

(i) *Subcontracts.* No subcontract placed under this contract may provide for payment on a cost-plus-a-percentage-of-cost basis.

* * * * *

(End of clause)

5. Section 52.216-6 is amended by revising the clause date and paragraph (h) to read as follows:

52.216-6 Price Redetermination—Retroactive.

* * * * *

PRICE REDETERMINATION—RETROACTIVE (FEB 1997)

* * * * *

(h) *Subcontracts.* No subcontract placed under this contract may provide for payment on a cost-plus-a-percentage-of-cost basis.

* * * * *

(End of clause)

6. Section 52.216-16 is amended by revising the introductory paragraph, the clause date, and paragraph (h) to read as follows:

52.216-16 Incentive Price Revision—Firm Target.

As prescribed in 16.405(a), insert the following clause:

INCENTIVE PRICE REVISION—FIRM TARGET (FEB 1997)

* * * * *

(h) *Subcontracts.* No subcontract placed under this contract may provide for payment on a cost-plus-a-percentage-of-cost basis.

* * * * *

(End of clause)

* * * * *

7. Section 52.216-17 is amended by revising the introductory paragraph, the clause date, and paragraph (j) to read as follows:

52.216-17 Incentive Price Revision—Successive Targets.

As prescribed in 16.405(b), insert the following clause:

INCENTIVE PRICE REVISION—SUCCESSIVE TARGETS (FEB 1997)

* * * * *

(j) *Subcontracts.* No subcontract placed under this contract may provide for payment on a cost-plus-a-percentage-of-cost basis.

* * * * *

(End of clause)

* * * * *

8. Section 52.222-1 is amended by revising the introductory paragraph and the clause date; by removing the paragraph designation "(a)"; and by removing paragraph (b). The revised text reads as follows:

52.222-1 Notice to the Government of Labor Disputes.

As prescribed in 22.103-5(a), insert the following clause:

NOTICE TO THE GOVERNMENT OF LABOR DISPUTES (FEB 1997)

* * * * *

(End of clause)

52.236-21 [Amended]

9. Section 52.236-21 is amended by revising the clause date to read "(FEB 1997)", and by removing paragraph (h).

52.244-2 [Amended]

10. Section 52.244-2 is amended by revising the clause date to read "(FEB 1997)", by removing paragraph (i); and by redesignating paragraphs (j) and (k) as (i) and (j), respectively.

52.246-23 [Amended]

11. Section 52.246-23 is amended by revising the clause date to read "(FEB 1997)", and by removing paragraph (d).

52.246-24 [Amended]

12. Section 52.246-24 is amended by revising the clause date to read "(FEB 1997)", and by removing paragraphs (f) and (g).

52.246-25 [Amended]

13. Section 52.246-25 is amended by revising the clause date to read "(FEB 1997)", and by removing paragraph (d).

[FR Doc. 96-32012 Filed 12-19-96; 8:45 am]

BILLING CODE 6820-EP-P

48 CFR Part 53

[FAC 90-43; FAR Case 95-310; Item XIII]

RIN 9000-AH36

Federal Acquisition Regulation; Collection of FASA-Related Information Within the Federal Procurement Data System

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

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed on a final rule to amend the Federal Acquisition Regulation (FAR) to change the Standard Form 279, Federal Procurement Data System (FPDS)—Individual Contract Action Report, and Standard Form 281, Federal Procurement Data System (FPDS)—Summary Contract Action Report (\$25,000 or Less), to incorporate new information categories required by the Federal Acquisition Streamlining Act of 1994. This regulatory action was not subject to Office of Management and Budget review under Executive Order

12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

EFFECTIVE DATE: December 20, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Klein at (202) 501-3775 in reference to this FAR case. For general information, contact the FAR Secretariat, Room 4035, GS Building, Washington, DC 20405 (202) 501-4755. Please cite FAC 90-43, FAR case 95-310.

SUPPLEMENTARY INFORMATION:

A. Background

FASA added several new categories of information which agencies must be able to access from a computer file. The SF 279, Federal Procurement Data System (FPDS)—Individual Contract Action Report, and the SF 281, Federal Procurement Data System (FPDS)—Summary Contract Action Report (\$25,000 or Less), are used to collect that information and transmit it to the appropriate agency information management system. The forms are being amended to reflect the new information requirements and make minor administrative corrections.

