

## ***FAR Alert Notice (FAN)***

### ***Issuance of Proposed Rules and Federal Acquisition Circulars 2005-92, 2005-93, and 2005-94***

This *FAR Alert Notice (FAN)* provides awareness to the acquisition workforce about upcoming regulatory changes.<sup>1</sup> This FAN highlights noteworthy proposed rules, and interim and final rules recently published in the released Federal Acquisition Circular (FAC) that impact the acquisition workforce.<sup>2</sup>

A brief description of each rule is provided below with hyperlinks to an expanded version of the rules. Agencies are encouraged to disseminate this FAN widely across their acquisition workforce.

#### **Rules at a Glance**

##### **Proposed Rules**

See notice below under Proposed Rules

##### **FAC 2005-92 (published on November 18, 2016)**

FAR Case 2015-024, Public Disclosure of Greenhouse Gas Emissions and Reduction Goals – Representation  
FAR Case 2015-035, Removal of Regulations Relating to Telegraphic Communication

##### **FAC 2005-93 (published on December 16, 2016)**

FAR Case 2017-001, Paid Sick Leave for Federal Contractors  
FAR Case 2014-025, Fair Pay and Safe Workplaces; Injunction

##### **FAC 2005-94 (published on December 20, 2016)**

FAR Case 2010-013, Privacy Training  
FAR Case 2014-004, Payment of Subcontractors

**Proposed Rules** - Proposed rules are published more often than FACs. To provide timely updates to the acquisition community, the proposed rules will now be posted in real time on [acquisition.gov](http://acquisition.gov) - click on Proposed Rules in the moving banner at the top of the page.

To receive automatic email notices of the latest proposed rules as well as other FAR related news, go to <https://listserv.gsa.gov/cgi-bin/wa.exe?A0=ACQUISITIONNEWS>, and click on “Subscribe” and select either regular or digest – see below for definitions of regular and digest.<sup>3</sup>

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<sup>1</sup> This FAR Alert was established by the Office of Federal Procurement Policy (OFPP) in 2012 to help improve agency awareness of regulatory changes. GSA prepares the FAN for dissemination to the acquisition workforce via the FAI website. Questions about the individual rules should be directed to the analyst in the “For Further Information Contact” paragraph of the rule.

<sup>2</sup> Proposed rules announce future changes being considered to the Code of Federal Regulations (CFR), include proposed regulatory text, and solicit public comments. Interim rules announce immediate changes to the CFR and are effective immediately upon publication, or on a specified date after publication, but may be amended based on public comment. Final rules make permanent changes to the FAR after considering public comment, if required. Final rules are effective on a specified date after publication.

<sup>3</sup> Definitions/Instructions - "Regular" means you get one message at a time just like regular email. "Digest", of which there are several types means that instead of getting each message as it is sent, the person gets one message per day made up of all the messages sent to the list that day, the digest usually has an index of subject lines at the top linking to all the messages.

## **Interim and Final Rules**

### **FAC 2005-92 (Published on November 18, 2016)**

#### **[FAR Case 2015-024, Public Disclosure of Greenhouse Gas Emissions and Reduction Goals - Representation](#)**

This final rule amends the FAR to establish an annual representation requirement to indicate whether or not and where contractors publicly disclose greenhouse gas emissions and greenhouse gas emission reduction goals or targets. This representation is optional for contractors that received less than \$7.5 million in contract awards from the Government during the previous Federal fiscal year. This rule became effective on December 19, 2016.

#### **[FAR Case 2015-035, Removal of Regulations Relating to Telegraphic Communication](#)**

This final rule amends the FAR to delete the use of “telegram,” “telegraph,” and related terms. The objective is to delete reference to obsolete technologies no longer in use and replace them with references to electronic communications. In addition, conforming changes are made covering expedited notice of termination and change orders. This rule became effective on December 19, 2016.

### **FAC 2005-93 (Published on December 16, 2016)**

#### **[FAR Case 2017-001, Paid Sick Leave for Federal Contractors](#)**

This interim rule amends the FAR to implement Executive Order (E.O.) 13706 and a Department of Labor final rule issued on September 30, 2016, both entitled “Establishing Paid Sick Leave for Federal Contractors.” The interim rule requires contractors to allow all employees performing work on or in connection with a contract covered by the E.O. to accrue and use paid sick leave in accordance with E.O. 13706 and 29 CFR part 13. Contracting officers will include a clause in covered contracts. This rule will become effective on January 1, 2017.

#### **[FAR Case 2014-025, Fair Pay and Safe Workplaces; Injunction](#)**

This final rule amends the FAR to include caveats on sections of FAR case 2014-025, Fair Pay and Safe Workplaces, that were enjoined indefinitely as of October 24, 2016, by court order. FAR case 2014-025 was published as a final rule in the Federal Register at 81 FR 58562 on August 25, 2016, to implement E.O. 13673, as amended by E.O.s 13683 and 13737. The rule had an effective date of October 25, 2016. The final rule injunction became effective on December 16, 2016.

### **FAC 2005-94 (Published on December 20, 2016)**

#### **[FAR Case 2010-013, Privacy Training](#)**

This final rule amends the FAR to clarify the training requirements for contractors whose employees will have access to a system of records on individuals or handle personally identifiable information. These training requirements are consistent with the Privacy Act of 1974, 5 U.S.C. 552a, and the Office of Management and Budget Circular A-130, Managing

Federal Information as a Strategic Resource. Prime contractors are required to flow down these requirements to all applicable subcontracts. This rule will become effective on January 19, 2017.

[FAR Case 2014-004, Payment of Subcontractors](#)

This final rule amends the FAR to implement section 1334 of the Small Business Jobs Act of 2010 and the Small Business Administration's final rule, published on July 16, 2013. If a contract requires a subcontracting plan, the prime contractor must notify the contracting officer in writing if the prime contractor pays a reduced payment to a small business subcontractor, or an untimely payment if the payment to a small business subcontractor is more than 90 days past due for supplies or services for which the Government has paid the contractor. The contractor is also to include the reason for the reduction in payment or failure to pay. This rule will become effective on January 19, 2017.