



Weekly Report for December 2, 2016

GOVERNMENT CONTRACTS

FAR Amendment Proposal to Implement Section of NDAA 2016

The Department of Defense (“DOD”), General Services Administration (“GSA”), and National Aeronautics and Space Administration (“NASA”) are proposing to amend the Federal Acquisition Regulation to implement a section of the National Defense Authorization Act for Fiscal Year 2016, which will clarify that agency acquisition personnel are permitted, and encouraged, to engage in responsible and constructive exchanges with industry, so long as those exchanges are consistent with existing law and regulation and do not promote an unfair competitive advantage to particular firms, [81 Fed. Reg. 85914](#). Comments to this proposed rule are due by January 30, 2017.

SMALL BUSINESS ADMINISTRATION

SBA Issues Notice of Proposed Rulemaking for WBC Program

The Small Business Administration (“SBA”) has issued a Notice of Proposed Rulemaking (“NPRM”) regarding the Women's Business Center (“WBC”) Program. The NPRM is being issued in order to continue the consultative process with stakeholders to examine the proposed WBC regulations, and to codify policy and procedural changes that have been included in the Notice of Award, such as: (1) language on risk determination as required by limitations on carryovers; (2) who is considered key personnel; and (3) a reduction in the reporting requirements, [81 Fed. Reg. 83718](#). Comments on the proposed rule are due by January 23, 2017.

OTHER GOVERNMENT CONTRACTING NEWS

“Chabot to Chair Small Business Committee for 115th Congress.” *Small Business Committee Press Release*, December 2, 2016. Retrieved from <https://smallbusiness.house.gov>.

Small Business Committee Chairman Steve Chabot (R-OH) was elected by his House peers to serve as Chairman of the Small Business Committee for the 115th Congress.

“In New ‘How-to’ Guide, Pentagon’s Innovation Outpost Urges Rest of DOD to Adopt Rapid Acquisition.” *Federal News Radio*, December 2, 2016. Retrieved from <http://federalnewsradio.com>.

The Pentagon's Defense Innovation Unit-Experimental ("DIUx") published a 99 page "how to" guide for the DOD acquisition community. The guide details the legal and practical aspects of the contracting practices DIUx has used to award \$36 million in a dozen small contracts in 60 days or less. The DIUx awards process, referred to as "commercial solutions opening," sidesteps many of the procurement steps required by the Federal Acquisition Regulation, allowing the government to: (1) enter into direct negotiations with firms based on their proposals to solve particular technology problems, and (2) negotiate intellectual property rights. Congress authorized the DOD's streamlined approach in last year's defense authorization bill. The DIUx has only used DOD's new acquisition authorities to procure prototypes, but may soon start pursuing follow-on production contracts with firms. The guide can be found [here](#).

"GSA Wants Transaction-Level Purchasing Data." *Government Executive*, November 16, 2016. Retrieved from www.govexec.com.

The General Services Administration's Federal Acquisition Service has formalized a new rule, the Transactional Data Reporting rule, requiring vendors to report transaction-level data from orders on Federal Supply Schedule and government-wide acquisition contracts, as well as indefinite delivery, indefinite quantity agreements. The new reporting requirement would replace the lengthy commercial sales practices and price reduction clause categories, helping category managers to refine their buying strategies and reorient contracting officers to focus on value instead of low price when evaluating contracting proposals.