SUPPLEMENTARY INFORMATION: On August
10, 2012, DoD, GSA, and NASA
proposed to amend the FAR to clarify
that contracting officers shall set aside
acquisitions for research and
development in excess of the simplified
acquisition threshold when the market
research conducted in accordance with
FAR part 10 indicates there are small
businesses capable of providing the best
scientific and technological approaches
(77 FR 47797). The proposed rule was
in response to a request from the Small
Business Administration to review
whether the language at FAR 19.502–
2(b)(2) creates an additional or unique

condition that must be met before a
contracting officer can proceed with a
small business set-aside for research and
development.

A decision was made not to proceed
with finalization of the proposed rule.
Because of the passage of time, and
input from respondents indicating that
the proposed changes were, on balance,
unnecessary or unhelpful, the FAR
Council has concluded that
consideration of any future amendments
to the FAR related to small business set-
asides for research and development
should be accomplished under a new
FAR case. Accordingly, the proposed
rule published at 77 FR 47797 on
August 10, 2012, is withdrawn and FAR
Case 2012–015 is closed.

**List of Subjects in 48 CFR Parts 19 and
35**

Government procurement.

William F. Clark,

*Director, Office of Government-wide
Acquisition Policy, Office of Acquisition
Policy, Office of Government-wide Policy.*

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