

FOR FURTHER INFORMATION CONTACT:
Lucile Martin, (703) 602-0131.

List of Subjects for 48 CFR Chapter 2

Government procurement.

Accordingly, under the authority of 41 U.S.C. 421 et seq., the Defense FAR Supplement authority citation for 48 CFR Parts 201 through 253 and Appendices A through I of Chapter 2 is revised and a new authority citation for Appendix G is added to read as follows:

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

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 95-19315 Filed 8-14-95; 8:45 am]

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48 CFR Parts 206, 207, 215, 219, and 252

[DFARS Case 95-D701]

Defense Federal Acquisition Regulation Supplement; Contract Award (Interim)

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comment.

SUMMARY: This interim rule is issued pursuant to the Federal Acquisition Streamlining Act of 1994 ("the Act"). The Director of Defense Procurement is amending the Defense Federal Acquisition Regulation Supplement concerning acquisition planning, contracting by negotiation, and competition requirements as a result of changes to Title 10 U.S.C. by Sections 1506, 3065, 3066, and 7101(b) of the Act.

DATES: *Effective Date:* August 7, 1995.

Comment Date: Comments on the interim rule should be submitted in writing to the address shown below on or before October 6, 1995 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 95-D701 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT:
Ms. Mellissa D. Rider, DFARS FASTA Implementation Secretariat, at (703) 614-1634. Please Cite DFARS case 95-D701.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Acquisition Streamlining Act of 1994, Pub. L. 103-355 ("the Act"), dated October 13, 1994, provides authorities that streamline the acquisition process and minimize burdensome Government-unique requirements. Major changes that can be expected in the acquisition process as a result of the Act's implementation include changes in the areas of Commercial Item Acquisition, Simplified Acquisition Procedures, the Truth in Negotiations Act, and introduction of the Federal Acquisition Computer Network (FACNET).

DFARS Case 95-D701 addresses six defense-unique sections of the Act that were given immediate effectivity by Section 10001(c) of the Act: Section 1506, Repeal of Requirement Relating to Production Special Tooling and Production Special Test Equipment; Section 1507, Regulations for Bids; Section 3063, DoD Acquisition of Intellectual Property Rights; Section 3065, Codification and Revision of Limitation on Lease of Vessels, Aircraft, and Vehicles; Section 3066, Soft Drink Supplies; and Section 7101(b), Repeal of Certain Requirements. Following is a discussion of the changes associated with each section:

Section 1506, Repeal of Requirement Relating to Production Special Tooling and Production Special Test Equipment—This section repeals 10 U.S.C. 2329, which contained requirements relating to production special tooling and production special test equipment. The requirements of 10 U.S.C. 2329 had been implemented at DFARS 215.871 and was the sole reason that section was created. The interim rule removes and reserves DFARS 215.871.

Section 1507, Regulations for Bids—This section amends 10 U.S.C. 2381(a) to vest the Secretary of Defense with the authority to prescribe regulations covering the preparation, submission, and opening of bids. Existing FAR coverage at Subpart 1.3 already vests the Secretary of Defense with this authority, especially when one considers that 5 U.S.C. allows agency heads, such as the Secretary of Defense, to structure the internal administrative procedures of his/her agency to support, among other things, the procurement process. Therefore, DFARS was not amended to implement this Section of the Act.

Section 3063, DoD Acquisition of Intellectual Property Rights—This section of the Act rewords the listing of the types of copyrights, designs, patents, processes, etc., in which DoD may

obtain rights in data, to include technical data and computer software and releases of past infringements or unauthorized use of technical data and computer software. Since the existing guidance at DFARS Part 227 already covers these types of situations, no change has been made to DFARS.

Section 3065, Codification and Revision of Limitation on Lease of Vessels, Aircraft, and Vehicles—This section of the Act adds a new section at 10 U.S.C. 2401a, which requires DoD to consider all costs and make a written determination prior to entering into any contract with a term of 18 months or more, or extending or renewing any contract for a term of 18 months or more, for any vessel, aircraft, or vehicle, through a lease, charter, or similar agreement. A new section is added at DFARS 207.470 to implement this section of the Act.

Section 3066, Soft Drink Supplies—This section of the Act amends 10 U.S.C. 2424, which authorizes noncompetitive procurement of supplies and services from exchange stores outside the United States, to make the limitations of 10 U.S.C. 2424(b) (1) and (2) inapplicable to the purchase of U.S. manufactured soft drinks. Those limitations (i.e., contract dollar value not to exceed \$50,000 and the requirement that supplies be on hand at the exchange store on the contract award date) created purchasing problems for the Defense Personnel Support Center (DPSC), the DLA activity currently responsible for commissary supplies of soft drinks. This interim rule amends the DFARS at 206.302-5(b), to specify that U.S. manufactured soft drinks are not subject to the limitation of 10 U.S.C. 2424(b) (1) and (2).

