

INSTRUCTIONS

1. This form is authorized for use in the acquisition of supplies and services, excluding construction, in lieu of Standard Form 25 (Performance Bond). Any deviation from this form will require the written approval of the Administrator of General Services.
2. Insert the full legal name and business address of the Principal in the space designated "Principal" on the face of the form. An authorized person shall sign the bond. Any person signing in a representative capacity (e.g., an attorney-in-fact) must furnish evidence of authority if that representative is not a member of the firm, partnership, or joint venture, or an officer of the corporation involved.
3. (a) Corporations executing the bond as sureties must appear on the Department of the Treasury's list of approved sureties and must act within the limitations listed therein.

(b) When individual sureties are involved, a completed Affidavit of Individual Surety (Standard Form 28) for each individual surety shall accompany the bond. The Government may require the surety to furnish additional substantiating information concerning its financial capability.
4. Corporations executing the bond shall affix their corporate seals. Individuals shall execute the bond opposite the word "Corporate Seal"; and shall affix an adhesive seal if executed in Maine, New Hampshire, or any other jurisdiction requiring adhesive seals.
5. Type the name and title of each person signing this bond in the space provided.
6. In its application to negotiated contracts, the terms "bid" and "bidder" shall include "proposal" and "offeror".

STANDARD FORM 35 (REV. DATE) BACK

[FR Doc. 2016–16248 Filed 7–13–16; 8:45 a.m.]
BILLING CODE 6820–14–C

DEPARTMENT OF DEFENSE

GENERAL SERVICES
ADMINISTRATION

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION

48 CFR Parts 4 and 52

[FAC 2005–89; Item V; Docket No. 2016–0052; Sequence No. 3]

Federal Acquisition Regulation;
Technical Amendments

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

ACTION: Final rule.

SUMMARY: This document makes amendments to the Federal Acquisition Regulation (FAR) in order to make editorial changes.

DATES: *Effective:* July 14, 2016.

FOR FURTHER INFORMATION CONTACT: Ms. Hada Flowers, Regulatory Secretariat Division (MVCB), 1800 F Street NW., 2nd Floor, Washington, DC 20405, 202–501–4755. Please cite FAC 2005–89, Technical Amendments.

SUPPLEMENTARY INFORMATION: In order to update certain elements in 48 CFR parts 4 and 52 this document makes editorial changes to the FAR.

List of Subjects in 48 CFR Parts 4 and 52

Government procurement.

Dated: June 30, 2016.

William Clark,
Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 4 and 52, as set forth below:

- 1. The authority citation for 48 CFR parts 4 and 52 continues to read as follow:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 4—ADMINISTRATIVE MATTERS

- 2. Amend section 4.1801 by revising the definition of “Commercial and Government Entity (CAGE) code” to read as follows:

4.1801 Definitions.

* * * * *

Commercial and Government Entity (CAGE) code means—

(1) An identifier assigned to entities located in the United States or its outlying areas by the Defense Logistics Agency (DLA) Commercial and Government Entity (CAGE) Branch to identify a commercial or government entity; or

(2) An identifier assigned by a member of the North Atlantic Treaty Organization (NATO) or by the NATO Support and Procurement Agency (NSPA) to entities located outside the United States and its outlying areas that the DLA Commercial and Government Entity (CAGE) Branch records and maintains in the CAGE master file. This type of code is known as a NATO CAGE (NCAGE) code.

■ 3. Amend section 4.1803 by revising paragraph (b) to read as follows:

4.1803 Verifying CAGE codes prior to award.

* * * * *

(b) For entities not required to be registered in SAM, the contracting officer shall validate the CAGE code using the CAGE code search feature at <https://cage.dla.mil>.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 4. Amend section 52.204–16 by—

- a. Revising the date of the provision;
- b. In paragraph (a), revising the definition of “Commercial and Government Entity (CAGE) code”;
- c. Removing from paragraph (c)(1) the word “Contractor” and adding “Commercial” in its place; and
- d. Revising paragraphs (c)(2) and (3), and (d).

The revisions read as follows:

52.204–16 Commercial and Government Entity Code Reporting.

* * * * *

Commercial and Government Entity Code Reporting (Jul 2016)

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Commercial and Government Entity (CAGE) code means—

(1) An identifier assigned to entities located in the United States or its outlying areas by the Defense Logistics Agency (DLA) Commercial and Government Entity (CAGE) Branch to identify a commercial or government entity; or

(2) An identifier assigned by a member of the North Atlantic Treaty Organization (NATO) or by the NATO Support and Procurement Agency (NSPA) to entities located outside the United States and its outlying areas that the DLA Commercial and Government Entity (CAGE) Branch records and maintains in the CAGE master file. This type of code is known as a NATO CAGE (NCAGE) code.

