



FEDERAL ACQUISITION SERVICE
**INDUSTRY
PARTNER**
SYMPOSIUM

2023

Growing a Diverse, Resilient Government Marketplace

Session 3.1: Policy Landscape



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All Industry | Track 3

Policy Landscape

- Policy Landscape Webinars Introduction
- GSA SBA 8(a) Partnership Agreement
- Cybersecurity
- Rulemaking Process and Public Comments
- GSS and Sustainable Technology Evaluation and Demonstration (STED) Program
- Wrap Up!

Protecting the Industrial Base Through Policy

Industrial Base Threats

- Foreign Ownership, Control, and Influence
- Fluctuations on Demand
- Budget Swings
- Workforce Shortages
- Mergers & Acquisitions that May Lead to Monopolies
- Drastic Market Changes
- Loss of Critical Infrastructure
- Cyber Intrusion
- Counterfeit and Intellectual Property Theft
- Natural Disasters and/or Pandemics
- Geo-political conditions
- Lack of Visibility into the Supply Chain
- Diminishing Manufacturing Sources and Material Shortages
- Lack of Sustainability and Others

A dynamic policy environment - In order to reduce the risks caused by these threats and support a resilient and secure industrial base, new policies and regulations are in development in areas such as cybersecurity, climate, and sustainability

Balancing Public Policy Objectives and Customer Needs

Public Policy Objectives

- National Security
- Economic Growth
- Domestic Manufacturing
- Supply Chain Risk Management
- Fair Competition
- Equity
- Climate and Clean Energy
- Emerging Technology

GSA

Facilitator/Monitor



Customer Needs

- Cost/Price
- Schedule
- Deliveries On-time
- Quality
- Competition
- Secure Supply Chain
- Compliant Supplier
- Meet USG goals
- Communication

Statutory, Regulatory, and Policy Compliance to develop and sustain a healthy and resilient industrial base

Webinar Series

- This is the third of a series of webinars that the Federal Acquisition Service - Office of Policy and Compliance is offering to provide valuable information and resources to support industry awareness of existing and potential new requirements.
- The previous webinars included information about available tools and processes for rule and policy making and initiatives related to climate and cybersecurity. You can access the presentations in GSA Interact, search for “Policy Landscape Webinar”.
- These webinars will help you stay informed about the policy landscape and prepare for the anticipated changes in FY23 and beyond.

Disclaimer - Important Note for Vendors

- This is an informational presentation to discuss the policy landscape, including Executive Orders, potential new regulations, and requirements. No actions are required from industry after information is provided.
- The information presented is based on current projections and assumptions. However, this information is dynamic and may change over time.
- GSA is not directing vendors to make any decisions based on the information discussed during the webinar. Each vendor should make their own decisions regarding participation in policy initiatives, applicability, and implementation.
- During this presentation, GSA representatives will not comment on ongoing FAR policy and rulemaking matters.
- While the data is provided in good faith and to the best of FAS' knowledge, FAS does not commit to it being updated. FAS does not assume responsibility for accuracy, completeness, or usefulness of the information provided.

Objectives

During this presentation, you should:

- **Learn** about the 8(a) Program Partnership Agreement between GSA and SBA
- **Receive** updated information about OMB Memo M-22-18 related to software attestation
- **Become familiar** with the policy process and learn how to provide public comments
- **Learn** about the MOU between GSA and the DoD STED Program

GSA SBA 8(a) Partnership Agreement

- How can industry participate?
- How does the partnership agreement benefit industry?

GSA SBA 8(a) Partnership Agreement

Implementation

- GSA anticipates implementation through a MAS Solicitation Refresh in the Summer of 2023
- GSA/FAS will provide implementation updates on the MAS Interact webpage

Benefits

- Creates additional opportunities for 8(a) contractors
- Enables GSA customers to make sole source awards to 8(a)s
- Offers existing benefits of Multiple Award Schedule (MAS), including efficient access to 8(a) solutions

Results

- Greater utilization of MAS 8(a)s by government customers - leading to increased sales
- Increased socioeconomic achievement especially to SDBs

GSA SBA 8(a) Partnership Agreement

How will/ can industry participate?

- Keep up to date on Interact - with the latest news
- Existing 8(a) vendors on MAS - GSA intends to issue modifications to existing 8(a) approved firms
- New 8(a) offerors - New 8(a)s are invited to become MAS contractors and participate

GSA SBA 8(a) Partnership Agreement

How does the partnership agreement benefit Industry?

