

Federal Communications Commission.
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DEPARTMENT OF DEFENSE

48 CFR Parts 204 and 253

[DFARS Case 96-D315]

Defense Federal Acquisition Regulation Supplement; Contract Reporting for Fiscal Year 1997

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement is amending the Defense Federal Acquisition Regulation Supplement (DFARS) to revise DD Form 350 and DD Form 1057 contract action reporting requirements to comply with the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103-355) and to enhance data collection procedures.

EFFECTIVE DATE: October 1, 1996.

FOR FURTHER INFORMATION CONTACT: Defense Acquisition Regulations Council, Attn: Mr. Michael Mutty, (703) 602-0131, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 96-D315 in all correspondence related to this case.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule makes changes to the internal Department of Defense (DoD) contract data reporting system to enable reporting of data required by the Federal Acquisition Streamlining Act of 1994 (the Act). The Act, in part, requires DoD to report statistics on indefinite delivery type contracts, commercial financing procedures, and synopsis and solicitation procedures associated with commercial items. This final rule also revises DD Form 350 and DD Form 1057 to enhance the reporting system by identifying the agency that originated/assigned the contract number and by more precisely describing the kind of contracting action being reported.

B. Regulatory Flexibility Act

The final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98-577 and publication for public comment is not required. However, comments from small entities concerning the affected

DFARS subparts will be considered in accordance with 5 U.S.C. 610.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final rule does not impose any reporting of recordkeeping requirements that require Office of Management and Budget approval under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Parts 204 and 253

Government procurement.
Michele P. Peterson,
*Executive Editor, Defense Acquisition
Regulations Council.*

Therefore, 48 CFR Parts 204 and 253 are amended as follows:

1. The authority citations for 48 CFR Parts 204 and 253 continue to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 204—ADMINISTRATIVE MATTERS

2. Section 204.670-1 is amended by revising paragraph (c) to read as follows:

204.670-1 Definitions.

* * * * *

(c) *Departmental data collection points* are—

- (1) For the Army (including Corps of Engineers civil Works): U.S. Army Contracting Support Agency, Attn: SFAE-CSA-PPS, 5109 Leesburg Pike, Suite 916, Falls Church, VA 22041-3201
- (2) For the Navy: Fleet Industrial Supply Center, Norfolk Detachment Washington, Attn: PMRS, Washington Navy Yard, Bldg. 200, 4th Floor, 800 M Street, SW, Washington, DC 20374-2004
- (3) For the Air Force: SAF/AQCI, 1060 Air Force Pentagon, Washington, DC 20330-1060
- (4) For the Defense Logistics Agency: Headquarters, Defense Logistics Agency, 8725 John J. Kingman Road, Suite 3147, Attn: Directorate of Procurement (Acquisition Operations Team, Ft. Belvoir, VA 22060-6221
- (5) For other DoD contracting activities: U.S. Army Contracting Support Agency, Attn: SFAE-CSA-PPS, 5109 Leesburg Pike, Suite 916, Falls Church, VA 22041-3201.

* * * * *

3. Section 204.670-2 is amended by revising the introductory text of paragraph (d) and paragraphs (d)(1) and (d)(7)(iii) to read as follows:

204.670-2 Reportable contracting actions.

* * * * *

(d) The following contracting actions shall not be reported on either the DD Form 350 or DD Form 1057:

(1) Imprest fund transactions, SF 44 purchases, and micro-purchases obtained through use of the purchase card;

* * * * *

(7) * * *

(iii) Defense Supply Center, Richmond, for petroleum products.

4. Section 204.670-3 is amended by revising paragraph (a)(1), the introductory text of paragraph (a)(2), paragraph (a)(5), the last sentence of paragraph (b)(1), and paragraph (b)(2) to read as follows:

204.670-3 Contracting office responsibilities.

(a) * * *

(1) Prepare the appropriate type of DD Form 350 (see 204.670-6), in accordance with the instructions in 253.204-70, on all reportable contracting actions (see 204.670-2(a)), including actions accomplished by contract administration offices on behalf of the contracting office.

(2) Complete the DD Form 350 in the required format within three working days after the date on which the dollars were actually obligated or deobligated (see 204.670-7). Submit all contracting actions for the calendar month to the departmental data collection point (see 204.670-1(c)) in accordance with departmental/agency procedures, except—

* * * * *

(5) Maintain a copy of the DD Form 350 in the contract file, in accordance with departmental/agency procedures.

(b) * * *

(1) * * * Each contracting office with a separate code must submit its own DD Form 1057.

(2) Complete the DD Form 1057 in the required format within three working days after the cutoff of the reporting month (see 204.670-7 for alternate formats). Contracting offices are authorized to cut off the reporting month no earlier than the 25th calendar day. For September only, the cutoff date shall not be later than September 30. Submit the DD Form 1057 to the departmental data collection point in accordance with departmental/agency procedures.

* * * * *

5. Section 204.670-5 is revised to read as follows:

204.670-5 Departmental data collection point responsibilities.

Departmental data collection points—

(a) Collect DD Forms 350 and 1057 data provided by their contracting activities;

(b) Electronically record the data in accordance with the instructions for recording and editing developed by WHS-DIOR with the majority agreement of the departments/agencies and prescribed by the Director of Defense Procurement; and

(c) Submit monthly reports (noncumulative) to Washington Headquarters Services, ATTN: DIOR, within 18 days after the close of the reporting period, except the due date for September may be extended for no more than ten days. Reports control symbols, DD-P&L(M) 1014 and DD-P&L(M) 1015, respectively, apply to reports submitted to WHS-DIOR for DD Form 350 actions and DD Form 1057.

6. Section 204.670-6 is amended by revising the section title and paragraphs (b)(1)(iii), (b)(1)(iv), (b)(1)(v), (b)(2), and (c)(1) to read as follows:

204.670-6 Types of DD Form 350 reports.

* * * * *

(b) * * *

(1) * * *

(iii) Defense Fuel Supply Center of Defense Supply Center, Richmond, indefinite delivery contracts for petroleum or petroleum supplies. The Centers, at the time of award, report the estimated value of the orders to be placed against the contract on one DD Form 350.

(iv) Order place by the Defense commissary Agency (DeCA) for resale items in excess of \$25,000. DeCA consolidates the orders monthly and reports the cumulative dollar amounts and actions on one DD Form 350 in accordance with departmental/agency procedures. Defense Logistics Agency activities submit single rather than consolidated reports.

(v) Vouchers processed by the U.S. Army Contracting Command, Europe (USACCE), for the purchase of utilities from municipalities (e.g., gas, electricity, water, sewage, steam, snow removal, and garbage collection). USACCE consolidates these transactions monthly and reports the cumulative dollar amount on one DD Form 350 in accordance with departmental/agency procedures.

(2) Consolidated reports may be prepared in accordance with departmental/agency procedures for orders under communications service agreements for local dial tone services.

(c) * * *

(1) The contracting action includes foreign military sales (FMS) requirements in addition to non-FMS requirements (Block B9 on the DD Form

350). Submit one DD Form 350 report for the FMS requirements and another DD Form 350 report for the non-FMS requirements, except if either of the portions in \$25,000 or less, report the \$25,000 or less portion on a DD Form 1057 in lieu of a DD Form 350.

* * * * *

7. Section 204.670-8 is revised to read as follows:

204.670-8 Security classification.

Submit DD Forms 350 as unclassified documents. Classified contracts are not exempt from reporting solely because the contract is classified. Contact the appropriate departmental data collection points for special instructions if it is necessary for security reasons to modify coding of all or any individual blocks on the DD Form 350. If contact cannot be made for security reasons, obtain instructions from the Office of the Deputy to the Under Secretary of Defense for Policy Support, ATTN: Director for Special Programs. Telephone number is (703) 614-0578/9 or DSN 224-0578/9.

8. Section 204.670-9 is amended by revising the section title and paragraph (b) to read as follows:

204.670-9 Reporting of individual contracting actions of \$25,000 or less.

* * * * *

(b) The following contracting actions are not subject to the additional DD Form 350 reporting, although they must still be reported on the DD Form 1057:

(1) Contracting actions of \$500 or less.

(2) Foreign military sales.

(3) Orders or modifications under a Federal schedule.

(4) Actions with a government agency.

(5) Actions with non-U.S. business firms.

(6) Actions where the place of performance is other than the United States and its outlying areas.

9. Section 204.7201 is amended by revising paragraph (b) to read as follows:

204.7201 Definitions.

* * * * *

(b) *Contractor identification code* means any code required by the contracting office for the purpose of identifying the offeror. CAGE code and contractor identification numbers are two examples of contractor identification codes.

10. Section 204.7202-1 is amended by revising the second sentence of paragraph (a) to read as follows:

204.7202-1 CAGE codes.

(a) * * * Their use is prescribed by 253.204-70(b)(5)(ii)(C) and DoD 4000.25-5-M, Military Standard

Contract Administration Procedures (MILSCAP).

* * * * *

11 Section 204.7202-2 is amended by revising the section title, the introductory text, paragraph (a), the introductory text of paragraph (b)(1), and paragraphs (b)(1)(i), (b)(1)(ii), and (b)(2)(vi) to read as follows:

204.7202-2 Contractor identification number.

Use of the contractor identification number for contract data reporting is prescribed by 253.204-70(b)(5)(ii)(A). A Data Universal Numbering System (DUNS) number, which is a nine-digit number assigned by Dun and Bradstreet Information Services to an establishment, is the contractor identification number for Federal contractors. When the contractor identification number is not already available to the contracting activity, use the following procedures in the order listed:

(a) Contact the offeror and obtain the DUNS number.

(b)(1) Dun & Bradstreet Information Services for a DUNS number by—

(i) Telephone (610) 882-7741.

(ii) Facsimile (610) 882-7140.

* * * * *

(2) * * *

(vi) Total number of DUNS requests, if more than one; and

* * * * *

12. Section 204.7203 is amended by removing paragraph (e) and by revising paragraphs (a) and (b) to read as follows:

204.7203 Responsibilities of contracting officers.

(a) The contracting officer shall assist the offeror in obtaining the required contractor code(s).

(b) Prospective offerors may not be denied a solicitation or bid set because the offeror does not have a contractor code.

* * * * *

204.7204-1 [Amended]

13. Section 204.7204-1 is amended in the first sentence of paragraph (b) by revising the parenthetical phrase to read “(see FAR subpart 42.12)”.

14. Section 204.7204-2 is amended by revising the section title to read as follows:

204.7204-2 Maintenance of contractor identification number codes.

* * * * *

15. Section 204.7206 is amended by revising the introductory text to read as follows:

204.7206 Using CAGE codes to identify agents and brokers.

Authorized agents and brokers are entities and, as such, may be assigned CAGE codes and contractor identification number codes for identification and processing purposes.