(c) * * *

(2) The DLA Commercial and Government Entity (CAGE) Branch. If registration in SAM is not required for the subject procurement, and the offeror does not otherwise register in SAM, an offeror located in the United States or its outlying areas may request that a CAGE code be assigned by submitting a request at <https://cage.dla.mil>.

(3) The appropriate country codification bureau. Entities located outside the United States and its outlying areas may obtain an NCAGE code by contacting the Codification Bureau in the foreign entity's country if that country is a member of NATO or a sponsored nation. NCAGE codes may be obtained from the NSPA at <https://eportal.nspa.nato.int/AC135Public/scage/CageList.aspx> if the foreign entity's country is not a member of NATO or a sponsored nation. Points of contact for codification bureaus, as well as

additional information on obtaining NCAGE codes, are available at <http://www.nato.int/structur/AC/135/main/links/contacts.htm>.

(d) Additional guidance for establishing and maintaining CAGE codes is available at <https://cage.dla.mil>.

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■ 5. Amend section 52.204–17 by—

- a. Revising the date of the provision; and
- b. In paragraph (a), revising the definition of “Commercial and Government Entity (CAGE) code”.

The revisions read as follows:

52.204–17 Ownership or Control of Offeror.

* * * * *

Ownership or Control of Offeror (Jul 2016)

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Commercial and Government Entity (CAGE) code means—

(1) An identifier assigned to entities located in the United States or its outlying areas by the Defense Logistics Agency (DLA) Commercial and Government Entity (CAGE) Branch to identify a commercial or government entity; or

(2) An identifier assigned by a member of the North Atlantic Treaty Organization (NATO) or by the NATO Support and Procurement Agency (NSPA) to entities located outside the United States and its outlying areas that the DLA Commercial and Government Entity (CAGE) Branch records and maintains in the CAGE master file. This type of code is known as a NATO CAGE (NCAGE) code.

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■ 6. Amend section 52.204–18 by—

- a. Revising the date of the clause;
- b. In paragraph (a), revising the definition of “Commercial and Government Entity (CAGE) code”;
- c. Removing from paragraph (b) the word “DLA Contractor” and adding “DLA Commercial” in its place; and
- d. Revising paragraphs (c) through (e);

The revisions read as follows:

52.204–18 Commercial and Government Entity Code Maintenance.

* * * * *

Commercial and Government Entity Code Maintenance (Jul 2016)

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Commercial and Government Entity (CAGE) code means—

(1) An identifier assigned to entities located in the United States or its outlying areas by the Defense Logistics Agency (DLA) Commercial and Government Entity (CAGE) Branch to identify a commercial or government entity; or

(2) An identifier assigned by a member of the North Atlantic Treaty Organization (NATO) or by the NATO Support and

Procurement Agency (NSPA) to entities located outside the United States and its outlying areas that the DLA Commercial and Government Entity (CAGE) Branch records and maintains in the CAGE master file. This type of code is known as a NATO CAGE (NCAGE) code.

* * * * *

(c) Contractors located in the United States or its outlying areas that are not registered in SAM shall submit written change requests to the DLA Commercial and Government Entity (CAGE) Branch. Requests for changes shall be provided at <https://cage.dla.mil>. Change requests to the CAGE master file are accepted from the entity identified by the code.

(d) Contractors located outside the United States and its outlying areas that are not registered in SAM shall contact the appropriate National Codification Bureau (points of contact available at <http://www.nato.int/structur/AC/135/main/links/contacts.htm>) or NSPA at <https://eportal.nspa.nato.int/AC135Public/scage/CageList.aspx> to request CAGE changes.

(e) Additional guidance for maintaining CAGE codes is available at <https://cage.dla.mil>.

■ 7. Amend section 52.204–20 by—

- a. Revising the date of the provision; and
- b. In paragraph (a), revising the definition “Commercial and Government Entity (CAGE) code”.

The revisions read as follows:

52.204–20 Predecessor of Offeror.

* * * * *

Predecessor of Offeror (Jul 2016)

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Commercial and Government Entity (CAGE) code means—

(1) An identifier assigned to entities located in the United States or its outlying areas by the Defense Logistics Agency (DLA) Commercial and Government Entity (CAGE) Branch to identify a commercial or government entity; or

(2) An identifier assigned by a member of the North Atlantic Treaty Organization (NATO) or by the NATO Support and Procurement Agency (NSPA) to entities located outside the United States and its outlying areas that the DLA Commercial and Government Entity (CAGE) Branch records and maintains in the CAGE master file. This type of code is known as a NATO CAGE (NCAGE) code.