- Expanded access to 8(a) firms and other socioeconomic contractors - Buyers will have expanded access to hundreds of 8(a) firms accepted by SBA to the government marketplace utilizing the size and scale of the MAS Schedules to benefit all stakeholders through lower administrative costs
- MAS Schedules is a one-stop shop - With our various buying and selling tools, Federal buyers can make a transaction utilizing MAS Schedules while reaching their socioeconomic goals in an efficient and cost-effective way
- MAS 8(a)s will have expanded opportunities on MAS after graduation from the 8(a) Program.

References

E-tools

- [GSA Advantage!](#)
- [eLibrary](#)
- [eBuy](#)
- [SAM.gov](#)
- [FPDS-NG](#)

Cybersecurity

- CISA Common Attestation Form
- OMB Memos M-22-18, M-23-16
- Acquisition Letter MV-2023-02
- FAR Case 2020-011, Implementation of FASC Exclusion Orders (Interim Rule)
- FAR Case 2023-010, Prohibition on a ByteDance Covered Application (Interim Rule)

CISA's Common Attestation Form

- [OMB M-22-18](#), *Enhancing the Security of the Software Supply Chain through Secure Software Development Practices*, instructs agencies to use a CISA-developed attestation Common Form.
- In late April, CISA shared the [Common Form](#) for public comment. OMB welcomed interagency feedback as well.
- OMB extended M-22-18's deadlines in [M-23-16](#) for collection of software attestations until after Common Form is finalized.

GSA Acquisition Letter

- Acquisition Letter Ensuring Only Approved Software is Acquired and Used at GSA, MV-2023-02

Ensuring Approved Software is Procured & Used	
Selling Software for Use at GSA	Selling Software through GSA Vehicles
<ul style="list-style-type: none">● GSA’s acquisition regulations require GSA’s Information Technology Office approval of new software and hardware containing software before use● GSA IT will update process to approve software including requiring vendor attestations● GSA IT anticipates issuing an updated attestation process	<ul style="list-style-type: none">● GSA will allow, but not require, you to attest at the contract vehicle (MAS, OASIS+, IDIQ, etc.) level● Anticipate a forthcoming FAR rule

Note: On May 24, 2023 Supplement 1 of MV-2023-02, pauses our internal guidance as OMB continues to develop a process for collecting software attestations.

Update to OMB M-22-18

M-23-16

- Third Party Components
 - Attestations must be collected from the producer of the software end product used by an agency because the producer of that end product is best positioned to ensure its security.
- Freely Obtained and Publicly Available Proprietary Software
 - Agencies are not required to collect attestations from software producers for products that are proprietary but freely obtained and publicly available.
- Plan of Action and Milestones (POA&M):
 - If a software producer cannot attest, an agency may still use the software if the producer identifies the practices to which they cannot attest.
 - Producer must document the practices in place to mitigate associated risks and submit a POA&M.
 - OMB and agency must approve the POA&M.

Update to OMB M-22-18 (continued)

M-23-16

Requirement	Actions Following Publication	Responsible Body
Agencies shall collect attestation letters for critical software from producers of software subject to the requirements of M-22-18, as amended to exclude open-source software and agency-developed software	3 months after OMB PRA approval of common form	Agencies
Agencies shall collect attestation letters for all other software subject to the requirements of M-22-18, as amended by M-23-16. “Software” includes firmware, operating systems, applications, and application services (e.g., cloud-based software), as well as products containing software	6 months after OMB PRA approval of common form	Agencies

FAR Case 2020-011

Draft Case 2020-011, Implementation of FASC Exclusion Orders

- The SECURE Technology Act (Pub. L. 115-390) at 41 U.S.C. 1321 to 1328 created the Federal Acquisition Security Council (FASC) and authorized the Secretary of Homeland Security, the Secretary of Defense, and the Director of National Intelligence to issue exclusion and removal orders, upon the recommendation of the FASC.
- Exclusion and removal orders are issued to protect national security by excluding certain covered products, services, or sources from the Federal supply chain.
- This rule implements policies for complying with the exclusion and removal orders in Government procurements.



FAR Case 2023-010

Case 2023-010, Prohibition on a ByteDance Covered Application

- On June 2, 2023, an [interim rule](#) was issued to implement the prohibition on having or using the social networking service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited (“covered application”).
- Unless an exception is granted, the prohibition applies to the presence or use of any covered application on:
 - any information technology owned or managed by the Government
 - any information technology used or provided by the contractor under a contract, including equipment provided by the contractor's employees
- FAR clause 52.204-27 will be included in all FAS solicitations and contracts, unless an exception is granted.

