

and adding "(other than Bahrainian or Moroccan end products)" in its place, and removing from the table heading "(Other than Moroccan End Products)" and adding "(Other than Bahrainian or Moroccan End Products)" in its place.

- 10. Amend section 52.225-5 by—
- a. Revising the date of the clause;
- b. Revising paragraph (2) of the definition "Designated country"; and
- c. Removing from paragraph (4) of the definition "Designated country", "Guatemala,".

The revised text reads as follows:

**52.225-5 Trade Agreements.**

\* \* \* \* \*  
 TRADE AGREEMENTS (NOV 2006)  
 \* \* \* \* \*

- (a) \* \* \*  
*Designated country* \* \* \*

(2) A Free Trade Agreement country (Australia, Bahrain, Canada, Chile, El Salvador, Guatemala, Honduras, Mexico, Morocco, Nicaragua, or Singapore);

\* \* \* \* \*

- 11. Amend section 52.225-11 by—
- a. Revising the date of the clause;
- b. Revising paragraph (2) of the definition "Designated country";
- c. Removing "Guatemala" from paragraph (4) of the definition "Designated country"; and
- d. Revising Alternate I.

The revised text reads as follows:

**52.225-11 Buy American Act—Construction Materials under Trade Agreements.**

\* \* \* \* \*  
 BUY AMERICAN ACT—CONSTRUCTION MATERIALS UNDER TRADE AGREEMENTS (NOV 2006)  
 \* \* \* \* \*

- (a) \* \* \*  
*Designated country* \* \* \*

(2) A Free Trade Agreement country (Australia, Bahrain, Canada, Chile, El Salvador, Guatemala, Honduras, Mexico, Morocco, Nicaragua, or Singapore);

\* \* \* \* \*

*Alternate I* (NOV 2006). As prescribed in 25.1102(c)(3), add the following definitions of "Bahrainian construction material" and "Mexican construction material" to paragraph (a) of the basic clause, and substitute the following paragraphs (b)(1) and (b)(2) for paragraphs (b)(1) and (b)(2) of the basic clause:

*Bahrainian construction material* means a construction material that—

- (1) Is wholly the growth, product, or manufacture of Bahrain; or
- (2) In the case of a construction material that consists in whole or in part of materials from another country, has been substantially transformed in Bahrain into a new and different

construction material distinct from the materials from which it was transformed.

*Mexican construction material* means a construction material that—

- (1) Is wholly the growth, product, or manufacture of Mexico; or
- (2) In the case of a construction material that consists in whole or in part of materials from another country, has been substantially transformed in Mexico into a new and different construction material distinct from the materials from which it was transformed.

(b) *Construction materials.* (1) This clause implements the Buy American Act (41 U.S.C. 10a - 10d) by providing a preference for domestic construction material. In addition, the Contracting Officer has determined that the WTO GPA and all the Free Trade Agreements except NAFTA apply to this acquisition. Therefore, the Buy American Act restrictions are waived for designated country construction materials other than Bahrainian or Mexican construction materials.

(2) The Contractor shall use only domestic or designated country construction material other than Bahrainian or Mexican construction material in performing this contract, except as provided in paragraphs (b)(3) and (b)(4) of this clause.

- 12. Amend section 52.225-12 in Alternate II, by revising the date of the alternate, the introductory text, paragraph (d)(1), and the first sentence of the introductory text of paragraph (d)(3) to read as follows:

**52.225-12 Notice of Buy American Act Requirement—Construction Materials Under Trade Agreements.**

\* \* \* \* \*  
*Alternate II* (NOV 2006). As prescribed in 25.1102(d)(3), add the definitions of "Bahrainian construction material" and "Mexican construction material" to paragraph (a) and substitute the following paragraph (d) for paragraph (d) of the basic provision:

(d) *Alternate offers.* (1) When an offer includes foreign construction material, except foreign construction material from a designated country other than Bahrain or Mexico, that is not listed by the Government in this solicitation in paragraph (b)(3) of FAR clause 52.225-11, the offeror also may submit an alternate offer based on use of equivalent domestic or designated country construction material other than Bahrainian or Mexican construction material.

\* \* \* \* \*

(3) If the Government determines that a particular exception requested in accordance with paragraph (c) of FAR clause 52.225-11 does not apply, the Government will evaluate only those offers based on use of the equivalent domestic or designated country construction material other than Bahrainian or Mexican construction material. \* \* \*

\* \* \* \* \*

[FR Doc. 06-9306 Filed 11-21-06; 8:45 am]

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**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Parts 25 and 52**

[FAC 2005-14; FAR Case 2006-001; Item IV; Docket 2006-0020, Sequence 18]

RIN 9000-AK45

**Federal Acquisition Regulation; FAR Case 2006-001, Free Trade Agreements—Morocco**

**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 (Councils) agree to adopt as final, without change, an interim rule that amended the Federal Acquisition Regulation (FAR) to implement the new Free Trade Agreement with Morocco as approved by Congress (Public Law 108-302).

