

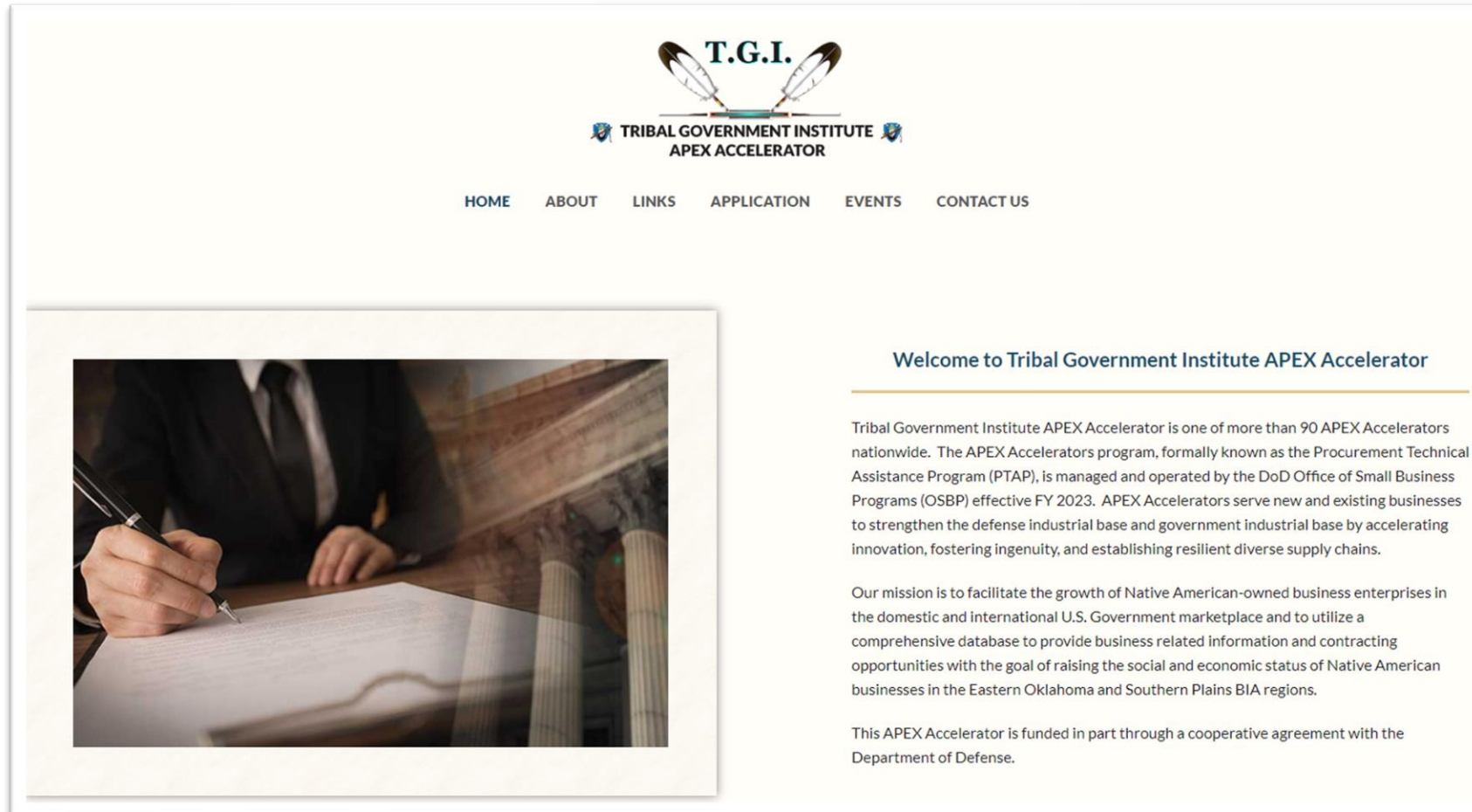


Tribal Government Institute APEX Accelerator

The Federal Acquisition Regulation
System: An Introduction

Who or What is the TGI APEX Accelerator?

www.tgiok.com



The screenshot shows the website for the Tribal Government Institute APEX Accelerator. At the top center is the logo, which features two feathers flanking the letters 'T.G.I.', with the full name 'TRIBAL GOVERNMENT INSTITUTE APEX ACCELERATOR' below it. A navigation menu is positioned below the logo, containing the following links: HOME, ABOUT, LINKS, APPLICATION, EVENTS, and CONTACT US. On the left side of the page, there is a photograph of a person in a dark suit and tie, sitting at a desk and writing on a document with a pen. On the right side, the page has a heading 'Welcome to Tribal Government Institute APEX Accelerator' followed by two paragraphs of introductory text.

Welcome to Tribal Government Institute APEX Accelerator

Tribal Government Institute APEX Accelerator is one of more than 90 APEX Accelerators nationwide. The APEX Accelerators program, formally known as the Procurement Technical Assistance Program (PTAP), is managed and operated by the DoD Office of Small Business Programs (OSBP) effective FY 2023. APEX Accelerators serve new and existing businesses to strengthen the defense industrial base and government industrial base by accelerating innovation, fostering ingenuity, and establishing resilient diverse supply chains.

Our mission is to facilitate the growth of Native American-owned business enterprises in the domestic and international U.S. Government marketplace and to utilize a comprehensive database to provide business related information and contracting opportunities with the goal of raising the social and economic status of Native American businesses in the Eastern Oklahoma and Southern Plains BIA regions.

This APEX Accelerator is funded in part through a cooperative agreement with the Department of Defense.

Please find us on [LinkedIn](#)

Facebook
★ LinkedIn
YouTube



Tribal Government Institute APEX Accelerator

Business Consulting and Services

Norman, OK · 356 followers

Helping companies navigate the terrain of government contracting.

Follow

About us

Contact the TGI APEX Accelerator to learn how we support Native American-owned companies and their products and services to federal, state, and local government agencies. We can help you find your potential customers and learn how they make purchases, explaining the rules, regulations, and registrations. We look forward to working with you!

This APEX Accelerator is funded in part through a cooperative agreement with the Department of Defense.



