

**DEPARTMENT OF DEFENSE**

**General Services Administration**

**National Aeronautics and Space Administration**

**48 CFR Part 16**

[FAC 97-10; FAR Case 98-016; Item II]

RIN 9000-A118

**Federal Acquisition Regulation; Limits for Indefinite-Quantity Contracts**

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

**ACTION:** Final rule.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to clarify guidance regarding how limits on indefinite-quantity contracts are expressed.

**EFFECTIVE DATE:** February 16, 1999.

**FOR FURTHER INFORMATION CONTACT:** The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 501-4755, for information pertaining to status or publication schedules. For clarification of content, contact Mr. Ralph DeStefano, Procurement Analyst, at (202) 501-1758. Please cite FAC 97-10, FAR case 98-016.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

This final rule amends FAR 16.504(a) to clarify that maximum and minimum limits for indefinite-quantity contracts may be expressed as a number of units or dollar value.

This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

**B. Regulatory Flexibility Act**

The final rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Pub. L. 98-577, and publication for public comments is not required. However, comments from small entities concerning the affected FAR subpart will be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and should cite 5 U.S.C. 601, *et seq.* (FAC 97-10, FAR case 98-016), in correspondence.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the changes to the

FAR do not impose recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public which 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 16**

Government procurement.

Dated: December 14, 1998.

**Ralph DeStefano,**

*Acting Director, Federal Acquisition Policy Division.*

Therefore, 48 CFR part 16 is amended as set forth below:

**PART 16—TYPES OF CONTRACTS**

1. The authority citation for 48 CFR part 16 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).

2. Section 16.504 is amended at the end of paragraph (a) by adding a sentence; in paragraph (a)(1) by revising the first sentence and adding a new second sentence; and by revising paragraph (a)(4)(ii). The revised text reads as follows:

**16.504 Indefinite-quantity contracts.**

(a) \* \* \* Quantity limits may be expressed in terms of numbers of units or as dollar values.

(1) The contract shall require the Government to order and the contractor to furnish at least a stated minimum quantity of supplies or services. In addition, if ordered, the contractor shall furnish any additional quantities, not to exceed the stated maximum. \* \* \*

\* \* \* \* \*

(4) \* \* \*

(ii) Specify the total minimum and maximum quantity of supplies or services to be acquired under the contract;

\* \* \* \* \*

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**DEPARTMENT OF DEFENSE**

**General Services Administration**

**National Aeronautics and Space Administration**

**48 CFR Parts 22 and 52**

[FAC 97-10; FAR Case 98-607; Item III]

RIN 9000-A115

**Federal Acquisition Regulation; Office of Federal Contract Compliance Programs National Pre-Award Registry**

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

**ACTION:** Final rule.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to inform the procurement community of the availability of the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) National Pre-Award Registry (Registry), accessible through the Internet, that contains contractor establishments that have been reviewed within the preceding 24 months and found in compliance with the equal opportunity laws enforced by OFCCP, and the option to use the information in the Registry in lieu of submitting a written request for a preaward clearance; and implement revised Department of Labor (DoL) regulations pertaining to equal employment opportunity and affirmative action requirements for Federal contractors and subcontractors.

**EFFECTIVE DATE:** February 16, 1999.

**FOR FURTHER INFORMATION CONTACT:** The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 501-4755, for information pertaining to status or publication schedules. For clarification of content, contact Mr. Jack O'Neill, Procurement Analyst, at (202) 501-3856. Please cite FAC 97-10, FAR case 98-607.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

Section 60-1.29 of Title 41 of the Code of Federal Regulations provides that agencies shall not enter into contracts or approve the entry into contracts or subcontracts for \$10 million or more with any bidder, prospective prime contractor, or proposed subcontractor until a preaward compliance evaluation has been conducted and the Deputy Assistant