**DATES:** *Effective Date:* November 22, 2006.

**FOR FURTHER INFORMATION CONTACT:** For clarification of content, contact Ms. Jeritta Parnell, Procurement Analyst, at (202) 501-4082. Please cite FAC 2005-14, FAR case 2006-001. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501-4755.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

DoD, GSA, and NASA published an interim rule in the **Federal Register** at 71 FR 20306 on April 19, 2006, to implement the new Free Trade Agreement with Morocco as approved by Congress (Public Law 108-302). This Free Trade Agreement waives the

applicability of the Buy American Act for some foreign supplies and construction materials from Morocco, and specifies procurement procedures designed to ensure fairness, applicable to the acquisition of supplies and services.

No comments were received by the close of the public comment period on June 19, 2006. Therefore, the Councils agreed to convert the interim rule to a final rule without change.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**B. Regulatory Flexibility Act**

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify 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.* Although the rule opens up Government procurement to the products of Morocco, the Councils do not anticipate any significant economic impact on U.S. small businesses. The Department of Defense only applies the trade agreements to the non-defense items listed at DFARS 225.401-70, and acquisitions that are set aside for small businesses are exempt.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does apply; however, these changes to the FAR do not impose additional information collection requirements to the paperwork burden previously approved under OMB Control Numbers 9000-0025 and 9000-0141.

**List of Subjects in 48 CFR Parts 25 and 52.**

Government procurement.

Dated: November 15, 2006.

**Ralph De Stefano,**

*Director, Contract Policy Division.*

**Interim Rule Adopted as Final Without Change**

■ Accordingly, the interim rule amending 48 CFR parts 25 and 52, which was published at 71 FR 20306 on April 19, 2006, is adopted as a final rule without change.

[FR Doc. 06-9305 Filed 11-21-06; 8:45 am]

BILLING CODE 6820-EP-S

**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Parts 15, 22, 28, and 52**

[FAC 2005-14; Item V; Docket FAR-2006-0021; Sequence 5]

**Federal Acquisition Regulation; Technical Amendments**

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

**ACTION:** Final rule.

**SUMMARY:** This document makes amendments to the Federal Acquisition Regulation (FAR) in order to make editorial changes.

**DATES:** Effective Date: November 22, 2006

**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. Please cite FAC 2005-14, Technical Amendments.

**List of Subjects in 48 CFR Parts 15, 22, 28, and 52**

Government procurement.

Dated: November 15, 2006.

**Ralph De Stefano,**

*Director, Contract Policy Division.*

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 15, 22, 28, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 15, 22, 28, and 52 continues to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

**PART 15—CONTRACTING BY NEGOTIATION**

■ 2. Amend section 15.404-1(a)(7) by revising the last sentence to read as follows:

**15.404-1 Proposal analysis techniques.**

(a) \* \* \*

(7) \* \* \* They are available via the internet at <http://www.acq.osd.mil/dpap/contractpricing/index.htm>.

\* \* \* \* \*

**PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS**

**22.1006 [Amended]**

■ 3. Amend section 22.1006 in the fourth sentence of paragraph (c)(1) by removing “(c)(1)” and adding “(d)(1)” in its place.

■ 4. Amend section 22.1304 by revising paragraph (a) to read as follows:

**22.1304 Procedures.**

\* \* \* \* \*

(a) Query the Department of Labor’s VETS-100 Database via the Internet at <http://www.vets100.com/Vets100Search.htm> using the validation code “vets” to proceed with the search in the database; or

\* \* \* \* \*

**PART 28—BONDS AND INSURANCE**

■ 5. Amend section 28.202 by revising paragraph (d) to read as follows:

**28.202 Acceptability of corporate sureties.**

\* \* \* \* \*

(d) The Department of the Treasury Circular 570 may be obtained from the U.S. Department of the Treasury, Financial Management Service, Surety Bond Branch, 3700 East West Highway, Room 6F01, Hyattsville, MD 20782. Or via the internet at <http://www.fms.treas.gov/c570/>.

**PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

**52.212-5 [Amended]**

■ 6. Amend section 52.212-5 by revising the date of the clause to read “(NOV 2006)”; removing from paragraph (b)(1) “(JUL 1995)” and adding “(SEP 2006)” in its place, and removing “(SEP 2006)” and adding “(OCT 1995)” in its place; and removing from paragraph (c)(3) “(MAY 1989)” and adding “(NOV 2006)” in its place.

**52.222-43 [Amended]**

■ 7. Amend section 52.222-43 by revising the date of the clause to read “(NOV 2006)”; and removing from paragraph (e) “(c)” and adding “(d)” in its place.

■ 8. Amend section 52.228-15 by revising the date of the clause and paragraph (d) to read as follows:

**52.228-15 Performance and Payment Bonds—Construction.**

\* \* \* \* \*

PERFORMANCE AND PAYMENT BONDS—CONSTRUCTION (NOV 2006)

\* \* \* \* \*

(d) *Surety or other security for bonds.* The bonds shall be in the form of firm