Check out our YouTube Channel

★

- Facebook
- LinkedIn
- YouTube

Tribal Government Institute
@tribalgovernmentinstitute7316 21 subscribers 11 videos
Tribal Government Institute (TGI) is a 100% Indian-owned economic enterp... >

HOME VIDEOS PLAYLISTS COMMUNITY CHANNELS ABOUT

Videos ▶ Play all

- Finding Your Federal Customer**
May 25, 2022
46:47
- Selling Services to the Federal Government**
An Introduction to Service Contracting
August 10, 2022
50:15
- Keyword Searches**
45:27
- T.G.I. TRIBAL GOVERNMENT INSTITUTE NATIVE AMERICAN PTAC**
56:11



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**TRIBAL GOVERNMENT INSTITUTE
APEX ACCELERATOR**



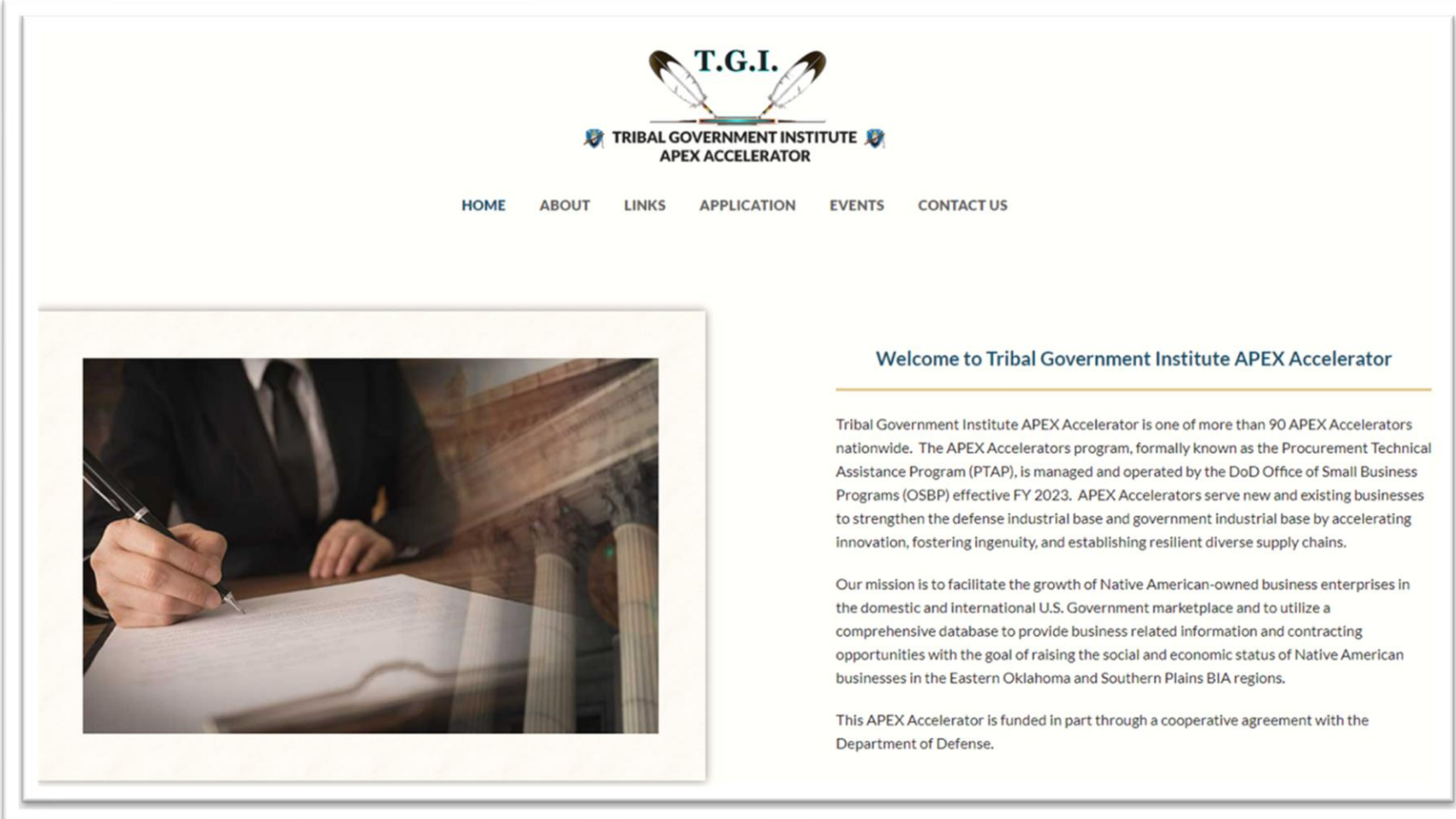
Connect with Tribal Government Institute on Facebook

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or

Create new account

Client Application is on the website



T.G.I.
TRIBAL GOVERNMENT INSTITUTE
APEX ACCELERATOR

[HOME](#) [ABOUT](#) [LINKS](#) [APPLICATION](#) [EVENTS](#) [CONTACT US](#)

Welcome to Tribal Government Institute APEX Accelerator

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Today's Topics

- Background & Authority
- Organization & Contents
- Finding Information
- Sample FAR References
- Resources

Background: The Federal Acquisition Regulation System



- Regulation System
- Codifies and publishes uniform policies and procedures
- Written for acquisition by executive agencies
 - Federal Acquisition Regulation (FAR) is the foundation
 - Includes Agency acquisition regulations that **implement or supplement** the FAR
 - Prepared, issued, maintained, and prescribed jointly by the Secretary of Defense, the Administrator of General Services, and the Administrator, National Aeronautics and Space Administration

FAR 1.102 - Guiding Principles

- Acquisition team is allowed to use their business judgement
 - *The role of each member of the Acquisition Team is to exercise personal initiative and sound business judgment in providing the best value product or service to meet the customer's needs. In exercising initiative, Government members of the Acquisition Team may assume if a specific strategy, practice, policy or procedure is in the best interests of the Government and is not addressed in the FAR, nor prohibited by law (statute or case law), Executive order or other regulation, that the strategy, practice, policy or procedure is a permissible exercise of authority.*
- Allows for innovative acquisition strategies

Background: FAR 1.102 Vision

- Deliver on a timely basis the best value product or service to the customer
 - While maintaining the public's trust and fulfilling public policy objectives
- Participants in the acquisition process
 - should work together as a team and
 - should be empowered to make decisions within their area of responsibility
- Satisfy the customer in terms of cost, quality, and timeliness of the delivered product or service by:
 - Maximizing the use of commercial products and commercial services
 - Using contractors who have a track record of successful past performance or who demonstrate a current superior ability to perform
 - Promoting competition
 - Minimizing administrative operating costs
 - Conducting business with integrity, fairness, and openness
 - Fulfilling public policy objectives

FAR MAINTENANCE

- FAR is prepared and issued through the coordinated action of **two councils**
 - Defense Acquisition Regulations Council (DAR Council)
 - Civilian Agency Acquisition Council (CAA Council).
- FAR Secretariat (GSA) prints & publishes

