

DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Parts 1, 4, 12, 14, 19, 26, 27,
32, 41, and 52

[FAR Case 96-013]

RIN 9000-AH97

**Federal Acquisition Regulation;
Review of FAR Representations**

AGENCY: Department of Defense (DOD),
General Services Administration (GSA),
and National Aeronautics and Space
Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency
Acquisition Council and the Defense
Acquisition Regulations Council are
proposing to amend the Federal
Acquisition Regulation (FAR) to remove
or reduce certain requirements for
representations and other statements
from offerors and contractors. This
regulatory action was not subject to
Office of Management and Budget
review under Executive Order 12866,
dated September 30, 1993. This is not a
major rule under 5 U.S.C. 804.

DATES: Comments should be submitted
on or before July 6, 1998, to be
considered in the formulation of a final
rule.

ADDRESSES: Interested parties should
submit written comments to: General
Services Administration, FAR
Secretariat (MVRS), 1800 F Street, NW,
Room 4035, Washington, DC 20405.

E-mail comments submitted over
Internet should be addressed to:
farcase.96-013@gsa.gov.

Please cite FAR case 96-013 in all
correspondence related to this case.

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. Paul
Linfield, Procurement Analyst, at (202)
501-1757. Please cite FAR case 96-013.

SUPPLEMENTARY INFORMATION:

A. Background

This case was initiated in response to
requests from industry to eliminate
representations required by the FAR
that place an unnecessary burden on
offerors or contractors. This case
proposes to—

1. Delete the clause at 52.214-17,
Affiliated bidders.
2. Reduce the information collection
requirements associated with the
clauses at 52.204-5, Women-Owned
Business; 52.212-3, Offeror
Representations and Certifications—
Commercial Items; 52.214-21,
Descriptive Literature; and 52.241-1,
Electric Service Territory Compliance
Representation; and
3. Reduce the level of affirmation or
substitute a contract requirement in the
clauses at 52.216-2, Economic Price
Adjustment—Standard Supplies;
52.216-3, Economic Price Adjustment—
Semistandard Supplies; 52.222-43, Fair
Labor Standards Act and Service
Contracts Act—Price Adjustment
(Multiple Year and Option Contracts);
52.222-44, Fair Labor Standards Act
and Service Contract Act—Price
Adjustment; 52.225-10, Duty-Free
Entry; 52.226-1, Utilization of Indian
Organizations and Indian-Owned
Economic Enterprises; 52.227-15,
Representation of Limited Rights Data
and Restricted Computer Software;
52.228-8, Liability and Insurance—
Leased Motor Vehicles; 52.228-9, Cargo
Insurance; 52.229-3, Federal, State and
Local Taxes; and 52.232-12, Advance
Payments.

B. Regulatory Flexibility Act

This proposed 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.*
While it is expected to reduce the
administrative burden associated with
representation requirements, it does not
significantly alter the type of
information to be provided to the
Government under the amended
provisions and clauses. An Initial
Regulatory Flexibility Analysis has,
therefore, not been performed.
Comments from small entities
concerning the affected FAR subpart
will be considered in accordance with 5
U.S.C. 610 of the Act. Such comments
must be submitted separately and
should cite 5 U.S.C. 601, *et seq.* (FAR
case 96-013), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (44
U.S.C. 3501, *et seq.*) is deemed to apply
because this proposed rule contains
information collection requirements that
will result in the reduction of
approximately 119,150 hours as stated
and approved under the following
Office of Management and Budget
(OMB) Control Numbers:

9000-0018, *Certification of
Independent Price Determination and
Parent Company and Identifying Data
(Deletion of 52.214-17, Affiliated
Bidders.)* Public reporting burden for
this collection of information is
estimated to average 0.1 hours per
response, including the time for
reviewing instruction, searching
existing data sources, gathering and
maintaining the data needed, and
completing and reviewing the collection
of information.

