

PART 236—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

Subpart 236.4—[Removed]

2. Subpart 236.4 is removed.

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DEPARTMENT OF DEFENSE

48 CFR Part 252

[DFARS Case 99-D025]

Defense Federal Acquisition Regulation Supplement; Contract Drawings, Maps, and Specifications

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to revise a clause used in construction contracts. The revised clause explicitly allows the Government to furnish drawings and specifications to construction contractors in electronic form and requires construction contractors to reproduce and print contract drawings and specifications as needed.

EFFECTIVE DATE: August 17, 2000.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations Council, OUSD(AT&L)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0288; telefax (703) 602-0350. Please cite DFARS Case 99-D025.

SUPPLEMENTARY INFORMATION:

A. Background

DoD uses the clause at DFARS 252.236-7001, Contract Drawings, Maps, and Specifications, in fixed-price construction contracts. The clause previously stated that the Government will provide five sets (unless another quantity is specified) of large-scale drawings and specifications to the contractor without charge; or, at the Government's option, may furnish the contractor with one set of reproducibles, or half-size drawings. This rule revises the clause to specify that the Government will provide one set of drawings and specifications to the contractor in electronic or paper media, as chosen by the contracting officer, and that the contractor will reproduce and print contract drawings and specifications as needed. In addition, the rule removes the term "maps" from

the clause title, since the text of the clause does not contain this term.

DoD published a proposed rule at 65 FR 6574 on February 10, 2000. Three sources submitted comments on the proposed rule. DoD considered all comments in the development of the final rule.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because reproducing and printing contract drawings and specifications normally does not constitute a significant expense, and the contractor can pass this expense along to the Government as part of the contract price.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that 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 252

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 252 is amended as follows:

1. The authority citation for 48 CFR Part 252 continues to read as follows:

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

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

2. Section 252.236-7001 is revised to read as follows:

252.236-7001 Contract Drawings and Specifications.

As prescribed in 236.570(a), use the following clause:

Contract Drawings and Specifications (Aug 2000)

(a) The Government will provide to the Contractor, without charge, one set of contract drawings and specifications, except publications incorporated into the technical provisions by reference, in electronic or paper media as chosen by the Contracting Officer.

(b) The Contractor shall—

(1) Check all drawings furnished immediately upon receipt;

(2) Compare all drawings and verify the figures before laying out the work;

(3) Promptly notify the Contracting Officer of any discrepancies;

(4) Be responsible for any errors that might have been avoided by complying with this paragraph (b); and

(5) Reproduce and print contract drawings and specifications as needed.

(c) In general—

(1) Large-scale drawings shall govern small-scale drawings; and

(2) The Contractor shall follow figures marked on drawings in preference to scale measurements.

(d) Omissions from the drawings or specifications or the misdescription of details of work that are manifestly necessary to carry out the intent of the drawings and specifications, or that are customarily performed, shall not relieve the Contractor from performing such omitted or misdescribed details of the work. The Contractor shall perform such details as if fully and correctly set forth and described in the drawings and specifications.

(e) The work shall conform to the specifications and the contract drawings identified on the following index of drawings:

Title	File	Drawing No.
(End of Clause)		

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1804, 1812 and 1852

Central Contractor Registration (CCR)

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This final rule amends the NASA FAR Supplement (NFS) to include a requirement for vendors and contractors to register through the DoD Central Contractor Registration (CCR) System.

EFFECTIVE DATE: August 17, 2000.

FOR FURTHER INFORMATION CONTACT: Barbara Cephas, (202) 358-0465, or bcephas@hq.nasa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

NASA is in the process of converting to a new Agency-wide accounting software system. To assist with data conversion to the new system, NASA has selected the DoD CCR system for its data conversion baseline. When a vendor registers in CCR, they are assigned a Commercial and Government Entity Code (CAGE) Code, which is the tool NASA has chosen for data conversion to its new accounting

software system. This CAGE code number can only be obtained when a vendor registers in the DoD CCR System.

A proposed rule was published in the **Federal Register** on October 6, 1999 (64 FR 54270-72). NASA received no public comments on the proposed rule. This final rule adopts the proposed rule with a change to establish an implementation date.

B. Regulatory Flexibility Act

NASA certifies that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because an estimated two thirds of NASA vendors are already registered in the Defense Logistics Agency/Defense Logistics Information Service (DLA/ DLIS) CCR System.

C. Paperwork Reduction Act

An Office of Management and Budget (OMB) approval for data collection has been approved under OMB Control Number 2700-0097.

List of Subjects in 48 CFR Parts 1804, 1812, 1852

Government Procurement.

James A. Balinskas,

Acting Associate Administrator for Procurement.

