

Acquisition Regulation Supplement (DFARS) to update guidance addressing the issuance and maintenance of the DFARS. The Director of Defense Procurement now publishes the DFARS, and changes thereto, in electronic format.

EFFECTIVE DATE: July 22, 1999.

FOR FURTHER INFORMATION CONTACT:

Mr. Michael Pelkey or Ms. Melissa Rider, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 98-D024.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends DFARS Part 201 to reflect the current procedures for publication of the DFARS. The DFARS is now available electronically via the World Wide Web at

<http://www.acq.osd.mil/dp/dars/dfars.html>

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Pub. L. 98-577 and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subparts will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 98-D024.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 201

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 201 is amended as follows:

1. The authority citation for 48 CFR Part 201 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 201—FEDERAL ACQUISITION REGULATIONS SYSTEM

201.103 and 201.104 [Redesignated as sections 201.104 and 201.105]

2. Sections 201.103 and 201.104 are redesignated as sections 201.104 and 201.105, respectively.

201.104-3 [Removed]

3. Section 201.104-3 is removed.
4. Section 201.105-3 is added to read as follows:

201.105-3 Copies

The DFARS is available electronically via the World Wide Web at <http://www.acq.osd.mil/dp/dars/dfars.html>.

5. Section 201.304 is amended by revising paragraph (6) to read as follows:

201.304 Agency control and compliance procedures.

* * * * *

(6) The Director of Defense Procurement publishes changes to the DFARS in the **Federal Register** and electronically via the World Wide Web. Each change includes an effective date. Unless guidance accompanying a change states otherwise, contracting officers must include any new or revised clauses, provisions, or forms in solicitations issued on or after the effective date of the change.

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DEPARTMENT OF DEFENSE

48 CFR Part 237

[DFARS Case 98-D312]

Defense Federal Acquisition Regulation Supplement; Improved Accounting for Defense Contract Services

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to revise the definition of "advisory and assistance services." The new definition conforms to the definition in Section 911 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

EFFECTIVE DATE: July 22, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra G. Haberlin, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703)

602-0350. Please cite DFARS Case 98-D312.

SUPPLEMENTARY INFORMATION:

A. Background

Section 911 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Pub. L. 105-261) added provisions at 10 U.S.C. 2212 pertaining to DoD reporting of financial obligations for contract services. This final rule amends DFARS Subpart 237.2 to reflect the definition of the reporting categories for advisory and assistance services included in 10 U.S.C. 2212.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98-577 and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subpart will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 98-D312.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 237

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 237 is amended as follows:

1. The authority citation for 48 CFR Part 237 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 237—SERVICE CONTRACTING

§ 237.201 Definitions.

"Advisory and assistance services" means, instead of the definition at FAR 37.201, services in the following three major categories when provided by nongovernmental sources (10 U.S.C. 2212):

(1) *Management and professional support services.* This category consists of services that—

(i) Provide engineering or technical support, assistance, advice, or training for the efficient and effective management and operation of organizations, activities, or systems;

(ii) Are closely related to the basic responsibilities and mission of the using organization; and

(iii) Include efforts that support or contribute to improved organization or program management, logistics management, project monitoring and reporting, data collection, budgeting, accounting, auditing, and administrative or technical support for conferences and training programs.

(2) *Studies, analyses, and evaluations.* This category consists of services that—

(i) Provide organized, analytic assessments to understand or evaluate complex issues to improve policy development, decision-making, management, or administration;

(ii) Result in documents containing data or leading to conclusions or recommendations; and

(iii) May include databases, models, methodologies, and related software created in support of a study, analysis, or evaluation.

(3) *Engineering and technical services.* This category consists of services that take the form of advice, assistance, training, or hands-on training necessary to maintain and operate fielded weapon systems, equipment, and components (including software when applicable) at design or required levels of effectiveness.

3. Section 237.203 is amended by revising paragraph (2) to read as follows:

§ 237.203 Policy.

* * * * *

(2) Agency heads may authorize personal service contracts for engineering and technical services provided on site at Defense locations to meet an unusual essential mission need. The authorization will be for an interim period only.

4. Section 237.271 is revised to read as follows:

§ 237.271 Management controls.

DoD procedures are in DoDD 4205.2, Acquiring and Managing Contracted Advisory and Assistance Services (CAAS).

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DEPARTMENT OF DEFENSE

48 CFR Part 252

[DFARS Case 99-D014]

Defense Federal Acquisition Regulation Supplement; Short Form Research Contract Clauses

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove obsolete clauses pertaining to short form research contracts. The guidance prescribing use of these clauses previously was removed from the DFARS.

EFFECTIVE DATE: July 22, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Kathleen Fenk, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 99-D014.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule removes obsolete clauses that DoD previously used in short form research contracts. The prescriptive guidance pertaining to short form research contracts was removed from the DFARS on December 15, 1998 (63 FR 69007).

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Pub. L. 98-577 and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subpart will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 99-D014.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

List of Subjects in 48 CFR Part 252

Government procurement.

Michele P. Peterson,

Executive Editor, Acquisition Regulations Council.

Therefore, 48 CFR Part 252 is amended as follows:

1. The authority citation for 48 CFR Part 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.235-7004 through 252.235-7009
[Removed and Reserved]

2. Sections 252.235-7004 through 252.235-7009 are removed and reserved.

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