The annual reporting burden is
estimated as follows:

Respondents	Responses per respondent	Total annual responses	Preparation hours per responses	Total response burden hours
64,250	20	1,285,000	.01	12,850

9000-0039, *Descriptive Literature (Revision of 52.214-21, Descriptive Literature)*. Public reporting burden for this collection of information is estimated to average .157 hours per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows:

Respondents	Responses per respondent	Total annual responses	Preparation hours per responses	Total response burden hours
3	2663	7989	.157	1.254

(c) 9000-0136, *Solicitation/Contract/Order for Commercial Items (Revision of 52.212-3, Offeror Representations and Certifications—Commercial Items)*. Public reporting burden for this collection of information is estimated to average

.74 hr. per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows:

Respondents	Responses per respondent	Total annual responses	Preparation hours per responses	Total response burden hours
500,000	20	10,000,000	.74	7,394,050

(d) 9000-0126, *Electric Service Territory Compliance Representation (Revision of 52.241-1, Electric Service Territory Representations)*. Reduction from 500 hours to approximately 230 hours. A notice for public comment was published in the **Federal Register** at 63 FR 2218, January 14, 1998.

(e) Although OMB Clearance Number 9000-0145, use of Data Universal Numbering System (DUNS) as Primary Contractor Identification (FAR Case 95-307), ostensibly covers FAR clause 52.204-5, Women-Owned Business, the estimated burdens for that clearance appear to be based on the information collection requirements associated with use of the DUNS number. Therefore, although revisions to 52.204-5 will significantly reduce the number of responses required, we do not estimate any impact on the hours approved under 9000-0145.

Accordingly, a request for review of a revised information collection requirement concerning the OMB clearance numbers noted above were submitted to the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Request for Comments Regarding Paperwork Burden

Members of the public are invited to comment on the recordkeeping and information collection requirements and estimates set forth above. Please send comments to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Mr. Peter N. Weiss, FAR Desk Officer, New Executive Office Building, Room 10102, 725 17th Street, NW, Washington, DC 20503.

Also send a copy of any comments to the FAR Secretariat at the address shown under **ADDRESSES**. Please cite the corresponding OMB Clearance Number in all correspondence related to the estimate.

List of Subjects in 48 CFR Parts 1, 4, 12, 14, 19, 26, 27, 32, 41, and 52

Government procurement.

Dated: May 1, 1998.

Edward C. Loeb,
Director, Federal Acquisition Policy Division.

Therefore, it is proposed that 48 CFR Parts 1, 4, 12, 14, 19, 26, 27, 32, 41, and 52 be amended as set forth below:

1. The authority citation for 48 CFR Parts 1, 4, 12, 14, 19, 26, 27, 32, 41, and 52 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).

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

2. Section 1.106 is amended in the table following the introductory paragraph by removing the FAR segment "52.214-17" and its corresponding OMB Control Number "9000-0018"; and by adding, in numerical order, the following entries:

1.106 OMB Approval under the Paperwork Reduction Act.

FAR segment	OMB control No.
52.212-3	9000-0136
* * * * *	*
52.241-1	9000-0126
* * * * *	*

PART 4—ADMINISTRATIVE MATTERS

3. Section 4.603 is amended by revising paragraph (b) to read as follows:

4.603 Solicitation provisions.

* * * * *

(b) The contracting officer shall insert the provision at 52.204-5, Women-Owned Business (Other Than Small Business), in all solicitations that are not set aside for small business concerns and that exceed the simplified acquisition threshold, when the contract is to be performed inside the United States, its territories or possessions, Puerto Rico, the Trust Territory of the Pacific Islands, or the District of Columbia.

* * * * *

PART 12—ACQUISITION OF COMMERCIAL ITEMS

4. Section 12.503 is amended by revising paragraph (b)(5) to read as follows:

12.503 Applicability of certain laws to Executive agency contracts for the acquisition of commercial items.

* * * * *

(b) * * *

(5) 49 U.S.C. 40118, Requirement for a clause under the Fly American provisions (see 47.405).

* * * * *

PART 14—SEALED BIDDING

14.201-6 [Amended]

5. Section 14.201-6 is amended by removing and reserving paragraph (k).

14.405 [Amended]

6. Section 14.405 is amended in paragraph (d)(2) by inserting the word "and" at the end; by removing paragraph (e) and redesignating paragraph (f) as (e).