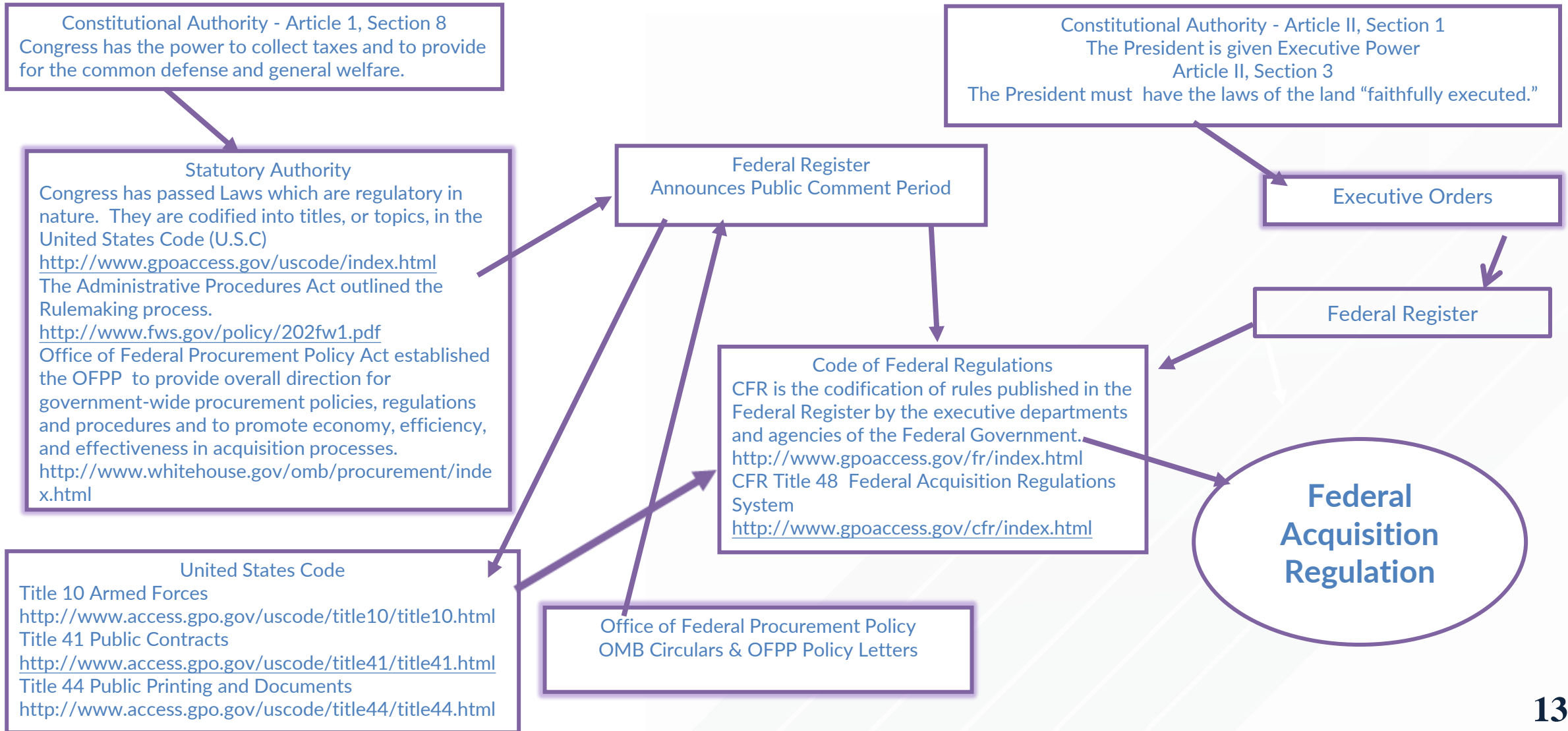
How Regulations Are Made – The Legal Environment

- Rules & Rulemaking
- Federal Acquisition Regulation System
- Code of Federal Regulations & U.S. Code
- Finding FAR Clauses



THE FEDERAL ACQUISITION REGULATION

FAR is the guiding document for all federal acquisition.



Rulemaking

- Administrative Procedures Act
 - Legislation is passed
 - Responsible agency drafts rules to implement
 - Published in Federal Register
 - Public Comment Period
 - Final Rule with “Force and Effect of Law”



Publication & Organization

- Changes are posted in the Federal Register
- Published online www.acquisition.gov
- Code of Federal Regulations <http://ecfr.gov/>
 - Chapter 1 of Title 48
 - Agency Supplements in Additional Chapters
 - Published in the Federal Register
 - Codified in the assigned chapter
 - Agency regulations parallel the FAR
 - FAR 52 ★ DFARS 252 ★ HHSAR 352

Federal Register



FEDERAL REGISTER

The Daily Journal of the United States Government



Monday, June 26th



Current Issue

92 documents from 36 agencies (181 Pages)

72 Notices 7 Proposed Rules 13 Rules 2 Significant Documents



Public Inspection

Special Filing

updated on 4:15 PM on Monday, June 26, 2023

8 documents from 6 agencies

6 Notices 1 Proposed Rule 1 Rule

Regular Filing

updated on 8:45 AM on Monday, June 26, 2023

131 documents from 45 agencies

107 Notices 10 Proposed Rules
14 Rules

🔍 Search Federal Register Documents

Enter a search term or citation



920,585 documents



Search the Federal Register



Search Federal Register Documents

CMMC

16 documents

Note: Documents older than 1994 are not searchable but can be found by FR citation.

A search for “CMMC” found 16 documents

Search Results – Federal Register

PR means this is a
Proposed Rule

DOCUMENTS FOUND 16

RELEVANT NEWEST OLDEST

PR Cybersecurity Maturity Model Certification (CMMC) 2.0 Updates and Way Forward 

by the Defense Acquisition Regulations System on 11/17/2021.

Cybersecurity Maturity Model Certification (CMMC) program changes, designated as “CMMC 2.0.” CMMC 2.0 builds upon the initial CMMC framework to dynamically enhance ... 2021. ADDRESSES: Visit the updated CMMC ...

PR Improving Government Regulations; Unified Agenda of Federal Regulatory and Deregulatory Actions 

by the Defense Department on 02/22/2023.

Identifier No. 283 Cybersecurity Maturity Model Certification (CMMC) Program (Reg Plan Seq No. 21) 0790-AL49 References in boldface ... Proposed Rule Stage 283. Cybersecurity Maturity Model Certification (CMMC) Program [0790-AL49] Regulatory Plan: This entry is Seq. No. 21 in

The Proposed Rule

PR Proposed Rule

Cybersecurity Maturity Model Certification (CMMC) 2.0 Updates and Way Forward

A Proposed Rule by the [Defense Acquisition Regulations System](#) on 11/17/2021

PUBLISHED DOCUMENT

☰

📄 Start Printed Page 64100

AGENCY:
Office of the Under Secretary of Defense for Acquisition and Sustainment,
Department of Defense (DoD).

ACTION:
Advanced notice of proposed rulemaking.