* * * * *

PART 253—FORMS

16. Section 253.204–70 is revised to read as follows:

253.204–70 DD Form 350, Individual Contracting Action Report.

Policy on use of a DD Form 350 is in 204.670–2. This subsection 253.204–70 contains instructions for completion of Parts A through F of the DD Form 350. Paragraph (g) of this subsection contains special instructions for completing a DD Form 350 for an action of \$25,000 or less under the Small Business Competitiveness Demonstration Program.

(a) Part A of the DD Form 350.

Part A identifies the report and the reporting activity. Complete all four blocks.

(1) BLOCK A1, TYPE OF REPORT.

Enter one of the following codes:

(i) Codes 0—Original.

Enter code 0 unless code 1 or code 2 applies.

(ii) *Code 1—Cancelling.* A cancelling action cancels an existing DD Form 350 in accordance with departmental data collection point instructions.

(iii) Code 2—Correcting.

A correcting action corrects an existing DD Form 350 action in accordance with departmental data collection point instructions.

(2) BLOCK A2, REPORT NO.

Enter the four-digit local control number (see 204.670–3(a)(4)). If Block A1 is coded 1 or 2, use the prior report number rather than a new one.

(3) BLOCK A3, CONTRACTING OFFICE CODE.

Enter the code assigned the contracting office by the departmental data collection point in 204.670–1(c).

(4) BLOCK A4, NAME OF CONTRACTING OFFICE.

Enter sufficient detail to establish the identity of the contracting office.

(b) Part B of the DD Form 350.

Part B identifies the transaction.

(1) BLOCK B1, CONTRACT IDENTIFICATION INFORMATION.

Do not leave any parts of Block B1 blank.

(i) BLOCK B1A, CONTRACT NUMBER.

(A) Enter—

(1) The DoD contract number; or

(2) For orders under contracts awarded by other Federal agencies, the

contract number of that Federal agency as it appears in the contractual instrument.

(B) Do not leave spaces between characters, and do not enter dashes, slants, or any other punctuation marks.

(C) The DoD contract number is the basic (13 alphanumeric character) procurement instrument identification number (PIIN) that was assigned in accordance with 204.7001 or constructed under an exception permitted by 204.7000. Do not enter any supplemental procurement instrument identification numbers as part of the contract number (these go in Block B2).

(ii) BLOCK B1B, ORIGIN OF CONTRACT.

Enter the code that indicates the agency that originated/assigned the contract number.

(A) *Code A—DoD.*

(B) *Code B—NASA.*

(C) *Code C—Other non-DoD agency.*

(2) BLOCK B2, MOD, ORDER OR OTHER ID NUMBER.

Enter the supplementary procurement instrument identification number (if there is one) that was assigned in accordance with 204.7004 or as permitted by 204.7000. It can be up to 19 characters. Usually calls and orders have a four-position number (see 204.7004–4) and modifications (including modifications of calls or orders) have a six-position modification number (see 204.7003 or 204.7004(b)).

(3) BLOCK B3, ACTION DATE.

(i) Enter the year, month, and day of the effective date for fiscal obligation purposes. When contract actions are awarded contingent on the availability of funds, enter the date funds are obligated.

(i) Enter four digits for the year, two digits for the month, and two digits for the day. Use 01 through 12 for January through December. For example, enter January 2, 2003, as 20030102.

(4) BLOCK B4, COMPLETION DATE.

(i) Enter year, month, and day of the last contract delivery date or the end of the performance period. If the contract is incrementally funded, report the completion date for the entire contract. Report the completion date associated with an option quantity when the option is exercised.

(ii) Enter four digits for the year, two digits for the month, and two digits for the day. Use 01 through 12 for January through December. For example, enter January 2, 2003, as 20030102.

(5) BLOCK B5, CONTRACTOR IDENTIFICATION INFORMATION.

(i) Use data that relates to the contractor whose name and address appears in the contract document (Block 7 of the SF 26, Award/Contract; Block

8 of the SF 30, Amendment of solicitation/Modification of Contract; Block 15A of the SF 33, Solicitation, Offer and Award; or Block 9 of the DD Form 1155, Order for Supplies or Services), except—

(A) For contracts placed with the Small Business Administration under Section 8(a) of the Small Business Act, use data that relates to the company that will be performing the work.

(B) For Federal schedule orders, use data that applies to the contractor whose name appears on the schedule (not the data for the agent to whom orders may be sent).

(C) For contracts with the Canadian Commercial Corporation (CCC), use data for the appropriate CCC office.

(ii) Some of the parts of Block B5 may not apply to the action being reported. Follow the instructions for each part.

(A) BLOCK B5A, CONTRACTOR IDENTIFICATION NUMBER.

Enter the contractor's 9-position Data Universal Numbering System (DUNS) number. If the DUNS number is not available to the contracting activity, use the procedures at 204.7202–2 to obtain one.

(B) BLOCK B5B, GOVERNMENT AGENCY.

Enter one of the following codes:

(1) *Code Y—Yes.* Enter code Y when the contractor is a Federal/State/Local government agency.

(2) *Code N—No.* Enter code N when code Y does not apply.

(C) BLOCK B5C, CAGE CODE.

Enter the 5-position commercial and Government entity (CAGE) code the identifies the contractor plant or establishment. If the CAGE code is not already available in the contracting office and the apparent awardee does not respond to the provision at 252.204–7001, Commercial and Government Entity (CAGE) Code Reporting, use the procedures at 204.7202–1 to obtain one.

(D) BLOCK B5D, CONTRACTOR NAME AND DIVISION NAME.

Enter the contractor's name as stated in the offer and resultant contract. Include its division name.

(E) BLOCK B5E, CONTRACTOR ADDRESS.

Enter the contractor's address as stated in the offer and resultant contract. Include street address (and/or P.O. Box), city/town, state/country, and ZIP code, if applicable. Do not enter foreign postal codes.

(F) BLOCK B5F, TIN.

Enter the contractor's taxpayer identification number (see FAR subpart 4.9). Leave Block B5F blank if the contractor is—

(1) A nonresident alien, foreign corporation, or foreign partnership that

does not have income effectively connected with the trade or business in the United States; and does not have an office or place of business or a fiscal paying agent in the United States;

(2) An agency or instrumentality of a foreign government

(3) An agency or instrumentality of a Federal, State, or local government.

(G) BLOCK B5G, PARENT TIN.

Enter the contractor's parent company (common parent) TIN (see FAR subpart 4.9 and 52.204-3). If the contractor does not have a parent company or the parent company meets the exemption for Block B5F, leave Block B5G blank.

(H) BLOCK B5H, PARENT NAME.

If a parent company TIN is entered in Block B5G, enter in Block B5H the name of the parent company (common parent). Leave Block B5H blank if there is no parent company or the parent company is exempted from the requirement to have a TIN.

(6) BLOCK B6, PRINCIPAL PLACE OF PERFORMANCE.

(i) The place, or places, where the contract will be performed may be specified by the Government or listed by the contractor in response to the solicitation provision at FAR 42.214-14, Place of Performance—Sealed Bidding, or FAR 52.215-20, Place of Performance. Use date for the contractor's principal place of performance, which is generally the—

(A) Final assembly point for supply contracts with manufacturers.

(B) Dealer's location for supply contracts with regular dealers (FAR 22.601) where shipment is made from stock.

(C) Subcontractor's location for supply contracts with regular dealers (FAR 22.601) where shipment is made from a subcontractor's plant.

(D) Actual construction site for construction contracts.

(E) Planned construction site for architect-engineer contracts.

(F) Place of mining for mined supplies.

(G) Place (including military installations) where a service is performed for service contracts.

(ii) When there is more than one location for any of paragraphs (i) (A) through (G) (e.g., more than one construction site), use the location involving the largest dollar amount of the acquisition. Do not show more than one location in Block B6.

(iii) If places of performance are too varied or not known, or if commercial procedures were used, enter the contractor's home office location.

(iv) Follow the instructions for each part Block 6 which applies to the action being reported.

(A) BLOCK B6A, CITY OR PLACE CODE.

(1) For places in the United States and outlying areas, enter the numeric place code, which can be found in the Federal Information Processing Standards (FIPS) Publication (PUB) 55-2, ("Guideline: Codes for named Populated Places, Primary Country Divisions, and Other Locational Entities of the United States and Outlying Areas"). Leave Block B6A blank for places outside the United States and outlying areas.

(2) If the city or locality is not listed, look in FIPS PUB 55-2 for the county code of the principal place of performance. Enter that in Block B6A. Use 50000 for Washington, DC, with a State code of 11.

(3) Paragraph 5.2, Entry Selection With the Aid of the Class Code, of FIPS PUB 55-2 will help in selecting the correct code. Sometimes, a class code should be used in addition to a place code to accurately identify the place of performance. Do not use place codes when the first position of the class code is X or Z.

(B) BLOCK B6B, STATE OR COUNTRY CODE.

(1) For places in the United States and outlying areas, enter the numeric State code, which can be found in FIPS PUB 55-2 or FIPS PUB 5-2, Codes for the Identification of the States, the District of Columbia and the Outlying Areas of the United States and Associated Areas.

(2) For places outside of the United States and outlying areas, enter the alpha country code from FIPS PUB 10-3, Countries, Dependencies, Areas of Special Sovereignty, and Their Principal Administrative Divisions.

(C) BLOCK B6C, CITY OR PLACE AND STATE OR COUNTRY NAME. Enter the name of the principal place of performance. Do not leave Block B6B blank.

(7) BLOCK B7, TYPE OBLIGATION. Enter one of the following codes:

(i) *Code 1—Obligation*. Enter code 1 if the contracting action obligates funds.

(ii) *Code 2—Deobligation*. Enter code 2 if the contracting action deobligates funds.

(8) BLOCK B8, TOTAL DOLLARS.

Enter the net amount of funds (whole dollars only) obligated or deobligated by the contracting action. Do not leave Block B8 blank.

(9) BLOCK B9, FOREIGN MILITARY SALE.

Enter one of the following codes. If only part of the contracting action is a foreign military sale, separately report the parts (see 204.670-6(c)).

(i) *Code Y—Yes*. Enter code Y when the contracting action is under a foreign military sales arrangement, or under any

other arrangement when a foreign country or international organization is bearing the cost of the acquisition.

(ii) *Code N—No*. Enter code N when code Y does not apply.

(10) BLOCK B10, MULTIYEAR CONTRACT.

Enter one of the following codes:

(i) *Code Y—Yes*. Enter code Y when the contracting action is a multiyear contract as defined at FAR 17.101. Do not report contracts containing options as multiyear unless the definition at FAR 17.101 applies to the contract.

(ii) *Code N—No*. Enter code N when code Y does not apply.

(11) BLOCK B11, TOTAL MULTIYEAR VALUE.