PART 19—SMALL BUSINESS PROGRAMS

7. Section 19.703 is amended by revising the last sentence of paragraph (b) to read as follows:

19.703 Eligibility requirements for participating in the program.

* * * * *

(b) * * * Protests challenging a subcontractor's representation of its status as a women-owned small business concern shall be filed in accordance with Small Business Administration procedures.

* * * * *

PART 26—OTHER SOCIOECONOMIC PROGRAMS

26.103 [Amended]

8. Section 26.103 is amended in paragraphs (a), (b), and (e) by removing "self-certification" and inserting "representation".

PART 27—PATENTS, DATA, AND COPYRIGHTS

9. Section 27.404 is amended by revising the first and second sentences

of paragraphs (d)(2) and of (e)(3) to read as follows:

27.404 Basic rights in data clause.

(d) * * *

(2) As an aid in determining whether the clause at 52.227-14 should be used with its Alternate II, the provision at 52.227-15, Statement of Limited Rights Data and Restricted Computer Software, may be included in any solicitation containing the clause at 52.227-14, Rights in Data—General. This provision requests that an offeror state in response to a solicitation, to the extent feasible, whether limited rights data are likely to be used in meeting the data delivery requirements set forth in the solicitation. * * *

* * * * *

(e) * * *

(3) As an aid in determining whether the clause should be used with its Alternate III, the provision at 52.227-15, Statement of Limited Rights Data and Restricted Computer Software, may be included in any solicitation containing the clause at 52.227-14, Rights in Data—General. This provision requests that an offeror state, in response to a solicitation, to the extent feasible, whether restricted computer software is likely to be sued in meeting the data delivery requirements set forth in the solicitation. * * *

* * * * *

10. Section 27.409 is amended by revising the first sentence of paragraph (g) to read as follows:

27.409 Solicitation provisions and contract clauses.

* * * * *

(g) In accordance with 27.404(d)(2), if the contracting officer desires to have an offeror state in response to a solicitation, to the extent feasible, whether limited rights data or restricted computer software are likely to be used in meeting the data delivery requirements set forth in the solicitation, the contracting officer shall insert the provision at 52.227-15, Statement of Limited Rights Data and Restricted Computer Software, in any solicitation containing the clause at 52.227-14, Rights in Data—General. * * *

* * * * *

* * * * *

PART 32—CONTRACT FINANCING

11. Section 32.805 is amended by revising the introductory text of paragraph (a)(1), and paragraphs (a)(2) and (a)(3) to read as follows:

32.805 Procedure.

(a) Assignments. (1) Assignments by corporations shall be—

* * * * *

(2) Assignments by a partnership may be signed by one partner, if the assignment is accompanied by adequate evidence that the signer is a general partner of the partnership and is authorized to execute assignments on behalf on the partnership.

(3) Assignments by an individual must be signed by that individual and the signature acknowledged before a notary public or other person authorized to administer oaths.

* * * * *

PART 41—ACQUISITION OF UTILITY SERVICES

12. Section 41.201 is amended by revising the last two sentences of paragraph (e) to read as follows:

41.201 Policy.

* * * * *

(e) * * * Proposals from alternative electric suppliers must provide a representation that service can be provided in a manner consistent with section 8093 of Public Law 100-202 (see 41.201(d)).

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

13. Section 52.204-5 is revised to read as follows:

52.204-5 Women-Owned Business (Other Than Small Business).

As prescribed in 4.603(b), insert the following provision: Women-Owned Business (Other Than Small Business) (Date)

(a) Definition. women-owned business concern, as used in this provision, means a concern which is at least 51 percent owned by one or more women; or in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and whose management and daily business operations are controlled by one or more women.

(b) Representation. [Complete only if the offeror is a women-owned business concern and has not represented itself as a small business concern in paragraph (b)(1) of FAR 52.219-1, Small Business Program Representations, of this solicitation.] The offeror represents that it is a women-owned business concern.

(End of provision)

14. Section 52.212-3 is amended by revising the date of the provision, and paragraphs (c)(2), (c)(3), and (c)(4) to read as follows:

52.212-3 Offeror Representations and Certifications—Commercial Items.

