

be included in solicitations and contracts.

(k) When the contracting officer determines that it is desirable to authorize the submission of facsimile proposals the solicitation must include the FAR provision at 52.215-18, Facsimile Proposals.

570.702 Solicitation provisions.

When a solicitation for offers is issued, the contracting officer should include provisions substantially the same as the following unless the contracting officer makes a determination that use of one or more of the provisions is not appropriate:

- (a) 552.270-1 Preparation of Offers.
- (b) 552.270-2 Explanation to Prospective Offerors.
- (c) 552.270-3 Late Submissions, Modifications, and Withdrawals of Offers. Alternate I should be used when the contracting officer decides that it is advantageous to the Government to allow offers to be submitted up to the exact time specified for receipt of best and final offers.
- (d) 552.270-4 Historic Preference.
- (e) 552.270-5 Lease Award.
- (f) 552.270-6 Parties to Execute Lease.

570.703 Contract clauses.

(a) The contracting officer shall insert the following clauses or clauses substantially the same as the following clauses in solicitations and contracts for leasehold interests in real property which exceed the simplified lease acquisition threshold unless the contracting officer makes a determination that use of one or more of the clauses is not appropriate. Use of the clauses is optional for those actions which fall at or below the simplified lease acquisition threshold.

- (1) 552.270-10 Definitions (Included if 552.270-28 is used).
- (2) 552.270-11 Subletting and Assignment.
- (3) 552.270-12 Maintenance of Building and Premises—Right of Entry.
- (4) 552.270-13 Fire and Casualty Damage.
- (5) 552.270-15 Compliance with Applicable Law.
- (6) 552.270-16 Inspection—Right of Entry.
- (7) 552.270-17 Failure in Performance.
- (8) 552.270-18 Successors Bound.
- (9) 552.270-19 Alterations.
- (10) 552.270-20 Proposals for Adjustment.
- (11) 552.270-21 Changes.
- (12) 552.270-25 Adjustment for Vacant Premises.
- (13) 552.270-27 Delivery and Condition.

- (14) 552.270-28 Default in delivery—Time Extensions.
 - (15) 552.270-30 Progressive Occupancy.
 - (16) 552.270-31 Payment.
 - (17) 552.270-32 Effect of Acceptance and Occupancy.
 - (18) 552.270-33 Default by Lessor During the Term.
 - (19) 552.270-34 Subordination, Nondisturbance and Attornment.
 - (20) 552.270-35 Statement of Lease.
 - (21) 552.270-36 Substitution of Tenant Agency.
 - (22) 552.270-37 No Waiver.
 - (23) 552.270-38 Integrated Agreement.
 - (24) 552.270-39 Mutuality of Obligation
 - (25) 552.270-40 Asbestos and Hazardous Waste Management.
 - (26) 552.270-41 Acceptance of Space.
- (b) The contracting officer shall insert the clause at 552.270-22, Liquidated Damages, in solicitations and contracts for leasehold interests in real property when there is a critical requirement that the delivery date be met and an actual cost cannot be established for the loss to the Government resulting from late delivery.

570.704 Use of provisions and clauses.

The omission of any provision or clause when its prescription requires its use constitutes a deviation which must be approved under subpart 501.4. Approval may be granted to deviate from provisions or clauses that are mandated by statute (e.g., (GSAR) 48 CFR 552.203-5, Covenant Against Contingent Fees, FAR 52.215-1, Examination of Records by the Comptroller General, etc.) in order to modify the language of the provision or clause, when permitted by the statute. However, the statutory provisions and clauses may not be omitted from the SFO unless the statute provides for waiving the requirements of the provision or clause.

Subpart 570.8—Forms Used for Contracting for Leasehold Interests in Real Property

59. Section 570.801 is revised to read as follows:

570.801 Standard forms.

Standard Form 2, U.S. Government Lease for Real Property, should be used to award leases unless GSA Form 3626 is used. When the Standard Form 2 is used, reference to the Standard Form 2-A in paragraph 7 must be deleted.

60. Section 570.802 is revised to read as follows:

570.802 GSA forms.

(a) The GSA Form 3626, U.S. Government Lease for Real Property (Short Form), may be used to award leases when the simplified leasing procedures in 570.2 are used or when the Contracting Officer finds its use to be advantageous.