Accordingly, 48 CFR parts 1804, 1812, and 1852 are amended as follows:

1. The authority citation for 48 CFR parts 1804, 1812, and 1852 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1804—ADMINISTRATIVE MATTERS

2. Subpart 1804.74 is added to read as follows:

Subpart 1804.74—Central Contractor Registration

1804.7400 Scope.
1804.7401 Definitions.
1804.7402 Policy.
1804.7403 Procedures.
1804.7404 Solicitation provisions and contract clauses.

Authority: 42 U.S.C. 2473(c)(1).

Subpart 1804.74—Central Contractor Registration

1804.7400 Scope.

This subpart prescribes policies and procedures for requiring contractor registration in the DoD Central Contractor Registration (CCR) database.

1804.7401 Definitions.

“Central Contractor Registration (CCR) database,” “Data Universal Numbering System (DUNS) number,” “Data Universal Numbering System+4 (DUNS+4) number,” “Commercial and Government Entity (CAGE) Code,” and “Registered in the CCR database” are defined in the clause at 1852.204-74, Central Contractor Registration.

1804.7402 Policy.

Prospective contractors must be registered in the CCR database, prior to any award of a contract, purchase order, basic agreement, basic ordering agreement, or blanket purchase agreement after March 31, 2001. This policy applies to all types of awards except the following:

(a) Purchases made with a Government-wide commercial purchase card.

(b) Awards made to foreign vendors for work performed outside of the United States.

(c) Purchases under FAR 6.302-2, Unusual and Compelling Urgency.

1804.7403 Procedures.

(a)(1) The contracting officer must verify that the prospective awardee is registered in the CCR database using either the Cage Code, DUNS number or, if applicable, the DUNS+4 number, via the Internet at <http://www.ccr2000.com> or by calling toll free: 888-CCR-2423 (888-227-2423), commercial: 616-961-5757.

(2) Verification of registration is not required for orders or calls placed under contracts, basic agreements, basic ordering agreements, or blanket purchase agreements in which vendor registration was verified at the time of award of the contract or agreement.

(b) If the contracting officer determines that a prospective awardee is not registered in the CCR database after March 31, 2001, the contracting officer must—

(1) If delaying the acquisition would not be to the detriment of the Government, proceed to award after the contractor is registered;

(2) If delaying the acquisition would be to the detriment of the Government, proceed to award to the next otherwise successful registered offeror, with the written approval of the Procurement Officer; or

(3) If the offer results from an invitation for bids, determine the offer to be non-responsive and proceed to award to the next otherwise successful registered offeror.

(c) The contracting officer must protect against improper disclosure of contractor CCR information.

1804.7404 Solicitation provisions and contract clauses.

Except as provided in 1804.7402, the contracting officer must use the clause at 1852.204-74, Central Contractor Registration, in all solicitations and contracts, including those for commercial items.

PART 1812—ACQUISITION OF COMMERCIAL ITEMS

3. In section 1812.301, paragraphs (f)(i)(A) through (M) are redesignated as (f)(i)(B) through (N) and a new paragraph ((f)(i)(A) is added to read as follows:

1812.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(f)(i) * * *

(A) 1852.204-74, Central Contractor Registration.

* * * * *

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Section 1852.204-74 is added to read as follows:

1852.204-74 Central Contractor Registration.

As prescribed in 1804.7404, insert the following clause:

Central Contractor Registration

August 2000

(a) *Definitions.* As used in this clause—

(1) “Central Contractor Registration (CCR) database” means the primary DoD repository for contractor information required for the conduct of business with NASA.

(2) “Data Universal Numbering System (DUNS) number” means the 9-digit number assigned by Dun and Bradstreet Information Services to identify unique business entities.

(3) “Data Universal Numbering System +4 (DUNS+4) number” means the DUNS number assigned by Dun and Bradstreet plus a 4-digit suffix that may be assigned by a parent (controlling) business concern. This 4-digit suffix may be assigned at the discretion of the parent business concern for such purposes as identifying sub-units or affiliates of the parent business concern.

(4) “Commercial Government and Entity Code (CAGE Code)” means—

(i) A code assigned by the Defense Logistics Information Service (DLIS) to identify a commercial or Government entity; or

(ii) A code assigned by a member of the North Atlantic Treaty Organization (NATO) that is recorded and maintained by DLIS in the CAGE master file.

(5) “Registered in the CCR database” means that all mandatory information, including the DUNS number or the DUNS+4 number, if applicable, and the corresponding CAGE code, is in the CCR database; the

DUNS number and the CAGE code have been validated; and all edits have been successfully completed.

(b)(1) By submission of an offer, the offeror acknowledges the requirement that a prospective awardee must be registered in the CCR database prior to award, during performance, and through final payment of any contract resulting from this solicitation, except for awards to foreign vendors performing work outside of the United States.

