

DEPARTMENT OF DEFENSE

48 CFR Parts 219 and 252

Defense Federal Acquisition Regulation Supplement; Comprehensive Small Business Subcontracting Plans

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 extend the time period for conducting a test program for negotiation of comprehensive small business subcontracting plans.

DATES: Effective Date: July 10, 1995.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations Directorate, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062, telephone (703) 602-0131. Please cite DFARS Case 95-D002 in all correspondence related to this issue.

SUPPLEMENTARY INFORMATION:

A. Background

This final DFARS rule implements Section 7103 of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103-355). Section 7103 amends Section 834 of Public Law 101-189 by extending, through September 30, 1998, the test program for negotiation of comprehensive small business subcontracting plans.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning

of Public Law 98-577 and publication for public comment is not required. Therefore, the Regulatory Flexibility Act does not apply. However, comments from small entities concerning the affected DFARS subparts will be considered in accordance with Section 610 of the Act. Please cite DFARS Case 95-D002 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final rule does not impose any new information collection requirements which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Parts 219 and 252

Government procurement.

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

Therefore, 48 CFR Parts 219 and 252 are amended as follows:

PART 219—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

1. The authority citation for 48 CFR Parts 219 and 252 are revised to read as follows:

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

2. Section 219.702 is amended by revising paragraph (a) introductory text and paragraph (a)(i)(A)(1) to read as follows:

219.702 Statutory requirements.

(a) Section 834 of Pub. L. 101-189, as amended by Section 7103 of Pub. L. 103-355, requires the DoD to establish

a test program to determine whether comprehensive subcontracting plans on a corporate, division, or plant-wide basis will increase subcontracting opportunities for small business concerns.

(i) * * *

(A) * * *

(1) From October 1, 1990, through September 30, 1998;

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PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 252.219-7004 is amended by revising the clause date "(DEC 1991)" to read "(JUL 1995)" and by revising paragraph (b) to read as follows:

252.219-7004 Small business and small disadvantaged business subcontracting plan (test program).

* * * * *

(b) The Offeror's comprehensive small business subcontracting plan and its successors, which are authorized by and approved under the test program of Section 834 of Pub. L. 101-189, as amended by Section 7103 of Pub. L. 103-355, shall be included in and made a part of the resultant contract. Upon expulsion from the test program or expiration of the test program, the Contractor shall negotiate an individual subcontracting plan for all future contracts that meet the requirements of Section 211 of Pub. L. 95-507.

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