(b) GSA Form 276, Supplemental Lease Agreement, should be used to amend existing leases that involve the acquisition of additional space or partial release of space, revisions in the terms of a lease, restoration settlements, and alterations.

(c) GSA Form 1364, Proposal To Lease Space to the United States of America, may be used to obtain offers from prospective offerors.

Dated: August 3, 1995.

Ida M. Ustad,

Associate Administrator for Acquisition Policy.

[FR Doc. 95-20369 Filed 8-14-95; 4:03 pm]

BILLING CODE 6820-61-M

48 CFR Parts 503, 504, 505, 507, 510, 512, 513, 514, 515, 523, 528, 529, 532, 536, 543, and 546

[APD 2800.12A, CHGE 66]

RIN 3090-AF76

General Services Administration Acquisition Regulation; Implementing Federal Acquisition Circular (FAC 90-29)

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR) is amended to conform to the Federal Acquisition Regulation (FAR) as amended by Federal Acquisition Circular (FAC) 90-29 which amended the FAR to address the use of electronic commerce/electronic data interchange in Government contracting and to implement the new simplified acquisition procedures and Federal Acquisition Computer Network (FACNET) requirements of the Federal Acquisition Streamlining Act (FASA) of 1994. In addition, GSA Form 3519 is deleted and the 3186A has been revised to read "Order for Supplies or Services (Simplified Acquisition)." The intended effect is to provide guidance to contracting personnel that is consistent with the FAR as amended by FAC 90-29, which was issued as an interim rule effective July 3, 1995.

EFFECTIVE DATE: August 17, 1995.
FOR FURTHER INFORMATION CONTACT:
Teresa Elbin, Office of GSA Acquisition
Policy (202) 501-1224.

SUPPLEMENTARY INFORMATION:

A. Public Comments

This rule was not published in the **Federal Register** for the public comment because it merely revises the GSAR to conform to the FAR as amended by FAC 90-29.

B. Executive Order 12866

This rule was not submitted to the Office of Management and Budget because it is not a significant rule as defined in Executive Order 12866, Regulatory Planning and Review.

C. Regulatory Flexibility Act

This rule is not expected to have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 60 *et seq.*). The rule will have a beneficial impact on all offerors, including small business concerns. This rule reduces the burden on entities desiring to do business with the General Services Administration and enhances the efficiency of the contracting process by placing increased emphasis on the use of electronic contracting methods for simplified acquisitions and by promoting greater use of the Governmentwide purchase card for micro-purchases. The increased efficiencies associated with such changes will have the most significant impact on GSA's small business contractors who, during fiscal year 1994, received 88% of GSA's small purchase awards (contracts under \$25,000). It also eliminates any confusion and inconsistencies with the FAR as amended by FAC 90-29.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3051, *et seq.*

List of Subjects in 48 CFR Parts 503, 504, 505, 507, 510, 512, 513, 514, 515, 523, 528, 529, 536, and 546

Government procurement.
Accordingly, 48 CFR Chapter 5 is amended as follows:

1. The authority citation for 48 CFR Parts 503, 504, 505, 507, 510, 512, 513, 514, 515, 523, 528, 529, 532, 536, 543, and 546 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 503—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

§ 503.570-2 [Amended]

2. Section 503.570-2 is amended by removing the words "small purchase limitation" and inserting "the simplified acquisition threshold."

§ 504.800 [Amended]

3. Section 504.800 is amended by removing "small purchase limitation" and inserting "simplified acquisition threshold;" and removing "small purchases" in the last sentence and inserting "purchases made using simplified acquisition procedures."

PART 505—PUBLICIZING CONTRACT ACTIONS

§ 505.101 [Amended]

4. Section 505.101 is amended in paragraph (b) by removing the words "small purchase limitation" and inserting "simplified acquisition threshold."

5. Section 505.240-70 is amended by revising the last sentence in paragraph (b) to read as follows:

§ 505.204-70 Presolicitation notices used in connection with market searches for competitive sources.

* * * * *

(b) * * * In conjunction with that solicitation, the specific procurement of the supply or service must be publicized in the CBD as required by FAR 5.201, unless the contract action will be made through interim or full FACNET.

§ 505.303-70 [Amended]

6. Section 505.303-70 is amended in paragraphs (a)(4) and (b)(1) by removing the figure "\$25,000" and inserting "\$100,000" and by inserting "and Intergovernmental" after "Congressional" in the first sentence of paragraph (b)(1).