B. Regulatory Flexibility Act

The final rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Public Law 98-577, and publication for public comments is not required. Therefore, the Regulatory Flexibility Act does not apply. However, comments from small entities concerning the affected FAR part will be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and cite 5 U.S.C. 601, *et seq.* (FAC 90-43, FAR case 95-310), in correspondence.

C. Paperwork Reduction Act

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

List of Subjects in 48 CFR Part 53

Government procurement.

Dated: December 11, 1996.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, 48 CFR Part 53 is amended as set forth below:

PART 53—FORMS

1. The authority citation for 48 CFR Part 53 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

53.204-2 [Amended]

2. Section 53.204-2 is amended in paragraphs (a) and (b) by revising

“(REV. 10/89)” and “(REV. 10/88)” to read “(REV. 5/96)”.

3. In 53.301-279, Standard Form 279, Federal Procurement Data System (FPDS)—Individual Contract Action Report, is revised to read as follows:

53.301-279 SF 279, Federal Procurement Data System (FPDS)—Individual Contract Action Report

BILLING CODE 6820-EP-P

FEDERAL PROCUREMENT DATA SYSTEM (FPDS) INDIVIDUAL CONTRACT ACTION REPORT				INTERAGENCY REPORT CONTROL NUMBER 0206-GSA-QU	
1. REPORTING AGENCY CODE (FIPS 95) (Pos. 1-4)		2. CONTRACT NUMBER (Left justified with no special character) (Pos. 5-19)		3. MODIFICATION NUMBER (Left justified; cannot exceed 4 characters) (Pos. 20-23)	
4. CONTRACTING OFFICE ORDER NUMBER (Left justified; cannot exceed 15 characters) (Pos. 24-38)		5. CONTRACTING OFFICE CODE (5 alpha-numeric character code) (Pos. 39-43)		6. ACTION DATE (2 digit calendar year and 2 digit month, e.g., 9512) (Pos. 44-47)	
7. TYPE OF DATA ENTRY (Pos. 48)		8. REPORT PERIOD (2 digit fiscal year and 1 digit quarter, e.g., 961) (Pos. 49-51)		9. KIND OF CONTRACT ACTION (Pos. 52)	
A. Original B. Deleting C. Correcting		10. DOLLARS OBLIGATED OR DEOBLIGATED THIS ACTION (Right justified; round to nearest 1000; use lead zeros) (Pos. 53-60)		11. TYPE OF OBLIGATION (Pos. 61)	
A. Obligated B. Deobligated		12. PRINCIPAL PRODUCT OR SERVICE (FPDS Product Service Code Manual) (Pos. 62-65)		13. PRINCIPAL STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE (OMB SIC Manual) (Pos. 66-69)	
14. COMMERCIAL ITEM ACQUISITION (Pos. 70)		15. CONTRACTOR NAME (Pos. 71-100)		16. CONTRACTOR IDENTIFICATION NUMBER (Pos. 101-109)	
Y - Yes N - No		17a. PRINCIPAL PLACE OF PERFORMANCE (State and City Code FIPS 55) (Pos. 110-116)		17b. FOREIGN COUNTRY (FIPS 10-3) (Pos. 117 & 118)	
STATE		CITY		18. CONTRACT FOR FOREIGN GOVT. OR INTERNATIONAL ORGANIZATION (Pos. 119)	
Y - Yes N - No		19. TARIFF OR REGULATED (Pre-CICA) (Pos. 120)		Y - Yes N - No	
20. MULTI-YEAR CONTRACT (Pos. 121)		21. RESERVED FOR FPDS (Pos. 122-123)		22. COUNTRY OF MANUFACTURE (FIPS 10-3) (Pos. 124-125)	
Y - Yes N - No		23. SYNOPSIS OF PROCUREMENT PRIOR TO AWARD (Pos. 126)		24. TYPE OF CONTRACT OR MODIFICATION (Pos. 127)	
A. Synopsized prior to award B. Not synopsized due to urgency C. Not synopsized for other reason		A. Fixed-Price Redetermination B. Fixed-Price C. Fixed-Price with Economic Price Adjustment D. Fixed-Price Incentive E. Cost-Plus-Award-Fee		S. Cost - No Fee T. Cost-Sharing U. Cost-Plus-Fixed-Fee V. Cost-Plus-Incentive Y. Time and Materials Z. Labor Hour	
