

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

[Docket FAR 2013–0076, Sequence 2]

**Federal Acquisition Regulation;  
Federal Acquisition Circular 2005–66;  
Introduction**

**AGENCY:** Department of Defense (DoD),  
General Services Administration (GSA),

and National Aeronautics and Space  
Administration (NASA).

**ACTION:** Summary presentation of final  
and interim 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) 2005–66. 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 2005–66 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 2005–66**

Item	Subject	FAR case	Analyst
I .....	Definition of Contingency Operation (Interim) .....	2013–003	Corrigan.
II .....	Changes to Time-and-Materials and Labor-Hour Contracts and Orders .....	2011–025	Jackson.
III .....	Extension of Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items .....	2013–007	Jackson.
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  
subjects set forth in the documents  
following these item summaries. FAC  
2005–66 amends the FAR as specified  
below:

**Item I—Definition of Contingency  
Operation (FAR Case 2013–003)  
(Interim)**

This interim rule amends the  
definition of “contingency operation” in  
FAR 2.101 to address the statutory  
change to the definition made by  
paragraph (b) of section 515 of the  
National Defense Authorization Act for  
Fiscal Year 2012 (Pub. L. 112–081).  
Expanding the definition to include  
responding to a major disaster or  
emergency will increase the  
circumstances under which agencies  
may raise the micro-purchase and  
simplified acquisition thresholds. This  
may increase opportunities for awarding  
contracts to small entities located at or  
near a major disaster area or emergency  
activities.

**Item II—Changes to Time-and-  
Materials and Labor-Hour Contracts  
and Orders (FAR Case 2011–025)**

This rule adopts as final a proposed  
rule implementing a policy that  
provides additional guidance to address  
actions required when raising the  
ceiling price for a time-and-materials  
(T&M) or labor-hour (LH) contract or  
order or otherwise changing the general

scope of a T&M or LH contract or order.  
The rule provides guidance to  
contracting officers to address this issue  
for the respective areas of the FAR  
addressing T&M and LH contracts or  
orders, such as FAR sections 8.404,  
12.207, and 16.601. This rule deals with  
the administration of T&M and LH  
contracts and orders and will have no  
direct effect on contractors. This rule  
will not affect how many small  
businesses are awarded this type of  
contract.

**Item III—Extension of Authority for  
Use of Simplified Acquisition  
Procedures for Certain Commercial  
Items (FAR Case 2013–007)**

This final rule amends the FAR to  
implement section 822 of the National  
Defense Authorization Act (NDAA) for  
Fiscal Year (FY) 2013. Section 822  
extends the authority of the Commercial  
Item Test Program at FAR subpart 13.5  
to January 1, 2015. FAR subpart 13.5  
authorizes as a test program, the use of  
simplified procedures for the  
acquisition of certain commercial items  
in amounts greater than the simplified  
acquisition threshold, but not exceeding  
\$6.5 million (\$12 million for  
acquisitions described in FAR 13.500(e))  
including options, if the contracting  
officer can reasonably expect that offers  
will include only commercial items.  
This final rule extends the sunset date  
of the authority at FAR 13.500(d) from  
January 1, 2012, to January 1, 2015.

**Item IV—Technical Amendments**

Editorial changes are made at FAR  
5.601, 7.105, 10.002, and 52.229–7.

Dated: February 20, 2013.

**Laura Auletta,**

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

Dated: February 19, 2013.

**Richard Ginman,**

*Director, Defense Procurement and  
Acquisition Policy.*

Dated: February 20, 2013.

**Joseph A. Neurauter,**

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

Dated: February 19, 2013.

**William P. McNally,**

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

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