



Weekly Report for August 12, 2016

GOVERNMENT CONTRACTS

Procurement of Commercial Items

DOD is proposing to amend the DFARS to implement sections of the National Defense Authorization Acts for Fiscal Years 2013 and 2016 relating to commercial item acquisitions as follows: (1) definitions of “market prices,” “market research,” “nontraditional defense contractor,” “relevant sales data,” and “uncertified cost data” are added; (2) DFARS 212.102, applicability, is amended to instruct contracting officers on the treatment of prior commercial item determinations and nontraditional defense contractors; (3) DFARS 212.209, determination of price reasonableness, is added to provide a hierarchy of data for contracting officers to consider when making determinations of price reasonableness; (4) DFARS subpart 212.72, limitation on conversion of procurement from commercial acquisition procedures, is added; (5) DFARS 215.402, pricing policy, is amended to provide information regarding the contracting officer's responsibility for determining if the information provided by the offeror is sufficient to determine price reasonableness; and (6) DFARS 215.403-1, prohibition on obtaining certified cost or pricing data (10 U.S.C. 2306a and 41 U.S.C. chapter 35), is amended to provide a reference to 212.102 regarding prior commercial item determinations as well as several other technical amendments, [81 Fed. Reg. 53101](#). Comments on the proposed rule are due by October 11, 2016.

OMB to Announce Final Decisions for 2017 NAICS Revisions

The Office of Management and Budget (“OMB”) is announcing its final decisions for adoption of NAICS revisions for 2017 as recommended by the Economic Classification Policy Committee (“ECPC”) in Part IV of OMB's notice for solicitation of comments published in the Federal Register on August 4, 2015, [81 Fed. Reg. 52584](#). Effective Dates: Federal statistical establishment data published for reference years beginning on or after January 1, 2017, should be published using the 2017 NAICS United States codes. Publication of a 2017 NAICS United States Manual or supplement is planned for January 2017.

LABOR AND EMPLOYMENT

Amendment of Americans With Disabilities Act Title II and Title III

The Department of Justice (“DOJ”) is issuing this final rule to amend its Americans with Disabilities Act (ADA) regulations in order to incorporate the statutory changes to the ADA set forth in the ADA Amendments Act of 2008 (ADA Amendments Act or the Act), which took effect on January 1, 2009. In response to earlier Supreme Court decisions that significantly narrowed the application of the definition of “disability” under the ADA, Congress enacted the ADA Amendments Act to restore the understanding that the definition of “disability” shall be broadly construed and applied without extensive analysis. Congress intended that the primary object of attention in cases brought under the ADA should be whether covered entities have complied with their statutory obligations not to discriminate based on disability. In this final rule, the DOJ is adding new sections to its Title II and Title III ADA regulations to set forth the proper meaning and interpretation of the definition of “disability” and to make related changes required by the ADA Amendments Act in other sections of the regulations, [81 Fed. Reg. 53204](#). This rule is effective October 11, 2016.