§ 505.503 [Amended]

7. In section 505.503 remove the words "small purchase limitation" and insert "simplified acquisition threshold."

PART 507—ACQUISITION PLANNING

§ 507.102 [Amended]

8. In section 507.102 remove the words "small purchase limitation" and insert "simplified acquisition threshold."

§ 507.104 General procedures.

9. Section 507.104 is amended by revising paragraphs (c), (e) introductory text and (e)(2) to read as follows:

* * * * *

(c) Limited plans must be in writing, unless waived under paragraph (d) of this section.

* * * * *

(e) Acquisition plans for contracts which propose using other than full and open competition must be coordinated with and concurred in by the cognizant competition advocate unless the proposed contract will be awarded under the authority at FAR 6.302-5 or will be awarded under a class justification approved by the Associated Administrator for Acquisition Policy. The cognizant competition advocate is—

(1) * * *

(2) The agency competition advocate, as defined in Subpart 502.1, for contracts exceeding \$10,000,000.

PART 510—SPECIFICATIONS, STANDARDS, AND OTHER PURCHASE DESCRIPTIONS

§ 510.004 [Amended]

10. In section 510.004 paragraph (b)(2) remove the word "small" and add the words "at or below the simplified acquisition threshold" after the word "purchases."

11. Section 510.011 is amended by revising paragraphs (a), (e), (g) and (i) and removing paragraph (j) to read as follows:

§ 510.011 Solicitation provisions and contract clauses.

(a) The contracting officer shall insert the clause at 552.210-70, Standard References, in solicitations and contracts for construction services when the contract amount is expected to exceed the simplified acquisition threshold and when:

* * * * *

(e) The contracting officer shall include the clause at 552.210-75, Marking, in requirements solicitations and contracts for supplies when deliveries may be made to civilian and military activities and the contract amount is expected to exceed the simplified acquisition threshold. The clause may be used in definite quantity contracts when it is appropriate.

* * * * *

(g) The contracting officer shall include the clause at 552.210-77, Preservation, Packaging and Packing, in solicitations and contracts for supplies when the contract amount is expected to exceed the simplified acquisition limitation. The contracting officer may include the clause in contracts awarded through simplified acquisition procedures when appropriate.

* * * * *

(i) The contracting officer shall include the clause at 552.210-79, Packing List, in solicitations and contracts for supplies, including purchases made using simplified acquisition procedures.

PART 512—CONTRACT DELIVERY OR PERFORMANCE

512.104 [Amended]

12. Section 512.104 is amended in paragraph (b) by removing the words "small purchase limitation" and inserting "simplified acquisition threshold."

13. Part 513 is amended by revising the heading to read as follows:

PART 513—SIMPLIFIED ACQUISITION PROCEDURES

14. Section 513.106 is revised to read as follows:

513.106 Solicitation competition, evaluation of quotes, and award.

(a) *Oral solicitation.* When quotations are being solicited orally and the Service Contract Act applies information on the Act and the applicable wage determination must be communicated to potential contractors.

(b) *Data to support simplified acquisitions.*

(1) The GSA Form 2010, Small Purchase Tabulation Source List/ Abstract, is available for use to document written and oral quotations for purchases in excess of \$2,500.

(2) When quotes or offers are being evaluated based on price alone and other than the lowest quotation is selected for award, the basis for rejecting any lower quotation should be documented.

513.204 [Removed]

513.501 [Removed]

15. Sections 513.204 and 513.501 are removed.

513.505-2 [Amended]

16. In section 513.505-2 at paragraph (c) remove the words "(Small Purchase)" after the word "Services" and remove the words, "small purchases" after the word "making" and substitute "simplified acquisitions," remove the words "small purchase" after the word "utilizing" and substitute the words "simplified acquisition;" and at paragraph (d) remove the words "small purchases" and substitute "simplified acquisitions."

17. Section 513.505-3 is amended by revising paragraph (a) to read as follows:

513.505-3 Standard Form 44, Purchase Order-Invoice-Voucher.

(a) *General.* Use of the Standard Form 44 will not serve the best interest of either the Government or business when the accounting system of the seller requires production of an invoice as a matter of routine. In these cases, other authorized methods of making simplified acquisitions should be used. Whenever possible, preference should be given to the use of Governmentwide commercial purchase card.