25. CICA APPLICABILITY (Pos. 128)		26. SOLICITATION PROCEDURES (Complete only if item 25 = A) (Pos. 129)			
A. CICA Applicable B. Purchases Using Simplified Acquisition Procedures C. Subject to Statute Other Than CICA D. Pre-CICA		A. Full and Open Competition - Sealed Bid B. Full and Open Competition - Competitive Proposal C. Full and Open Competition - Combination D. Architect - Engineer		E. Basic Research F. Multiple Award Schedule G. Alternative Sources H. Reserved J. Reserved K. Set-Aside L. Other Than Full and Open Competition	
27. AUTHORITY FOR OTHER THAN FULL AND OPEN COMPETITION (Complete only if item 26 = L) (Pos. 130)		28. NUMBER OF OFFERS RECEIVED (Complete only if item 25 = A) (Pos. 131)		29. EXTENT COMPETED (Pos. 132)	
A. Unique Source B. Follow-on Contract C. Unsolicited Research Proposal D. Patent/Data Rights E. Utilities F. Standardization G. Only One Source - Other H. Urgency		J. Mobilization, Essential R&D Capability, or Expert Services K. Reserved L. International Agreement M. Authorized by Statute N. Authorized for Resale P. National Security Q. Public Interest		A. 1 B. 2-5 C. 6-10 D. 11-15 E. 16-20 F. 21-50 G. Over 50	
30. TYPE OF CONTRACTOR (Pos. 133)		31. WOMEN-OWNED BUSINESS (Pos. 134)		32. PREFERENCE PROGRAM (Pos. 135)	
A. Small Disadvantaged Business B. Other Small Business C. Large Business D. JWOD Nonprofit Agency E. Nonprofit Educational Organization F. Nonprofit Hospital G. Other Nonprofit Organization H. State/Local Govt - Educational		J. State/Local Govt - Hospital K. Other State/Local Government L. Foreign Contractor M. Domestic Contractor Performing Outside U.S. U. Historically Black College/University or Minority Institution (HBCU/MI)		A. Directed to JWOD Nonprofit Agency B. 8(a) Contract Award C. Reserved D. Small Business Set-Aside E. Reserved F. Reserved G. Buy Indian/Self-Determination H. No Preference Program or Not Listed J. Small Disadvantaged Business Set-Aside	
33. SUBCONTRACTING PLAN (Small, Small Disadvantaged, and Women-Owned Small Business) (Pos. 136)		34. SUBJECT TO LABOR STATUTES (Pos. 137)		35. ESTIMATED CONTRACT COMPLETION DATE (2 digit calendar year and 2 digit month, e.g., 9512) (Pos. 138-141)	
A. Required B. Not Required		A. Walsh-Healey Act B. Reserved C. Service Contract Act D. Davis-Bacon Act E. Not Subject to Walsh-Healey, Service Contract, or Davis-Bacon		36. CONTRACTOR'S TIN (Pos. 142-150)	
37. COMMON PARENT'S NAME (Pos. 151-160)		38. COMMON PARENT'S TIN (Pos. 161-169)		39. RESERVED FOR FPDS (Pos. 190-193)	
40. RESERVED FOR FPDS (Pos. 194)		41. RESERVED FOR FPDS (Pos. 195-199)		42. DEMONSTRATION TEST PROGRAM (Pos. 200)	
43. EMERGING SMALL BUSINESS (Pos. 201)		44. EMERGING SMALL BUSINESS RESERVE AWARD (Pos. 202)		45. SIZE OF SMALL BUSINESS (Pos. 203)	
Y - Yes N - No		Y - Yes N - No		NUMBER OF EMPLOYEES OR AVERAGE ANNUAL GROSS REVENUE	
Y - Yes N - No		Y - Yes N - No		A. 50 or Less B. 51 - 100 C. 101 - 250 D. 251 - 500 E. 501-750 F. 751 - 1,000 G. Over 1,000 M. 1,000,000 or Less N. 1,000,001 - 2,000,000 P. 2,000,001 - 3,500,000 R. 3,500,001 - 5,000,000 S. 5,000,001 - 10,000,000 T. 10,000,001 - 17,000,000 Z. Over 17,000,000	
46. RESERVED FOR FPDS (Pos. 204-213)		47. OPTIONAL REPORTED DATA ELEMENTS (Pos. 214-)			
48. FOR AGENCY INTERNAL USE					
49. CONTRACTING OFFICER OR REPRESENTATIVE					
a. TYPED NAME		b. SIGNATURE		c. TELEPHONE	
				AREA CODE NUMBER	
				d. DATE SUBMITTED (YYMMDD)	

