

FEBRUARY 2015 UPDATE – FAR COUNCIL RETROSPECTIVE PLAN

Agency	Sub-Agency	Title of Initiative/Rule of ICR	RIN/OMB Control Number	Summary of Initiative	Status of Initiative - New to this update, Ongoing, or Completed	Target Completion Date (If completed, please add the publication date and cite in Federal Register for example)	Does the Initiative include regulatory flexibilities such as pilot projects, safe harbor exceptions, sunset provisions, trigger provisions, streamlined requirements, state flexibilities, or other similar strategies?	What methods will you engage in to identify improvements (public comment, analyses, third party assessments, etc.). Please identify all that apply	If available, anticipated or realized savings in costs and/or burdens and anticipated or realized changes in benefits
FAR Council (DoD, GSA, NASA)	N/A	Improve Pricing Practices		Improve practices for ensuring fair and reasonable pricing on orders Govtwide contracts. Implements OFPP December 4, 2014 memo, Transforming the Marketplace: Simplifying Federal Procurement to Improve Performance, Drive Innovation, and Increase Savings.	New	FY 2015/2016	This initiative will allow the government to implement smarter buying practices to obtain better pricing.	Rulemaking and public comment process/open dialogue, as necessary.	Better pricing information should decrease contract spending and produce savings.
FAR Council	NA	Improve Pricing Practices		Review tools and resources available to assist contracting officers in determining fair and reasonable prices for commercial items under current regulations. Some practices include: 1) establishing access to databases with commerciality determinations, 2) access to pricing experts, and 3) use of DoD commercial items handbooks.	New	FY 2015/2016	This initiative will highlight and replicate best practices that agencies, such as DoD, have established to improve pricing practices.	Open Dialogue.	Encourage New and better ways of thinking and expand access to the most innovative companies.
FAR Council	N/A	Reduce the burdens for Commercial Items acquisitions (Dec 4th memo)		Reduce burden in commercial item acquisitions, especially for small businesses, and increase the use of effective commercial solutions and practices by the Government.	New	FY 2015/2016	Reduce the application of requirements to commercial items.	Open Dialogue, as well as relevant studies of Federal acquisition, especially those that focus on FAR and agency level regulations that generate the greatest reporting burdens or impose unnecessary restrictions that keep New, innovative companies from entering the Federal marketplace.	Improved economy and efficiency, reduced barriers to entering into the Federal marketplace, increased small business participation.
FAR Council	N/A	Reduce Reporting Requirement and streamline reporting tools (Dec 4th memo)		Obtain early input from industry on how to reduce the costs associated with reporting compliance under Federal awards (contracts, subcontracts, grants, subgrants, and cooperative agreements).	New	FY 2015/2016	Reduce burden, discuss ideas for standardizing processes and forms, and identify recommended actions to reduce costs and eliminate duplication.	Open dialogue and issuance of federal register notices	Improve the economy and efficiency of the federal award system by identifying impactful steps that can be taken to streamline, reporting, reduce burden, and reduce costs.
FAR Council	N/A	Remove Burdensome Regulations from Agency FAR Supplements - minimum corporate experience requirement) (Dec 4th memo)		Agencies review and remove internal policy guidance, if any, addressing minimum corporate experience requirements.	New	FY 2015/2016	Remove burdensome and unnecessary regs or guidance and take appropriate steps to update such guidance, as necessary.	Review rules and remove burdensome language. Rulemaking, as necessary.	Remove unnecessary and burdensome regulations. Improve access to government contracting opportunities by all responsible sources that otherwise have the capacity and capability to accomplish
FAR Council	N/A	Remove Outdated Regulations in Agency FAR Supplements - identify and remove outdated and obsolete requirements (Dec 4th memo)		Agencies review their respective FAR supplements and take steps to eliminate any outdated, ineffective, or unnecessarily burdensome requirements.	New	FY 2015/2016	Remove outdated regulations.	Rulemaking and public comment process/open dialogue, as necessary	Remove outdated regulations and improve efficiency.
FAR Council	N/A	Strengthen information security/ protection of government information		Review regulations to ensure effective cybersecurity measures in contracting actions involving sensitive government data and bring greater standardization in practice where appropriate.	New	FY 2015/2016	Protect sensitive government data.	Rulemaking and public comment process/ open dialogue, as necessary.	Improve efficiency, reduce red-tape, and provide greater benefit for taxpayer dollars.