* * * * *

18. Section 513.1505-70 is revised to as follows:

513.505-70 Two-party contract forms.

When a determination is made that it is in the Government's interest to negotiate a two-party contract (see FAR 13.104(f) for services, Standard Form 1447, Solicitation Contract, may be used.

19. Section 513.7001 is amended by redesignating paragraph (b)(3) as (b)(4), adding a new paragraph (b)(3), by revising newly redesignated paragraph (b)(4) and (c), and by removing paragraphs (d)(1), (d)(2) and (d)(4) and redesignating paragraph (d)(3) as (d)(2) and adding a new paragraph (d)(1) to read as follows:

513.7001 Certified invoice procedure for procurements not requiring a written purchase order.

* * * * *

(b) * * *

(3) The supplier does not accept the Government commercial purchase card or the individual making the purchase does not have a purchase card.

(4) Appropriate invoices can be obtained from the supplier.

(c) For special rules governing purchases of hand and measuring tools and stainless steel flatware see 525.105-70 and 525.105-71.

(d) Use of the certified invoice procedure does not eliminate the requirements to—

(1) Verifying price reasonableness in accordance with the conditions contained in FAR 13.603.

(2) Certify that the quality and quantity of items/services furnished are in accordance with the verbal agreement made with the vendor;

* * * * *

PART 514—SEALED BIDDING

514.203-1 [Amended]

20. Section 514.203-1 is amended by revising the heading to read as follows:

514.203-1 Transmittal to prospective bidders.

* * * * *

514.205-1 [Amended]

21. Section 514.205-1 is amended in the first sentence of paragraph (a) by removing the words "small purchase limitations" and inserting "simplified acquisition threshold".

22. Section 514.370 is amended by adding a sentence at the end of the paragraph to read as follows:

514.370 Copies of bids required in submission.

* * * These requirements do not apply to bids transmitted and received through an electronic commerce method authorized by the solicitation.

§ 514.402-1 [Amended]

23. Section 514.402-1 is amended in the second sentence of paragraph (b) by removing the words "Director of Small and Disadvantaged Business Utilization" and inserting "Associate Administrator for Enterprise Development."

514.408 [Redesignated as 514.409]

514.408-1 [Redesignated as 514.409-1]

514.408-70 [Redesignated as 514.409-70]

24. Sections 514.408, 514.408-1, and 514.408-70 are redesignated as 514.409, 514.409-1, and 514.409-70 respectively.

25. Section 514.408-72 is revised to read as follows:

514.408-72 Forms for recommending award(s) (Supplies and services).

GSA Form 1535, Recommendation for Award(s), and GSA Form 1535-A, Recommendation for Award(s), Continuation Sheet, must be used to document all proposed awards (except construction contracts) exceeding the simplified acquisition threshold. The use of the form for awards at or below the simplified acquisition threshold is at the discretion of the contracting activity. One or more awards may be set forth on each form. All information pertinent to the recommendation must be furnished on the form. The checklist on the back of the form must be completed.

514.407 [Redesignated as 514.408]

514.407-1 [Redesignated as 514.408-1 and amended]

514.407-6 [Redesignated as 514.408-6]

514.407-70 [Redesignated as 514.408-70]

514.407-71 [Redesignated as 514.408-71]

514.407-72 [Redesignated as 514.408-72]

26. Sections 514.407, 514.407-1, 514.407-6, 514.407-70, 514.407-71 and 514.407-72 are redesignated as 514.408, 514.408-01, 514.408-6, 514.408-70, 514.408-71 and 514.408-72 respectively; in newly designated

section 514.408-1 paragraph (a) remove the phrase "when approved by the HCA;" in paragraph (b) remove "FAR 14.407-1(c)(5)" and insert "FAR 14.408-1(c)(5)"; and in paragraph (c) remove "FAR 14.407-1(c)(4)" and insert "FAR 14.408-1(c)(4)" and remove "FAR 519.502-2(b)" and insert "519.503-4(b)".

514.406 [Redesignated as 514.407]

514.406-3 [Redesignated as 514.407-3 and revised]

514.406-4 [Redesignated as 514.407-4]

27. Sections 514.406, 514.406-3 and 514.406-4 are redesignated as 514.407, 514.407-3 and 514.407-4 respectively, and newly designated section 514.407-3 is revised to read as follows:

514.407-3 Other mistakes disclosed before award.