* * * * *

Offeror Representations and Certifications—Commercial Items (Date)

* * * * *

(c) * * *

(2) Small disadvantaged business concern. [Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.] The offeror represents that it is, is not a small disadvantaged business concern.

(3) Women-owned small business concern. [Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.] The offeror represents that it is, is not a women-owned small business concern.

* * * * *

(4) Women-owned business concern (other than small business concern). [Complete only if the offeror is a women-owned business concern and did not represent itself as a small business concern in paragraph (c)(1) of this provision.] The offeror represents that it is a women-owned business concern.

* * * * *

52.214-17 [Reserved]

15. Section 52.214-17 is removed and reserved.

16. Section 52.214-21 is amended by revising the introductory text of the provision; and by revising the date, introductory text, and paragraph (d) of Alternate I to read as follows:

52.214-21 Descriptive Literature.

As prescribed in 14.201-6(p)(1), insert the following provision:

* * * * *

Alternate I (DATE). As prescribed in 14.201-6(p)(2), add the following paragraphs (d) and (e) to the basic provision.

(d) The Contracting Officer may waive the requirement for furnishing descriptive literature if the bidder has supplied a product the same as that required by this solicitation under a prior contract. A bidder that requests a waiver of this requirement shall provide the following information.

Prior contract number _____
Date of prior contract _____
Contract line item number of product supplied _____
Name and address of Government activity to which delivery was made _____

Date of final delivery of product supplied _____

* * * * *

17. Section 52.216-2 is amended by revising the clause date and the first sentence of paragraph (a) to read as follows:

52.216-2 Economic Price Adjustment—Standard Supplies.

* * * * *

Economic Price Adjustment—Standard Supplies (Date)

(a) The Contractor states that the unit price in the Schedule for _____ [offeror insert

Schedule line item number] is not in excess of the Contractor's applicable established price in effect on the contract date for like quantities of the same item. * * *

18. Section 52.216-3 is amended by revising the clause date and paragraph (a) to read as follows:

52.216-3 Economic Price Adjustment—Semistandard Supplies.

Economic Price Adjustment—Semistandard Supplies (Date)

(a) The contractor states that the supplies identified as line items _____ [offeror insert Schedule line item number] in the Schedule are, except for modifications required by the contract specifications, supplies for which it has an established price. The term "established price" means a price that (1) is an established catalog or market price for a commercial item sold in substantial quantities to the general public, and (2) is the net price after applying any standard trade discounts offered by the Contractor. The Contractor further states that, as of the date of this contract, any difference between the unit prices in the contract for these line items and the Contractor's established prices for like quantities of the nearest commercial equivalents are due to compliance with contract specifications and with any contract requirements for preservation, packaging, and packing beyond standard commercial practice.

19. Section 52.219-1 is amended by revising the provision date, and the introductory text of paragraph (d)(2) to read as follows:

52.219-1 Small Business Program Representations.

Small Business Program Representations (Date)

(d) Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a small, small disadvantaged, or women-owned small business concern in order to obtain a contract to be awarded under the preference programs established pursuant to section 8(a), 8(d), 9, or 15 of the Small Business Act or any other provision of Federal law that specifically references section 8(d) for a definition of program eligibility, shall—

52.219-21 [Amended]

20. Section 52.219-21 is amended by revising the provision date to read "(Date)"; and by removing the statement "Offeror represents as follows:", which follows the first parenthetical.

52.222-43 [Amended]

21. Section 52.222-43 is amended by revising the date of the clause to "read (Date)"; and in paragraph (b) by removing "warrants" and inserting "states".

52.222-44 [Amended]

22. Section 52.222-44 is amended by revising the date of the clause to read "(Date)"; and in paragraph (b) by removing "warrants" and inserting "states".

23. Section 52.225-10 is amended by revising the introductory paragraph, the date of the clause, and paragraph (d); in paragraphs (g), (h), and (i), by removing "agrees to" and inserting "shall". The revised text reads as follows:

52.225-10 Duty-Free Entry.

As prescribed in 25.605, insert the following clause. When used in contracts of \$100,000 or less, paragraphs (b)(1) and (i)(2) shall be modified to reduce the dollar figure.