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■ 8. Amend section 52.212–3 by revising the date of the provision, and removing from the introductory text “Web site accessed through <http://www.acquisition.gov>” and adding “Web site located at <https://www.sam.gov/portal/>” in its place.

The revision reads as follows:

52.212–3 Offeror Representations and Certifications—Commercial Items.

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Offeror Representations and
Certifications—Commercial Items (Jul
2016)

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[FR Doc. 2016–16249 Filed 7–13–16; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES
ADMINISTRATION

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR 2016–0051, Sequence
No. 3]

Federal Acquisition Regulation;
Federal Acquisition Circular 2005–89;
Small Entity Compliance Guide

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

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued
under the joint authority of DOD, GSA,
and NASA. This *Small Entity
Compliance Guide* has been prepared in

accordance with section 212 of the
Small Business Regulatory Enforcement
Fairness Act of 1996. It consists of a
summary of the rules appearing in
Federal Acquisition Circular (FAC)
2005–89, which amends the Federal
Acquisition Regulation (FAR). An
asterisk (*) next to a rule indicates that
a regulatory flexibility analysis has been
prepared. Interested parties may obtain
further information regarding these
rules by referring to FAC 2005–89,
which precedes this document. These
documents are also available via the
Internet at <http://www.regulations.gov>.

DATES: July 14, 2016.

FOR FURTHER INFORMATION CONTACT: For
clarification of content, contact the
analyst whose name appears in the table
below. Please cite FAC 2005–89 and the
FAR case number. For information
pertaining to status or publication
schedules, contact the Regulatory
Secretariat Division at 202–501–4755.

RULES LISTED IN FAC 2005–89

Item	Subject	FAR Case	Analyst
*I	Small Business Subcontracting Improvements	2014–003	Uddowla.
II	OMB Circular Citation Update	2014–023	Hopkins.
III	FPI Blanket Waiver Threshold	2016–008	Uddowla.
*IV	Revision to Standard Forms for Bonds	2015–025	Hopkins.
V	Technical Amendments	

SUPPLEMENTARY INFORMATION:
Summaries for each FAR rule follow.
For the actual revisions and/or
amendments made by these rules, refer
to the specific item numbers and
subjects set forth in the documents
following these item summaries. FAC
2005–89 amends the FAR as follows:

**Item I—Small Business Subcontracting
Improvements (FAR Case 2014–003)**

This final rule amends the FAR to
implement SBA’s final rule published at
78 FR 42391 on July 16, 2013. The rule
will implement the statutory
requirements set forth in section 1321
and 1322 of the Small Business Jobs Act
of 2010, (Pub. L. 111–240), as well as
other requirements aimed at improving
subcontracting regulations to increase
small business opportunities. This rule
accomplishes the following:

(1) Requires prime contractors to
make good faith efforts to utilize their
proposed small business subcontractors
during performance of a contract to the
same degree the prime contractor relied
on the small business in preparing and
submitting its bid or proposal. To the
extent a prime contractor is unable to
make a good faith effort to utilize its
small business subcontractors as

described above, the prime contractor is
required to explain, in writing, within
30 days of contract completion, to the
contracting officer the reasons why it
was unable to do so.

(2) Authorizes contracting officers to
calculate subcontracting goals in terms
of total contract dollars in addition to
the required goals in terms of total
subcontracted dollars.

(3) Provides contracting officers with
the discretion to require a
subcontracting plan in instances where
a small business rerepresents its size as
an other than small business.

(4) Requires subcontracting plans
even for modifications under the
subcontracting plan threshold if said
modifications would cause the contract
to exceed the plan threshold.

(5) Requires prime contractors to
assign North American Industry
Classification System (NAICS) codes to
subcontracts.

(6) Restricts prime contractors from
prohibiting a subcontractor from
discussing payment or utilization
matters with the contracting officer.

(7) Requires prime contractors to
resubmit a corrected subcontracting
report within 30 days of receiving the

contracting officer’s notice of report
rejection.

(8) Requires prime contractors to
provide the socioeconomic status of the
subcontractor in the notification to
unsuccessful offerors for subcontracts.

(9) Requires prime contracts with
subcontracting plans on task and
delivery order contracts to report order
level subcontracting information after
November 2017.

(10) Facilitates funding agencies
receiving small business subcontracting
credit.

(11) On indefinite-delivery,
indefinite-quantity contracts, allows the
contracting officer to establish
subcontracting goals at the order level
(but not a new subcontracting plan).

This rule may have a positive
economic impact on any small business
entity that wishes to participate in the
Federal procurement arena as a
subcontractor.

**Item II—OMB Circular Citation Update
(FAR Case 2014–023)**

This final rule amends the FAR to
update outdated OMB Circular citation
references. On December 26, 2013, the
Office of Management and Budget
(OMB) published new guidance at 2