4. In 53.301-281, Standard Form 281, Federal Procurement Data System (FPDS)—Summary Contract Action Report (\$25,000 or Less), is revised to read as follows:

53.301-281 SF 281, Federal Procurement Data System (FPDS)—Summary Contract Action Report (\$25,000 or Less)

FEDERAL PROCUREMENT DATA SYSTEM (FPDS) SUMMARY CONTRACT ACTION REPORT (\$25,000 OR LESS) (Dollars in thousands, rounded to the nearest thousand)					INTERAGENCY REPORT CONTROL NUMBER 0208-GSA-QU		
CIVILIAN AGENCIES Net dollars and number of actions where anticipated value of instrument is \$25,000 or less.				DEPARTMENT OF DEFENSE Net dollars and number of actions where amount obligated on action is \$25,000 or less.			
a. REPORT PERIOD		b. REPORT TYPE (X one)		c. REPORTING AGENCY CODE (FIPS 95)			
FY	QTR	<input type="checkbox"/> ORIGINAL	<input type="checkbox"/> REVISION				
d. REPORTING AGENCY NAME			e. CONTRACTING OFFICE CODE	f. CONTRACTING OFFICE NAME			
PART I - PRIME CONTRACT ACTIONS OF \$25,000 OR LESS							
NEW AWARDS AND MODIFICATIONS	PROCUREMENT METHOD	Number of Actions (a)	NET DOLLAR AMOUNTS				
			Small Business Concerns (b)	Large Business Concerns (c)	Domestic Outside U.S./ Foreign (d)	Other Entities (e)	Total Dollars (f)
	1. Tariff or Regulated Acquisitions						
	2. Contract for Foreign Government or International Organization						
	3. Purchases Using Simplified Acquisition Procedures						
	4. Orders - GSA Schedules Only						
	5. Orders - Other Federal Schedules						
	6. All Other Orders						
	7. Other Procurement Methods						
	8. TOTAL NEW AWARDS AND MODIFICATIONS						
	COMPETITION	9. Competed					
		10. Not Competed					
11. Not Available for Competition							
MODIFICATIONS	12. TOTAL MODIFICATIONS (Excluding Line 3)						
PART II - SELECTED SOCIOECONOMIC STATISTICS (Includes both new awards and modifications)							
PREFERENCE PROGRAMS			TYPE OF CONTRACTOR				
CATEGORY	Number of Actions (a)	Total Net Dollars (b)	CATEGORY	Number of Actions (a)	Total Net Dollars (b)		
13. Small Business Set-Aside			16. Small Business				
14. Small Disadvantaged Business Set-Aside			17. Small Disadvantaged Business				
			18. Women-Owned Small Business				
15. 8(a) Contract Award			19. JWOD Nonprofit Agency				
			20. HBCU/MI				
g. PERSON SUBMITTING REPORT							
NAME		SIGNATURE		TELEPHONE		DATE SUBMITTED	
				AREA CODE	NUMBER		

[FR Doc. 96-32013 Filed 12-19-96; 8:45 am]
BILLING CODE 6820-EP-P

48 CFR Parts 1, 4, 12, 19, 31, 46 and 52

[FAC 90-43; Item XIV]

Federal Acquisition Regulation; Technical Amendments

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

ACTION: Technical amendments.

SUMMARY: This document is being issued in order to update the list of Office of Management and Budget approvals under the Paperwork Reduction Act which resulted from recent changes to the Federal Acquisition Regulation (FAR), and to correct typographical errors, FAR citations and clause dates.

EFFECTIVE DATE: December 20, 1996.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405 (202) 501-4755. Please cite FAC 90-43, Technical Amendments.

List of Subjects in 48 CFR parts 1, 4, 12, 19, 31, 46 and 52

Government procurement.