SUMMARY:

DOCUMENT DETAILS

Printed version:
[PDF](#)

Publication Date:
[11/17/2021](#)

Agencies:
[Office of the Secretary](#)
[Defense Acquisition Regulations System](#)

Dates:
November 17, 2021.

Document Type:
Proposed Rule

Public Comments are Reviewed Before Final Rules are Issued

UNCLASSIFIED



In March 2021, the Department initiated an internal assessment of CMMC 1.0 implementation that was informed by more than 850 public comments in response to the interim DFARS rule. This comprehensive, programmatic assessment of CMMC engaged cybersecurity and acquisition leaders within DoD to refine policy and program implementation. This review resulted in “CMMC 2.0,” which updates the program structure and the requirements to streamline and improve implementation of the CMMC program.

Way Forward

The changes reflected in the CMMC 2.0 framework will be implemented through the rulemaking process. DoD will pursue rulemaking in both: (1) [Title 32 of the Code of Federal Regulations \(CFR\)](#); and, (2) [title 48 CFR](#), to establish CMMC 2.0 program requirements and implement any needed changes to the CMMC program content in 48 CFR. Both rules will have public comment periods.

In March 2021, the Department initiated an internal assessment of CMMC 1.0 implementation that was informed by more than 850 public comments in response to the interim DFARS rule.

Electronic Code of Federal Regulations



The screenshot shows the homepage of the Code of Federal Regulations eCFR system. At the top left is the National Archives logo, and at the top right is the seal of the National Archives and Records Administration. The main heading is "Code of Federal Regulations" with the subtitle "A point in time eCFR system". Below this is a blue bar with "eCFR" in white. A pink "READER AIDS" banner contains a welcome message and a link to a "Getting Started" guide. A search bar is highlighted with a purple border and contains the placeholder text "Enter a search term or CFR reference (eg. fishing or 1 CFR 1.1)". Below the search bar is a table of titles.

Titles	Last Amended	Recent Changes
Title 1 :: General Provisions	Dec 29, 2022	view changes
Title 2 :: Grants and Agreements	Mar 01, 2023	view changes
Title 3 :: The President	Mar 17, 2015	view changes
Title 4 :: Accounts	May 01, 2018	view changes
Title 5 :: Administrative Personnel	Jun 20, 2023	view changes
Title 6 :: Domestic Security	Mar 31, 2023	view changes
Title 7 :: Agriculture	Jun 20, 2023	view changes
Title 8 :: Aliens and Nationality	May 16, 2023	view changes

Getting Started Guide

Search Function

Finding Information in the Code of Federal Regulations



Scrolling through the Table of Contents

- Title 13 is Business Credit and Assistance
- Includes the Small Business Administration

Title 13 :: Business Credit and Assistance	Jun 20, 2023	view changes
Title 14 :: Aeronautics and Space	Jun 16, 2023	view changes
Title 15 :: Commerce and Foreign Trade	Jun 21, 2023	view changes
Title 16 :: Commercial Practices	Jun 21, 2023	view changes
Title 17 :: Commodity and Securities Exchanges	Jun 20, 2023	view changes
Title 18 :: Conservation of Power and Water Resources	Jun 22, 2023	view changes

ECFR CONTENT		Part / Section
▼ Title 13	Business Credit and Assistance	
▶ Chapter I	Small Business Administration	1 – 199
▼ Chapter III	Economic Development Administration, Department of Commerce	300 – 399
Part 300	General Information	300.1 – 300.9
Part 301	Eligibility, Investment Rate and Application Requirements	301.1 – 301.9
Part 302	General Terms and Conditions for Investment Assistance	302.1 – 302.9
Part 303	Planning Investments and Comprehensive Economic	303.1 – 303.9

Using a Keyword Search for “HUBZone”

- HUBZone Program found in 13 CFR 126

HUBZone

FULL TEXT SEARCH RESULTS

218 matching results in the full text

CITATIONS AND HEADINGS

13 CFR 126.200 ...t to be eligible as a certified HUBZone small business concern?

13 CFR 121.406 ...d veteran-owned small business, HUBZone, WOSB or EDWOSB, or 8(a) con...

13 CFR 126.103 ...efinitions are important in the HUBZone program?

13 CFR Part 126 HUBZone Program [ToC](#)

- Click through on the contents page if you have a citation
- Without a citation, it is often easier to find information by conducting a keyword search