Duty-Free Entry (Date)

(d) The Contractor shall—
 (1) Claim duty-free entry only for supplies that are intended to be delivered to the Government or incorporated into the end items to be delivered under this contract; and
 (2) Pay duty to the extent that these supplies, or any portion of them, are diverted to non-Governmental use, other than as scrap or salvage or as a result of a competitive sale authorized by the Contracting Officer.

24. Section 52.226-1 is amended by revising the clause date and the first two sentences of paragraph (c)(1) to read as follows:

52.226-1 Utilization of Indian Organizations and Indian-Owned Economic Enterprises.

Utilization of Indian Organizations and Indian-Owned Economic Enterprises (Date)

(c) The Contracting Officer and the Contractor, acting in good faith, may rely on the representation of an Indian organization or Indian-owned economic enterprise as to its eligibility, unless an interested party challenges its status or the Contracting Officer has independent reason to question that status. In the event of a challenge to the representation of a subcontractor, the Contracting Officer shall refer the matter to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA), Attn: Chief, Division of Contracting and Grants Administration, 1849 C Street, NW., MS-334A-SIB, Washington, DC 20245.

25. Section 52.227-15 is revised to read as follows:

52.227-15 Statement of Limited Rights Data and Restricted Computer Software.

As prescribed in 27.409(b), insert the following provision:
 Statement of Limited Rights Data and Restricted Computer Software (Date)

(a) This solicitation sets forth the work to be performed if a contract award results, and

the Government's known delivery requirements for data (as defined in FAR 27.401). Any resulting contract may also provide the Government the option to order additional data under the Additional data Requirements clause at 52.227-16 of the FAR, if included in the contract. Any data delivered under the resulting contract will be subject to the Rights in Data-General clause at 52.227-14 that is to be included in this contract. Under the latter clause, a contractor may withhold from delivery data that qualify as limited rights data or restricted computer software, and deliver form, fit, and function data in lieu thereof. The latter clause also may be used with its alternates II and/or III to obtain delivery of limited rights data or restricted computer software, marked with limited rights or restricted rights notices, as appropriate. In addition, use of alternate V with this latter clause provides the Government the right to inspect such data at the Contractor's facility.

(b) As an aid in determining the Governments's need to include Alternate II or Alternate III in the clause at 52.227-14, Rights in Data—General, the offeror shall complete paragraph (c) of this provision to either state that none of the data qualify as limited rights data or restricted computer software, or identify, to the extent feasible, which of the data qualifies as limited rights data or restricted computer software. Any identification of limited rights data or restricted computer software in the offeror's response is not determinative of the status of such data should a contract be awarded to the offeror.

(c) The offeror has reviewed the requirements for the delivery of data or software and states [offeror check appropriate block]—
 None of the data proposed for fulfilling such requirements qualifies as limited rights data or restricted computer software.
 Data proposed for fulfilling such requirements qualify as limited rights data or restricted computer software and are identified as follows:

Note: "Limited rights data" and "Restricted computer software" are defined in the contract clauses entitled "Rights in Data-General".

26. Section 52.228-8 is amended by revising the introductory paragraph, the data and paragraph (e) of the clause to read as follows:

52.228-8 Liability and Insurance—Leased Motor Vehicles.

As prescribed in 28.312, insert the following clause:
 Liability and Insurance-Leased Motor Vehicles (Date)

(e) The contract price shall not include any cost for insurance or contingency to cover losses, damage, injury, or death for which the Government is responsible under paragraph (a) of this clause.

(End of clause)

27. Section 52.228-9 is revised to read as follows:

52.227-9 Cargo Insurance

As prescribed in 28.313(a), insert the following clause:

Cargo Insurance (Date)

(a) The Contractor, at the Contractor's expense, shall provide and maintain, during the continuance of this contract, cargo insurance of \$ _____ per vehicle to cover the value of property on each vehicle and of \$ _____ to cover the total value of the property in the shipment.

(b) All insurance shall be written on companies acceptable to _____ [insert name of contracting agency], and policies shall include such terms and conditions as required by _____ [insert name of contracting agency] before commencing operations under this contract.

