

# **FEDERAL ACQUISITION CIRCULAR**

December 30, 2010

Number 2005-48

Federal Acquisition Circular (FAC) 2005-48 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 2005-48 is effective December 30, 2010, except for Items I, II, and III, which are effective January 31, 2011.

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**FAC 2005-48 LIST OF SUBJECTS**

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## **FAC 2005-48 SUMMARY OF ITEMS**

Federal Acquisition Circular (FAC) 2005-48 amends the Federal Acquisition Regulation (FAR) as specified below:

### **Item I—Repeal of the Small Business Competitiveness Demonstration Program (FAR Case 2011-005)**

This final rule amends the FAR to remove FAR subpart 19.10, Small Business Competitiveness Demonstration Program. This change is necessary to address the requirements of section 1335 of the Small Business Jobs Act of 2010 (Pub. L. 111-240) which repealed the Small Business Competitiveness Demonstration Program.

This final rule also removes the following clauses: FAR 52.219-19, Small Business Concern Representation for the Small Business Competitiveness Demonstration Program; FAR 52.219-20, Notice of Emerging Small Business Set-Aside; and FAR 52.219-21, Small Business Size Representation for Targeted Industry Categories under the Small Business Competitiveness Demonstration Program.

**Replacement pages:** THE 30-DAY PAGES WILL BE POSTED ON THEIR EFFECTIVE DATE OF JANUARY 31, 2011.

### **Item II—Personal Identity Verification of Contractor Personnel (FAR Case 2009-027)**

This final rule amends the FAR to provide additional regulatory coverage in subpart 4.13 and in FAR clause 52.204-9 to reinforce the requirement of collecting from contractors all forms of Government provided identification once they are no longer needed to support a contract. The contracting officer may delay final payment under a contract if the contractor fails to comply with these requirements.

**Replacement pages:** THE 30-DAY PAGES WILL BE POSTED ON THEIR EFFECTIVE DATE OF JANUARY 31, 2011.

### **Item III—Terminating Contracts (FAR Case 2009-031)**

This final rule amends the FAR to clarify procedures regarding the applicability of FAR part 49, Termination of Contracts, to commercial item contracts. Minor changes are made

to the proposed rule published in the *Federal Register* at 75 FR 28228 on May 20, 2010.

The rule specifically impacts contracting officers and contractors by clarifying that FAR part 49 does not apply to the acquisition of commercial items when using procedures at FAR part 12. The rule does not have a significant economic impact on small entities because the rule does not impose any additional requirements on small businesses.

**Replacement pages:** THE 30-DAY PAGES WILL BE POSTED ON THEIR EFFECTIVE DATE OF JANUARY 31, 2011.

#### **Item IV—Payrolls and Basic Records (FAR Case 2009-018)**

This rule adopts as final, with a minor change, the interim rule published in the *Federal Register* at 75 FR 34286 on June 16, 2010. The interim rule amended the FAR at 52.222-8, Payrolls and Basic Records, to delete the requirement for submission of full social security numbers and home addresses of individual workers on weekly payroll transmittals by prime contractors. The rule requires contractors and subcontractors to maintain the full social security number and current address of each covered worker, and provide them upon request to the contracting officer, the contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. The rule recognizes the Department of Labor's finding that complete social security numbers and home addresses for individual workers is personal information to the worker and that any unnecessary disclosure and submittal of such information creates an exposure to identity theft and the invasion of privacy for workers.

**Replacement pages:** 53.3-185 and 53.3-186.

#### **Looseleaf Only Correction**

**Last page of the FAR looseleaf (FAR Correction(s)) [Corrected]**

The last page of the FAR looseleaf (FAR Correction(s)) is corrected by updating the division title and address.

**Replacement pages:** Last page of the FAR looseleaf (FAR Correction(s)).

**FAC 2005-48 FILING INSTRUCTIONS**

**NOTE:** The FAR is segmented by subparts. The FAR page numbers reflect FAR subparts. For example, "53.3-185" is page 185 of subpart 53.3.

Remove Pages

53.3-185 and 53.3-186

Last page of the FAR looseleaf  
(FAR Correction(s))

Insert Pages

53.3-185 and 53.3-186

Last page of the FAR looseleaf  
(FAR Correction(s))

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# Form WH-347

[Go to <http://www.dol.gov/whd/forms/wh347.pdf> to access form.]



## FAR Correction(s)

Please complete this form to notify the Regulatory Secretariat of errors, omissions, or inconsistencies in the text of the FAR or FACs and submit via mail or facsimile to:

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Regulatory Secretariat Division (MVCB)  
1275 First Street, NE  
7th Floor, 783E  
Washington, DC 20417

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FAR PART, SUBPART, OR SECTION: \_\_\_\_\_

PAGE NUMBER: \_\_\_\_\_

NATURE OF ERROR(S): \_\_\_\_\_

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