

senior procurement executive has the authority to make the determination authorized in FAR 16.504(c)(1)(ii)(D)(1).

(i) In accordance with section 816 of the National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115–232), when making the determination at FAR 16.504(c)(1)(ii)(D)(1)(i), the senior procurement executive shall determine that the task or delivery orders expected under the contract are so integrally related that only a single source can “efficiently perform the work,” instead of “reasonably perform the work” as required by the FAR.

(2) The congressional notification requirement at FAR 16.504(c)(1)(ii)(D)(2) does not apply to DoD.

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 225 and 252

[Docket DARS–2019–0001]

Defense Federal Acquisition Regulation Supplement: Technical Amendments

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement (DFARS) to provide needed editorial changes.

DATES: Effective April 1, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer L. Hawes, Defense Acquisition Regulations System, OUSD(A&S)DPC(DARS), Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060. Telephone 571–372–6115; facsimile 571–372–6094.

SUPPLEMENTARY INFORMATION: This final rule amends the DFARS as follows:

1. Corrects titles to four clauses at 225.7703–4 to remove the word “Act”.
2. Corrects DFARS clause 252.204–7007, Alternate A, Annual Representations and Certifications, to remove the representation at paragraph (d)(1)(iii) for DFARS 252.222–7007, Representation Regarding Combating Trafficking in Persons. DFARS final rule 2018–D003 (83 FR 24887) on May 30, 2018, removed representation 252.222–7007 from the DFARS; however, the cross-reference in DFARS 252.204–7007

to the representation was inadvertently omitted.

3. Corrects DFARS provision 252.225–7035, Buy American—Free Trade Agreements—Balance of Payments Program Certificate, Alternate V, in paragraph (a), by revising the reference to the “Buy American Act” by removing the word “Act”.

List of Subjects in 48 CFR Parts 225 and 252

Government procurement.

Jennifer Lee Hawes,
Regulatory Control Officer, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 225 and 252 are amended as follows:

- 1. The authority citations for parts 225 and 252 continue to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

PART 225—FOREIGN ACQUISITION

225.7703–4 [Amended]

- 2. Amend section 225.7703–4 by removing, in paragraphs (f)(1), (f)(2), (f)(4), and (f)(5), “Buy American Act” and adding “Buy American” in each place.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.204–7007 [Amended]

- 3. Amend section 252.204–7007 by-
 - a. Removing the clause date “(DEC 2018)” and adding “(APR 2019)” in its place;
 - b. Removing paragraph (d)(1)(iii); and
 - c. Redesignating paragraphs (d)(1)(iv) through (ix) as (d)(1)(iii) through (viii).

252.225–7035 [Amended]

- 4. Amend section 252.225–7035, Alternate V, by-
 - a. Removing the clause date “(NOV 2014)” and adding “(APR 2019)” in its place; and
 - b. In paragraph (a) removing “Buy American Act” and adding “Buy American” in its place.

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 244

[Docket DARS–2019–0006]

RIN 0750–AK24

Defense Federal Acquisition Regulation Supplement: Consent To Subcontract (DFARS Case 2018–D065)

AGENCY: Defense Acquisition Regulation System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act for Fiscal Year 2019 to require, for DoD contracts with contractors that have approved purchasing systems, that a contracting officer have written approval from the program manager prior to withholding a consent to subcontract.

DATES: Effective April 1, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Bass, telephone 571–372–6174.

SUPPLEMENTARY INFORMATION:

I. Background

DoD is issuing a final rule to amend the DFARS to implement section 824 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019, which amends section 893 of the NDAA for FY 2011 (Pub. L. 111–383) regarding consent to subcontract requirements. Specifically, section 893 requires contracting officers to have written approval from the program manager prior to withholding consent to subcontract for DoD contracts with contractors that have approved purchasing systems, as defined in Federal Acquisition Regulation (FAR) 44.101.

II. Discussion and Analysis

This rule proposes to add a new paragraph (a) at DFARS 244.201–1 to include the new requirement for contracting officers to obtain written approval from the program manager prior to withholding a consent to subcontract for DoD contracts with contractors that have an approved purchasing system. Conforming changes are made to the existing text at 244.201–1, by renumbering the existing text as paragraph (S–70).