(c) Each cargo insurance policy shall include the following statement:

"It is a condition of this policy that the Company shall furnish—

(1) Written notice to _____ [insert name and address of contracting agency], 30 days in advance of the effective date of any reduction in, or cancellation of, this policy; and

(2) Evidence of any renewal policy to the address specified in paragraph (a) of this statement, not less than 15 days prior to the expiration of any current policy on file with _____ [insert name of contracting agency].

(End of clause)

52.229-3 [Amended]

28. Section 52.229-3 is amended by revising the date of the clause to read "(DATE)"; and in paragraph (c) by removing "warrants" and inserting "states"

29. Section 52.232-12 is amended—

(a) By revising the introductory text, the date, paragraph (j) and the introductory text of paragraph (o) of the clause;

(b) In paragraph (o)(8) by removing "representations and";

(c) By revising the date of Alternate V; and

(d) The date, paragraph (g), the introductory text of paragraph (l), and

paragraph (l)(8) of the clause following Alternate V.

The revised text reads as follows:

52.232-12 Advance Payments.

As prescribed in 32.412(a), insert the following clause:

Advance Payments (Date)

* * * * *

(j) *Insurance.* The Contractor shall maintain with responsible insurance carriers (1) insurance on plant and equipment against fire and other hazards, to the extent that similar properties are usually insured by others operating plants and properties of similar character in the same general locality; (2) adequate insurance against liability on account of damage to persons or property; and (3) adequate insurance under all applicable workers' compensation laws. Until work under this contract has been completed and all advance payment made under the contract have been liquidated, the Contractor shall maintain this insurance; maintain adequate insurance on any materials, parts, assemblies, subassemblies, supplies, equipment, and other property acquired for or allocable to this contract and subject to the Government lien under paragraph (i) of this clause; and furnish any evidence with respect to its insurance that the administering office may require.

* * * * *

(o) *Warranties.* The Contractor warrants the following:

* * * * *

Alternate V (Date). * * *

* * * * *

Advance Payment Without Special Bank Account (Date)

* * * * *

(g) *Insurance.* The Contractor shall maintain with responsible insurance carriers (1) insurance on plant and equipment against fire and other hazards, to the extent that similar properties are usually insured by others operating plants and properties of similar character in the same general locality; (2) adequate insurance against liability on account of damage to persons or property; and (3) adequate insurance under all applicable workers' compensation laws. Until work under this contract has been completed and all advance payments made under the contract have been liquidated, the Contractor shall maintain this insurance; maintain adequate insurance on any materials, parts, assemblies, subassemblies, supplies, equipment, and other property acquired for or allocable to this contract and subject to the Government lien under

paragraph (f) of this clause; and furnish any evidence with respect to its insurance that the administering office may require.

* * * * *

(1) *Warranties.* The Contractor warrants the following:

* * * * *

(8) These warranties shall be continuing and shall be considered to have been repeated by the submission of each invoice for advance payments.

* * * * *

30. Section 52.241-1 is revised to read as follows:

52.241-1 Electric Service Territory Compliance Representation.

As prescribed in 41.501(b), insert a provision substantially the same as the following:

Electric Service Territory Compliance Representation (Date)

(a) Section 8093 of Public Law 100-200 generally requires purchases of electricity by any department, agency, or instrumentality of the United States to be consistent with State law governing the provision of electric utility service, including State utility commission rulings and electric utility franchises or service territories established pursuant to State statute, State regulation, or State-approved territorial agreements.

(b) By signing this offer, the offeror represents that this offer to sell electricity is consistent with Section 8093 of Public Law 100-202.

(c) Upon request of the Contracting Officer, the offeror shall submit support legal and factual rationale for this representation.

(End of provision)

31. Section 52.247-63 is amended by revising the date and paragraph (c) of the clause to read as follows:

52.247-63 Preference for U.S.-Flag Air Carriers.

* * * * *

Preference for U.S.-Flag Air Carriers (Date)

* * * * *

(c) In performing work under this contract, the Contractor shall use U.S.-flag air carriers for international air transportation of personnel (and their personal effects) or property to the extent that service by those carriers is available.

* * * * *

[FR Doc. 98-2096 Filed 5-6-98; 8:45 am]

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