FAR Council	N/A	Strengthen information security/protection of government information	9000-AM02	Establish regulations, as appropriate, to enhance the protections of government information.	Ongoing	FY 2015/2016 - FAR Cases 2010-013 Privacy Training (proposed rule) was published on October 14, 2011 (79 FR 63896).	Protect government data.	Rulemaking and public comment process/ open dialogue, as necessary.	Improve efficiency, reduce red-tape, and provide greater benefit for taxpayer dollars.
FAR Council	N/A	Strengthen information security/protection of government information	9000-AM19	Establish regulations, as appropriate, to enhance the protections of government information.	Ongoing	FY 2015 - FAR Case 2011-020, Basic Safeguarding of Contractor IT Systems (proposed rule) was published on August 24, 12 (77 FR 51496).	Protect government data.	Rulemaking and public comment process/ open dialogue, as necessary.	Improve efficiency, reduce red-tape, and provide greater benefit for taxpayer dollars.

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FAR Council	N/A	Improve Labor practices in Federal Contracting	9000-AM69	Establish regulations to Implement Labor Executive Orders (E.O.)	Ongoing	FY 2015/2016	Improve efficiency in government contracting.	Rulemaking and public comment process/open dialogue, as necessary.	Improve work environment for federal contractors.
FAR Council	N/A	Improve outreach and communication		Use various social media tools to obtain stakeholder input on initiatives such as improving information security, developing a definition for recruitment fees in furtherance of anti-trafficking policies to engage organizations, interest groups/industry groups in regulatory requirements and rulemaking process.	Ongoing	FY 2015/2016. New outreach methods were used as follows: FY 2014- GitHub was used to obtain comments on the draft "TechFAR" handbook. FY 2015, a recruitment fee definition was posted on the DPAP website to seek early engagement before rule publication.	Improve early outreach to obtain input from all stakeholders to improve regulations.	In addition to usual issuance of advances notices and public meetings, the following tools may be used for early engagement: 1. Use of social media/crowd sourcing tools; 2. An online open dialogue; and 3. A simple notice in the Federal Register inviting early public input.	Transparency in the rulemaking process and increased small business participation.
FAR Council	N/A	Commercial Items - Application of New regulatory requirements to commercial item acquisitions & small (simplified) purchases		Review approach taken by the FAR Council to identify whether New Laws should be applied to acquisitions for commercial items, including commercially available off-the-shelf (COTS) items and acquisitions below the Simplified Acquisition Threshold (SAT).	Ongoing	FY 2015/2016	Reduce the application of requirements to commercial items.	Rulemaking and public comment process and open dialogue, as necessary	improved economy and efficiency, reduced barriers to entering into the Federal marketplace, increased small business participation.
FAR Council	N/A	Update small business contracting regulations in the FAR		Harmonize FAR rules with Small Business Jobs Act, Small Business Regulations, and other regulations and laws to ensure sufficient small business contracting guidance is included in the FAR.	Ongoing	FY 2015/2016 - FAR Case 2014-002, Set Asides Under Multiple Award Contracts.	Reduce barriers to entry. Increase small business participation.	Rulemaking and public comment process/open dialogue, as necessary.	Reduced barriers to entry. Increase small business participation.
FAR Council	N/A	Update small business contracting regulations in the FAR		Harmonize FAR rules with Small Business Jobs Act, Small Business Regulations, and other regulations and laws to ensure sufficient small business contracting guidance is included in the FAR.	Ongoing	FY 2015/2016 - FAR Case 2014-003, Small Business SubKtr Improvements.	Reduce barriers to entry. Increase small business participation.	Rulemaking and public comment process/open dialogue, as necessary.	Reduced barriers to entry. Increase small business participation.
FAR Council	N/A	Update small business contracting regulations in the FAR		Harmonize FAR rules with Small Business Jobs Act, Small Business Regulations, and other regulations and laws to ensure sufficient small business contracting guidance is included in the FAR.	Ongoing	FY 2015/2016- FAR Case 2014-004, Payment to Subcontractors.	Reduce barriers to entry. Increase small business participation	Rulemaking and public comment process/open dialogue, as necessary.	Reduced barriers to entry. Increase small business participation.
