



## Weekly Report for September 9, 2016

### **GOVERNMENT CONTRACTS**

#### **Pilot Program for Streamlining Awards for Innovative Technology Projects**

DOD is proposing to amend the DFARS to implement Section 873 of the National Defense Authorization Act for Fiscal Year 2016 which (1) provides an exception from the certified cost and pricing data requirements, and from the records examination requirement for contracts, subcontracts, or modifications of contracts or subcontracts, valued at less than \$7.5 million awarded to a small business or nontraditional defense contractor pursuant to a technical, merit-based selection procedure or under the Small Business Innovation Research (“SBIR”) Program; (2) provides authority to determine that submission of cost and pricing data should be required based on past performance of the specific small business or nontraditional defense contractor or analysis of other information specific to the award; (3) provides an exception from the records examination requirement at 10 U.S.C. § 2313 for contracts valued at less than \$7.5 million awarded to a small business or nontraditional defense contractor pursuant to a technical, merit-based selection procedure or under the SBIR Program; and (4) provides authority to determine that auditing of records should be required based on past performance of the specific small business or nontraditional defense contractor or analysis of other information specific to the award. These exceptions would end on October 1, 2020, [81 Fed. Reg. 59594](#). Comments to the proposed rule are due by October 31, 2016.

#### **Costs Related to Counterfeit Electronic Parts**

DOD issued a final rule amending the DFARS to implement Section 885(a) of the National Defense Authorization Act for Fiscal Year 2016 that amends the allowability of costs of counterfeit electronic parts, or suspected counterfeit electronic parts, and the cost of rework or corrective action that may be required to remedy the use, or inclusion, of such parts, [81 Fed. Reg. 59510](#). The rule is effective August 30, 2016.

### **LABOR AND EMPLOYMENT**

#### **Savings Arrangements Established by States for Non-Governmental Employees**

The Department of Labor, Employee Benefits Security Administration, has issued a final rule that: (1) describes circumstances in which state payroll deduction savings programs

with automatic enrollment would not give rise to the establishment of employee pension benefit plans under the Employee Retirement Income Security Act of 1974, as amended (“ERISA”); (2) provides guidance for states in designing such programs so as to reduce the risk of ERISA preemption of the relevant state laws; and (3) provides guidance to private-sector employers that may be covered by such state laws, [81 Fed. Reg. 59464](#). This rule is effective October 31, 2016.