Enter total multiyear value only at the time of initial obligation of the multiyear funds. Therefore, enter the estimated total multiyear contract value (whole dollars only) if the contracting action is—

(i) A multiyear contract (B10 is coded Y); and

(ii) Either a new letter contract or a new definitive contract (Block B13A is coded 1 or 3 and Block B13D is blank). For all other codes in Block B13A, enter a numeric value of zero in Block B11.

(12) BLOCK B12, PRINCIPAL PRODUCT OR SERVICE.

Block B12 contains five parts. Do not leave any parts of Block B12 blank.

(i) BLOCK B12A, FSC OR SVC CODE.

Enter the 4-character federal supply classification (FSC) or service code that describes the contract effort. To find the code, look in Section I of the Department of Defense (DoD) Procurement Coding Manual (MN02). There are three categories so codes of choose from. In some cases, use a 4-character code from a list of 4-character codes; in other case, construct a code using the instructions in the Manual. If more than one category or code applies to the contracting action, enter the one that best identifies the product or service representing the largest dollar value.

(A) *Supplies*. If the contracting action is for the purchase (not lease or rental) of supplies, enter an FSC code in Block B12A. FSC codes are all numeric. Look in Section I, Part C, of the DoD Procurement Coding Manual (MN02). The Department of Defense Federal Supply Classification Cataloging Handbooks H2-1, H2-2, and H2-3 may also help with the correct 4-digit code.

(B) *Services*. If the contracting action is for services (except research, development, test, and evaluation), construction, or lease or rental of equipment or facilities, enter a service code in Block B12A.

(C) *Research, Development, Test and Evaluation (RDT&E)*. If the contracting

action is for RDT&E (as defined in FAR 35.001 and 234.001), enter an RDT&E code in Block B12A. Look in Section I, Part A, of the DoD Procurement Coding Manual (MN02). All RDT&E codes should begin with the letter "A". Do not use an RDT&E code for—

(1) Purchase, lease, or rental of equipment, supplies, or services separately purchased in support of RDT&E work, even if RDT&E funds are cited. Instead, use an FSC or Service code under the instructions in paragraphs (i) (A) or (B).

(2) Orders under Federal Schedule contracts. Instead, use an FSC or Service code under the instructions in paragraphs (i) (A) or (B).

(ii) BLOCK B12B, DOD CLAIMANT PROGRAM CODE.

Enter a code that identifies the commodity described in Block B12E. These codes are in Section III of the DoD Procurement Coding Manual (MN02). If more than one code applies to the contracting action, enter the one that best identifies the product or service representing the largest dollar value. If the description in Block B12E is for—

(A) Research and development (R&D), enter the code that best represents the objective of the R&D. For example, if the objective of the research and development is a guided missile, enter code A20. If the R&D cannot be identified to any particular objective, enter code S10.

(B) Ship repair, inspect and repair as necessary (IRAN), modification of aircraft, overhaul of engines, or similar maintenance, repair or modification services, enter the code that best identifies the program.

(C) Equipment rental (including rental of automated data processing equipment), enter code S10.

(D) Utility services, enter code S10.

(E) Services that cannot be identified to any listed program, enter code S10.

(F) Supplies or equipment that cannot be identified to any listed program, enter code C9E.

(iii) BLOCK B12C PROGRAM, SYSTEM OR EQUIPMENT CODE.

(A) Enter a code that describes the program, weapons system or equipment. These codes are in Section II of the DoD Procurement Coding Manual (MN02). If there is no code that applies to the contracting action, enter three zeros. If more than one code applies to the action, enter the one that best identifies the product or service representing the largest dollar value.

(B) If the contracting action is funded by the Ballistic Missile Defense Organization, enter code CAA.

(C) If the contracting action supports environmental cleanup programs, enter

one of the codes listed in Section II of the DoD Procurement Coding Manual (MN02) under the heading "Description and Use of Program Codes—Environmental Cleanup Programs."

(D) Defense Logistics Agency activities must use the code assigned by the sponsoring service.

(iv) BLOCK B12D, SIC CODE.

Enter the standard industrial classification (SIC) code for the acquisition (as opposed to the SIC of the manufacturer or dealer). Use the SIC code in effect at the time of award.

These codes are in the OMB Standard Industrial Classification Manual. If more than one code applies to the contracting action, enter the one that best identifies the product or service representing the largest dollar value.

(v) BLOCK B12E, NAME/ DESCRIPTION.

Enter the name or brief description of the commodity or service. If the description is classified, enter only the work "Classified." Do not, however, use "Classified" when a code name (e.g., Minuteman, Polaris, Trident, Pershing, etc.) or an identifying program number (e.g., WS-107A) can be used.

(13) BLOCK B13, KIND OF CONTRACTING ACTION.

Some of the parts of Block B13 may not apply to the action being reported. Follow instructions for each part. When the contracting action is a modification, complete Blocks B13A and B13D.

(i) BLOCK B13A, CONTRACT/ ORDER.

Enter one of the following codes:

(A) *Code 1—Letter Contract.* Enter code 1 when the contracting action is a letter contract. When the contracting action is a modification to a letter contract that has not been definitized, enter code 1 in B13A.

(B) *Code 3—Definitive Contract.* Enter code 3 when the contracting action is the award of a definitive contract. When the contracting action definitizes a letter contract or is a modification to a definitive contract, enter code 3 in B13A. Code 3 includes the following:

(1) Definitive contract awards under the Small Business Administration 8(a) program.

(2) Notices of award.

(3) Lease agreements.

(4) Indefinite delivery-definite quantity contracts (FAR 52.216-20).

(5) Indefinite delivery-indefinite quantity contracts (FAR 52.216-22) when funds are obligated by the contract itself.

Code 3 excluded orders from the Procurement List (see codes 6 and 8).

(C) *Code 4—Order under an Agreement.* Enter code 4 when the contracting action is an order or

definitization of an order under an agreement. (Examples include an order exceeding \$25,000 under a basic ordering agreement or a master ship repair agreement and job order when the contract is created by issuing the order. A blanket purchase agreement call is coded 6 or 9, as appropriate. When the contracting action is a modification to an order described in Code 4 instructions, enter code 4 in B13A.

D. *Code 5—Order under Indefinite Delivery Contract (IDC).*

Enter code 5 when the contracting action is an order, including task or delivery order, under an indefinite delivery contract awarded by a Federal agency. For example, code 5 is to be entered for an order under a GSA indefinite delivery contract such as a GSA area-wide contract for utility services, which is not a Federal schedule. When the contracting action is a modification to an order described in code 5 instructions, enter code 5 in B13A.

(E) *Code 6—Order/Call under Federal Schedule.* Enter code 6 if the contracting action is a blanket purchase agreement call established with a Federal schedule contractor pursuant to FAR 13.202(c)(3), or an order under—

(1) Federal schedule (e.g., GSA, VA, or OPM) contract (FAR 8.401); or

(2) GSA ADP schedule contract.

Code 6 includes orders from the Procurement List under Federal schedules. When the contracting action is a modification to an order/call described in code 6 instructions, enter code 6 in B13A.

(F) *Code 8—Order from Procurement List.* Enter code 8 if the contracting action is an action placed with Federal Prison Industries (UNICOR) or a JWOD Participating Nonprofit Agency in accordance with FAR Subparts 8.6 or 8.7. When the contracting action is a modification to an action described in code 8 instructions, enter code 8 in B13A.

(G) *Code 9—Purchase Using Simplified Acquisition Procedures.* Enter code 9 if the contracting action, including an action in a designated industry group under the Small Business Competitiveness Demonstration Program (FAR subpart 19.10), is an award pursuant to FAR part 13 except when the contracting action is a blanket purchase agreement call pursuant to FAR 13.202(c)(3) (see code 6). When the contracting action is a modification to an order/call described in code 9 instructions, enter code 9 in B13A.

(ii) BLOCK B13B, TYPE OF INDEFINITE DELIVERY CONTRACT.

If Block B13A is coded 3 and the ninth position of B1A is coded D, complete Block B13B. If Block B13A is coded 5, complete Block B13B. Otherwise, leave blank.

(A) *Code A—Requirements Contract* (FAR 52.216–21).

(B) *Code B—Indefinite Quantity Contract* (FAR 52.216–22).

(C) *Code C—Definite Quantity Contract* (FAR 52.216–20).

(iii) BLOCK B13C, MULTIPLE/SINGLE AWARD IDC(S).

If Block B13B is coded A, B, or C, complete Block B13C. Otherwise, leave blank.

(A) *Code M—Multiple Award*. Enter code M if the contracting action is a task or delivery order under a multiple award indefinite delivery contract.

(B) *Code S—Single Award*. Enter code S if the contracting action is a task or delivery order under a single award indefinite delivery contract.

(iv) BLOCK B13D, MODIFICATION.

If this action is a modification, enter one of the following codes. Otherwise, leave blank.

(A) *Code A—Additional Work (new agreement)*.

Enter code A when the contracting action is a bilateral supplemental agreement which obligates funds for additional work requiring a justification and approval (J&A).

(B) *Code B—Additional Work (other)*.

Enter code B when the contracting action is a modification of an existing contract (including a letter contract) which is not covered by code A or by codes C through H. (See code H for exercise of an option.) Code B includes actions which—

(1) Initiate an incremental yearly buy under a multiyear contract;

(2) Amend a letter or other contract to add work that does not require a J&A; or

(3) Order under a priced exhibit or production list.

(C) *Code C—Funding Action*. Enter code C when the contracting action is a modification (to a letter or other contract) for the sole purpose of obligating or deobligating funds.

(1) This includes—

(i) Incremental funding (other than incremental yearly buys under multiyear contracts which are code B);

(ii) Changes to the estimated cost on cost-reimbursement contracts;

(iii) Repricing actions covering incentive price revisions;

(iv) Economic price adjustments; and

(v) Initial citation and obligation of funds for a contract awarded in one fiscal year but not effective until a subsequent fiscal year.

(D) *Code D—Change Order*. Enter code D if the contracting action is a

change order issued under the “Changes,” “Differing Site Conditions,” or similar clauses in existing contracts.

(E) *Code E—Termination for Default*. Enter code E if the contracting action is a modification which terminates all or part of the contract for default.

(F) *Code F—Termination for Convenience*. Enter code F if the contracting action is a modification which terminates all or part of the contract for convenience.

(G) *Code G—Cancellation*. Enter code G if the contracting action is a modification which cancels the contract. Do not use code G to cancel a prior DD Form 350—see Block A1.

(H) *Code H—Exercise of an Option*. Enter code H if the contracting action is an exercise of an option.

(I) *Code J—Definitization of a Letter Contract*. Enter code J if the contracting action is the definitization of a letter contract.

(c) *Part C of the DD Form 350*.

(1) Part C gathers data concerning contracting procedures, use of competition, financing, and statutory requirements other than socioeconomic (which are in Part D).