(a) *Delegations of authority by head of the agency.* In accordance with FAR 14.407-3(e), the contracting directors (see 502.101) are authorized, without power of redelegation, to make the determinations regarding corrections and/or withdrawals treated in FAR 14.407-3(a), (b), and (c), and to make the corollary determinations not to permit withdrawal or correction for reasons indicated in FAR 14.407-3(d).

(b) *Legal review and approval.* Assigned counsel must approve determinations by the contracting director and contracting officer regarding mistakes in bid.

PART 515—CONTRACTING BY NEGOTIATION

515.1001 [Removed]

28. Section 515.1001 is removed.

515.1070 [Amended]

29. In section 515.1070 at paragraph (b) remove the words "small purchase" and insert "simplified acquisition;" at paragraph (c) introductory text remove the word "small" in the phrase "(other than small purchases)" and in the same phrase after the word "purchases," add the words "made using simplified acquisition procedures;" at paragraph (c)(1) remove the words "FAR 15.1001(c)" and insert "FAR Subpart 15.10."

PART 523—ENVIRONMENT, CONSERVATION, AND OCCUPATIONAL SAFETY

30. Section 523.370 is revised to read as follows:

523.370 Solicitation provision.

The contracting officer shall insert the provision at 552.223-71, Hazardous

Material Information, in solicitations including purchases made using simplified acquisition procedures, which involve the shipment of hazardous materials on an f.o.b. origin basis.

PART 528—BONDS AND INSURANCE

31. Section 528.310 is amended by removing the words "small purchase limitation" and inserting "simplified acquisition threshold."

PART 529—TAXES

32. Section 529.401-70 revised to read as follows:

529.401-70 Purchases made using simplified acquisition procedures.

The contracting officer shall insert the clause at 552.229-70, Federal, State, and Local Taxes, in purchases made using simplified acquisition procedures, except acquisitions of utility services and micro purchases.

PART 532—CONTRACT FINANCING

33. Section 532.111 is amended by revising paragraph (c) and (d) to read as follows:

532.111 Contract clauses.

* * * * *

(c) *Adjusting payments.* The contracting officer shall insert the clause at 552.232-78, Adjusting Payments, in all solicitations and contracts for recurring building services expected to exceed the simplified acquisition threshold.

(d) *Final payment.* The contracting officer shall insert the clause at 552.232-79, Final Payment, in all solicitations and contracts for recurring building services expected to exceed the simplified acquisition threshold.

PART 536—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

* * * * *

536.570-2 [Amended]

536.570-5 [Amended]

536.570-13 [Amended]

536.570-14 [Amended]

34. Sections 536.570-2, 536.570-5, 536.570-13, and 536.570-14 are amended by removing the words "small purchase limit" and inserting "simplified acquisition threshold."

536.570-4 [Amended]

35. Section 536.570-4 is amended by removing the words "small purchase" in paragraph (c) and inserting "simplified acquisition threshold."

536.570-8 [Amended]

536.570-9 [Amended]

36. Sections 536.570-8 and 536.570-9 are amended by removing the words "small purchase limit" and inserting "simplified acquisition threshold".

PART 543—CONTRACT MODIFICATION

543.205 [Amended]

37. Section 543.205 is amended by removing the words "small purchase limitation" in paragraphs (a) and (b)(2) and inserting "simplified acquisition threshold."

PART 546—QUALITY ASSURANCE

546.403 [Amended]

38. Section 546.403 is amended in the introductory text by removing the words "small purchase" and inserting "simplified acquisition".

546.710 [Amended]

39. Section 546.710 is amended in paragraph (e) by removing the words "small purchase limitation" and inserting "simplified acquisition threshold."

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

552.300 [Amended]

40. Section 552.300 is amended by removing the words "small purchase" and inserting "simplified acquisition."

Dated: August 8, 1995.

Ida M. Ustad,

Associate Administrator, Office of Acquisition Policy.

[FR Doc. 95-20215 Filed 8-16-95; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 85-07; Notice 12]

RIN 2127-AF23

Federal Motor Vehicle Safety Standards; Air Brake Systems Control Line Pressure Balance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule; correction.

SUMMARY: On July 28, 1995, NHTSA published a final rule that amended the control line pressure differential