References

Government

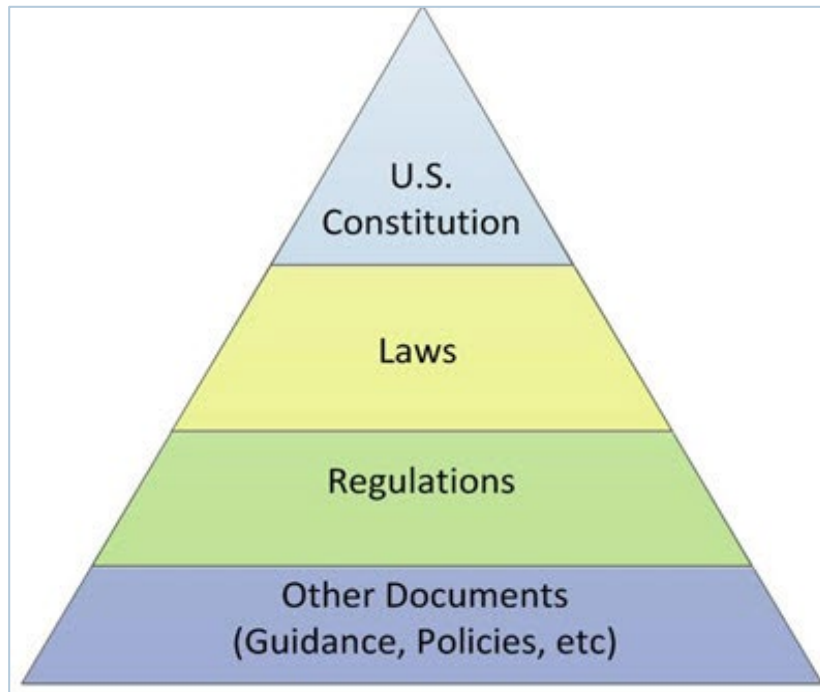
- [CISA's Securing the Software Supply Chain: Recommended Practices for Customers](#)
- [NTIA's Minimum Elements for a Software Bill of Materials \(SBOM\)](#)
- [CISA's Software Bill of Materials](#)
- [CISA SBOM-A-RAMA](#)
- [CISA, NSA, and ODNI Release Guidance for Customers on Securing the Software Supply Chain](#)
- [OMB M-22-18, Enhancing the Security of the Software Supply Chain through Secure Software Development Practices](#)
- [CISA Secure Software Development Attestation Form](#)
- [OMB M-23-16, Update to Memorandum M-22-18](#)
- [FAR Case 2020-011, Implementation of FASC Exclusion Orders](#)
- [FAR Case 2023-010, Prohibition on a ByteDance Covered Application](#)
- [OMB M-23-13, "No TikTok on Government Devices" Implementation Guidance](#)

Rulemaking Process and Public Comments

- Rulemaking Process
- Regulations for Public Comments

Bills, Laws, and Rules

- Congress passes bills, the President signs bills into law, and federal agencies develop regulations to implement laws within their authority.
- Regulation initiators include laws, Executive Orders (EOs), environmental/ technological changes, agency reviews.



GSA's Regulations	
FAR	Federal Acquisition Regulation GSA, NASA, and DoD are on the FAR Council.
GSAR	GSA Acquisition Regulation GSA's supplement to the FAR.
FMR	Federal Management Regulation
FTR	Federal Travel Regulation

The Rulemaking Process

01

Publish

Publish a proposed rule in the
Federal Register

02

Comments

Public Provides Input

03

Finalize

Publish final rule with responses to public
comments and necessary changes

Types of Rules

Proposed Rule	Interim Rule	Final Rule
<ul style="list-style-type: none">● No immediate change to the FAR or GSAR● Gives the public a chance to comment before the rule goes into effect● Predecessor to a final rule	<ul style="list-style-type: none">● Takes effect upon publication in the Federal Register● Gives the public a chance to comment following the interim rule● Predecessor to a final rule	<ul style="list-style-type: none">● Takes effect after publication in the Federal Register● Does not provide a comment period● Usually issued after issuance of a proposed or interim rule● A final rule may be issued without public comment if:<ul style="list-style-type: none">○ It affects only the internal operating procedures of the Government, or○ Has no significant cost or administrative impact on the public

FAR and GSAR are governed by the OFPP Act (see 41 U.S.C 1707), not by the Administrative Procedure Act requirements (per 5 U.S.C. 553)

Industry's Participation in Rulemaking

- Read and understand the document you are commenting on
- Point to a specific problem and suggest solutions, where possible
- Be concise but support your claims with sound reasoning
- Identify cost implications and potential burden with specifics
- Include real world examples, where possible
- Address trade-offs and opposing views in your comment
- Constructive comments (either positive or negative) are the most likely to have an influence on regulatory decision making.