(2) Do not complete Part C if the contracting action is an action with a government agency, i.e., Block B5B (Government Agency) is coded Y (Yes). If Block B13A is coded 6, do not complete any blocks in Part C except Blocks C13A and C13B when they apply.

(3) In completing Part C, the codes to be used describe either the contracting action being reported or the original contract, depending on the codes reported in blocks B13A and B13D.

(i) If Block B13A is coded 1, 2, 3, 4, 6, or 9 and Block B13D is coded A or is blank, code the blocks in Part C with reference to the action being reported. Otherwise, code the blocks with reference to the original contract.

(ii) If there are no codes for the original contract because a DD Form 350 was not required at the time, the original action is no longer available, the definition of the original code has changed, or a data element has been added to the system after the original contract report, then use codes that best describe the original contracting action.

(4) Complete Part C blocks as follows:

(i) BLOCK C1, SYNOPSIS.

Enter one of the following codes:

(A) *Code A—Synopsis Only*. Enter code A if only a synopsis of the proposed action was prepared and transmitted to the Commerce Business Daily in accordance with FAR subpart 5.2.

(B) *Code B—Combined Synopsis/Solicitation*. Enter code B if a combined

synopsis/solicitation of the proposed action was prepared and transmitted to the Commerce Business Daily in accordance with FAR subpart 5.2 and 12.603.

(C) *Code N—No*. Enter code N if a synopsis was not prepared.

(ii) BLOCK C2, REASON NOT SYNOPSISIZED.

Enter one of the following codes if Block C1 is coded N. Otherwise, leave Block C2 blank.

(A) *Code A—Urgency*. Enter code A if the action was not synopsisized due to urgency (see FAR 6.302–2).

(B) *Code B—Use of FACNET*. Enter code B if the action was not synopsisized due to use of FACNET for the acquisition.

(C) *Code Z—Other Reason*. Enter code Z if the action was not synopsisized due to some other reason.

(iii) BLOCK C3, EXTENT COMPLETED.

Enter one of the following codes:

(A) *Code A—Competed Action*. Enter code A when—

(1) The contracting action is an action under a Federal Schedule contract (Block B13A is coded 6).

(2) Competitive procedures were used to fulfill the requirement for full and open competition (FAR subpart 6.1).

(3) Full and open competition procedures after exclusion of sources were used in order to establish/maintain alternative sources, to set aside an acquisition for small business, or to compete section 8(a) awards (FAR subpart 6.2).

(4) Statutory authorities for other than full and open competition were used (FAR subpart 6.3) and more than one offer was received (if only one offer was received, use code D).

(5) Contracting action resulted from a contract awarded prior to the Competition in Contracting Act that used two-step sealed bidding or other sealed bidding, or that was negotiated competitively.

(6) Simplified acquisition procedures were used and competition was obtained.

(B) *Code B—Not Available for Competition*. Enter code B for—

(1) Awards for utilities or utility systems, excluding long distance telecommunications services, when only one supplier can furnish the service (FAR 6.302–1(b)(3)).

(2) Brand name commercial products for authorized resale.

(3) Acquisitions authorized or required by statute to be awarded to a specific source pursuant to FAR 6.3022–5(b) (2) or (4), e.g., qualified nonprofit agencies employing people who are blind or severely disabled (FAR subpart 8.7) or 8(a) program (FAR subpart 19.8).

(4) International agreements and Foreign Military Sales when the acquisition is to be reimbursed by a foreign country that requires that the product or services be obtained from a particular firm as specified in official written direction such as a Letter of Offer and Acceptance.

(5) Other contract actions when the Director of Defense Procurement has determined that there is no opportunity for competition.

(Note: Even though Part C is not completed for actions with a government agency, the database will automatically include these actions in the category of not available for competition.)

(C) *Code C—Follow-on to Competed Action.* Enter code C when the action pertains to an acquisition placed with a particular contractor to continue or augment a specific competed program when such placement was necessitated by prior acquisition decisions.

(D) *Code D—Not Competed.* Enter code D when codes A, B, or C do not apply.

(iv) BLOCK C4, SEA TRANSPORTATION.

Enter one of the following codes when Block B1B is coded A, Block B5B is coded N, and Block B13A is coded other than 9. Otherwise, leave Block C4 blank.

(A) *Code Y—Yes—Positive Response to 252.2247-7022 or 252.212-7000(c)(2).*

Enter code Y when the contractor's response to the provision at 252.247-7022, Representation of Extent of Transportation by Sea, or 252.212-7000(c)(2), Offeror Representations and Certifications—Commercial Items, indicates that the contractor anticipates that some of the supplies being provided may be transported by sea.

(B) *Code N—No—Negative Response to 252.247-7022 or 252.212-7000(c)(2).*

Enter code N when the contractor's response to the provision at 252.247-7022 or 252.212-7000(c)(2) indicates that the contractor anticipates that none of the supplies being provided will be transported by sea.

(C) *Code U—Unknown—No Response or Provision Not Included in Solicitation.*

Enter code U when the contractor did not complete the representation at 252.247-7022 or 252.212-7000(c)(2) or the solicitation did not include either provision.

(v) BLOCK C5, TYPE OF CONTRACT.

(A) If the action is a letter contract, including modifications and amendments to letter contracts, enter the code that describes the anticipated type of contract the letter contract will become when it is definitized.

(B) If there is more than one type of contract involved in the contracting

action, enter the code that matches the type with the most dollars. If the type with the least dollars exceeds \$500,000, fill out separate DD Forms 350 (with different report numbers) for each type.

(C) Enter one of the following codes:

(1) *Code A—Fixed-Price*

Redetermination.

(2) *Code J—Firm-Fixed-Price.*

(3) *Code K—Fixed-Price Economic Price Adjustment.*

(4) *Code L—Fixed-Price Incentive.*

(5) *Code R—Cost-Plus-Award-Fee.*

(6) *Code S—Cost Contract.*

(7) *Code T—Cost-Sharing.*

(8) *Code U—Cost-Plus-Fixed-Fee.*

(9) *Code V—Cost-Plus-Incentive-Fee.*

(10) *Code Y—Time-and-Materials.*

(11) *Code Z—Labor-Hour.*

(vi) BLOCK C6, NUMBER OF OFFERORS SOLICITED.

(A) Leave Block C6 blank if—

(1) The original contract resulted from a solicitation issued before April 1, 1985, (i.e., before the effective date of the Competition in Contracting Act);

(2) Block B1B is coded B or C and Block B13A is coded 5; or

(3) *Block B13A is coded 6.*

(B) Otherwise, enter—

(1) *Code 1—One.* Enter code 1 if only one offeror was solicited.

(2) *Code 2—More than One.* Enter code 2 if more than one offeror was solicited.

(vii) BLOCK C7, NUMBER OF OFFERS RECEIVED.

(A) Leave Block C7 blank if—

(1) The original contract resulted from a solicitation issued before April 1, 1985 (i.e., before the effective date of the Competition in Contracting Act); or

(2) Block B13A is coded 6, Order Under Federal Schedule.

(B) Otherwise, enter the specific number of offers received (maximum 999).

(viii) BLOCK C8, SOLICITATION PROCEDURES.

(A) Leave Block C8 blank if—

(1) The original contract resulted from a solicitation issued before April 1, 1985 (i.e., before the effective date of the Competition in Contracting Act);

(2) The action is pursuant to simplified acquisition procedures (Block B13A is coded 9); or

(3) The action is an order/call under a Federal schedule (Block B13A is coded 6).

(B) Otherwise, enter one of the following codes:

(1) *Code A—Full and Open Competition—Sealed Bid.* Enter code A if the action resulted from an award pursuant to FAR 6.102(a).

(2) *Code B—Full and Open Competition—Competitive Proposal.* Enter code B if the action resulted from an award pursuant to FAR 6.102(b).

(3) *Code C—Full and Open Competition—Combination.* Enter code C if the action resulted from an award using a combination of competitive procedures (e.g., two-step sealed bidding) pursuant to FAR 6.11102(c).

(4) *Code D—Architect-Engineer.* Enter code D if the action resulted from selection of sources for architect-engineer contracts pursuant to FAR 6.102(d)(1).

(5) *Code E—Basic Research.* Enter code E if the action resulted from competitive selection of basic research proposals pursuant to FAR 6.102(d)(2).

(6) *Code F—Multiple Award Schedule.* Enter code F if the action is an award of a multiple award schedule pursuant to FAR 6.102(d)(3) or an order against such a schedule.

(7) *Code G—Alternative Sources.* Enter code G if the action resulted from use of competitive procedures but excluded a particular source pursuant to FAR 6.202(a).

(8) *Code K—Set-Aside.* Enter code K if the action resulted from any—

(i) Set-aside for small business concerns (FAR 6.203 including small business innovation research (SBIR) actions and awards to qualified nonprofit agencies employing people who are blind or severely disabled which were participating in a set-aside for small business concerns (see FAR 19.501(h)).

(ii) Set-aside for small disadvantaged business concerns (see 206.203).

(iii) Total or partial set-asides (including portions of broad agency announcements (BAAs)) for historically black colleges and universities or minority institutions (see 206.203 and 235.016).

(iv) Competition among section 8(a) firms under FAR 19.805 (report noncompetitive 8(a) awards as code N).

(9) *Code M.* [Reserved.]

(10) *Code N—Other Than Full and Open Competition.*

Enter code N if the action resulted from use of other than full and open competition pursuant to FAR subpart 6.3. This includes awards to qualified nonprofit agencies employing people who are blind or severely disabled (see FAR subpart 8.7) or noncompetitive awards to the Small Business Administration under Section 8(a) of the Small Business Act (see FAR 6.302-5(b)).

(ix) BLOCK C9, AUTHORITY FOR OTHER THAN FULL AND OPEN COMPETITION.

(A) Leave Block C9 blank if the original contract resulted from a solicitation issued before April 1, 1985 (i.e., before the effective date of the Competition in Contracting Act).

(B) Enter one of the following codes if Block C8 is coded "N." Otherwise, leave Block C9 blank.

(1) *Code 1A—Unique Source.* Enter code 1A if the action was justified pursuant to FAR 6.302-1(b)(1).

(2) *Code 1B—Follow-on Contract.* Enter code 1B if the action was justified pursuant to FAR 6.302-1(a)(2) (ii) or (iii).

(3) *Code 1C—Unsolicited Research Prop.* Enter code 1C if the action was justified pursuant to FAR 6.302-1(a)(2)(i).

(4) *Code 1D—Patent/Data Rights.* Enter code 1D if the action was justified pursuant to FAR 6.302-1(b)(2).

(5) *Code 1E—Utilities.* Enter code 1E if the action was justified pursuant to FAR 6.302-1(b)(3).

