

## B. Regulatory Flexibility Act

DoD has prepared a final regulatory flexibility analysis consistent with 5 U.S.C. 604. A copy of the analysis may be obtained from the point of contact specified herein. The analysis is summarized as follows:

This final rule implements Sections 841 and 842 of the National Defense Authorization Act for Fiscal Year 2005 (Pub. L. 108-375). Section 841 extends, through September 30, 2010, the period during which companies may enter into agreements under the DoD Pilot Mentor-Protégé Program; and extends, through September 30, 2013, the period during which mentor firms may incur costs that are eligible for reimbursement or credit under the Program. Section 842 expands the Program to permit service-disabled veteran-owned small business concerns and HUBZone small business concerns to participate in the Program as protégé firms. The Program provides incentives for DoD contractors to assist protégé firms in enhancing their capabilities and increasing their participation in Government and commercial contracts.

DoD received no public comments in response to the initial regulatory flexibility analysis. However, DoD received a comment in response to the interim rule that recommended amendment of the rule to permit historically black colleges and universities and minority institutions (HBCU/MIs) to participate in the DoD Pilot Mentor-Protégé Program as protégé firms. DoD was unable to adopt this recommendation, as there is presently no statutory authority that would permit expanding the Program to include HBCU/MIs.

Presently, there are 5,737 service-disabled veteran-owned small business concerns and 12,281 HUBZone small business concerns registered in the Central Contractor Registration database; and presently, there are 134 active mentor-protégé agreements. Each protégé firm must provide data to its mentor firm, annually for submission to the Government, regarding the progress of the protégé firm in employment, revenues, and participation in DoD contracts. The data is required for each fiscal year of the Program participation term and for each of the two fiscal years following the expiration of the Program participation term. This information should be readily available to a company as part of its normal business practices.

The rule is expected to have a beneficial impact on service-disabled veteran-owned small business concerns and HUBZone small business concerns. There are no known significant

alternatives to the rule. Participation in the DoD Pilot Mentor-Protégé Program is voluntary.

## C. Paperwork Reduction Act

The information collection requirements of the DoD Pilot Mentor-Protégé Program have been approved by the Office of Management and Budget under Control Number 0704-0332, for use through May 31, 2007.

### List of Subjects in 48 CFR Part 219

Government procurement.

**Michele P. Peterson,**

*Editor, Defense Acquisition Regulations System.*

### Interim Rule Adopted as Final Without Change

Accordingly, the interim rule amending 48 CFR Part 219 and Appendix I to Chapter 2, which was published at 70 FR 29644 on May 24, 2005, is adopted as a final rule without change.

[FR Doc. 06-568 Filed 1-20-06; 8:45 am]

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## DEPARTMENT OF DEFENSE

### 48 CFR Parts 237 and 252

#### [DFARS Case 2003-D041]

### Defense Acquisition Regulations System; Defense Federal Acquisition Regulation Supplement; Specialized Service Contracting

**AGENCY:** Defense Acquisition Regulations System, 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 the acquisition of mortuary and laundry and dry cleaning services. This rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

**DATES:** *Effective Date:* January 23, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ms. Robin Schulze, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0326; facsimile (703) 602-0350. Please cite DFARS Case 2003-D041.

**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/dpap/dars/dfars/transformation/index.htm>.

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

- Revises DFARS Subpart 237.70 to delete procedures for defining the geographical area to be covered by mortuary services contracts, and procedures for distribution of those contracts. These procedures have been relocated to the new DFARS companion resource, Procedures, Guidance, and Information (PGI), available at <http://www.acq.osd.mil/dpap/dars/pgi>.

- Deletes the clause at DFARS 252.237-7010 containing facility requirements for mortuary services, as these requirements are adequately addressed in State law.

- Revises DFARS Subpart 237.71 to delete unnecessary requirements relating to contracting for laundry and dry cleaning services.

DoD published a proposed rule at 70 FR 8563 on February 22, 2005. 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 streamlines DFARS text, but makes no significant change to DoD 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 237 and 252

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR parts 237 and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 237 and 252 continues to read as follows:

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

#### PART 237—SERVICE CONTRACTING

■ 2. Subpart 237.70 is revised to read as follows:

##### Subpart 237.70—Mortuary Services

Sec.