Additional Information [Here](#)

Viewing Rules in the Federal Register



FEDERAL REGISTER

The Daily Journal of the United States Government



Wednesday, November 30th



Current Issue

62 documents from 29 agencies (190 Pages)

41 Notices 1 Presidential Document 6 Proposed Rules 14 Rules 5 Significant Documents



Public Inspection

Special Filing

updated on 4:15 PM on Tuesday, November 29, 2022

9 documents from 7 agencies

4 Notices 2 Proposed Rules 3 Rules

Regular Filing

updated on 8:45 AM on Tuesday, November 29, 2022

57 documents from 29 agencies

39 Notices 1 Presidential Document
5 Proposed Rules 12 Rules



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Find

Search term or citation

Type FAR or GSAR Case #



904,829 documents



Reviewing & Submitting Comments Through the Federal Register

Federal Acquisition Regulation: Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk

A Proposed Rule by the [Defense Department](#), the [General Services Administration](#), and the [National Aeronautics and Space Administration](#) on 11/14/2022

This document has a comment period that ends in 58 days. (01/13/2023)

Click Here

SUBMIT A FORMAL COMMENT

Read the 2 public comments 

PUBLISHED DOCUMENT

Start Printed Page 68312

AGENCY:
Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION:
Proposed rule.

SUMMARY:
DoD, GSA, and NASA are proposing to amend the Federal Acquisition

DOCUMENT DETAILS

Printed version:
[PDF](#)

Publication Date:
11/14/2022

Agencies:
[Department of Defense](#)
[General Services Administration](#)
[National Aeronautics and Space Administration](#)


Dates:
Interested parties should submit written comments to the Regulatory Secretariat Division

Submitting Comments (continued)

Federal Acquisition Regulation: Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk

A Proposed Rule by the [Defense Department](#), the [General Services Administration](#), and the [National Aeronautics and Space Administration](#) on 11/14/2022



 You are submitting an official comment to Regulations.gov.
Comments are due 01/13/2023 at 11:59 pm EST.

regulations.gov
close comment form

Thank you for taking the time to create a comment. Your input is important.

Once you have filled in the required fields below you can preview and/or submit your comment to the Defense Department for review. All comments are considered public and will be posted online once the Defense Department has reviewed them.

You can view [alternative ways to comment](#) or you may also comment via Regulations.gov at, <https://www.regulations.gov/commenton/FAR-2021-0015-0001>.

Comment*
...

Upload File(s)

+ Add a file

Note: You can attach your comment as a file and/or attach supporting documents to your comment. [Attachment Requirements](#).

Making Comments On Regulations.gov

Regulations.gov
Your Voice in Federal Decision Making

Make a difference. Submit your comments and let your voice be heard.

2021-015

Type FAR or GSAR Case #

×

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Federal Acquisition Regulation: Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk

Posted by the **Federal Acquisition Regulation** on Nov 14, 2022

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Document Details

Browse Posted Comments 14

Document ID
FAR-2021-0015-0001

Comments Received
16

Content

Action

Proposed rule.

GSA Regulations

GSAR and GSAM

- General Services Administration Acquisition Regulation (GSAR) (Regulatory)
- GSAR is published in the Code of Federal Regulations and significant changes are published in the Federal Register for public comment.
- The General Services Administration Acquisition Manual ([GSAM](#)) (Includes the GSAR)
- [Open GSAM and GSAR Case Report](#)

Government-Industry Participation is Key

- How Industry Can Participate
 - During the Pre-rulemaking phase
 - Agencies' Federal Advisory Committee Act (FACA)
 - [GSA Acquisition Policy Federal Advisory Committee \(GAP FAC\)](#)
 - [GAP FAC Notification of Upcoming Web-based Subcommittee Meetings](#)
 - During Rulemaking phase
 - Submit Public comments
 - Participate in any Public meetings
 - Industry Day/Reverse Industry Day
 - Know what rules are coming
 - Review the [Current Unified Agenda](#)
 - [Open FAR Case Report](#) - Status update of open FAR cases
 - [Open GSAM & GSAR Case Report](#) - Status update of open GSAM & GSAR cases