(2) The Contracting Officer will verify that the offeror is registered in the CCR database.

(3) Lack of registration in the CCR database will make an offeror ineligible for award after March 31, 2001.

(4) DoD has established a goal of registering an applicant in the CCR database within 48 hours after receipt of a complete and accurate application via the Internet. However, registration of an applicant submitting an application through a method other than the Internet may take up to 30 days. Therefore, offerors that are not registered should consider applying for registration immediately upon receipt of this solicitation.

(c) The Contractor is responsible for the accuracy and completeness of the data within the CCR, and for any liability resulting from the Government's reliance on inaccurate or incomplete data. To remain registered in the CCR database after the initial registration, the Contractor is required to confirm on an annual basis that its information in the CCR database is accurate and complete.

(d) Offerors and contractors may obtain information on registration and annual confirmation requirements via the Internet at <http://www.ccr2000.com> or by calling 888-CCR-2423 (888-227-2423). (End of clause)

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 71

[OST Docket No. OST-99-5843]

RIN 2105-AC80

Relocation of Standard Time Zone Boundary in the State of Kentucky

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Department of Transportation (DOT) is moving Wayne County, Kentucky from the Central Time Zone to the Eastern Time Zone. This action is taken in response to a petition filed by the Wayne County, Kentucky, Fiscal Court and based on extensive comments filed in response.

DATES: The effective date of this rule is 2 a.m. CDT Sunday, October 29, 2000.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the Assistant

General Counsel for Regulation and Enforcement, U.S. Department of Transportation, Room 10424, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-9315.

SUPPLEMENTARY INFORMATION:

Background

Legal Requirements

Under the Uniform Time Act of 1918, as amended (15 USC §§ 260-264), either the Secretary of Transportation or Congress may move a time zone boundary in the United States. The current boundaries are set forth in regulations that are found in 49 CFR part 71.

Generally, in order to begin a rulemaking proceeding to change a time zone boundary, the highest governmental body representing the area petitions DOT to make the change. Depending on the area in question, the highest governmental body is usually elected county representatives, or the Governor or State legislature. We presume that this group represents the views of the community. We do not require that the community conduct a vote or referendum on the issue. We solicit the views of all interested parties, not just individuals who live or businesses that are located in the affected area.

15 USC 261 states that the standard for making a time zone boundary change is "regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce." In order to determine what decision would support "the convenience of commerce," the Department looks at a wide variety of factors about how the potential change would affect the community and surrounding areas. These factors include, but are not limited to the following:

1. From where do businesses in the community get their supplies and to where do they ship their goods or products?
2. From where does the community receive television and radio broadcasts?
3. Where are the newspapers published that serve the community?
4. From where does the community get its bus and passenger rail services; if there is no scheduled bus or passenger rail service in the community, to where must residents go to obtain these services?
5. Where is the nearest airport; if it is a local service airport, to what major airport does it carry passengers?
6. What percentage of residents of the community work outside the

community; where do these residents work?

7. What are the major elements of the community's economy; is the community's economy improving or declining; what Federal, State, or local plans, if any, are there for economic development in the community?

8. If residents leave the community for schooling, recreation, health care, or religious worship, what standard of time is observed in the places where they go for these purposes?

History of This Proceeding

On April 22, 1999, the Wayne County, Kentucky Fiscal Court, by Resolution, formally petitioned the Department of Transportation to change the County's time zone from central to eastern. The Resolution addressed each of the factors discussed above and made a *prima facie* case that changing the time zone would suit "the convenience of commerce."

On June 21, 1999, the DOT published a notice of proposed rulemaking in the **Federal Register** (64 FR 33035) that proposed to move the county to eastern time.

A DOT representative conducted a hearing in Monticello, Kentucky, on June 24, 1999. The hearing was attended by approximately 80 people and lasted several hours. The DOT representative tried to gauge the position of the attendees by an informal show of hands at two times during the hearing (a number of people arrived late and others needed to leave early.) By show of hands, 44 were in favor and 26 opposed the first time, and 44 were in favor and 32 opposed the second time.

The NPRM also invited the public to submit written comments to the docket. There were over three hundred different submissions to the docket. The submissions included a number of petitions, detailed letters, and postcards or other short messages expressing a preference for either the Central or Eastern Time Zone. One petition favoring eastern time was signed by 1779 individuals. Another petition favoring central time was signed by 225 individuals. There were a number of other petitions with fewer signatures both favoring and opposing the proposed change. Overall, nearly 2,500 named individuals expressed an opinion either for or against the proposal in the written comments. About 1800 comments favored changing Wayne County's time zone to eastern.

In addition, twelve people called in to express their views. Most did not provide their names. Seven of the callers favored retaining central time observance and five supported the proposed change.