

**FAR Alert Notice (FAN)**  
**Issuance of Proposed Rules and Federal Acquisition Circular 2005-85**

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 2005-85 (published on December 4, 2015)**

FAR Case 2015-011, Prohibition on Contracting with Corporations with Delinquent Taxes or a Felony Conviction  
FAR Case 2015-013, Further Amendments to Equal Employment Opportunity  
FAR Case 2015-036, Updating Federal Contractor Reporting of Veterans' Employment  
FAR Case 2013-015, Pilot Program for Enhancement of Contractor Employee Whistleblower Protections  
FAR Case 2015-009, Retention Periods  
FAR Case 2015-003, Establishing a Minimum Wage for Contractors

**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>

**Interim and Final Rules**

**FAC 2005-85 (Published on December 4, 2015)**

**[FAR Case 2015-011, Prohibition on Contracting with Corporations with Delinquent Taxes or a Felony Conviction](#)**

This interim rule amends the FAR to implement sections of the Consolidated and Further Continuing Appropriations Act, 2015, to prohibit the Federal Government from entering into a contract with any corporation having a delinquent Federal tax liability or a felony conviction under any Federal law, unless an agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government. This rule will become effective on February 26, 2016.

**[FAR Case 2015-013, Further Amendments to Equal Employment Opportunity](#)**

This final rule adopts an interim rule published April 10, 2015 (effective on that date), without change. The interim rule amended the FAR to implement Executive Order (E.O.) 13672, entitled "Further

<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.

Amendments to E.O.11478, Equal Employment Opportunity in the Federal Government, and Executive Order (E.O.) 11246, Equal Employment Opportunity.” E.O. 13672 adds sexual orientation and gender identity to the prohibited bases of discrimination established by E.O. 11246. The final rule became effective on December 4, 2015.

[FAR Case 2015-036, Updating Federal Contractor Reporting of Veterans' Employment](#)

This interim rule amends the FAR to implement the Department of Labor's (DOL) final rule that revised the regulations at 41 CFR part 61 implementing the reporting requirements under the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA), as amended. VEVRAA requires Federal contractors and subcontractors to annually report on the total number of their employees who belong to the categories of veterans protected under VEVRAA, and the total number of those protected veterans who were hired during the period covered by the report. Contractors and subcontractors will report this information on the new Form VETS-4212, in lieu of the VETS-100 and VETS-100A, beginning with the annual report in 2015. This rule will become effective on February 26, 2016.

[FAR Case 2013-015, Pilot Program for Enhancement of Contractor Employee Whistleblower Protections](#)

This final rule adopts an interim rule published September 30, 2013 (effective on that date), with changes. This rule amends the FAR to implement a statutory pilot program enhancing whistleblower protections for contractor employees at FAR section 3.908, Pilot program for enhancement of contractor employee whistleblower protections. The final rule became effective on December 4, 2015, and applies to title 41 agencies through January 1, 2017.

[FAR Case 2015-009, Retention Periods](#)

This final rule amends the FAR by updating the Government file retention periods to conform with the retention periods in the National Archives and Records Administration (NARA) General Records Schedule. Additionally, guidance is provided to the agency's record officer on how to request approval for a shorter retention period for certain records from NARA. This rule will become effective on January 4, 2016.

[FAR Case 2015-003, Establishing a Minimum Wage for Contractors](#)

This final rule adopts an interim rule published December 15, 2014 (effective on December 15, 2014 – corrected date), with changes. The interim rule amended the FAR to implement E.O. 13658 and a Department of Labor (DOL) final rule issued on October 7, 2014, both entitled “Establishing a Minimum Wage for Contractors,” which established a new minimum wage for covered service and construction contracts of \$10.10 per hour, as of January 1, 2015. The E.O. minimum wage will be adjusted annually by DOL. The FAR final rule became effective on December 4, 2015. DOL established the 2016 annual adjustment as \$10.15 – see publication September 25, 2015 (80 FR 57874) which corrected a September 16, 2015 publication (80 FR 55646).