

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

[Docket FAR—2008—0003, Sequence 1]

**Federal Acquisition Regulation;  
Federal Acquisition Circular 2005–25;  
Small Entity Compliance Guide**AGENCIES: Department of Defense (DoD),  
General Services Administration (GSA),and National Aeronautics and Space  
Administration (NASA).**ACTION:** Small Entity Compliance Guide.**SUMMARY:** This document is issued  
under the joint authority of the  
Secretary of Defense, the Administrator  
of General Services and the  
Administrator of the National  
Aeronautics and Space Administration.  
This *Small Entity Compliance Guide* has  
been prepared in accordance with  
Section 212 of the Small Business  
Regulatory Enforcement Fairness Act of  
1996. It consists of a summary of rules  
appearing in Federal Acquisition  
Circular (FAC) 2005–25 which amendthe FAR. An asterisk (\*) next to a rule  
indicates that a regulatory flexibility  
analysis has been prepared. Interested  
parties may obtain further information  
regarding these rules by referring to FAC  
2005–25 which precedes this document.  
These documents are also available via  
the Internet at [http://  
www.regulations.gov](http://www.regulations.gov).**FOR FURTHER INFORMATION CONTACT:**  
Diedra Wingate, FAR Secretariat, (202)  
208-4052. For clarification of content,  
contact the analyst whose name appears  
in the table below.**LIST OF RULES IN FAC 2005–25**

Item	Subject	FAR case	Analyst
I .....	Federal Procurement Data System Reporting (Interim) .....	2004–038	Woodson.
II .....	Electronic Subcontracting Reporting System (eSRS) (Interim) .....	2005–040	Cundiff.
III .....	Revisions to the Defense Priorities and Allocations System (DPAS) .....	2006–033	Davis.
*IV .....	Use of Products Containing Recovered Materials in Service and Construction Contracts .....	2005–039	Clark.
V .....	Representations and Certifications - Tax Delinquencies .....	2006–011	Murphy.
VI .....	Enhanced Access for Small Business .....	2006–031	Murphy.
VII .....	Technical Amendment. ....		

**SUPPLEMENTARY INFORMATION:**Summaries for each FAR rule follow.  
For the actual revisions and/or  
amendments to these FAR cases, refer to  
the specific item number and subject set  
forth in the documents following these  
item summaries.FAC 2005–25 amends the FAR as  
specified below:**Item I—Federal Procurement Data  
System Reporting (FAR Case 2004–038)  
(Interim)**This interim rule amends the Federal  
Acquisition Regulation (FAR) Subpart  
4.6 to revise the process for reporting  
contract actions to the Federal  
Procurement Data System (FPDS). FPDS  
will allow agencies to obtain Federal  
procurement reports as well as several  
workload reports designed specifically  
for first-line supervisors. The use of the  
Federal reports will alleviate the need  
for individual agencies to collect, verify,  
and distribute statistics for a host of  
requirements such as the Small  
Business Goaling Report (SBGR), the  
Performance-Based Acquisition (PBA)  
report, the Central Contractor  
Registration (CCR), and the Resource  
Conservation and Recovery Act (RCRA)  
report. The rule provides questions and  
answers to facilitate the public's  
understanding of the changes proposed  
in the interim for reporting contract  
actions under FAR Subpart 4.6.**Item II—Electronic Subcontracting  
Reporting System (eSRS) (FAR Case  
2005–040) (Interim)**This interim rule amends the Federal  
Acquisition Regulation to require that  
small business subcontract reports be  
submitted using the Electronic  
Subcontracting Reporting System  
(eSRS), rather than Standard Form 294  
- Subcontract Report for Individual  
Contracts and Standard Form 295 -  
Summary Subcontract Report. The eSRS  
is a web-based system managed by the  
Integrated Acquisition Environment.  
The eSRS is intended to streamline the  
small business subcontracting program  
reporting process and provide the data  
to agencies in a manner that will enable  
them to more effectively manage the  
program.**Item III—Revisions to the Defense  
Priorities and Allocations System  
(DPAS) (FAR Case 2006–033)**This final rule amends the language in  
the Federal Acquisition Regulation  
(FAR) to reflect the President's  
delegation of the Defense Production  
Act's priorities and allocations  
authorities in Executive Order 12919,  
and the current provisions of the  
Defense Priorities and Allocations  
System (DPAS) regulations of the  
Department of Commerce in 15 CFR Part  
700.FAR changes incorporated in parts 2,  
11, 18, 52, and 53 benefit both the  
Government and industry in thereceiving of timely and proper delivery  
of industrial resources. Contracting  
officers should take notice of the  
changes in the FAR especially the  
changes to the Standard Form (SF) 26,  
Award/Contract and SF 1447,  
Solicitation/Contract, and use the  
revised SF 26 and SF 1447 that reflects  
the 15 CFR 700 citation and 2008  
edition date change.**Item IV—Use of Products Containing  
Recovered Materials in Service and  
Construction Contracts (FAR Case  
2005–039)**This final rule amends the Federal  
Acquisition Regulation (FAR) to clarify  
language within the FAR regarding the  
use of products containing recovered  
materials, pursuant to the Resource  
Conservation and Recovery Act of 1976,  
and Executive Order 13101 "Greening  
the Government Through Waste  
Prevention, Recycling, and Federal  
Acquisition." The rule also prescribes a  
new clause for use in service or  
construction contracts, to ensure that  
contractors deliver and make maximum  
use of products containing recovered  
material.**Item V—Representations and  
Certifications - Tax Delinquencies (FAR  
Case 2006–011)**This final rule amends the Federal  
Acquisition Regulation (FAR) to add  
conditions regarding refusal to pay  
delinquent Federal taxes to standards of

contractor responsibility, causes for suspension and debarment, and the certifications regarding debarment, suspension, and proposed debarment. The changes are intended to add clarity regarding the specific circumstances under which tax delinquencies are so serious that suspension or debarment should be considered. The changes originated in response to a request from the Senate Permanent Subcommittee on Investigations.

**Item VI—Enhanced Access for Small Business (FAR Case 2006–031)**

This final rule creates a different, higher dollar ceiling enabling small businesses to use the small claims procedure for appealing a contracting officer's final decision. Section 857 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Pub. L. 109–364) changed the ceiling under the Contract Disputes Act from \$50,000 or less to \$150,000 or less for small businesses. The ceiling remains at

\$50,000 or less for other types of businesses. The change to 41 U.S.C. 608 is a ceiling change only.

**Item VII—Technical Amendment**

An editorial change is made at FAR 1.603–1.

Dated: April 4, 2008.

**Al Matera,**

*Director, Office of Acquisition Policy.*

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