

accessed by use of the subscriber's personal identification number or subscriber-specific identifier be assessed to subscriber's source of payment elected pursuant to paragraph (c)(1)(vi) of this section; or

(2) The calling party is charged for the information by means of a credit, prepaid, debit, charge, or calling card and the information service provider includes in response to each call an introductory message that:

(i) Clearly states that there is a charge for the call;

(ii) Clearly states the service's total cost per minute and any other fees for the service or for any service to which the caller may be transferred;

(iii) Explains that the charges must be billed on either a credit, prepaid, debit, charge, or calling card;

(iv) Asks the caller for the card number;

(v) Clearly states that charges for the call begin at the end of the introductory message; and

(vi) Clearly states that the caller can hang at or before the end of the introductory message without incurring any charge whatsoever.

(d) The calling party being called back collect for the provision of audio or data information services, simultaneous voice conversation services, or products; and

(e) The calling party being assessed by virtue of the caller being asked to connect or otherwise transfer to a pay-per-call service, a charge for the call.

(f) Provided, however, that:

(1) Notwithstanding paragraph (c)(1) of this section, a written agreement that meets the requirements of that paragraph is not required for:

(i) Calls utilizing telecommunications devices for the deaf;

(ii) Directory services provided by a common carrier or its affiliate or by a local exchange carrier or its affiliate; or

(iii) Any purchase of goods or of services that are not information services.

(2) The requirements of paragraph (c)(2) of this section shall not apply to calls from repeat callers using a bypass mechanism to avoid listening to the introductory message: *Provided*, That information providers shall disable such a bypass mechanism after the institution of any price increase for a period of time determined to be sufficient by the Federal Trade Commission to give callers adequate and sufficient notice of a price increase.

6. In Section 64.1510, paragraph (b) is revised and new paragraph (c) is added to read as follows:

**§ 64.1510 Billing and collection of pay-per-call and similar service charges.**

\* \* \* \* \*

(b) Any common carrier offering billing and collection services to an entity providing interstate information services on a collect basis shall, to the extent possible, display the billing information in the manner described in paragraphs (a)(2)(i), (A), (B), (D) and (a)(2)(ii) of this section.

(c) If a subscriber elects, pursuant to § 64.1504(c)(1)(vi), to pay by means of a phone bill for any information service provided by through any 800 telephone number, or other telephone number advertised or widely understood to be toll-free, the phone bill shall:

(1) Include, in prominent type, the following disclaimer: "Common carriers may not disconnect local or long distance telephone service for failure to pay disputed charges for information services;" and

(2) Clearly list the 800 or other toll-free number dialed.

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**GENERAL SERVICES ADMINISTRATION**

**48 CFR Parts 506, 547 and 552**

[ADP 2800.12A, CHGE 72]

RIN 3090-AF97

**General Services Administration Acquisition Regulation; Implementation of FAC 90-39 and Miscellaneous Changes**

**AGENCY:** Office of Acquisition Policy, GSA.

**ACTION:** Final rule.

**SUMMARY:** The General Services Administration Acquisition Regulation (GSAR) is amended to implement a portion of FAC 90-39 which amended the Federal Acquisition Regulation (FAR) to revise the approval levels for the justification of other than full and open competition and to make editorial changes.

**EFFECTIVE DATE:** July 31, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ed McAndrew, Office of GSA Acquisition Policy, (202) 501-1224.

**SUPPLEMENTARY INFORMATION:**

**A. Public Comments**

This rule was not published in the Federal Register for public comment because it merely revises the GSAR to conform to the FAR as amended by FAC 90-39 and to make editorial changes.

**B. Executive Order 12866**

This rule was not submitted to the Office of Management and Budget for review because it is not a significant rule as defined in Executive Order 12866, Regulatory Planning and Review.

**C. Regulatory Flexibility Act**

The Regulatory Flexibility Act does not apply because this rule is not a significant revision as defined in FAR 1.501-1.

**D. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the changes to the GSAR do not impose recordkeeping or information collection requirements, or otherwise collect information from offerors, contractors or members of the public that require approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

**E. Small Business Regulatory Enforcement Fairness Act of 1996**

This rule is not a major rule under 5 U.S.C. 804. The rule relates to procedures of the agency.

List of Subjects in 48 CFR Parts 506, 547 and 552

Government procurement.

Accordingly, 48 CFR Parts 506, 547 and 552 are amended as follows:

1. The authority citation for 48 CFR Parts 506, 547 and 552 are amended as follows:

Authority: 40 U.S.C. 486(c).

**PART 506—COMPETITION REQUIREMENTS**

**506.001 [Removed]**

2. Section 506.001 is removed

**506.302-1 [Amended]**

3. Section 506.302-1 is amended by removing "Office of GSA Acquisition Policy (VP)" and inserting "GSA Acquisition Policy Division (MVP)" in the second sentence.

**506.303-1 [Amended]**

4. Section 506.303-1 is amended by removing paragraph (a), by removing the paragraph "(b)" designation, and by inserting "Deputy" before "Associate Administrator".

**506.303-2 [Removed]**

5. Section 506.303-2 is removed.

**506.304 [Removed]**

6. Section 506.304 is removed.

**PART 547—TRANSPORTATION****547.303-1 [Amended]**

7. Section 547.303-1 is amended in paragraph (b)(3) by removing "FAR 42.1403-2" and inserting "FAR 42.1403."

**PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

8. Alternate I of the provision at Section 552.219-74 is revised to read as follows:

**552.219-74 Goals for Subcontracting Plan.**

\* \* \* \* \*

*Alternate I (DEC 1995)*

The Contracting Officer, as prescribed in 519.703(c), shall delete paragraph (b) of the basic provision and redesignate paragraphs (c) and (d) as paragraphs (b) and (c).