FAR Council	N/A	Update small business contracting regulations in the FAR		Harmonize FAR rules with Small Business Jobs Act, Small Business Regulations, and other regulations and laws to ensure sufficient small business contracting guidance is included in the FAR.	Ongoing	FY 2015/2016 FAR Case 2014-015, Consolidation of Contract requirements.	Reduce barriers to entry. Increase small business participation.	Rulemaking and public comment process/open dialogue, as necessary.	Reduced barriers to entry. Increase small business participation.
FAR Council	N/A	Organizational Conflicts of Interest (OCI)	9000-AL82	Provide revised regulatory coverage on OCIs, additional coverage regarding contractor access to nonpublic information.	Ongoing	FY 2015/2016 - FAR Case 2011-001, OCI - (proposed rule) was published on Ap 26, 11 (76FR23236).	Restructure and clarify rules addressing conflicts of interest – OCIs.	Rulemaking and public comment process/ open dialogue, as necessary.	Streamline regulations and improve efficiency.
FAR Council	N/A	Improvements to the reporting and use of past performance information	9000-AM79	Standardize the past performance reporting requirements under the Contractor Performance Assessment Reporting System (CPARS) database.	Ongoing	FY 2015-2016 - FAR Case 2014-010—Enhancements to Past Performance Evaluation Systems (proposed rule) was published on September 15, 14 (79FR54949).	Improve efficiency in government contracting.	Rulemaking and public comment process/ open dialogue, as necessary.	Improve efficiency, and provide greater benefit for taxpayer dollars.

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FAR Council	N/A	Personal Conflicts of Interests (PCI)	9000-AM69	Implements a section of the FY 2013 NDAA) to extend the limitations on contractor employee PCI to apply to the performance of all functions that are closely associated with inherently governmental functions and contracts for personal services.	Ongoing	FAR Case 2013-022, Extension of Limitations on Contractor Employee PCI (proposed rule) was published on April 2, 14 (79FR18503).	Restructure and clarify PCI regulations.	Rulemaking and public comment process/ open dialogue, as necessary.	Streamline regulations and improve efficiency.
FAR Council	N/A	Remove Outdated Regulation - identify and remove outdated and obsolete requirements in the FAR	9000-AM72	Delete regulations relating to the Y2K compliance.	Completed action	FY 2014 - FAR Case 2014-006, Deletion of Y2K compliance was published on November 25, 14 (79 FR 70343).	Remove outdated regulations.	Rulemaking and public comment process/ open dialogue, as necessary.	Streamline regulations and improve efficiency.
FAR Council	N/A	Remove Outdated Regulation - identify and remove outdated and obsolete requirements in the FAR	9000-AM53	Remove all references to OFPP Pamphlet No. 7, Use of Irrevocable Letters of Credit (ILC), and also provide updated sources of data required to verify the credit worthiness of a financial entity issuing or confirming an ILC.	Completed action	FY 2014 - FAR Case 2011-023, Irrevocable letters of credit information (final rule) was published on October 14, 14 (79FR 61743).	Remove outdated and unnecessary policy guidance.	Rulemaking and public comment process/ open dialogue, as necessary.	Streamline regulations and improve efficiency.
FAR Council	N/A	Federal Contracting Programs for Minority-Owned and Other Small Businesses	9000-AM05	Remove certain coverage involving procurements with small disadvantaged business (SDB) concerns and certain institutions of higher education that is based on authority that expired.	Completed action	FAR Case 2009-016; Federal Contracting Programs for Minority-Owned and Other Small Businesses (final rule) published on Oct 14, 14 (79 FR 61746)	Remove outdated regulations.	Rulemaking and public comment process/ open dialogue, as necessary.	Streamline and update regulations.
FAR Council	N/A	Improvements to the reporting and use of past performance information.	9000-AM40	Require that past performance evaluations be made available to source selection officials sooner.	Completed action	FAR Case 2012-028, Contractor Comment Period, Past Performance Evaluations. (final rule) was published on May 30, 14 (79 FR 31197).	improve faster sharing of contractor performance information so agencies can make award decisions.	Rulemaking and public comment process/ open dialogue, as necessary.	Improve efficiency, and provide greater benefit for taxpayer dollars..
