

Building, Washington, DC 20405, (202) 501-4755.

List of Subjects in 48 CFR Parts 2, 5, 14, 15, 19, 32, 33, 36, 42, and 52

Government procurement.

Dated: December 20, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR Parts 2, 5, 14, 15, 19, 32, 33, 36, 42, and 52 as set forth below:

1. The authority citation for 48 CFR Parts 2, 5, 14, 15, 19, 32, 33, 36, 42, 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 2—DEFINITIONS OF WORDS AND TERMS

2.101 [Amended]

2. Amend the definition “simplified acquisition threshold” in section 2.101 by removing “10 U.S.C. 2302(7)” and adding “10 U.S.C. 2302(8)” in its place.

PART 5—PUBLICIZING CONTRACT ACTIONS

3. Revise paragraph (f)(3) of section 5.205 to read as follows:

5.205 Special situations.

* * * * *

(f) * * *

(3) Advising that eligibility to participate may be restricted to firms in either the developmental stage or the developmental and transitional stages; and

* * * * *

PART 14—SEALED BIDDING

4. Revise paragraph (r) of section 14.201-6 to read as follows:

14.201-6 Solicitation provisions.

* * * * *

(r) Insert the provision at 52.214-23, Late Submissions, Modifications, Revisions, and Withdrawals of Technical Proposals under Two-Step Sealed Bidding, in solicitations for technical proposals in step one of two-step sealed bidding.

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PART 15—CONTRACTING BY NEGOTIATION

15.208 [Amended]

5. Amend the first sentence of paragraph (a) in section 15.208 by removing “or withdrawals,”; and the first sentence of paragraph (b)(1) by

removing “revision, or withdrawal” and inserting “or revision,” in its place.

PART 19—SMALL BUSINESS PROGRAMS

6. Amend section 19.702 by revising the last sentence in paragraph (d) to read as follows:

19.702 Statutory requirements.

* * * * *

(d) * * * However, the mentor-protége agreement must have been approved by the—

Office of Small and Disadvantaged Business Utilization, Office of the Under Secretary of Defense (Acquisition, Technology and Logistics), 1777 N. Kent Street, Suite 9100, Arlington, VA 22209

before developmental assistance costs may be credited against subcontracting goals. A list of approved agreements may be obtained at http://www.acq.osd.mil/sadb/mentor_protége/ or by calling 1-800-553-1858.

PART 32—CONTRACT FINANCING

32.503-6 [Amended]

7. Amend paragraph (e)(3) of section 32.503-6 by removing “52.232-6” and adding “52.232-16” in its place.

PART 33—PROTESTS, DISPUTES, AND APPEALS

33.213 [Amended]

8. Amend paragraph (a) of section 33.213 by removing “paragraph (h)” and adding “paragraph (i)” in its place.

PART 36—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

36.104 [Amended]

9. Amend section 36.104 by removing “(41 U.S.C. 541, *et seq.*)” and adding “(40 U.S.C. 541, *et seq.*)” in its place.

PART 42—CONTRACT ADMINISTRATION AND AUDIT SERVICES

42.203 [Amended]

10. Amend section 42.203 by removing “DCMCC-F” and adding “DCMC-BD” in its place.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

52.215-1 [Amended]

11. Amend section 52.215-1 by revising the date of the provision to read “(DEC 1999)”; in the first sentence of paragraph (c)(3)(i) of the provision by removing “, revisions, or withdrawals,” and adding “or revisions,” in its place;

and in the first sentence of paragraph (c)(3)(ii)(A) of the provision by removing “revision, or withdrawal” and adding “or revision,” in its place.

52.228-14 [Amended]

12. Amend section 52.228-14 by revising the date of the clause to read “(DEC 1999)”; and in paragraphs (f) and (g) of the clause by removing “____, 19__” and inserting “(Date)____” in their place.

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

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: Small Entity Compliance Guide.

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. 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 rules appearing in Federal Acquisition Circular (FAC) 97-15 which amend the FAR. The rules marked with an asterisk (*) indicate that a regulatory flexibility analysis has been prepared in accordance with 5 U.S.C. 604. Interested parties may obtain further information regarding these rules by referring to FAC 97-15 which precedes this document. These documents are also available via the Internet at <http://www.arnet.gov/far>.

FOR FURTHER INFORMATION CONTACT: Laurie Duarte, FAR Secretariat, (202) 501-4225. For clarification of content, contact the analyst whose name appears in the table below.

