

(2) Relevant procedures, guidance, and information that do not meet the criteria in paragraph (a)(1) of this section are issued in the DFARS Procedures, Guidance, and Information (PGI).

* * * * *

PART 202—DEFINITIONS OF WORDS AND TERMS

■ 5. Section 202.101 is amended by adding, in alphabetical order, a definition of “Procedures, Guidance, and Information (PGI)” to read as follows:

202.101 Definitions.

* * * * *

Procedures, Guidance, and Information (PGI) means a companion resource to the DFARS that—

(1) Contains mandatory internal DoD procedures. The DFARS will direct compliance with mandatory procedures using imperative language such as “Follow the procedures at * * *” or similar directive language;

(2) Contains non-mandatory internal DoD procedures and guidance and supplemental information to be used at the discretion of the contracting officer. The DFARS will point to non-mandatory procedures, guidance, and information using permissive language such as “The contracting officer may use * * *” or “Additional information is available at * * *” or other similar language;

(3) Is numbered similarly to the DFARS, except that each PGI numerical designation is preceded by the letters “PGI”; and

(4) Is available electronically at <http://www.acq.osd.mil/dpap/dars/index.htm>.

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DEPARTMENT OF DEFENSE

48 CFR Parts 204 and 208

Defense Federal Acquisition Regulation Supplement; Technical Amendments

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement to update Internet addresses and reference information.

DATES: Effective November 1, 2004.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, Defense Acquisition

Regulations Council, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0311; facsimile (703) 602-0350.

List of Subjects in 48 CFR Parts 204 and 208

Government procurement.

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

■ Therefore, 48 CFR parts 204 and 208 are amended as follows:

■ 1. The authority citation for 48 CFR parts 204 and 208 continues to read as follows:

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

PART 204—ADMINISTRATIVE MATTERS

■ 2. Section 204.7003 is amended in paragraph (a)(1) by revising the last sentence to read as follows:

204.7003 Basic PII number.

(a) * * *

(1) * * * DoDAACs can be found at <https://day2k1.daas.dla.mil/daasing/>.

* * * * *

■ 3. Section 204.7005 is amended by revising paragraph (d) to read as follows:

204.7005 Assignment of order codes.

* * * * *

(d) Order code assignments can be found at <http://www.acq.osd.mil/dpap/dfars/ordercode.htm>.

PART 208—REQUIRED SOURCES OF SUPPLIES AND SERVICES

■ 4. Section 208.404 is amended by adding paragraph (S-70) to read as follows:

208.404 Using schedules.

* * * * *

(S-70) See related information at PGI 208.404.

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DEPARTMENT OF DEFENSE

48 CFR Parts 205, 226, 235, and 252

[DFARS Case 2003-D016]

Defense Federal Acquisition Regulation Supplement; Publicizing Contract Actions

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal

Acquisition Regulation Supplement (DFARS) to update text pertaining to publicizing contract actions. This rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

DATES: Effective November 1, 2004.

FOR FURTHER INFORMATION CONTACT: Ms. Robin Schulze, Defense Acquisition Regulations Council, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0326; facsimile (703) 602-0350. Please cite DFARS Case 2003-D016.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at <http://www.acq.osd.mil/dp/dars/transf.htm>.

This final rule is a result of the DFARS Transformation initiative. The DFARS changes include—

- Deletion of text at DFARS 205.207(d)(ii) containing a notice to be included in acquisitions being considered for historically black college and university and minority institution (HBCU/MI) set-aside. This notice is being relocated to the new DFARS companion resource, Procedures, Guidance, and Information (PGI), with retention of a policy statement in DFARS 205.207 regarding use of the notice, and addition of a policy statement at DFARS 226.7003-2(c) regarding the requirement for an interested HBCU/MI to provide evidence of its capability and eligibility (which is also addressed in the notice). A final rule addressing the purpose and structure of PGI is published elsewhere in this issue of the **Federal Register** under DFARS Case 2003-D090, Procedures, Guidance, and Information. PGI is available at <http://www.acq.osd.mil/dpap/dars/index.htm>.
- Redesignation of DFARS 205.207(d)(iii) as 205.207(d)(ii), and

deletion of text that duplicates policy found in 235.016. A reference to 236.016 has been retained in newly designated 205.207(d)(ii).

