



# FEDERAL REGISTER

---

Vol. 77

Wednesday,

No. 75

April 18, 2012

---

## Part III

Department of Defense

General Services Administration

National Aeronautics and Space Administration

---

48 CFR Chapter 1

Federal Acquisition Regulations; Final Rules

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

[Docket FAR 2012–0080, Sequence 3]

**Federal Acquisition Regulation;  
Federal Acquisition Circular 2005–58;  
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) 2005–58. A  
companion document, the *Small Entity  
Compliance Guide* (SECG), follows this  
FAC. The FAC, including the SECG, is  
available via the Internet at [http://  
www.regulations.gov](http://www.regulations.gov).

**DATES:** For effective dates and comment  
dates see separate documents, which  
follow.

**FOR FURTHER INFORMATION CONTACT:** The  
analyst whose name appears in the table  
below in relation to each FAR case.  
Please cite FAC 2005–58 and the  
specific FAR case numbers. For  
information pertaining to status or  
publication schedules, contact the  
Regulatory Secretariat at 202–501–4755.

**LIST OF RULES IN FAC 2005–58**

Item	Subject	FAR case	Analyst
I .....	Biobased Procurements .....	2010–004	Clark.
II .....	Representation Regarding Export of Sensitive Technology to Iran .....	2010–018	Davis.
III .....	Justification and Approval of Sole-Source 8(a) Contracts .....	2009–038	Morgan.
IV .....	Technical Amendments.		

**SUPPLEMENTARY INFORMATION:**

Summaries for each FAR rule follow.  
For the actual revisions and/or  
amendments made by these FAR cases,  
refer to the specific item numbers and  
subject set forth in the documents  
following these item summaries. FAC  
2005–58 amends the FAR as specified  
below:

**Item I—Biobased Procurements (FAR  
Case 2010–004)**

This final rule amends the FAR to  
implement changes that require  
contractors to report the biobased  
products purchased under service and  
construction contracts. The Farm  
Security and Rural Investment Act (7  
U.S.C. 8102) requires agencies to report  
this information to the Office of Federal  
Procurement Policy. This reporting will  
enable agencies to monitor compliance  
with the Federal preference for  
purchasing biobased products.  
Contractors may need to create an  
inventory management system to track  
the biobased products purchased for  
each contract. However, this rule may  
enhance small business biobased  
product suppliers' participation in this  
market.

**Item II—Representation Regarding  
Export of Sensitive Technology to Iran  
(FAR Case 2010–018)**

This final rule adopts, with minor  
changes, an interim rule which added a  
representation to implement section 106  
of the Comprehensive Iran Sanctions,  
Accountability, and Divestment Act of  
2010. Section 106 imposes a

procurement prohibition relating to  
contracts with persons that export  
certain sensitive technology to Iran.  
This rule has no significant impact on  
small business concerns.

**Item III—Justification and Approval of  
Sole-Source 8(a) Contracts (FAR Case  
2009–038)**

This rule adopts as final, without  
change, an interim rule published in the  
**Federal Register** at 76 FR 14559 on  
March 16, 2011, which implemented  
section 811 of the National Defense  
Authorization Act for Fiscal Year 2010  
(Pub. L. 111–84). Section 811 prohibits  
the award of a sole-source contract in an  
amount over \$20 million under the 8(a)  
program authority (15 U.S.C. 637(a))  
without first obtaining a written  
Justification and Approval (J&A)  
approved by an appropriate official, and  
making public the J&A and related  
information. This internal Government  
requirement for the development and  
approval of a sole-source J&A for 8(a)  
sole-source awards over \$20 million  
neither prohibits such awards nor  
increases the qualifications required of  
8(a) firms.

**Item IV—Technical Amendments**

Editorial changes are made at FAR  
1.201–1, 52.212–5, and 52.219–28.

Dated: April 11, 2012.

Laura Auletta,

*Director, Office of Governmentwide  
Acquisition Policy, Office of Acquisition  
Policy, Office of Governmentwide Policy.*

Federal Acquisition Circular (FAC)  
2005–58 is issued under the authority of

the Secretary of Defense, the  
Administrator of General Services, and  
the Administrator for the National  
Aeronautics and Space Administration.

Unless otherwise specified, all  
Federal Acquisition Regulation (FAR)  
and other directive material contained  
in FAC 2005–58 is effective April 18,  
2012, except for Items I and II which are  
effective May 18, 2012.

Dated: April 10, 2012.

**Richard Ginman,**

*Director, Defense Procurement and  
Acquisition Policy.*

Dated: April 5, 2012.

**Joseph A. Neurauter,**

*Senior Procurement Executive/Deputy CAO,  
Office of Acquisition Policy, U.S. General  
Services Administration.*

Dated: April 11, 2012.

**William P. McNally,**

*Assistant Administrator for Procurement,  
National Aeronautics and Space  
Administration.*

[FR Doc. 2012–9200 Filed 4–17–12; 8:45 a.m.]

**BILLING CODE 6820–EP–P**