Information in the U.S. Code

- <https://www.law.cornell.edu/uscode/text>



LII Legal Information Institute

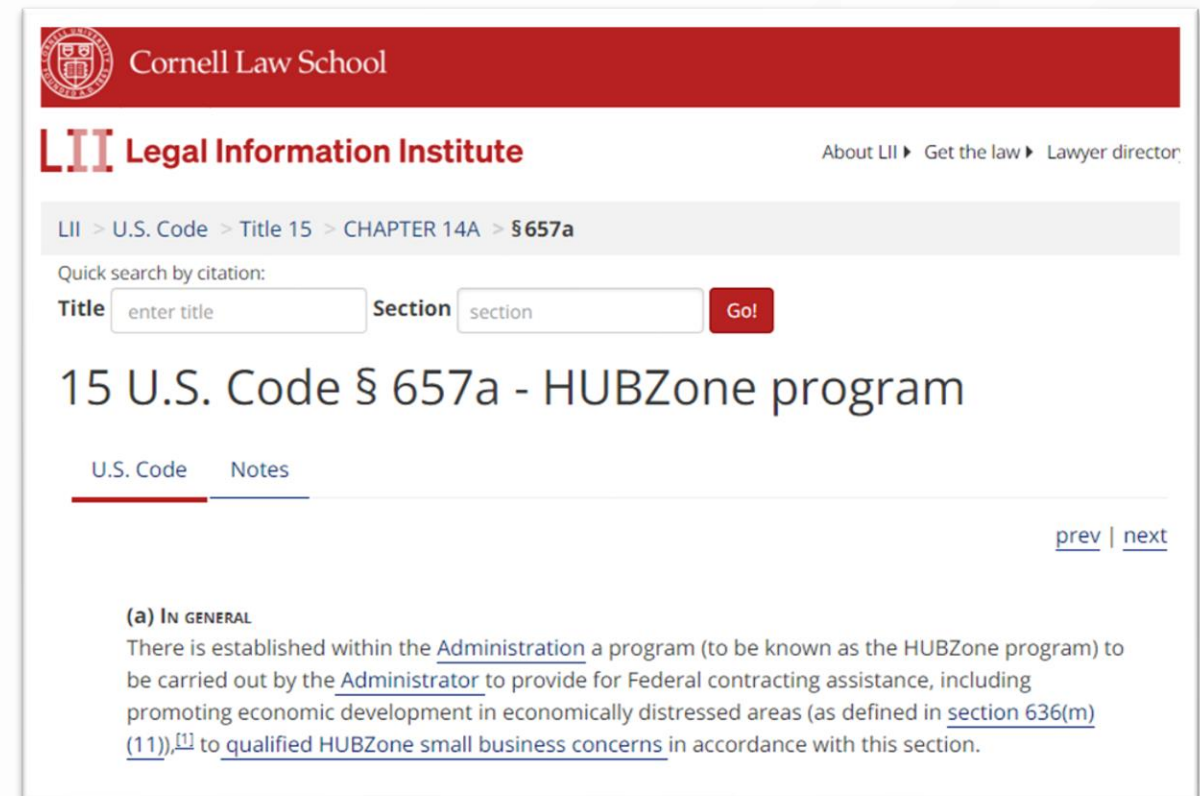
LII > U.S. Code

Quick search by citation:
 Title Section **Go!**

U.S. Code: Table Of Contents

U.S. Code

- [TITLE 1 - GENERAL PROVISIONS](#)
- [TITLE 2 - THE CONGRESS](#)
- [TITLE 3 - THE PRESIDENT](#)
- [TITLE 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES](#)
- [TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES](#)
- [TITLE 5a - FEDERAL ADVISORY COMMITTEE ACT](#)
- [TITLE 6 - DOMESTIC SECURITY](#)



Cornell Law School

LII Legal Information Institute [About LII](#) [Get the law](#) [Lawyer director](#)

LII > U.S. Code > Title 15 > CHAPTER 14A > §657a

Quick search by citation:
 Title Section **Go!**

15 U.S. Code § 657a - HUBZone program

U.S. Code Notes

[prev](#) | [next](#)

(a) IN GENERAL
 There is established within the Administration a program (to be known as the HUBZone program) to be carried out by the Administrator to provide for Federal contracting assistance, including promoting economic development in economically distressed areas (as defined in section 636(m)(11)),⁽¹⁾ to qualified HUBZone small business concerns in accordance with this section.

FAR CONTENTS

- Foreword
- Parts 1 – 51 - - Instructions & Guidance
- Part 52 - - -Provisions & Clauses.
- Part 52.3 - - Provisions and Clauses Matrix
- Part 53 - - Forms
- Part 99 - - - - - Appendices (one on Cost Accounting)

The “FAR”

- Federal Acquisition Regulation System
 - Where can you find it?
 - What’s in it?
 - How is it organized?
 - Show me the Clauses



Where to find the FAR and Other Important Acquisition Resources

UNCLASSIFIED



- Acquisition Central:
 - <http://www.acquisition.gov/>
- Code of Federal Regulations:
 - <https://www.ecfr.gov/>
- U. S. Code – for reference
 - <https://www.law.cornell.edu/uscode/text>



[Acquisition.gov](https://www.acquisition.gov): The Federal Acquisition Regulation System

The screenshot shows the homepage of Acquisition.gov. At the top, there is a light blue banner with the text "An official website of the United States Government" and a small American flag icon. Below this, the main navigation bar features the "ACQUISITION.GOV" logo on the left, followed by menu items: "Data Initiatives", "Regulations" (highlighted with a purple box), "Tools", and "Policy Network". A search bar with a magnifying glass icon is also highlighted with a purple box. The background of the main content area is a dark blue gradient with a faint, large watermark of the Federal Acquisition Regulation (FAR) seal. The central text reads "Access the Federal Acquisition Regulation" in large, bold, white letters. Below this text is a dark blue button with the text "Browse the FAR".

The Federal Acquisition Regulations System

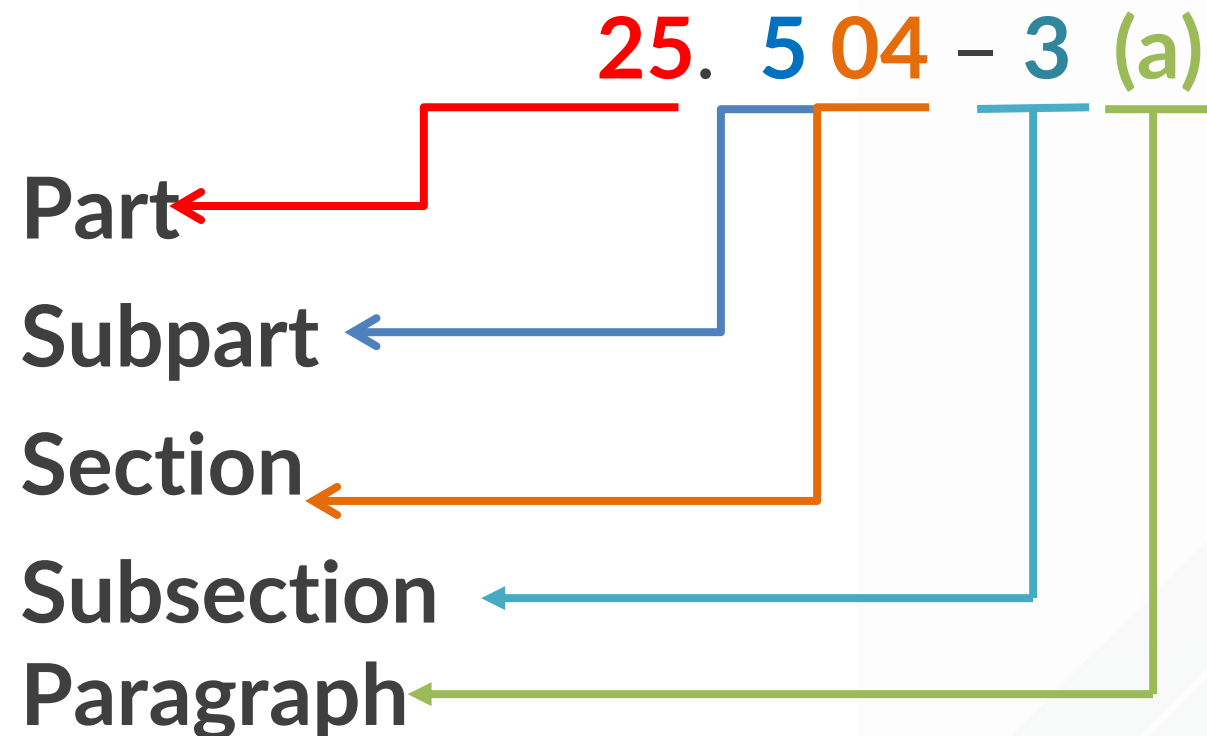
The screenshot shows the ACQUISITION.GOV website with a search bar and navigation links. Below the header, there is a section titled "Regulations" with a grid of 32 items, each featuring a logo and a title:

- FAR**: Federal Acquisition Regulation
- Chapter 99 (CAS)**: CFR Title 48 Chapter 99
- DFARS**: Defense Federal Acquisition Regulation Supplement
- DFARSPGI**: Defense Federal Acquisition Regulation Supplement PGI
- AFARS**: Army Federal Acquisition Regulation Supplement
- AFFARS**: Air Force Federal Acquisition Regulation Supplement
- AFFARS MP**: Air Force Federal Acquisition Regulation Supplement
- DARS**: DISA Acquisition Regulation Supplement
- DLAD**: Defense Logistics Acquisition Directive
- NMCARS**: Navy Marine Corps Acquisition Regulation Supplement
- SOFARS**: Special Operations Federal Acquisition Regulations Supplement
- TRANSFARS**: Transportation Federal Acquisition Regulation Supplement
- AGAR**: Agriculture Acquisition Regulation
- AIDAR**: USAID Acquisition Regulation
- CAR**: Commerce Acquisition Regulations
- DEAR**: Department of Energy Acquisition Regulation
- DIAR**: Department of the Interior Acquisition Regulation
- DOLAR**: Department of Labor Acquisition Regulation
- DOSAR**: Department of State Acquisition Regulation
- DTAR**: Department of Treasury Acquisition Regulation
- EDAR**: Department of Education Acquisition Regulation
- EPAAR**: Environmental Protection Agency Acquisition Regulation
- FEHBAR**: Federal Employee Health Benefits Acquisition Regulation
- GSAM/R**: General Services Acquisition Manual/Regulation
- HHSAR**: Health and Human Services Acquisition Regulation
- HSAR**: Homeland Security Acquisition Regulations
- HUDAR**: Housing and Urban Development Acquisition Regulation
- IAAR**: Broadcasting Board of Governors Acquisition Regulation
- IAR**: Justice Acquisition Regulation
- LIFAR**: Life Insurance Federal Acquisition Regulations
- NFS**: NASA Federal Acquisition Regulation Supplement
- NRCAR**: Nuclear Regulatory Commission Acquisition Regulation
- TAR**: Transportation Acquisition Regulations
- VAAR**: Veterans Affairs Acquisition Regulation

- FAR
- DOD FAR Supplement – DFARS
 - Military Department Supplements
- Civilian Agency Supplements
 - General Services Acquisition Manual/Regulation - GSAM/R
- Sign up for FAR News

Organization of the Federal Acquisition Regulation

- The FAR is divided into subchapters, parts (each covering a separate aspect of acquisition), subparts, sections, and subsections.

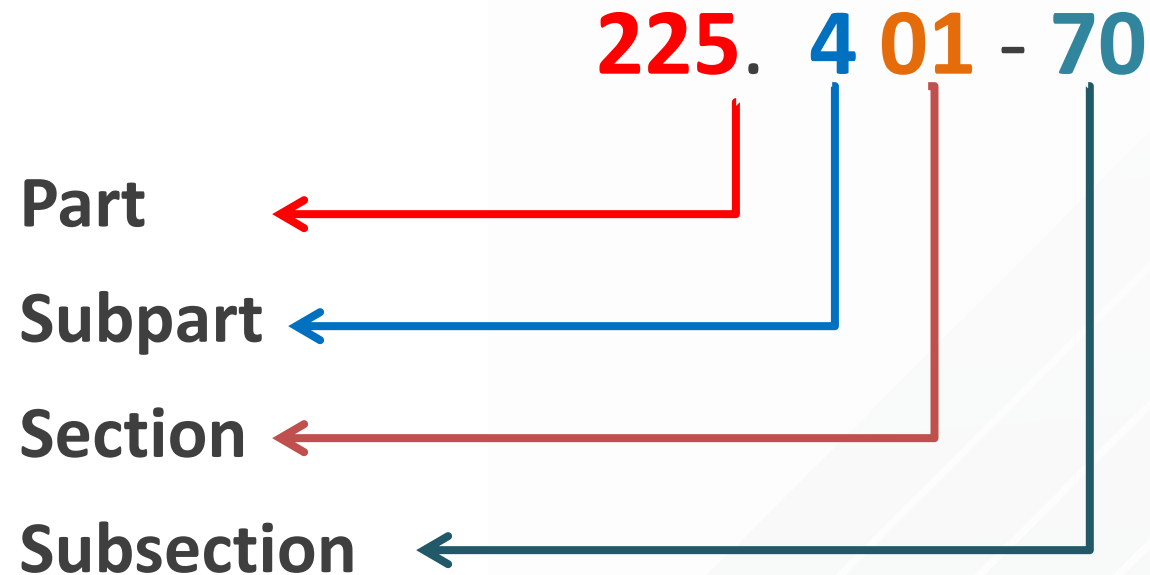


As needed, citations will reference

- Part
- Subpart
- Section
- Subsection
- Paragraph

Organization: The Supplements

- Each FAR Supplement follows the same basic pattern as the FAR.
- FAR Part 25 covers Foreign Acquisition, so DFARS Part 225 does, too.



FAR CONTENTS - Parts

- Foreword
- Parts 1 – 51 - - Instructions & Guidance
- Part 52 - - -Provisions & Clauses
- Part 52.3 - - Provisions and Clauses Matrix
- Part 53 - - Forms

Post Accounting

The FAR Subchapters

For Information Only

Subchapters are
part of the
organizational
scheme

Citations do not
call out the
Subchapter

- **Subchapters**
- **Subchapter A—General**
- **Subchapter B—Competition and Acquisition Planning**
- **Subchapter C—Contracting Methods and Contract Types**
- **Subchapter D—Socioeconomic Programs**
- **Subchapter E—General Contracting Requirements**
- **Subchapter F—Special Categories of Contracting**
- **Subchapter G—Contract Management**
- **Subchapter H—Clauses and Forms**

A Quick Look – Selected Parts

- Proper Business Practices & Conflict of Interest (Part 3)
- Publicizing Contract Actions (Part 5)
- Competition Requirements (Part 6)
- Sources of Supplies and Services (Part 8)
- Contractor Qualifications (Part 9)
- Market Research (Part 10)

A Quick Look – Selected Parts

- Acquisition of Commercial Items (Part 12)
- Simplified Acquisition Procedures (Part 13)
- Sealed Bidding (Part 14)
- Contracting by Negotiations (Part 15)
- Types of Contracts (Part 16)

A Quick Look – Selected Parts



- Bonds and Insurance (Part 28)
- Contract Financing (Part 32)
- Protests, Disputes, and Appeals (Part 33)
- Research and Development Contracts (Part 35)
- Construction & Architect-Engineer Contracts (Part 36)
- Service Contracts (Part 37)

A Quick Look – Selected Parts

- Federal Supply Schedule Contracting (Part 38)
- Information Technology (Part 39)
 - See also Federal Information Resources Management Regulations (FIRMR)\
- Contract Administration (Part 42)
- Subcontract Policies and Procedures (Part 44)
- Government Property (Part 45)
- Quality Assurance (Part 46)

A Quick Look – Selected Parts

- Value Engineering (Part 48)
- Termination of Contracts (Part 49)
- Contract Clauses (Part 52)
- Matrix (Part 52.3)
- Forms (Part 53)

Excerpts: FAR 1.602-1 Authority of the Contracting Officer

Authority of Contracting Officer

- Contracting officers have authority to enter into, administer, or terminate contracts and make related determinations and findings.
- Contracting officers may bind the Government only to the extent of the authority delegated to them. Contracting officers shall receive from the appointing authority clear instructions in writing regarding the limits of their authority.
- Information on the limits of the contracting officers' authority shall be readily available to the public and agency personnel.
- Contracting officers **must ensure** that all requirements of law, executive orders, regulations, and all other applicable procedures, including clearances and approvals, have been met.