Section 7101(b), Repeal of Certain Requirements—This section repeals Section 804 of Public Law 102-484, Certificate of Competency Requirements. This statute was implemented at DFARS 219.602-1(a), 219.602-70, and 252.219-7009. As the statutory requirement has been deleted, the interim rule deletes these DFARS sections.

B. Regulatory Flexibility Act

The interim rule is not expected to 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: the amendment at DFARS 206.302-5 pertains only to purchases made outside the United States for use by armed forces outside the United States; the amendment at DFARS Subpart 207.4 pertains to internal Government considerations regarding

leasing; the section deleted at DFARS 215.871 applied only to production contracts where special tooling/special test equipment costs exceeded \$1,000,000; and the language deleted at DFARS 219.602 and 252.219-7009 pertained only to administrative procedures for processing a request for a certificate of competency. An initial regulatory flexibility analysis has therefore not been performed. Comments from small entities concerning the affected DFARS subparts will be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 95-D701 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the interim rule will not impose any additional reporting or record keeping requirements that require Office of Management and Budget approval under 44 U.S.C. 3501, *et seq.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish this interim rule prior to affording the public an opportunity to comment. This action is necessary to implement Sections 1506, 3065, 3066, and 7101(b) of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103-355), which became effective on October 13, 1995. Comments received in response to the publication of this interim rule will be considered in formulating the final rule.

List of Subjects in 48 CFR Parts 206, 207, 215, 219, and 252

Government procurement.

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

Therefore, 48 CFR Parts 206, 207, 215, 219, and 252 are amended as follows:

PART 206—COMPETITION REQUIREMENTS

1. The authority citation for 48 CFR Parts 206, 207, 215, 219, and 252 is revised to read as follows:

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

2. Section 206.302-5 is amended by revising paragraph (b)(i) to read as follows:

206.302-5 Authorized or required by statute.

(b) * * *

(i) Acquire supplies and services from military exchange stores outside the United States for use by the armed forces outside the United States in accordance with 10 U.S.C. 2424(a) and subject to the limitations of 10 U.S.C. 2424(b). The limitations of 10 U.S.C. 2424(b) (1) and (2) do not apply to the purchase of soft drinks that are manufactured in the United States. For the purposes of 10 U.S.C. 2424, soft drinks manufactured in the United States are brand name carbonated sodas, manufactured in the United States, as evidenced by product markings.

* * * * *

PART 207—ACQUISITION PLANNING

3. Section 207.470 is added to read as follows:

207.470 Statutory requirement.

As required by 10 U.S.C. 2401a, the contracting officer shall not enter into any contract for any vessel, aircraft, or vehicle, through a lease, charter, or similar agreement with a term of 18 months or more, or extend or renew any such contract for a term of 18 months or more, unless the head of the contracting activity has—

(a) Considered all costs of such a contract (including estimated termination liability); and

(b) Determined in writing that the contract is in the best interest of the Government.

PART 215—CONTRACTING BY NEGOTIATION

215.871 [Removed and reserved]

4. Section 215.871 is removed and reserved.

PART 219—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

219.602-1 [Amended]

5. Section 219.602-1 is amended by removing paragraph (a).

219.602-70 [Amended]

6. Section 219.602-70 is removed.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.219-7009 [Removed]

7. Section 252.219-7009 is removed.

[FR Doc. 95-19317 Filed 8-4-95; 8:45 am]

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48 CFR Part 235

Defense Federal Acquisition Regulation Supplement; Federally Funded Research and Development Centers

AGENCY: Department of Defense (DoD).

ACTION: Correction to interim regulation.

SUMMARY: The Department of Defense published miscellaneous amendments (DAC 91-7) to acquisition regulations on June 5, 1995, (60 FR 29491). Coverage concerning Federally funded research and development centers that was added as an interim rule published on March 10, 1995 was inadvertently added again on June 5, 1995. This correction removes the duplicate coverage.

EFFECTIVE DATE: August 7, 1995.

FOR FURTHER INFORMATION CONTACT: Lucile Martin at (703) 602-0131.

SUPPLEMENTARY INFORMATION: The Director of Defense Procurement issued an interim rule adding coverage at 235.017-1 on March 10, 1995 at 60 FR 13076. The same addition was inadvertently included in the miscellaneous amendments (DAC 91-7) published on June 5, 1995 at 60 FR 29491 and should be withdrawn.

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

The following correction is made to the rule published on June 5, 1995:

1. At page 29500, in the second column, amendatory instruction No. 42 is removed.

[FR Doc. 95-19316 Filed 8-4-95; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

48 CFR Part 501

[APD 2800.12A, CHGE 64]

RIN 3090-AF78

General Services Administration Acquisition Regulation; Contracting Officer Warrant Program

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR) is amended to revise section 501.601 and to remove sections 501.602-1, 501.603, 501.603-1, 501.603-3, 501.603-4, and 501.603-70. The material contained in these sections