Dated: July 19, 1996.

Ida M. Ustad,

*Deputy Associate Administrator for Acquisition Policy.*

[FR Doc. 96-18987 Filed 7-25-96; 8:45 am]

BILLING CODE 6820-61-M

**INTERNATIONAL DEVELOPMENT COOPERATION AGENCY****Agency for International Development**

**48 CFR Parts 701, 702, 706, 709, 710, 711, 713, 715, 716, 717, 719, 722, 724, 725, 726, 732, 733, 736, 737, 752 and Appendix A**

[AIDAR Notice 96-1]

RIN 0412-AA29

**Miscellaneous Amendments to Acquisition Regulations**

**AGENCY:** Agency for International Development (USAID).

**ACTION:** Final rule.

**SUMMARY:** The AID Acquisition Regulation (AIDAR) is being amended to incorporate administrative changes reflecting USAID's new organizational structure; to implement the Federal Acquisition Streamlining Act (FASA); to clarify or simplify certain authorities and procedures currently in the AIDAR; to implement new or revised Agency policies resulting from reengineering and its effect on procurement procedures; and to revise relevant sections to implement USAID's procurement reform initiatives. This regulatory action was subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

**EFFECTIVE DATE:** August 26, 1996.

**FOR FURTHER INFORMATION CONTACT:** M/OP/P, Ms. Diane M. Howard, (703) 875-1310.

**SUPPLEMENTARY INFORMATION:** The specific changes being made to the AID Acquisition Regulation (AIDAR) in this amendment are broad in scope, ranging from changes in basic Agency procurement policy and procedures to minor administrative corrections.

**A. USAID Policy Changes**

Two changes are needed to the AIDAR to reflect Agency policy changes.

(1) A new subpart 726.71 "Relocation of U.S. Businesses, Assistance to Export Processing Zones, Internationally Recognized Workers' Rights" is added to implement a statutorily required policy promulgated by USAID on January 3, 1994.

(2) The clause at 752.7012 "Protection of the Individual as a Research Subject" is revised to implement USAID's adoption of the Common Federal Policy for the Protection of Human Subjects, as found in 22 CFR Part 225.

**B. USAID Reengineering**

USAID has been serving as a reengineering laboratory under the National Performance Review (NPR), and as a result has made many changes in its organizational structure as well as its operational procedures in recent years. Consequently, the AIDAR is being amended throughout to reflect changes in office designations and acronyms and to update or delete references to obsolete regulations, functional position terms, and documentation requirements. The USAID Handbook system has been replaced by the Automated Directives System (ADS), and handbook references in the AIDAR are changed to the corresponding ADS Chapter. A functional position term that is no longer appropriate is "project officer"; USAID, as a result of reengineering, will no longer implement its programs through the former project approval and implementation system and therefore the terms "project" and "project officer" will in the future be, respectively, "activity" and "technical officer" or "cognizant technical officer". Obsolete documentation requirements are Project Implementation Orders (for technical services [PIO/Ts], commodities [PIO/Cs], or participant training [PIO/Ps]), and references to these documents are being deleted.

Concurrent with the overall Agency reengineering and in conjunction with Government-wide procurement reform efforts, USAID has also been reengineering its procurement procedures. AIDAR 706.302-70 is being

revised to provide an additional agency exception to full and open competition to allow for follow-on award for the continued provision of highly specialized services when award to another source would result in substantial additional costs to the government or would result in unacceptable delays. This exception is very similar to the exception described in FAR 6.302-1(a)(2)(iii); however, the FAR authority is available only to DOD, NASA, and the Coast Guard and not to civilian agencies such as USAID. Therefore, the Administrator of USAID made a formal written determination in accordance with paragraph (b)(3)(ii) of AIDAR 706.302-70, Impairment of foreign aid programs. Use of the authority is limited as stated in the added wording in this section.

Another revision related to Agency procurement reform initiatives is in the AIDAR's Appendix A, "Respective Roles of Contracting and Other Personnel in the AID Procurement Process," which is revised to allow the contracting officer to reveal the amount of funds the Agency has available for a specific procurement when a performance-based contract is contemplated.

**C. The Federal Acquisition Streamlining Act of 1994 (FASA)**

FASA and the resulting changes to the FAR require corresponding revisions to the AIDAR. The specific changes are as follows:

(1) All references to "small purchases" and the \$25,000 ceiling for small purchases are being revised to "simplified acquisition procedures" and the threshold amounts in FAR 13.101 and 13.103(b).

(2) USAID's implementation of FASA requirements for obtaining past performance information is incorporated into the revised solicitation provision in 752.209-70, which establishes the procedures for obtaining past performance information from the offeror (this information collection has been approved Government-wide by OMB under approval number 9000-0142). The past performance references submitted in response to this provision will be used both in making the responsibility determination required in FAR Subpart 9.1 and to evaluate the offeror's ability to perform the contract based on its past performance, as now required in FAR 15.605. Subpart 709.1 was removed since it is redundant to the FAR.

After reviewing section 715.608, "Proposal evaluation", to determine what, if any, changes would be necessary to implement this component