Types of Information in FAR Parts/Subparts

- **Scope**
 - At the beginning of every part (and some subparts)
 - Summarizes information in the FAR part (or subpart)
 - May state that the rules in the part apply (or do not apply) to certain types of acquisitions
- **Applicability**
 - Defines the types of acquisitions to which the part applies
 - Can be a stand-alone section
 - Can also be included in Scope

Types of Information in FAR Parts/Subparts

- General
 - Describes contents of the Part
 - Typically contains more detail than the Scope section, providing context for the rules in the part or subpart.
- Policy
 - The “WHY”
 - Explains the Federal Government’s policy related to the part
 - When there is more than one policy section, the general policy is stated first

Types of Information in FAR Parts/Subparts

- Exceptions
 - Also called Exceptions, Exclusions, or Limitations
 - Delineates exceptions to the rules defined in the part or subpart
- Procedures
 - States how buying activities comply with and implement the Government's policy
- Solicitation Provisions and Contract Clauses
 - Terms and conditions
 - Provision refers to the solicitation
 - Clause refers to the contract

Excerpts: FAR 9.104-1

To be determined responsible, a prospective contractor must

- Have adequate financial resources to perform the contract, or the ability to obtain
- Be able to comply with the required or proposed delivery or performance schedule
- Have a satisfactory performance
- Have a satisfactory record of integrity and business ethics
- Have the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain
- Have the necessary production, construction, and technical equipment and facilities, or the ability to obtain them
- Be otherwise qualified and eligible to receive an award under applicable laws and regulations

- 9.100 -- Scope of Subpart.
- This subpart prescribes policies, standards, and procedures for determining whether prospective contractors and subcontractors are responsible.

FAR 9.104-1 (a) and (b)

FAR 9.104-1 -- General Standards

To be determined responsible, a prospective contractor must

- (a) Have adequate financial resources to perform the contract, or the ability to obtain them (see 9.104-3(a));
- (b) Be able to comply with the required or proposed delivery or performance schedule, taking into consideration all existing commercial and governmental business commitments;

Defense FAR Supplement DFAR

- The Defense FAR Supplement (DFAR) has a guide for non-regulatory policies and procedures, a web-based tool for the defense acquisition community.
- DFAR is used when specialty instructions are needed for individual military branches, etc., to conduct business.

Clauses

- Found in FAR Part 52
- Dated – and will change
- Some have Alternates
- As ‘prescribed in’ tells why it is there
- *POLICY* tells *why*

- **52.212-4 -- Contract Terms and Conditions -- Commercial Items**
 - As prescribed in 12.301(b)(3), insert the following clause:
 - **Contract Terms and Conditions -- Commercial Items (Feb 2007)**

Tips on Using the FAR

- Do not use out of context



- Look for appropriate Supplements
- Let's practice!

Example 1: Clause in your contract

- Limitation on Subcontracting
 - FAR [52.219-14](#)
 - What Does it Say?
 - Is there an alternate called out?
 - What is the Date? Have you seen it before?
 - Where was the clause “prescribed”?
 - What can you tell about the Policy?



Contractor Agrees to Limitations on Subcontracting

1. For Services contracts - not pay more than 50 percent of the amount paid by the Government for contract performance to subcontractors that are not similarly situated entities.
2. For Supplies - not pay more than 50 percent of the amount paid by the Government for contract performance, excluding the cost of materials, to subcontractors that are not similarly situated entities.
3. For General construction, not pay more than 85 percent of the amount paid by the Government for contract performance, excluding the cost of materials, to subcontractors that are not similarly situated entities.
4. For Construction by special trade contractors, not pay more than 75 percent of the amount paid by the Government for contract performance, excluding the cost of materials, to subcontractors that are not similarly situated entities.

What else can we see?

- Is there an Alternate Clause? No
- What is the Date on the Clause? October 2022
- Have you seen it before? If you read it before October 2022, read it carefully
- Where was the clause 'prescribed?' This is where you find more information.
FAR 19.507 (e) The contracting officer shall insert the clause at 52.219-14, Limitations on Subcontracting, in solicitations and contracts—
 - (1) For supplies, services, and construction, if any portion of the requirement is to be set aside for small business and the contract amount is expected to exceed the simplified acquisition threshold, and in any solicitations and contracts that are set aside or awarded on a sole-source basis in accordance with subparts 19.8, 19.13, 19.14, or 19.15, regardless of dollar value.
 - (2) Using the HUBZone price evaluation preference. *However, if the prospective contractor waived the use of the price evaluation preference or is an 'other than small business,' do not insert the clause in the resultant contract.*

Look for “End of Clause”

52.219-14 -- Limitations on Subcontracting .

As prescribed in [19.508\(e\)](#) or [19.811-3\(e\)](#), insert the following clause:

Limitations on Subcontracting (Dec 1996)

- (a) This clause does not apply to the unrestricted portion of a partial set-aside.
- (b) By submission of an offer and execution of a contract, the Offeror/Contractor agrees that in performance of the contract in the case of a contract for --
 - (1) *Services (except construction)*. At least 50 percent of the cost of contract performance incurred for personnel shall be expended for employees of the concern.
 - (2) *Supplies (other than procurement from a nonmanufacturer of such supplies)*. The concern shall perform work for at least 50 percent of the cost of manufacturing the supplies, not including the cost of materials.
 - (3) *General construction*. The concern will perform at least 15 percent of the cost of the contract, not including the cost of materials, with its own employees.
 - (4) *Construction by special trade contractors*. The concern will perform at least 25 percent of the cost of the contract, not including the cost of materials, with its own employees.

(End of Clause)

Policy?

- What can you tell about the policy?
 - 19.201 General policy. (a) It is the policy of the Government to provide maximum practicable opportunities in its acquisitions to small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns.
 - 19.202 Specific policies. Contracting officers shall comply with the specific policies listed in this section and shall consider recommendations of the agency Director of the Office of Small and Disadvantaged Business Utilization or, for the Department of Defense, the Director of the Office of Small Business Programs.