High Impact FAR Cases Currently Open for Public Comment

The following FAR Case is now accepting comments:

[FAR Case 2023-010 - Prohibition on a Byte Dance Covered Application](#)

Comments Due: 8/1/23

Policy Resources

- [Federal Register](#) – Free electronic subscription to publications in the Federal Register, including FAR and GSAR changes
- [Regulations.gov](#) – Submit comments and search publicly available regulatory materials
- [eCFR.gov](#) – Currently updated electronic version of the CFR, codification of rules published in Federal Register by agencies
- [Executive Orders](#) – The President of United States manages operations of the Executive Branch through Executive Orders that are published on the Federal Register
- [OMB Memorandum](#) – Further details guidance on Executive Orders and more
- [Acquisition.gov](#) – Official site for the FAR and agency supplemental regulations (including GSAR)
- [Open FAR Case Report](#) – Status update of open FAR cases
- [Open GSAM & GSAR Case Report](#) – Status update of open GSAM & GSAR cases
- [GSA Policy Library & Resources](#) – Acquisition Letters and Class Deviations issued by GSA's Senior Procurement Executive
- [GSA Interact](#) – Acquisition topics by community that allow industry and government to communicate and learn from each other in order to build more successful partnerships.

DoD STED Program

- What is the DoD STED Program?
- MOU between GSA and the DoD STED Program
- Demonstrations and Expos
- DoD Sustainable Products Center

DoD STED Program

GSS: General Supplies & Services

STED: Sustainable Technology Evaluation & Demonstration

MOU signed March 20, 2023

Intent: Expedite purchasing of sustainable products and technology demonstrated via STED program

Responsibilities

GSA:

- Develop and implement MAS contracts
- As needed, assign NSNs
- Conduct relevant marketing and promotion
- Coordinate with STED team

STED:

- Work w/ manufacturers on demos
- Coordinate w/ military users/testers
- Gather/share feedback on performance, packaging, etc.

DoD STED Program

STED Program established by the ODASD(E&ER), with support of Congress and the White House CEQ to demonstrate sustainable technologies and products in DoD operations.

- Work directly with services, commands and installations
- Identify need areas and candidate sustainable alternatives
- Demonstrate sustainable alternatives to government requirements with end users at DoD installations
- Validate performance with warfighters and civilian workforce
- Verify cost effectiveness
- Increase awareness and use of sustainable alternatives across the federal government
- Assist with the transition and availability in federal procurement system