LIST OF RULES IN FAC 97-15

Item	Subject	FAR case	Analyst
I	Pollution Control and Clean Air and Water	97-033	Linfield
II	Foreign Acquisition (Part 25 Rewrite)	97-024	Linfield
III	* Contract Bundling (Interim)	1997-306 (97-306)	De Stefa- no
IV	Deobligation Authority	99-015	Klein
V	Transition of the Financial Management System Software Program	99-602	Nelson
VI	Document Availability	99-018	Moss
VII	SBA's 8(a) Business Development Program	98-011	Moss
VIII	Special Simplified Procedures for Purchases of Commercial Items in Excess of the Simplified Acquisition Threshold.	99-304	Moss
IX	Review of Award Fee Determinations (Burnside-Ott)	98-017	De Stefa- no
X	Nondisplacement of Qualified Workers—Commercial Items	99-600	O'Neill

Item I—Pollution Control and Clean Air and Water (FAR Case 97-033)

This final rule amends the FAR to remove Subpart 23.1,

Pollution Control and Clear Air and Water; the provision at 52.223-1, Clean Air and Water Certification; and the clause at 52.223-2, Clean Air and Water. This amendment eliminates the burden on offerors to certify that they do not propose to use a facility for performance of the contract that is on the Environmental Protection Agency's (EPA) "List of Violating Facilities." Contracting officers will use the "GSA List of Parties Excluded from Federal Procurement and Nonprocurement Programs" (GSA List) to ensure that they do not award contracts to ineligible offerors. Excluded parties whose ineligibility is limited by reason of a Clean Air Act (CAA) or Clean Water Act (CWA) conviction are identified by the facility and conviction listing, the Cause and Treatment Code "H" annotation, in the GSA List. Internet access to the GSA List is available at <http://www.epls.arnet.gov>. These FAR changes do not change long-standing policy that a contracting officer cannot award a contract if performance of the contract would be at a facility convicted of a CAA or CWA violation unless the EPA has certified that the facility has corrected the cause giving rise to the conviction.

Item II—Foreign Acquisition (Part 25 Rewrite) (FAR Case 97-024)

This final rule amends FAR Parts 1, 2, 5, 6, 9, 12, 13, 14, 15, 17, 25, 36, and 52 to clarify policies and procedures concerning foreign acquisition and to rewrite Part 25 in plain language.

Item III—Contract Bundling (FAR Case 1997-306) (97-306)

This interim rule amends the FAR to implement Sections 411-417 of the Small Business Reauthorization Act of 1997. Sections 411-417 amend Title 15 of the U.S.C. to define "contract bundling," and to require agencies to avoid unnecessary bundling that precludes small business participation in the performance of Federal contracts.

Item IV—Deobligation Authority (FAR Case 99-015)

This final rule revises FAR 4.804-5 and 42.302 to establish deobligation of excess funds as one of the contract administration functions normally delegated to the contract administration office. In addition, the rule includes editorial revisions for plain language purposes.

Item V—Transition of the Financial Management System Software Program (FAR Case 99-602)

This final rule amends the FAR to delete Subpart 8.9,

Financial Management Systems Software Mandatory Multiple Award Schedules Contracts Program.

Item VI—Document Availability (FAR Case 99-018)

This final rule amends the Federal Acquisition Regulation (FAR) at 11.201(d) and 52.211-2 to update how the public may obtain Department of Defense specifications and standards.

Item VII—SBA's 8(a) Business Development Program (FAR Case 98-011)

The interim rule published as Item III of FAC 97-12 is converted to a final rule

without changes. The rule implements changes made in the Small Business Administration's 8(a) Business Development (8(a)BD) Program regulation, contained in 13 CFR Parts 121, 124, and 134, regarding the eligibility procedures for admission to the 8(a)BD and contractual assistance programs.

VIII—Special Simplified Procedures for Purchases of Commercial Items in Excess of the Simplified Acquisition Threshold (FAR Case 99-304)

This final rule amends FAR Subpart 13.5 to implement Section 806 of the National Defense Authorization Act for Fiscal Year 2000 (Pub. L. 106-65). Section 806 amends Section 4202(e) of the Clinger-Cohen Act of 1996 (Divisions D and E of Pub. L. 104-106; 110 Stat. 654; 10 U.S.C. 2304 note) to extend, through January 1, 2002, the expiration of the test of special simplified procedures for purchases of commercial items greater than the simplified acquisition threshold, but not exceeding \$5,000,000.

Item IX—Review of Award Fee Determinations (Burnside-Ott) (FAR Case 98-017)

This final rule amends the Federal Acquisition Regulation (FAR) to implement rulings of the United States Court of Appeals and the United States Court of Federal Claims. The rulings are that the Contract Disputes Act applies to all disputes arising under Government contracts, unless a more specific statute provides for other remedies.

Item X—Nondisplacement of Qualified Workers—Commercial Items (FAR Case 99-600)

This final rule amends FAR 52.212-5(c) to add the clause entitled 52.222-

50, Nondisplacement of Qualified Workers, to the list of clauses that the contracting officer may incorporate by reference when applicable.

Dated: December 20, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

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