FAR Council	N/A	Improvements to the reporting and use of past performance information.	9000-AM09	Standardize past performance evaluation factors and performance rating categories and required that past performance information be entered into single reporting tool, Contractor Performance Assessment Reporting System (CPARS).	Completed action	FAR Case 2012-009, Documenting Contractor Performance (final rule) was published on August 01, 13 (78 FR 46787).	clarify guidance to improve the timely and quality reporting and increase use of performance information .	Rulemaking and public comment process/ open dialogue, as necessary.	Improve efficiency, and provide greater benefit for taxpayer dollars.
FAR Council	N/A	Delete Reporting Requirements - deleted the public burden estimated for the Recovery Act Reporting Requirements.	9000-AM77 and Information Collections 9000-0166; 9000-0167; 9000-0168; 9000-0169; and 9000-0176.	Repeal future reporting requirements after January 31, 2014, in accordance with section 627 of Division E of the Consolidated Appropriations Act, FY 2014. The reporting website has also closed.	Completed action	FAR Case 2014-016, Repeal of the Recovery Act Reporting Requirements (final rule) was published on May 30, 14 (79 FR 31193).	As a result, the public burden for reporting recovery actions has been reduced by 419,019 hours.	Rulemaking and public comment process/ open dialogue, as necessary.	reduced reporting burden.

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FAR Council	N/A	Improve small business contracting regulations in the FAR.	n/a	Provide accelerated payments to small business subcontractors.	Completed action		Reduce barriers to entry. Increase small business participation.	Rulemaking and public comment process/open dialogue, as necessary.	Reduced barriers to entry. Increase small business participation.
FAR Council	N/A	Improve small business contracting regulations in the FAR	9000-AM37	A new clause FAR was added to require the prime contractor, upon receipt of accelerated payments from the Government, to make accelerated payments to SB Subcontractors, to the maximum extent practicable, after receipt of a proper invoice and all proper documentation from SB Subcontractors.	Completed action	FAR Case 2012-031, Accelerated Payments to Small Business Subcontractors (final rule) was published on November 25, 13 (78 FR 70477). OMB Memo M-14-10, Ext of Policy to Provide Accelerated Payment to SB Subcontractors - issued July 10, 14, which extends until Dec 31, 16, the policy in M-12-16. Nov 25, 13 - FAR Council published a final rule, FAR Case 2012-031, to implement OMB Memo M-12-16, M-13-15, and the temporary FAR deviation.	Reduce barriers to entry. Increase small business participation.	Rulemaking and public comment process/open dialogue, as necessary.	Reduced barriers to entry. Increase small business participation.
FAR Council	N/A	Update small business contracting regulations in the FAR	9000-AM59	Remove the dollar limitation for set-asides to economically disadvantaged women-owned small business (EDWOSB) concerns, and eligible women-owned small business (WOSB) concerns.	Completed action	FAR Case 2013-010 , Contracting With Women- Owned Small Businesses, (final rule)was published on June 25, 14 (79 FR 35864).	Removing the dollar threshold for set-asides under the WOSB Program will provide greater access to Federal contracting opportunities for WOSB.	Rulemaking and public comment process/open dialogue, as necessary.	reduces barriers to entry and Increase WOSB participation.
FAR Council	N/A	Improve Labor practices in Federal Contracting	9000-AM55	Implement EO 13627, Anti-trafficking Strengthening Trafficking Protections in Federal Contracting.	Completed action	FAR Case 2013-001, End TIP (final rule) was published on Jan 29, 15 (80 FR 4999).	Strengthens existing protections to prohibit contractors and Subcontractors from engaging in specific trafficking- related activities.	Rulemaking and public comment process/open dialogue, as necessary.	Improve work environment for federal contractors and promote economy and efficiency in Federal Government procurement.
FAR Council	N/A	Improve Labor practices in Federal Contracting	9000-AM82	Implement EO 13658, Establishing a Minimum Wage for Contractors.	Completed action	FAR Case 2015-003, Establishing a Min. Wage for Contractors (interim rule) was published on Dec 15, 14 (79FR 74544).	Increase efficiency and cost savings in the work performed by parties that contract with the Fed. Gov't by raising the hourly minimum wage paid by those contractors to workers performing on covered Fed contracts.	Rulemaking and public comment process/open dialogue, as necessary.	Improve work environment for federal contractors and promote economy and efficiency in Federal Government procurement.