



MAY 11 2005

MEMORANDUM FOR RONALD POUSSARD
DIRECTOR
DEFENSE ACQUISITION REGULATIONS COUNCIL

FROM: RALPH J. DESTEFANO, DIRECTOR
REGULATORY AND FEDERAL ASSISTANCE
DIVISION

SUBJECT: FAR Case 2003-024, Elimination of Certain Subcontract
Notification Requirements 

Attached are comments received on the subject FAR case published at 70 FR 11761;
March 9, 2005. The comment closing date was May 9, 2005.

<u>Response Number</u>	<u>Date Received</u>	<u>Comment Date</u>	<u>Commenter</u>
2003-024-1	05/06/05	05/06/05	Francesco Bruno
2003-024-2	05/09/05	05/09/05	Francesco Bruno

Attachments

2003-024-1



"Bruno, Francesco"
<Francesco.Bruno@dc
ma.mil>

To: farcase.2003-024@gsa.gov
cc:
Subject: FAC 2005-1

05/06/2005 10:34 AM

ALL: Upon further review of the narrative explanation of FAC 2005-1 (FAR CASE 2003-024), I now see that the intent is to simply eliminate (For DOD, Coast Guard & NASA) the notification reqmts if the contractor has an approved Purchasing Sytem. All that was needed was to eliminate ALT I and change some of the wording in Part 44. All that matters to the contractor is the clause. The wording in the new ALT I will cause confusion, because now its really all about consent. Frank

From: Bruno, Francesco
Sent: Thu 5/5/2005 6:20 PM
Subject: Consent clause

ALL: This re-write is worse than the last time they did it. Our ALT I, which applies to DoD is inadequate. ALT II is OK (have to see it) and ALT I should have the same language. But even ALT II and FAR 44.201-2 should be re-written to include "any (i) cost reimbursement, time and materials, or labor hour type subcontract, or (ii)...." This in lieu of "cost plus fixed fee subcontract" -- because the proposed new language also matches up with the consent requirements for subs under 52.244-2 (d) (1).
Frank

2003-024-2



"Bruno, Francesco"
<Francesco.Bruno@dc
ma.mil>

To: farcase.2003-024@gsa.gov
cc:
Subject: FAC 2005-1

05/09/2005 11:34 AM

Please do not publish your changes Part44.201-2 and Clause 52.244-2

Upon review of the narrative explanation of FAC 2005-1 (FAR CASE 2003-024), I can see that the intent is to simply eliminate (For DOD, Coast Guard & NASA) the notification reqmts if the contractor has an approved Purchasing Sytem. Therefore, all that is needed is to eliminate ALT I, which is in Clause 52.244-2.

Otherwise, the proposed new language just causes confusion.

ALT II and FAR 44.201-2 should be re-written to say "any (i) cost reimbursement, time and materials, or labor hour type subcontract, or (ii)...." This in lieu of "cost plus fixed fee subcontract" . In this manner the language will match up with 52.244-2 (d) (1).
Frank Bruno