(6) *Code 1F—Standardization.* Enter code 1F if the action was justified pursuant to FAR 6.302-1(b)(4).

(7) *Code 1G—Only One Source—Other.* Enter code 1G if the action was justified pursuant to FAR 6.302-1 in a situation other than the examples cited in codes 1A through 1F.

(8) *Code 2A—Urgency.* Enter code 2A if the action was justified pursuant to FAR 6.302-2.

(9) *Code 3A—Particular Source.* Enter code 3A if the action was justified pursuant to FAR 6.302-3(a)(2).

(10) *Code 4A—International Agreement.* Enter code 4A if the action was justified pursuant to FAR 6.302-4.

(11) *Code 5A—Authorized by Statute.* Enter code 5A if the action was justified pursuant to FAR 6.302-5(a)(2)(i).

(12) *Code 5B—Authorized Resale.* Enter code 5B if the action was justified pursuant to FAR 6.302-5(a)(2)(ii).

(13) *Code 6A—National Security.* Enter code 6A if the action was justified pursuant to FAR 6.302-6.

(14) *Code 7A—Public Interest.* Enter code 7A if the action was taken pursuant to FAR 6.302-7.

(x) **BLOCK C10, SUBJECT TO LABOR STANDARDS STATUTES.**

Enter one of the following codes. When Block B13A is coded 6, leave Block C10 blank.

(A) *Code A—Walsh-Healey Act.* Enter code A when the contracting action is subject to the provisions of FAR subpart 22.6.

(B) *Code C—Service Contract Act.* Enter code C when the contracting action is subject to the provisions of the Service Contract Act (see FAR part 37).

(C) *Code D—Davis-Bacon Act.* Enter code D when the contracting action is subject to the Davis-Bacon Act (see FAR 22.403-1).

(D) *Code Z—Not Applicable.* Enter code Z when codes A, C, or D do not apply.

(xi) **BLOCK C11, CERTIFIED COST OR PRICING DATA.**

Enter one of the following codes when Block B1B is coded A. Otherwise, leave blank.

(A) *Code Y—Yes—Obtained.* Enter code Y when certified cost or pricing data were obtained for the contracting action reported (see FAR 15.804-2).

(B) *Code N—No—Not Obtained.* Enter code N when certified cost or pricing data were not obtained because data were not required (see FAR 15.804-2) or an exemption was granted (see FAR 15.804-3(a)-(g)).

(C) *Code W—Not Obtained—Waived.* Enter code W when certified cost or pricing data were not obtained because the requirement was waived (see FAR 15.804-3(i) and DFARS 215.804-3(i)).

(xii) **BLOCK C12, CONTRACT FINANCING.**

Enter one of the following codes identifying whether or not progress payments (PP), advance payments (AP), or other financing methods were used.

(A) *Code A—FAR 52.232-16.* Enter code A if the contract contains the clause at FAR 52.232-16, Progress Payments.

(B) *Code B—DFARS 252.232-7003.* Enter code B if the contract contains the clause at 252.232-7003, Flexible Progress Payments.

(C) *Code C—Percentage of Completion PP.* Enter code C if the contract provides for progress payments based on percentage or stage of completion, which is only permitted on contracts for construction, for shipbuilding, or for ship conversion, alteration, or repair (see 232.102(e)(2)).

(D) *Code D—Unusual PP or AP.* Enter code D if the contract provides for unusual progress payments or advance payments (see FAR subpart 32.4 and 32.501-2).

(E) *Code E—Commercial Financing.* Enter code E if the contract provides for commercial financing payments (see FAR subpart 32.2).

(F) *Code F—Performance-Based Financing.* Enter code F if the contract provides for performance-based financing payments (see FAR subpart 32.10).

(G) *Code Z—Not Applicable.* Enter code Z when codes A through F do not apply.

(xiii) **BLOCK C13, FOREIGN TRADE DATA.**

(A) The term "United States" (U.S.), as used in Block C13, excludes the Trust Territory of Palau (see 204.670-1 for definition of United States and outlying areas).

(B) **BLOCK C13A, PLACE OF MANUFACTURE.**

Complete Block C13A only if the contracting action is for a foreign end

product or a service provided by a foreign concern. Otherwise, leave Block C13A blank.

(1) *Code A—U.S.* Enter code A if the contracting action is for—

(i) A foreign end product that is manufactured in the United States but still determined to be foreign because 50 percent or more of the cost of its components is not mined, produced, or manufactured inside the United States or inside qualifying countries; or

(ii) Services performed in the United States by a foreign concern.

(2) *Code B—Foreign.* Enter code B if the contracting action is for—

(i) Any other foreign end product; or

(ii) Services performed outside the United States by a foreign concern.

(C) **BLOCK C13B, COUNTRY OF ORIGIN CODE.**

(1) Complete Block C13B only if Block C13A is coded A or B. Otherwise, leave Block C13B blank.

(2) Enter the code from FIPS PUB 10-3 (Countries, Dependencies, Areas of Special Sovereignty, and Their Principal Administrative Divisions) that identifies the country where the foreign product is coming from or where the foreign company providing the services is located. If more than one foreign country is involved, enter the code of the foreign country with the largest dollar value.

(xiv) **BLOCK C14, COMMERCIAL ITEMS.** Enter one of the following codes:

(A) *Code Y—Yes.* Enter code Y if the contract contains the clause at FAR 52.212-4, Contract Terms and Conditions—Commercial Items.

(B) *Code N—No.* Enter code N if code Y does not apply.

(d) *Part D of the DD Form 350.*

(1) Part D gathers data on the various socioeconomic programs that apply to defense acquisitions.

(2) Do Not complete Part D if the contracting action is an—

(i) Order/call under a Federal schedule, i.e., Block B13A is coded 6; or

(ii) Action with a government agency, i.e., Block B5B is coded Y.

(3) Determined the status of the concern (e.g., size and ownership) by referring to FAR part 19 and DFARS part 219.

(4) Use the codes in Blocks B13A and B13D to determine whether the codes in Part D will describe the contracting action being reported or the original contract.

(i) Code Part D to describe the contracting action being reported when—

(A) Block B13A is coded 1, 3, 4, or 9 and Block B13D is coded A or is blank; or

(B) Block B5B is coded N, Block B13A is coded 8, and Block B13D is coded A or is blank. Otherwise, code Part D to describe the original contract.

(ii) If there are no codes for the original contract because a DD Form 350 was not required at the time, the original action is no longer available, the definition of the original code has changed or a data element has been added to the system after the original contract report, then use codes that best describe the original contracting action.

(5) Complete Part D blocks as follows:

(i) BLOCK D1, TYPE OF BUSINESS.

Enter one of the following codes:

(A) *Code A—Small Disadvantaged Business Performing in U.S.* Enter code A if the contractor is an SDB concern as defined in 219.001 and the place of performance is within the United States and outlying areas.

(B) *Code B—Other Small Business Performing in U.S.* Enter code B if the contractor is a small business concern as defined in FAR 19.001, other than a small disadvantaged business concern, and the place of performance is within the United States and outlying areas.

(C) *Code C—Large Business Performing in U.S.* Enter code C if the contractor is a domestic large business concern, and the place of performance is within the United States and outlying areas.

(D) *Code D—JWOD Participating Nonprofit Agencies.* Enter code D if the contractor is a qualified nonprofit agency employing people who are blind or severely disabled (FAR 8.701), and the place of performance is within the United States and outlying areas.

(E) *Code F—Hospital.* Enter code F if the contractor is a hospital, and the place of performance is within the United States and outlying areas.

(F) *Code L—Foreign Concern/Entity.* Enter code L if the contractor is a foreign concern, the Canadian Commercial Corporation, or a non-U.S.-chartered nonprofit institution.

(G) *Code M—Domestic Firm Performing Outside U.S.* Enter code M if the contractor is a domestic concern or a domestic nonprofit institution and the place of performance is outside the United States and outlying areas.

(H) *Code U—Historically Black Colleges and Universities or Minority Institutions (HBCU/MI).* Enter code U if the contractor is an HBCU/MI as defined at 252.226-7000 and the place of performance is within the United States and outlying areas.

(I) *Code V—Other Educational.* Enter code V if the contractor is an educational institutional which does not qualify as an HBCU/MI, and the place

of performance is within the United States and outlying areas.

(J) *Code Z—Other Nonprofit.* Enter code Z if the contractor is a nonprofit institution (defined in FAR 31.701) which does not meet any of the criteria in codes D, F, U, or V, and the place of performance is in the United States and outlying areas.

(ii) BLOCK D2, REASON NOT AWARDED TO SMALL DISADVANTAGED BUSINESS (SDB).

Enter one of the following codes when Block D1 is coded B or C. Otherwise, leave Block D2 blank.

(A) *Code A—No Known SDB Source.*

(B) *Code B—SDB Not Solicited.* Enter code B when there was known small business source, but it was not solicited.

(C) *Code C—SDB Solicited/No Offer.* Enter code C when an SDB was solicited but it did not submit an offer or its offer was not sufficient to cover the total quantity requirement so it received a separate award for the quantity offered.

(D) *Code D—SDB Solicited/Offer Not Low.* Enter code D when an SDB offer was not the low offer or an SDB was not willing to accept award of a partial small business set-aside portion of an action at the price offered.

(E) *Code Z—Other Reason.* Enter code Z when an SDB did not receive the award for any other reason or when Block B1B is coded B or C and Block B13A is coded 5.

(iii) BLOCK D3, REASON NOT AWARDED TO SMALL BUSINESS (SB). Enter one of the following codes when Block D1 is coded C. Otherwise, leave D3 blank. (The term "Small Business" includes small disadvantaged businesses.)

(A) *Code A—No Known SB Source.*

(B) *Code B—SB Not Solicited.* Enter code B when there was a known small business source, but it was not solicited.

(C) *Code C—SB Solicited/No Offer.* Enter code C when a small business concern was solicited but it did not submit an offer or its offer was not sufficient to cover the total quantity requirement so it received a separate award for the quantity offered.

(D) *Code D—SB Solicited/Offer Not Low.* Enter code D when a small business offer was not the low or most advantageous offer or a small business concern was not willing to accept award of a set-aside portion of an action at the price offered by the Government.

(E) *Code Other Reason.* Enter code Z when a small business did not receive the award for any reason or when Block B1B is coded B or C and Block B13A is coded 5.

(iv) BLOCK D4, PREFERENCE PROGRAM.

(A) BLOCK D4A, TYPE OF SB SET-ASIDE.

Enter one of the following codes:

(1) *Code A—None.* Enter code A if there was no small business set-aside (FAR 19.502). Note that set-asides for historically black colleges and universities and minority institutions (HBCUs/MIs) are not small business set-asides. Use code A for HBCU/MI set-asides and complete Block D4C.