Weapons Maintenance, Ft. Moore



Air Drop Training, JBLM

DoD STED Program Expos

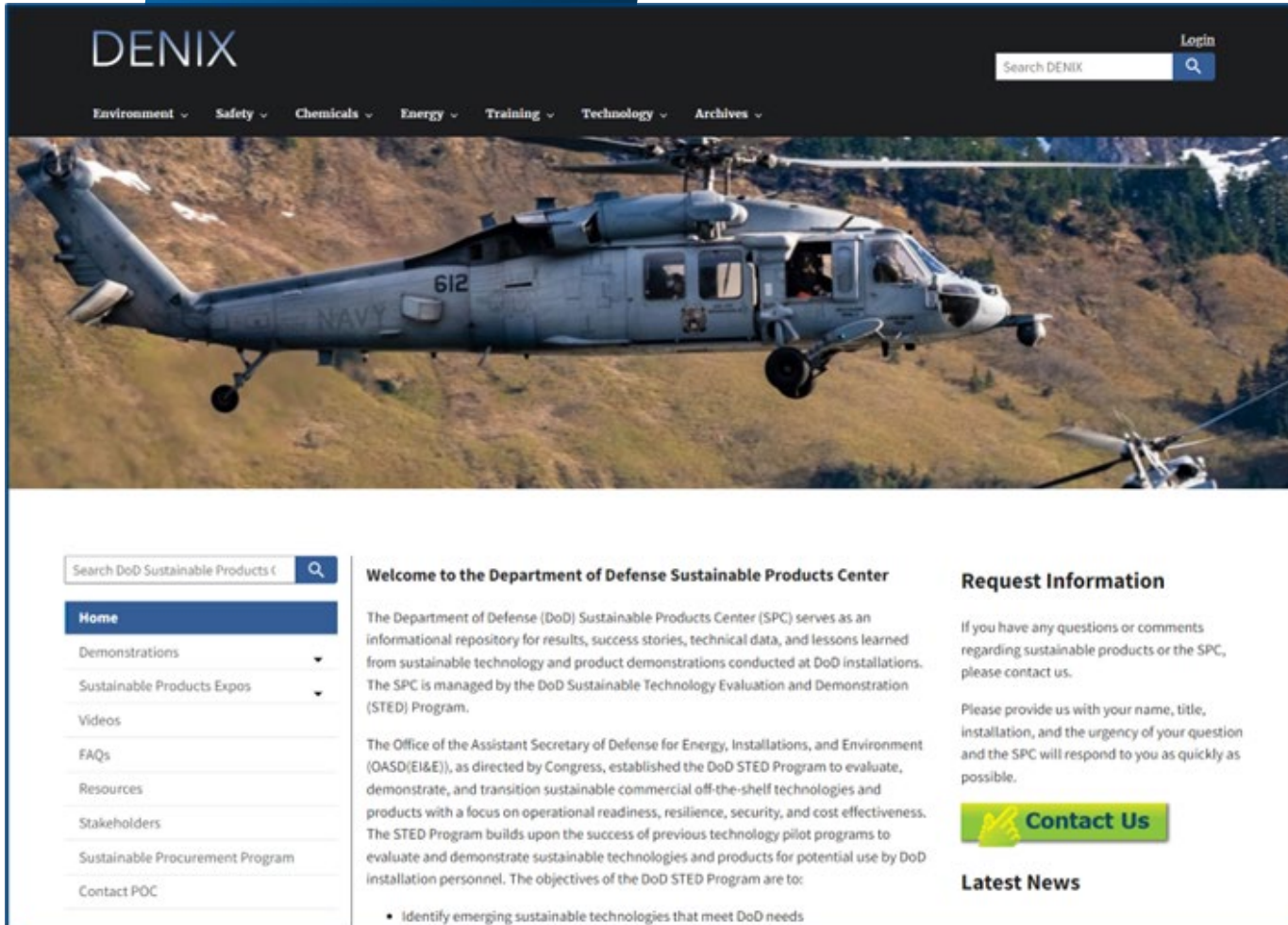
The DoD STED Program conducts Sustainable Technology Expos at DoD and other Federal agency facilities to:

- Create awareness of the availability and performance of currently available sustainable technologies and identify additional sustainable technology needs areas.
- Provide the opportunity for sustainable technology manufacturers to showcase their technologies at DoD installations to end users, procurement personnel, and leadership.
- Interact with installation personnel and discuss needs areas and challenges to the implementation of additional sustainable technologies.



Sustainable Technology Expo - MCLB Barstow

DoD Sustainable Products Center



The screenshot shows the DENIX website header with navigation links for Environment, Safety, Chemicals, Energy, Training, Technology, and Archives. A search bar for DENIX is present. Below the header is a large image of a military helicopter in flight. The main content area features a search bar for DoD Sustainable Products, a navigation menu with links to Home, Demonstrations, Sustainable Products Expos, Videos, FAQs, Resources, Stakeholders, Sustainable Procurement Program, and Contact POC. The main text welcomes users to the DoD Sustainable Products Center, explaining its role as an informational repository and its management by the DoD Sustainable Technology Evaluation and Demonstration (STED) Program. It also includes a 'Request Information' section with a 'Contact Us' button and a 'Latest News' section.

The Sustainable Product Center (SPC) is the public interface for the STED Program

- Facilitates awareness and communication with end users, installation management, manufacturers, and interested Federal agencies
- Platform for users to communicate their needs and coordinate with the Program
- Provides information on completed and ongoing sustainable technology demonstrations and expos.
- <https://denix.osd.mil/spc/>

Wrap Up

- Thanks for listening!
- Please fill out the webinar assessment on your screen. It will be open for the next 15 minutes. Your feedback will help us improve the webinars.
- We will continue sharing information to keep you abreast of the latest policies and proposed changes in the federal marketplace.
 - Look out for future webinars in the [GSA Interact](#) website.
 - We will notify you when this webinar presentation and video is available.
- Please remember that this is an *informational* webinar.
- We encourage you to use the tools available to facilitate your participation in the federal marketplace.
- Let's keep working together to sustain a healthy, resilient, and secure industrial base.

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2023



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