237.7000 Scope.

237.7001 Method of acquisition.

237.7002 Area of performance and distribution of contracts.

237.7003 Solicitation provisions and contract clauses.

##### 237.7000 Scope.

This subpart—

(a) Applies to contracts for mortuary services (the care of remains) for military personnel within the United States; and

(b) May be used as guidance in areas outside the United States for mortuary services for deceased military and civilian personnel.

##### 237.7001 Method of acquisition.

(a) *Requirements type contract.* By agreement among the military activities, one activity in each geographical area will contract for the estimated requirements for the care of remains for all military activities in the area. Use a requirements type contract (see FAR 16.503) when the estimated annual requirements for the activities in the area are ten or more.

(b) *Purchase order.* Where no contract exists, use DD Form 1155, Order for Supplies or Services, to obtain mortuary services.

##### 237.7002 Area of performance and distribution of contracts.

Follow the procedures at PGI 237.7002 for—

(a) Defining the geographical area to be covered by the contract; and

(b) Distributing copies of the contract.

##### 237.7003 Solicitation provisions and contract clauses.

(a) Use the provision at 252.237-7002, Award to Single Offeror, in all sealed bid solicitations for mortuary services.

Use the basic provision with its Alternate I in all negotiated solicitations for mortuary services.

(b) Use the following clauses in all mortuary service solicitations and contracts, except do not use the clauses at 252.237-7004, Area of Performance, in solicitations or contracts that include port of entry requirements:

(1) 252.237-7003, Requirements, (insert activities authorized to place orders in paragraph (e) of the clause).

(2) 252.237-7004, Area of Performance.

(3) 252.237-7005, Performance and Delivery.

(4) 252.237-7006, Subcontracting.

(5) 252.237-7007, Termination for Default.

(6) 252.237-7008, Group Interment.

(7) 252.237-7009, Permits.

(8) 252.237-7011, Preparation History.

(c) Use the clause at FAR 52.245-4, Government-Furnished Property (Short Form), in solicitations and contracts that include port of entry requirements.

■ 3. Section 237.7100 is revised to read as follows:

##### 237.7100 Scope.

This subpart—

(a) Applies to contracts for laundry and dry cleaning services within the United States; and

(b) May be used as guidance in areas outside the United States.

##### 237.7101 [Removed]

■ 4. Section 237.7101 is removed.

##### 237.7102 [Redesignated]

■ 5. Section 237.7102 is redesignated as section 237.7101.

#### PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

##### 252.237-7002 [Amended]

■ 6. Section 252.237-7002 is amended in the introductory text, and in Alternate I in the introductory text, by removing “237.7004” and adding in its place “237.7003”.

##### 252.237-7003 through 252.237-7009 [Amended]

■ 7. Sections 252.237-7003 through 252.237-7009 are amended in the introductory text by removing “237.7004” and adding in its place “237.7003”.

##### 252.237-7010 [Removed and Reserved]

■ 8. Section 252.237-7010 is removed and reserved.

##### 252.237-7011 [Amended]

■ 9. Section 252.237-7011 is amended in the introductory text by removing “237.7004” and adding in its place “237.7003”.

##### 252.237-7012 through 252.237-7015 [Amended]

■ 10. Sections 252.237-7012 through 252.237-7015 are amended in the introductory text by removing “237.7102” and adding in its place “237.7101”.

##### 252.237-7016 [Amended]

■ 11. Section 252.237-7016 is amended in the introductory text, and in Alternates I and II in the introductory text, by removing “237.7102” and adding in its place “237.7101”.

##### 252.237-7017 and 252.237-7018 [Amended]

■ 12. Sections 252.237-7017 and 252.237-7018 are amended in the introductory text by removing “237.7102” and adding in its place “237.7101”.

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#### DEPARTMENT OF DEFENSE

##### 48 CFR Part 241

[DFARS Case 2003-D069]

##### Defense Acquisition Regulations System; Defense Federal Acquisition Regulation Supplement; Acquisition of Utility Services

AGENCY: Defense Acquisition Regulations System, 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 the acquisition of utility services. This rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

EFFECTIVE DATE: January 23, 2006.

FOR FURTHER INFORMATION CONTACT: Ms. Robin Schulze, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0326; facsimile (703) 602-0350. Please cite DFARS Case 2003-D069.