(2) *Code B—Total SB Set-Aside.* Enter code B if the action was a total set-aside for small business (FAR 19.502-2), including actions reserved exclusively for small business concerns pursuant to FAR 13.105, or if the action resulted from the Small Business Innovation Research Program.

(3) *Code C—Partial SB Set-Aside.* Enter code C if the action was a partial set-aside for small business (219.502-3).

(4) *Code E—Total SDB Set-Aside.* Enter code E if the action was a total set-aside for small disadvantaged businesses (219.502-2-70).

(5) *Code Y—Emerging Small Business Set-Aside.* Enter code Y if the action was an emerging small business set-aside within a designated industry group under the Small Business Competitiveness Demonstration Program (FAR subpart 19.10 and DFARS 204.670-9).

(B) BLOCK D4B—TYPE OF SDB SET-ASIDE/SDB PREFERENCE.

Enter one of the following codes, even if Block D4A is coded E:

(1) *Code A—None.* Enter code A if no SDB preference was given or award was not to an SDB.

(2) *Code B—Section 8(a).* Enter code B if the contract was awarded to the Small Business Administration (SBA) under Section 8(a) of the Small Business Act (FAR subpart 19.8).

(3) *Code C—Total SDB Set-Aside.* Enter code C if the action was an SDB set-aside (219.502-2-70) and award was to an SDB.

(4) *Code D—SDB Evaluation Preference—Unrestricted.* Enter code D if the action was unrestricted but an SDB received an award as a result of an evaluation preference (subpart 219.70).

(5) *Code E—SDB Preferential Consideration—Partial SB Set-Aside.* Enter code E if the action was a partial set-aside for small business and preferential consideration resulted in an award to an SDB (219.502-3).

(6) *Code F—SDB Evaluation Preference in Construction.* Enter code F if the action was a construction acquisition and preferential consideration resulted in an award to a SDB (subpart 219.72). If code F applies and Block B13D is blank, complete Blocks E1 and E3.

(C) BLOCK D4C—HBCU/MI SET-ASIDE.

Enter one of the following codes:

(1) *Code A—None.* Enter code A if the action was not set aside for HBCUs or MIs.

(2) *Code B—HBCU or MI—Total Set-Aside.* Enter code B if the action was total set-aside for HBCUs and MIs (226.7003).

(3) *Code C—HBCU or MI—Partial Set-Aside.* Enter code C if the action was a partial set-aside for HBCUs or MIs under a broad agency announcement (235.016).

(D) BLOCK D4D. [Reserved.]

(E) BLOCK D4E, PREMIUM PERCENT.

(1) Complete Block D4E if [Block B1B is coded A and

(i) Block D4B is coded C, D, or E; or
(ii) Block D4C is coded B or C.

Otherwise, leave blank.

(2) Calculate the premium percentage per 219.202–5 and enter it as a three-digit number rounded to the nearest tenth, e.g., enter 7.55% as 076. If no premium was paid, enter three zeros (000).

(v) BLOCK D5—ETHNIC GROUP.

(A) Complete Block D5 if the action is with an SDB. Otherwise, leave it blank.

(B) Enter the code from the following list which corresponds to the ethnic group marked by the contractor in the solicitation provision at 252.219–7000 (Small Disadvantaged Business Concern Representation (DoD Contracts)).

(1) *Code A—Asian-Indian American.*

(2) *Code B—Asian-Pacific American.*

(3) *Code C—Black American.*

(4) *Code D—Hispanic American.*

(5) *Code E—Native American.*

(6) *Code F—Other SDB certified/determined by SBA.*

(7) *Code Z—No representation.*

(vi) BLOCK D6, WOMEN-OWNED BUSINESS.

Enter one of the following codes:

(A) *Code Y—Yes.* Enter code Y if the response to FAR 52.204–5 or 52.212–3(c) (Women-Owned Business Representation) indicates that it is a women-owned business.

(B) *Code N—No.* Enter code N if the contractor's response to FAR 52.204–5 or 52.212–3(c) indicates that it is not a women-owned business.

(C) *Code U—Uncertified.* Enter code U if the information is not available because the contractor did not complete the representation under FAR 52.204–5 or 52.212–3(c).

(vii) BLOCK D7—SMALL BUSINESS INNOVATION RESEARCH (SBIR) PROGRAM.

Enter one of the following codes.

When Block B1B is coded B or C and Block B13A is coded 5, leave Block D7 blank.

(A) *Code A—Not an SBIR Program Phase I–II.* Enter code A if the action is

not in support of a Phase I or II SBIR Program.

(B) *Code B—SBIR Program Phase I Action.* Enter code B if the action is related to a Phase I contract in support of the SBIR Program.

(C) *Code C—SBIR Program Phase II Action.* Enter code C if the action is related to a Phase II contract in support of the SBIR Program.

(viii) BLOCK D8, SUBCONTRACTING PLAN—SB, SDB, OR HBCU/MI.

Enter one of the following codes:

(A) *Code A—Plan Not Included—No Subcontracting Possibilities.* Enter code A if a subcontracting plan was not included in the contract because subcontracting possibilities do not exist (FAR 19.705–2(c)).

(C) *Code B—Plan Not Required.* Enter code B if no subcontracting plan was required (because the action did not meet the dollar thresholds in FAR 19.702(b)).

(C) *Code C—Plan Required, Incentive Not Included.* Enter code C if the action includes a subcontracting plan, but does not include additional incentives (FAR 19.708(c)).

(D) *Code D—Plan Required, Incentive Included.* Enter code D if the action includes a subcontracting plan and also includes additional incentives (FAR 19.708(c), 219.708(c)).

(ix) BLOCK D9, DEMONSTRATION TEST PROGRAM.

Enter one of the following codes.

When Block B13A is coded 5 or Block B13D is coded B, C, D, E, F, or G and the original action was awarded before the program began, enter code N in Block D9. When Block B1B is coded B or C and Block B13A is coded 5, enter code N in Block D9.

(A) *Code Y—Yes.* Enter code Y if this is an action with a U.S. business concern, in either the four designated industry groups or the ten targeted industry categories under the Small Business Competitiveness Demonstration Program (FAR subpart 19.10 and DFARS subpart 219.10), where the principal place of performance is in the United States or outlying areas.

(B) *Code N—No.* Enter code N if code Y does not apply.

(x) BLOCK D10, SIZE OF SMALL BUSINESS.

(A) Complete Block D10 only when Block D9 is coded “Y” and the contractor is a small business (Block D1 is coded A or B). Otherwise, leave Block D10 blank.

(B) Enter one of the following codes for the size of the business (number of employees or average annual gross revenue) as represented by the contractor in the solicitation provision

at FAR 52.219–19, Small Business Concern Representation for the Small Business Competitiveness Demonstration Program:

(1) *Code A—50 or fewer.*

(2) *Code B—51–100.*

(3) *Code C—101–250.*

(4) *Code D—251–500.*

(5) *Code E—501–750.*

(6) *Code F—751–1,000.*

(7) *Code G—Over 1,000.*

(8) *Code M—\$1,000,000 or less.*

(9) *Code N—\$1,000,001–2,000,000.*

(10) *Code P—\$2,000,001–3,500,000.*

(11) *Code R—\$3,500,001–5,000,000.*

(12) *Code S—\$5,000,001–10,000,000.*

(13) *Code T—\$10,000,001–17,000,000.*

(14) *Code U—\$Over \$17,000,000.*

(xi) BLOCK D11, EMERGING SMALL BUSINESS.

(A) Complete this block only if Block D9 is coded “Y” and the contracting action is in one of the four designated industry groups, not one of the targeted industry categories. Otherwise, leave Block D11 blank.

(B) Enter one of the following codes:

(1) *Code Y—Yes.* Enter code Y if the contractor represents in the provision at FAR 52.219–19, Small Business Concern Representation for the Small Business Competitiveness Demonstration Program, that it is an emerging small business concern.

(2) *Code N—No.* Enter code N if code Y does not apply.

(e) *Part E of the DD Form 350.*

Part E gathers data on specialized items that may not become permanent reporting elements.

(1) BLOCK E1, PREFERENCE AWARD VALUE.

(i) Complete Block E1 if code F was entered in Block D4B and Block B13D is blank. Otherwise, leave Block E1 blank.

(ii) Enter the dollar amount (i.e., contract face value) of the award. Use whole dollars.

(2) BLOCK E2, SET-ASIDE VALUE.

(i) Complete Block E2 only if the contracting action is with a qualified nonprofit agency employing people who are blind or severely disabled and was awarded as a result of the agency's participation in a total or partial small business set-aside (FAR 19.501(h)). Otherwise, leave Block E2 blank.

(ii) Enter the dollar amount (i.e., contract face value) of the set-aside portion of the award. Use whole dollars.

(3) BLOCK E3, NEXT LOW OFFER.

(i) Complete Block E3 only if Block E1 or E2 is completed. Otherwise, leave Block E3 blank.

(ii) If Block E1 or E2 is completed—

(A) Enter the offered price from the small business firm that would have been the low offeror if qualified

nonprofit agencies employing people who are blind or severely disabled had not participated in the acquisition; or

(B) If the evaluation preference for small disadvantaged business concerns in construction acquisitions set forth in subpart 219.72 is applied, enter the offered price from the non-SDB concern that would have been the successful offeror if the evaluation preference had not been applied. Enter the amount in whole dollars.

(4) BLOCK E4–BLOCK E8. [Reserved]

(f) *Part F of the DD Form 350.*

Part F identifies the reporting official.

(1) BLOCK F1, NAME OF CONTRACTING OFFICER OR REPRESENTATIVE.

Enter the name (Last, First, Middle Initial) of the contracting officer or representative.

(2) BLOCK F2, SIGNATURE.

The person identified in Block F1 must sign.

(3) BLOCK F3, TELEPHONE NUMBER.

Enter the telephone number (with area code) for the individual in Block F1. Installations with Defense Switched Network (DSN) must enter the DSN number.

(4) BLOCK F4, DATE.

Enter date that the DD Form 350 Report is submitted. Enter four digits for the year, two digits for the month, and two digits for the day. Use 01 through 12 for January through December. For example, enter January 2, 2003, as 20030102.

(g) *Special Instructions for DD Forms 350 on Actions of \$25,000 or Less Under the Small Business Competitiveness Demonstration Program.*

(1) A DD Form 350 is required on actions of \$25,000 or less under the Small Business Competitiveness Demonstration Program in accordance with 204.670–9.

(2) Except as provided in paragraphs (g)(2)(i) and (ii) of this subsection, complete the DD Form 350 using the instructions in paragraphs (a) through (f) of this subsection.

(i) Enter code B in Block C3 for actions at or below the micro-purchase threshold at FAR 2.101.