What about Scope, Applicability, and Limitations?

19.505 Limitations on subcontracting and nonmanufacturer rule.

(a) Applicability.

(1) This section **applies to small business set-asides above the simplified acquisition threshold** and orders issued directly to a small business in accordance with 19.504(c)(1)(ii) above the simplified acquisition threshold.

(2) This section **applies, regardless of dollar value**, to the following awards under subparts 19.8, 19.13, 19.14, and 19.15:

(i) Contracts that are set aside.

(ii) Contracts that are awarded on a sole-source basis.

(iii) Orders that are set-aside as described in 8.405-5 and 16.505(b)(2)(i)(F).

(iv) Orders that are issued directly in accordance with 19.504(c)(1)(ii).

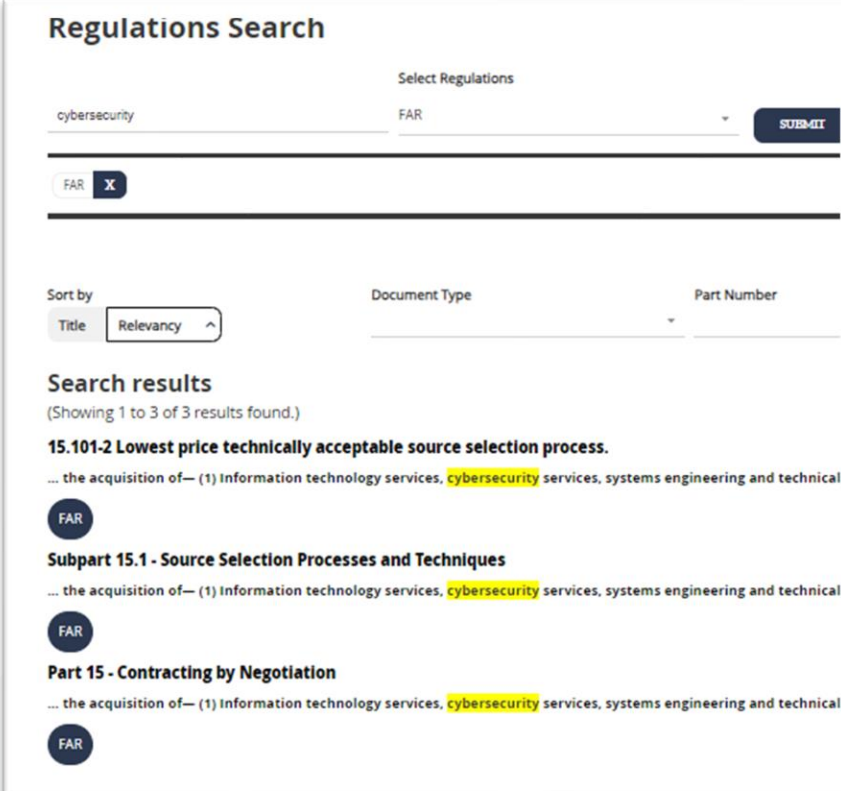
(v) Contracts that use the HUBZone price evaluation preference to award to a HUBZone small business concern unless the concern waived the evaluation preference

Example 2: You have a general question

- What are the cybersecurity requirements for government contracts?

FARSearch

- Searching for “cybersecurity” was not helpful.
- The results apply to contracts to BUY cybersecurity services.



The screenshot shows the FARSearch interface. At the top, there is a search bar with 'cybersecurity' entered and a 'SUBMIT' button. Below the search bar, there is a filter for 'FAR' with an 'X' to clear it. The search results are sorted by 'Relevancy'. The results list three items, each with a 'FAR' icon and a description of the acquisition process. The first item is '15.101-2 Lowest price technically acceptable source selection process.' The second is 'Subpart 15.1 - Source Selection Processes and Techniques'. The third is 'Part 15 - Contracting by Negotiation'. A purple question mark icon is visible on the right side of the screenshot.

Try other 'keywords'

- The results for “Information Security” look more promising
- Scrolling down, we find possibilities

Regulations Search

Select Regulations

information security FAR

FAR X

Sort by: Title Relevancy

Document Type Part Number

1 2 3 4 5 - >

Search results
(Showing 1 to 15 of 308 results found.)

52.204-2 Security Requirements.
... 52.204-2 Security Requirements. ... applies to the extent that this contract involves access to information classified "Confidential," "Secret," or "Top ... under this contract that involve...

FAR

Subpart 4.4 - Safeguarding Classified Information Within Industry
... Subpart 4.4 - Safeguarding Classified Information Within Industry ... Parent topic: ... Part 4 - ... (58 FR3479, January 8, 1993), entitled "National Industrial Security Program...

FAR

52.225-26 Contractors Performing Private Security Functions Outside the United States.
... 52.225-26 Contractors Performing Private Security Functions Outside the United States. ... 52.225-26 ... cooperation - (1) Means disclosure to the Government of the information sufficient to identify the nature and extent of ... requests for documents and access to...

FAR

Subpart 4.19 - Basic Safeguarding of Covered Contractor Information Systems

Parent topic: [Part 4 - Administrative and Information Matters](#)

4.1901 Definitions.

As used in this subpart-

Covered contractor information system means an information system that is owned or operated by a contractor that processes, stores, or transmits Federal contract information.

Federal contract information means information, not intended for public release, that is provided by or generated for the Government under a contract to develop or deliver a product or service to the Government, but not including information provided by the Government to the public (such as that on public Web sites) or simple transactional information, such as that necessary to process payments.

Is This It?

Subpart 4.19 - Basic Safeguarding of Covered Contractor Information Systems

Parent topic: [Part 4 - Administrative and Information Matters](#)

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Information means any communication or representation of knowledge (Committee on National Security Systems Instruction (CNSSI) 4009).

Information system means a discrete set of information resources

Safeguarding means measures or controls that are prescribed to

This applies to everything where a contractor's system could contain Federal Contract Information, except for Commercial Off-the-Shelf items (COTS).

4.1902 Applicability.

This subpart applies to all acquisitions, including acquisitions of commercial products or commercial services other than commercially available off-the-shelf items, when a contractor's information system may contain Federal contract information.

4.1903 Contract clause.

The contracting officer shall insert the clause at [52.204-21](#), Basic Safeguarding of Covered Contractor Information Systems, in solicitations and contracts when the contractor or a subcontractor at any tier may have Federal contract information residing in or transiting through its information system.

What If It's **Not** In the FAR?

- Online Research
 - CFR
 - SBA
 - GSA
 - Other Regulations (FAST)
- Contracting Officer
- APEX Accelerator Procurement Counselor



Questions?

Bonus Tip: You can find a list of Federal Executive Agencies with links to learn more at the [Federal Acquisition Jumpstation](#).

Thank you for coming so FAR with me today!





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