- Deletion of unnecessary text at DFARS 205.207(e), 205.470–1, and 205.502. The clause prescription at 205.470–2 is redesignated as 205.470 and amended to include a statutory reference.

DoD published a proposed rule at 69 FR 8148 on February 23, 2004. DoD received no comments on the proposed rule. Therefore, DoD has adopted the proposed rule as a final rule without change.

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 the rule updates and relocates DFARS text, but makes no significant change to contracting policy.

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 Parts 205, 226, 235 and 252

Government procurement.

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

■ Therefore, 48 CFR parts 205, 226, 235, and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 205, 226, 235, and 252 continues to read as follows:

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

PART 205—PUBLICIZING CONTRACT ACTIONS

■ 2. Section 205.207 is revised to read as follows:

205.207 Preparation and transmittal of synopses.

(d)(i) For acquisitions being considered for historically black college and university and minority institution set-asides under 226.7003—

(A) Cite the appropriate Numbered Note; and

(B) Include the notice at PGI 205.207(d)(i).

(ii) For broad agency announcement notices, see 235.016.

■ 3. Section 205.470 is revised to read as follows:

205.470 Contract clause.

Use the clause at 252.205–7000, Provision of Information to Cooperative Agreement Holders, in solicitations and contracts expected to exceed \$500,000. This clause implements 10 U.S.C. 2416.

205.470–1 and 205.470–2 [Removed]

■ 4. Sections 205.470–1 and 205.470–2 are removed.

■ 5. Section 205.502 is revised to read as follows:

205.502 Authority.

(a) *Newspapers.* Heads of contracting activities are delegated authority to approve the publication of paid advertisements in newspapers.

PART 226—OTHER SOCIOECONOMIC PROGRAMS

■ 6. Section 226.7003–2 is amended by revising paragraph (c) to read as follows:

226.7003–2 Set-aside procedures.

* * * * *

(c) Follow the special synopsis instructions in 205.207(d). Interested HBCU/MIs must provide evidence of their capability to perform the contract, and a positive statement of their eligibility, within 15 days of publication of the synopsis in order for the acquisition to proceed as an HCBU/MI set-aside.

* * * * *

PART 235—RESEARCH AND DEVELOPMENT CONTRACTING

235.016 [Amended]

■ 7. Section 235.016 is amended in paragraph (2)(ii) by revising the parenthetical to read “(see 205.207(d))”.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.205–7000 [Amended]

■ 8. Section 252.205–7000 is amended in the introductory text by removing “205.470–2” and adding in its place “205.470”.

[FR Doc. 04–24287 Filed 10–29–04; 8:45 am]

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DEPARTMENT OF DEFENSE

48 CFR Parts 208, 210, 219, and 252

[DFARS Case 2004–D005]

Defense Federal Acquisition Regulation Supplement; Federal Prison Industries—Deletion of Duplicative Text

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to delete text on purchase of products from Federal Prison Industries (FPI). The DFARS text is no longer necessary as a result of Governmentwide policy on this subject that was added to the Federal Acquisition Regulation (FAR) on March 26, 2004.

DATES: Effective November 1, 2004.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, Defense Acquisition Regulations Council, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0311; facsimile (703) 602–0350. Please cite DFARS Case 2004–D005.

SUPPLEMENTARY INFORMATION:

A. Background

DoD published DFARS policy at 67 FR 20687 on April 26, 2002, and 68 FR 64559 on November 14, 2003, to implement 10 U.S.C. 2410n, which contains requirements for (1) conducting market research before purchasing an FPI product; (2) use of competitive procedures if an FPI product is found to be noncomparable to products available from the private sector; (3) limiting an inmate worker’s access to information; and (4) prohibiting mandatory use of FPI as a subcontractor.

Section 637 of Division F of the Consolidated Appropriations Act, 2004 (Pub. L. 108–199), required the issuance of Governmentwide regulations that impose the procedures, standards, and limitations of 10 U.S.C. 2410n. Section 637 was implemented through publication of FAR policy in Federal Acquisition Circular 2001–21, at 69 FR 16148, on March 26, 2004. Since the FAR policy implementing 10 U.S.C. 2410n makes the DFARS policy unnecessary, this final rule removes the DFARS policy that was published at 67 FR 20687 on April 26, 2002, and 68 FR 64559 on November 14, 2003.

This rule was not subject to Office of Management and Budget review under