(ii) Leave the following blocks blank:

B1B

B4

B5B

B5C

B5F

B5G

B5H

B9

B10

B11

B12B

B12C

C1

C2

C4

C6

C11

C12

C13A

C13B

D2

D3

D4E

D5

D7

D8

E2

E3

17. Section 253.204–71 is revised to read as follows:

253.204–71 DD Form 1057, Monthly Contracting Summary of Actions \$25,000 or Less.

(a) *Scope of subsection.*

Policy on use of a DD Form 1057 is in 204.670. This subsection contains instructions on completion of the DD Form 1057.

(1) Report actions in the month they are awarded, issued, executed, or placed, except—

(i) When the price of an order or call cannot be determined when it is placed, count the action and its dollars when it is paid.

(ii) Count the following actions when the voucher is paid (count each voucher as one action):

(A) Meals and lodging.

(B) Automatic deliveries, e.g., bread, milk, and ice cream.

(iii) The Navy Facilities Engineering Command shall report vouchers it processes on Naval shore establishment contracts for electricity and gas in accordance with departmental procedures.

(2) Enter all dollar amounts in whole dollars only. Do not enter cents. If the net amount is a decrease, enter a minus sign (-) immediately preceding the amount to indicate a credit entry. Do not enter parentheses.

(3) Include actions in support of a contingency operation (see 213.000) on the DD Form 1057, as follows:

(i) Section A, complete fully.

(ii) Section B, complete only lines 5, 5a, 7, and 7a.

(iii) Section C, complete only lines 1 and 1c, 2 and 2c, or 3 and 3c, as applicable.

(iv) Sections D, E, and F, leave blank.

(v) Section G, complete fully.

(vi) Section H, complete fully.

(b) *Definitions.*

For purposes of this subsection—

All Other Orders means orders, and modifications of such orders, under

basic ordering agreements (BOAs) or indefinite delivery contracts.

GSA Schedule Orders means only orders/calls, and modifications of such orders/calls, under Federal schedules awarded by GSA.

Other Contracting Actions means all actions that do not meet the definitions, in this paragraph (b), of an order.

Other Federal Schedule Orders means only orders, and modifications of such orders, under Federal schedules awarded by an agency other than GSA, e.g., awarded by VA or OPM.

Simplified Acquisition Procedures means purchase orders, calls under blanket purchase agreements (BPAs) (except BPAs written under Federal schedules), and modifications to those actions.

(c) *Section A, General Information.*

(1) BLOCK A1, REPORTING FOR MONTH ENDING.

Enter the last day of the month in which the report is submitted. Enter four digits for the year, two digits for the month, and two digits for the day. Use 01 through 12 for January through December. For example, enter January 2, 2003, as 20030102.

(2) BLOCK A2, CONTRACTING OFFICE.

Enter sufficient detail to establish the identity of the contracting office submitting the report in Blocks 2a and b.

(3) BLOCK A3, REPORTING OFFICE CODE.

Enter the code assigned to the contracting office by the departmental data collection point in 204.670–8.

(d) *Section B, Contracting Actions.*

(1) BLOCK B1, TARIFF OR REGULATED ACQUISITIONS.

Enter the number and dollar value of contracting actions (including modifications that will also be reported in Block B8) with tariff or regulated industries (industries with sole source and service rates which are fixed or adjusted by a Federal, State, or other public regulatory body).

(2) BLOCK B2, FOREIGN/INTERAGENCY.

(i) Enter the total number and dollar value of contracting actions (including modifications that will also be reported in Block B8)—

(A) For foreign military sales (FMS) or other arrangement where the foreign government or international organization is paying all or part of the cost of the action.

(B) Placed directly with foreign governments under the terms of an international agreement, e.g., base maintenance performed with the foreign government acting as the contractor (any other actions directly with foreign governments go in Block B5).

(C) With another Federal agency or Government corporation, e.g., Federal Prison Industries (UNICOR).

(ii) Enter the subtotals in Blocks B2a, b, and c for the number and dollar value of contracting actions, including modifications that will also be reported in Block B8 for—

(A) Block B2a, FMS/International Agreements. Enter subtotals for paragraphs (d)(2)(i)(A) and (B) of this subsection.

(B) Block B2b, Action with UNICOR. Enter subtotal for contracting actions with UNICOR.

(C) Block B2c, Action with Other Government Agency. Enter subtotal for action with government agencies other than UNICOR.

(3) BLOCK B3, SMALL BUSINESS.

(i) Enter the total number and total dollar value of contracting actions (including modifications which will also be reported in Block B8) where the—

(A) Contractor is a small business concern; and

(B) Place of performance is in the United States and outlying areas (see 204.670-1).

(ii) Enter the subtotals for the number and dollar value of contracting actions (including modifications that will also be reported in Block B8) for—

(A) Block B3a, Simplified Acquisition Procedures (SAP).

(B) Block B3b, GSA Schedule Orders.

(C) Block B3c, Other Federal Schedule Orders.

(D) Block B3d, All Other Orders.

(E) Block B3e, Other Contracting Actions.

(4) BLOCK B4, LARGE BUSINESS.

(i) Enter the total number and dollar value of contracting actions (including modifications which will also be reported in Block B8) where the—

(A) Contractor is a large business concern; and

(B) Place of performance is in the United States and outlying areas.

(ii) Enter the subtotals for the number and dollar value of contracting actions (including modifications that will also be reported in Block B8) for—

(A) Block B4a, Simplified Acquisition Procedures (SAP).

(B) Block B4b, GSA Schedule Orders.

(C) Block B4c, Other Federal Schedule Orders.

(D) Block B4d, All Other Orders.

(E) Block B4e, Other Contracting Actions.

(5) BLOCK B5, DOMESTIC OR FOREIGN ENTITIES PERFORMING OUTSIDE THE UNITED STATES.

(i) Enter the total number and dollar value of contracting actions (including modifications that will also be reported

in Block B8) where the place of performance is outside the United States and outlying areas (see 204.670-1(c)).

This includes actions placed directly with a foreign government that are not under international agreements (see paragraph (d)(2)(i)(B) of this subsection). It does not matter whether the contractor is domestic or foreign.

(ii) Enter the subtotals for the number and dollar value of actions (including modifications that will also be reported in Block B8) for—

(A) Block B5a, Simplified Acquisition Procedures (SAP).

(B) Block B5b, GSA Schedule Orders.

(C) Block B5c, Other Federal Schedule Orders.

(D) Block B5d, All Other Orders.

(E) Block B5e, Other Contracting Actions.

(6) BLOCK B6, EDUCATIONAL, NONPROFIT & OTHER.

(i) Enter the total number and dollar value of contracting actions (including modifications that will also be reported in Block B8) with—

(A) Educational institutions;

(B) Not-for-profit and nonprofit institutions (defined in FAR 31.107);

(C) Qualified nonprofit agencies employing people who are blind or severely disabled; and

(D) Any other entities not listed in Blocks B1 through B5.

(ii) Enter the subtotals for the number and dollar value of contracting actions (including modifications that will also be reported in Block B8) for—

(A) Block B6a, Simplified Acquisition Procedures (SAP).

(B) Block B6b, GSA Schedule Orders.

(C) Block B6c, Other Federal Schedule Orders.

(D) Block B6d, All Other Orders.

(E) Block B6e, Other Contracting Actions.

(7) BLOCK B7, TOTAL CONTRACTING ACTIONS.

(i) Add Blocks B1 through B6 and enter the totals in Block B7.

(ii) If directed by data collection point procedures, also enter the subtotals for the number and dollar value of contracting actions for—

(A) Block B7a, Simplified Acquisition Procedures, sum of sub-blocks 3a+4a+5a+6a.

(B) Block B7b, GSA Schedule Orders, sum of sub-blocks 3b+4b+5b+6b.

(C) Block B7c, Other Federal Schedule Orders, sum of sub-blocks 3c+4c+5c+6c.

(D) Block B7d, All Other Orders, sum of sub-blocks 3d+4d+5d+6d.

(E) Block B7e, Other Contracting Actions, sum of sub-blocks 3e+4e+5e+6e.

(8) BLOCK B8, TOTAL MODIFICATIONS EXCLUDING

SIMPLIFIED ACQUISITION PROCEDURES.

Enter the total number and dollar value of modification actions, excluding simplified acquisition procedures.

(e) *Section C, Extent Competed.*

(1) BLOCK C1, COMPETED.

(i) Enter the total number and dollar value of contracting actions which were competed.

(A) Include in Block C1—

(1) Actions not subject to Competition in Contracting Act (CICA) (see FAR 6.001) when at least two quotations or offers were received;

(2) Actions when competitive procedures were used to fulfill the requirement for full and open competition (FAR subpart 6.1);

(3) Actions when full and open competition was provided for after exclusion of source, to establish/maintain alternative sources or to set aside an acquisition exceeding the micro-purchase threshold for small business (FAR Subpart 6.2);

(4) Actions when statutory authorities for other than full and open competition (FAR subpart 6.3) were used and more than one offer was received, except as provided in paragraphs (e)(1)(i)(B) (2) and (3) of this subsection;

(5) Actions resulting from a contract awarded competitively before CICA (including two-step formal advertising);

(6) Orders/calls and modifications under a Federal schedule; and

(7) Section 8(a) awards competed under FAR 6.204.

(B) Do not include—

(1) Actions that meet the criteria for Section C, Block C2;

(2) Actions awarded under the authority of FAR 6.302-5(b) (2) or (4), authorized or required by statute (report these in Section C, Block C2); or

(3) Actions reported in Section B, Blocks B1 and B2, including actions with the Federal Prison Industries (UNICOR). These actions are treated as not available for competition in published competition reports.

(ii) Enter the subtotals for the number and dollar value of contracting actions for—

(A) Block C1a, Small Business Concerns;

(B) Block C1b, Large Business Concerns;

(C) Block C1c, Domestic or Foreign Entities Performing Outside the United States and Outlying Areas; and

(D) Block C1d, Educational, Nonprofit & Other.

(2) BLOCK C2, NOT AVAILABLE FOR COMPETITION.

(i) Enter the total number and dollar value of contracting actions which were not available for competition.

(A) Include in Block C2—

(1) Actions for brand name commercial products for authorized resale;

(2) Actions authorized or required by statute to be awarded to a specific source or through another agency in accordance with FAR 6.302–5(b) (2) or (4); e.g., actions with qualified nonprofit agencies employing people who are blind or severely disabled, and noncompetitive 8(a) actions;

(3) Actions (including modifications) at or below the micro-purchase threshold at FAR 2.101; and

(4) Other contract actions when the Director of Defense Procurement has determined that there is no opportunity for competition.

(B) do not include any actions reported in Section B, Blocks B1 or B2 (e.g., actions with regulated monopolies, actions under foreign military sales or international agreements, and actions with another Federal agency or Government corporation). These actions are treated as not available for competition in published competition reports.

