

**GENERAL SERVICES  
ADMINISTRATION**

**48 CFR Chapter V**

**General Services Administration  
Acquisition Regulation; Small Entity  
Compliance Guide**

**AGENCY:** Office of Acquisition Policy,  
GSA.

**ACTION:** Small Entity Compliance Guide.

**SUMMARY:** This Small Entity Compliance Guide has been prepared in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121). It summarizes Change 76 which amended the General Services Administration Acquisition Regulation (GSAR) concerning the Multiple Award Schedule (MAS) program. Further information regarding the change may be obtained by referring to Change 76 which precedes this notice.

**FOR FURTHER INFORMATION CONTACT:** Marjorie Ashby, GSA Acquisition Policy Division, (202) 501-1224.

**SUPPLEMENTARY INFORMATION:** This final rule adopts the interim rule which amended the GSAR as a final rule with changes. The interim rule was published in the **Federal Register** on February 16, 1996, at (61 FR 6164). The final rule affects both GSA contracting personnel and commercial entities submitting offers under the MAS program.

The following is a summary of the most significant provisions of the final rule as it applies to the Multiple Award Schedule (MAS) program:

- GSA will continue to seek to obtain the offeror's best price (the best price given to the most favored customer).
- The Government recognizes that conditions may exist where terms, conditions, and provisions of the Government contract may differ substantially from those of the offeror's commercial customers and there may be legitimate reasons why the best price is not achieved.
- In most cases, the Government will no longer have post-award audit rights for information provided during negotiations relating to price, but retains post-award audit authority in order to ensure compliance with the Price Reduction and Industrial Funding Fee clauses of the contract and to identify overbillings and billing errors.
- GSA's Office of Inspector General maintains independent authority under the Inspector General Act.
- The Price Reduction Clause will continue to apply.

The final rule stipulates that offerors responding to an MAS solicitation must:

- Complete the Commercial Sales Practices Format to disclose written discounting policies or standard discounting practices and sales information relative to the products/services being offered to the Government. The Format replaces the

previously used "Discount Schedule and Marketing Data" sheets.

- Discuss deviations from written discounting policies or standard discounting practices.
- If requested by the contracting officer, provide additional information necessary for the Contracting Officer to establish whether the offered price is fair and reasonable.
- Ensure that any data submitted is current, accurate, and complete.
- Submit two copies of their current published commercial catalog and/or price list, annotated as defined to indicate what is and is not being offered to the Government.
- Describe all discounts and concessions offered to the Government.
- If a dealer or if dealers will participate in the contract, describe the functions to be performed by the dealers.
- Agree to make available to GSA's Administrator or authorized representative any books, documents, papers, or records involving transactions related to a resulting contract for overbillings, billing errors, and compliance with the Price Reduction and Industrial Funding Fees Clauses.

Dated: August 15, 1997.

**Ida M. Ustad,**

*Deputy Associate Administrator for  
Acquisition Policy.*

[FR Doc. 97-22145 Filed 8-20-97; 8:45 am]

**BILLING CODE 6820-61-M**