Dated: December 11, 1996.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

48 CFR Parts 1, 4, 12, 19, 22, 31, 46, and 52 are amended as set forth below:

1. The authority citation for 48 CFR Parts 1, 4, 12, 19, 22, 31, 46, and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 1—FEDERAL ACQUISITION REGULATION

1.106 [Corrected]

2. Section 1.106 is amended under the "FAR segment" and "OMB control No." headings following the introductory text by removing "22.15" and "9000-0127", and "All other requirements" and "9000-0063", respectively, and revising the entry "42.203" to read "43.205(f)".

PART 4—ADMINISTRATIVE MATTERS

4.803 [Corrected]

3. Section 4.803(a)(11) is amended by revising the word "representatives" to read "representations".

PART 12—ACQUISITION OF COMMERCIAL ITEMS

12.301, 12.302, and 12.303 [Corrected]

4. Section 12.301 is amended in paragraphs (b)(1) and (b)(3), section 12.302 is amended in the second sentence of paragraph (d), and section 12.303 is amended in paragraphs (c)(1) and (e)(1) by revising "Block 26" to read "Block 27a".

PART 19—SMALL BUSINESS PROGRAMS

19.502-1 [Corrected]

5. Section 19.502-1 is amended in the introductory text by removing "Using the order of precedence in 19.504, the" and inserting "The" in its place.

19.508 [Corrected]

6. Section 19.508 is amended in the first sentence of paragraphs (c) and (d) by removing "(see 19.504(a)(2))" and "(see 19.504(a)(4))", respectively.

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

31.205-6 [Corrected]

7. Section 31.205-6 is amended in the second sentence of paragraph (g)(1) by revising the citation "paragraph (j)(6) below" to read "paragraph (j)(7)".

PART 46—QUALITY ASSURANCE

46.805 [Corrected]

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

52.208-9 [Corrected]

8.-9. Section 52.208-9 is amended in the fourth sentence of paragraph (c) of the clause by revising the word "contract" to read "contact".

52.211-4 [Corrected]

10. Section 52.211-4 is amended in the introductory text by revising "11.203(d)" to read "11.204(d)".

52.211-5 [Corrected]

11. Section 52.211-5 is amended in the introductory text by revising "11.203(e)" to read "11.302(a)".

52.211-6 [Corrected]

12. Section 52.211-6 is amended in the introductory text by revising "11.203(f)" to read "11.302(b)".

52.211-7 [Corrected]

13. Section 52.211-7 is amended in the introductory text by revising "11.203(g)" to read "11.302(c)".

52.211-13 [Corrected]

14. Section 52.211-13 is amended by revising the introductory text to read

"As prescribed in 11.504(c), insert the following clause:".

52.228-14 [Corrected]

15. Section 52.228-14 is amended in item 5 of paragraphs (e) and (f) by revising "1983 Revision" to read "1993 Revision" and "Publication No. 400" to read "Publication No. 500".

[FR Doc. 96-32014 Filed 12-19-96; 8:45 am]
BILLING CODE 6820-EP-P

48 CFR Chapter 1

Federal Acquisition Regulation; Small Entity Compliance Guide

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

ACTION: Notice.

SUMMARY: This document is issued under the joint authority of the Secretary of Defense, the Administrator of General Services and the Administrator for the National Aeronautics and Space Administration as the Federal Acquisition Regulation (FAR) Council. This *Small Entity Compliance Guide* has been prepared in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121). It consists of a summary of the rules appearing in Federal Acquisition Circular (FAC) 90-43 which amends the FAR. Further information regarding these rules may be obtained by referring to FAC 90-43 which precedes this notice. This document may be obtained from the Internet at <http://www.gsa.gov/far/SECG>.

FOR FURTHER INFORMATION CONTACT: Beverly Fayson, FAR Secretariat, (202) 501-4755.

Item I—FASA and the Walsh-Healey Public Contracts Act (FAR Case 96-601)

This interim rule amends the Federal Acquisition Regulation (FAR) to eliminate the requirement that covered contractors under the Walsh-Healey Public Contracts Act must be either the manufacturer of or a regular dealer in the materials, supplies, articles, or equipment to be manufactured or used in the performance of the contract. Section 7201 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355) amended the Walsh-Healey Public Contracts Act to repeal the "manufacturer" or "regular dealer" requirement.