

These subcontract cost or pricing data may be submitted using a Standard Form (SF) 1411, Contract Pricing Proposal Cover Sheet (Cost or Pricing Data Required).

* * * * *

(c) If the prospective contractor satisfies the contracting officer that a subcontract will be priced on the basis of one of the exceptions in 15.804-1, the contracting officer shall not require submission of cost or pricing data to the Government in that case. * * *

(d) Subcontractor data shall be accurate, complete, and current as of the date of final price agreement or, if applicable, another date agreed upon between the parties, given on the contractor's Certificate of Current Cost or Pricing Data. The prospective contractor shall be responsible for updating a prospective subcontractor's data.

* * * * *

26. Section 15.808 is amended by revising paragraphs (a) (6) and (7) to read as follows:

15.808 Price Negotiation Memorandum

(a) * * *

(6) If cost or pricing data were not required in the case of any price negotiation exceeding the thresholds set forth at 15.804-2(a)(1), the exception used and the basis for it.--

(7) If cost or pricing data were required by the head of the contracting activity under 15.804-2(a)(3), the rationale for such requirement.

* * * * *

27. Section 15.812-1 is amended by revising paragraph (b) and the second sentence of paragraph (c) to read as follows:

15.812-1 General

* * * * *

(b) However, the policy in paragraph (a) of this section does not apply to any contract or subcontract item of supply for which the price is, or is based on, an established catalog or market price of a commercial item sold in substantial quantities to the general public (see 15.804-1(b)(2)). -

(c) * * * The contracting officer shall require similar information when contracting by negotiation with full and open competition if adequate price competition is not expected (see 15.804-1(b)(1)). * * *

15.813 [Reserved] and 15.813-1 Through 15.813-7 [Removed]-

28. Section 15.813 is removed and reserved and subsections 15.813-1 through 15.813-7 are removed.

PART 16—TYPES OF CONTRACTS

16.203-4 [Amended]-

29. Section 16.203-4 is amended in paragraphs (a)(1)(ii) and (b)(1)(ii) by removing "15.804-3" and inserting "15.804-1" in its place. -

30. Section 16.501(c) is amended by revising the first sentence to read as follows:

16.501 General

* * * * *

(c) Indefinite-delivery contracts may provide for firm fixed prices (see 16.202), fixed prices with economic price adjustment (see 16.203), fixed prices with prospective redetermination (see 16.205), or prices based on catalog or market prices (see 15.804-1(b)(2)).

* * *

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES-

31. Section 31.205-26(e) is revised to read as follows:

31.205-26 Material Costs

* * * * *

(e) Allowance for all materials, supplies, and services that are sold or transferred between any divisions, subdivisions, subsidiaries, or affiliates of the contractor under a common control shall be on the basis of cost incurred in accordance with this subpart. However, allowance may be at a price when it is the established practice of the transferring organization to price interorganizational transfers at other than cost for commercial work of the contractor or any division, subsidiary, or affiliate of the contractor under a common control, and when the item being transferred qualifies for an exception under 15.804-1 and the contracting officer has not determined the price to be unreasonable.

* * * * *

PART 33—PROTESTS, DISPUTES, AND APPEALS-

32. Section 33.207(d) is revised to read as follows:

33.207 Contractor Certification

* * * * *

(d) The aggregate amount of both increased and decreased costs shall be used in determining when the dollar thresholds requiring certification are met (see example in 15.804-2(a)(1)(iii) regarding cost or pricing data).

* * * * *

PART 36—CONSTRUCTION AND ARCHITECT ENGINEERING CONTRACTS-

33. Section 36.402 is amended by revising the introductory text of paragraph (b) and paragraph (b)(1) to read as follows:

36.402 Price Negotiation

* * * * *

(b) The contracting officer shall evaluate proposals and associated cost or pricing data or other information and shall compare them to the Government estimate.--

(1) When submission of cost or pricing data is not required (see 15.804-1 and 15.804-2, and any element of proposed cost differs significantly from the Government estimate, the contracting officer should request the offeror to submit cost data concerning that element (e.g., wage rates or fringe benefits, significant materials, equipment allowances, and subcontractor costs).

* * * * *

PART 45—GOVERNMENT PROPERTY-

34. Section 45.103(b)(1) is revised to read as follows:

45.103 Responsibility and Liability for Government Property

* * * * *

(b) * * *--

(1) Negotiated fixed price contracts for which the contract price is not based upon an exception at 15.804-1;

* * * * *

35. Section 45.106(b)(2) is revised to read as follows:

45.106 Government Property Clauses

* * * * *

(b) * * *--

(2) If the contract is (i) a negotiated fixed-price contract for which prices are not based on an exception at 15.804-1, or (ii) a fixed-price service contract which is performed primarily on a government installation, provided the contracting officer determines it to be in the best interest of the government (see subpart 45.103(b)(4)), the contracting officer shall use the clause with its Alternate I.

* * * * *

PART 46—QUALITY ASSURANCE

46.804 [Amended]-

36. Section 46.804 is amended by removing "(see 15.804-3(c))" and inserting "(see 15.804-1(b)(2))" in its place.