(ii) Enter the subtotals for the number and dollar value of contracting actions for—

(A) Block C2a, Small Business Concerns;

(B) Block C2b, Large Business Concerns;

(C) Block C2c, Domestic or Foreign Entities Performing Outside the United States; and

(D) Block C2d, Educational, Nonprofit and Other.

(3) BLOCK C3, NOT COMPETED.

(i) Enter the total number and dollar value of contracting actions which were not competed, i.e., any actions not reported in Blocks B1 or B2. Do not include actions reported in Section B, Blocks B1 or B2. These actions are treated as not available for competition in published competition reports.

(ii) Enter the subtotals for the number and dollar value of actions for—

(A) Block C3a, Small Business Concerns;

(B) Block C3b, Large Business Concerns;

(C) Block C3c, Domestic or Foreign Entities Performing Outside the United States and Outlying Areas; and

(D) Block C3d, Educational, Nonprofit & Other.

(f) *Section D, Research, Development, Test, & Evaluation Actions.*

Do not include actions for supplies or services in support of RDT&E work that do not require the contractor to perform RDT&E.

(1) BLOCK D1, SMALL BUSINESS.

Enter the total number and dollar values of RDT&E actions with small business concerns.

(2) BLOCK D2, LARGE BUSINESS.

Enter the total number and dollar value of RDT&E actions with large business concerns.

(3) BLOCK D3, DOMESTIC OR FOREIGN ENTITIES PERFORMING OUTSIDE THE UNITED STATES AND OUTLYING AREAS.

Enter the total number and dollar value of RDT&E actions where the principal place of performance is outside the United States or outlying areas (see 204.670–1).

(4) BLOCK D4, HISTORICALLY BLACK COLLEGES & UNIVERSITIES OR MINORITY INSTITUTIONS (HBCU/MI).

Enter the total number and dollar value of RDT&E actions with HBCUs or MIs.

(5) BLOCK D5, OTHER ENTITIES.

Enter the total number and dollar value of RDT&E actions that were reported in Blocks D1 through D4.

(g) *Section E, Selected Socioeconomic Statistics.*

(1) BLOCK E1, SMALL BUSINESS (SB) SET-ASIDE.

(i) Enter the total number and dollar value of contracting actions which were small business set-aside actions, including awards to SDBs reported in Blocks E2c and E2d.

(ii) If the action is an emerging small business set-aside (FAR 19.1006(c)), use the most appropriate sub-block.

(iii) Enter the subtotals for the number and total dollar value of actions for—

(A) Block E1a, SB Set-aside Using Simplified Acquisition Procedures.

Enter actions pursuant to FAR 13.105(a).

(B) Block E1b, SB Set-Aside.

Enter actions pursuant to FAR 19.502.

(2) BLOCK E2, SMALL DISADVANTAGED BUSINESS (SDB) ACTIONS.

(i) Enter the total number and dollar value of actions which were small disadvantaged business actions.

(ii) Enter the subtotals for the number and dollar value for—

(A) block E2a, Through SBA-Section 8(a).

Enter actions with the Small Business Administration pursuant to Section 8(a) of the Small Business Act (FAR subpart 19.8).

(B) Block E2b, SDB Set-Aside/SDB Preference.

Enter actions resulting from—

(1) A set-aside for small disadvantaged business (SDB) (219.502–2–70);

(2) Application for an SDB evaluation preference (subpart 219.70); or

(3) SDB preferential consideration (219.502–3).

(C) Block E2c, SB Set-aside Using Simplified Acquisition Procedures.

Enter actions pursuant to FAR 13.105(a) when award is to an SDB, but a preference was not applied.

(D) Block E2d, SB Set-Aside.

Enter actions under FAR 19.502 when award is to an SDB, but a preference was not applied nor was preferential consideration given.

(E) Block E2e, Other.

Enter awards to SDB concerns when award is to an SDB not reported in Blocks E2a through E2d.

(3) BLOCK E3, WOMEN-OWNED SMALL BUSINESS.

Enter total number and dollar value of contracting actions with women-owned small businesses (see FAR 19.3304(a)).

(4) BLOCK E4, HBCU/MI.

Enter the total number and dollar value of contracting actions with NHCUs/MIs pursuant to subpart 226.70.

(5) BLOCK E5, JWOD PARTICIPATING NONPROFIT AGENCIES.

Enter the total number and dollar value of contracting actions with qualified nonprofit agencies employing people who are blind or severely disabled for supplies or services from the Procurement List pursuant to FAR subpart 8.7.

(6) BLOCK E6, EXEMPT FROM SMALL BUSINESS ACT REQUIREMENTS.

Enter the total number and dollar value of contracting actions exempt from the set-aside requirements of the Small Business Act (see FAR 19.502–1).

(h) *Section F, Simplified Acquisition Procedures—Dollar Value Ranges.* Enter in each of the dollar ranges the total number and dollar value of contracting actions which used simplified acquisition procedures (FAR part 13). The total of Section F is normally the sum of Blocks B3a, B4a, B5a, and B6a.

(i) *Section G, Contingency Actions.*

BLOCK G1, TOTAL ACTIONS.

(1) Enter the total number and dollar value of actions in support of a contingency operation (see 213.000). The numbers entered here are a breakout of the numbers already entered in Sections B and C.

(2) Enter the subtotals based on the instructions for completion of Section C for the number and dollar value of contracting actions for—

(i) Block G1a, Competed;

(ii) Block G1b, Not Available for Competition; and

(iii) Block G1c, Not Competed.

(j) *Section H, Remarks and Authentication.*

(1) BLOCK H1, REMARKS.

Enter any remarks applicable to this report.

(2) Block H2, CONTRACTING OFFICER.**(i) Block H2a, Typed Name.**

Enter the name (last, first, middle initial) of the contracting officer or representative.

(ii) Block H2b, Signature.

The person identified in Block H2a must sign.

(iii) Block H2c, Telephone Number.

Enter the telephone number (with area code) of the person identified in Block H2a. Installations with Defense Switched Network (DSN) must enter their DSN number.

(3) BLOCK H3, DATE REPORT SUBMITTED.

Enter the date that the DD Form 1057 is submitted. Enter four digits for the year, two digits for the month and two digits for the day. Use 01 through 12 for January through December. For example, enter January 2, 2003, as 20030102.

18. Section 253.215-70 is amended by revising paragraphs (c)(2) and (c)(6) to read as follows:

253.215-70 DD Form 1547, Record of Weighted Guidelines Application.

* * * * *

(c) * * ***(2) BLOCK 2—BASIC PROCUREMENT INSTRUMENT IDENTIFICATION NO.**

Enter the identifying contract number assigned per 204.70 (Block B1A of the DD 350).

* * * * *

(6) BLOCK 6—NAME OF CONTRACTOR

Enter the contractor's name (including division name), (Block B5D of the DD 350).

* * * * *

[FR Doc. 96-24839 Filed 9-27-96; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****49 CFR Part 594**

[Docket No. 89-8; Notice 10]

RIN 2127-AG43

Schedule of Fees Authorized by 49 U.S.C. 30141

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This document adopts fees for Fiscal Year 1997 and until further notice, as authorized by 49 U.S.C.

30141, relating to the registration of importers and the importation of motor vehicles not certified as conforming to the Federal motor vehicle safety standards (FMVSS).

NHTSA has adopted its proposal that the annual fee for the registration of a new importer be increased from \$456 to \$501, and the annual fee for renewal of registration be increased from \$240 to \$332. The fee required to reimburse the U.S. Customs Service for bond processing costs increases by \$0.20, from \$4.95 to \$5.15 per bond.

The fee payable for a determination that a nonconforming vehicle is capable of conversion to meet the FMVSS is increased from \$104 to \$199 if the determination results from a petition arguing that the nonconforming vehicle is substantially similar to conforming vehicles. With respect to vehicles that have no substantially similar counterpart, the fee rises from \$520 to \$721. In addition, the fee payable by the importer of each vehicle that benefits by a determination is increased from \$93 to \$134, regardless of whether the determination is made pursuant to a petition or by NHTSA on its own initiative.

EFFECTIVE DATE: The effective date of the final rule is October 1, 1996.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, Office of Safety Assurance, NHTSA (202-366-5306).

SUPPLEMENTARY INFORMATION:**Introduction**

On June 24, 1996, NHTSA published the notice of proposed rulemaking on which this final rule is based (61 FR 32411). The reader is referred to that notice for a full discussion of the rulemaking history of part 594 and the fees authorized by the Imported Vehicle Safety Compliance Act of 1988, P.L. 100-562. The fees applicable in any fiscal year are to be established before the beginning of such year. The statute authorizes an annual fee to cover the costs of the importer registration program, an annual fee or fees to cover the cost of making import eligibility determinations, and an annual fee or fees to cover the cost of processing the bond furnished to the Customs Service. NHTSA last amended the fee schedule in 1993; it has applied in Fiscal Years 1994-96.

As a general statement applicable to consideration of all fees, there has been a slight increase in hourly costs in the past three fiscal years attributable to the approximately 2 percent raise in salaries of employees on the General Schedule that became effective on January 1 in the

years 1995, and 1996 (there was a locality raise only in 1994).

Requirements of the Fee Regulation**Section 594.6—Annual Fee for Administration of the Importer Registration Program**

Section 30141(a)(3) of Title 49 U.S.C. provides that registered importers must pay "the annual fee the Secretary of Transportation establishes * * * to pay for the costs of carrying out the registration program for importers * * *." The annual fee attributable to the registration program is payable both by new applicants and by registered importers seeking to renew their registration.

In accordance with the statutory directive, NHTSA reviewed the existing fees and their bases in an attempt to establish fees which would be sufficient to recover the costs of carrying out the registration program for importers for at least the next fiscal year. The initial component of the Registration Program Fee is the portion of the fee attributable to processing and acting upon registration applications. The agency has determined that this portion of the fee should be decreased from \$356 to \$301 for new applications, and increased from \$100 to \$132 for renewals. The higher initial cost is warranted because the average cost of processing a new application is substantially greater than that of its renewal.

Other costs attributable to maintenance of the registration program arise from the agency's reviewing a registrant's annual statement and verifying the continuing validity of information already submitted. These costs also include costs attributable to revocation or suspension of a registration.

The total portion of the fee attributable to maintenance of the registration program as estimated by NHTSA is approximately \$200, an increase of \$100. This reflects the fact that costs have been incurred for processing suspensions or revocations. When this \$200 is added to the \$301 representing the registration application component, the cost to an applicant equals \$501, and was the fee proposed by NHTSA. It represents an increase of \$45. When the \$200 is added to the \$132 representing the renewal component, the cost to a renewing registered importer is \$332. This fee increase was also proposed. It represents an increase of \$92.

Sec. 594.6(h) recounts indirect costs that have been estimated at \$6.71 per