

Acquisition Streamlining Act of 1994)), in correspondence.

C. Paperwork Reduction Act-

The Paperwork Reduction Act does apply because the proposed changes to the FAR affect recordkeeping and information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.* Requests for approval of revised clearances 9000-0006 and 9000-0007 have been submitted to OMB under separate cover.

List of Subjects in 48 CFR Chapter 1

Government procurement.

Dated: December 27, 1994.

Capt. Barry Cohen,

SC, USN, Project Manager for the Implementation of the Federal Acquisition Streamlining Act of 1994.-

Therefore, it is proposed that 48 CFR Chapter 1 be amended as set forth below:-

1. The authority citation for 48 CFR Chapter 1 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 4—ADMINISTRATIVE MATTERS

2. Section 4.602 is amended by revising paragraph (a)(2) to read as follows:

4.602 Federal Procurement Data System.-

(a) * * *-

(2) a means of measuring and assessing the impact of Federal contracting on the Nation's economy and the extent to which small, small disadvantaged and women-owned small business concerns are sharing in Federal contracts; and

* * * *-

3. Section 4.603 is added to read as follows:

4.603 Solicitation provision.-

The contracting officer shall insert the provision at 52.204-00, Women-Owned Business, in all solicitations exceeding the simplified acquisition threshold in part 13 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 5—PUBLICIZING CONTRACT ACTIONS

5.002 [Amended]-

4. Section 5.002 is amended in paragraph (c) by removing "labor surplus area" and inserting in its place "women-owned small business".

5. Section 5.207 is amended in paragraph (c)(2)(xii) by removing "labor surplus area concerns" and inserting in its place "small disadvantaged businesses"; and by revising paragraph (d) to read as follows:

5.207 Preparation and transmittal of synopses.

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(d) *Set-asides.* When the proposed acquisition provides for a total or partial small business set-aside or small disadvantaged business set aside, the appropriate CBD Numbered Note will be cited.

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5.404-1 [Amended]

6. Section 5.404-1 is amended in paragraph (b)(6)(ii) by removing "LSA" and inserting in its place "small disadvantaged business".

7. Section 5.503 is amended by revising the second sentence of paragraph (a) to read as follows:

5.503 Procedures.

(a) * * * Contracting officers shall give small, small disadvantaged and women-owned small business concerns maximum opportunity to participate in these acquisitions.

* * * *

PART 6—COMPETITION REQUIREMENTS

8. Section 6.203 is revised to read as follows:

6.203 Set-asides for small and small disadvantaged business concerns.-

(a) To fulfill the statutory requirements relating to small and small disadvantaged business concerns, contracting officers may set aside solicitations to allow only such business concerns to compete. This includes contract actions conducted under the Small Business Innovation Research Program established under Pub. L. 97-219.

(b) No separate justification or determination and findings is required under this part to set aside a contract action for small or small disadvantaged business concerns.

(c) Subpart 19.5 prescribes policies and procedures that shall be followed with respect to set-asides.

PART 7—ACQUISITION PLANNING-

9. Section 7.105 is amended by revising the third sentence of paragraph (b)(1) to read as follows:

7.105 Contents of written acquisition plans.

* * * *-

(b) * * *-

(1) * * * Include consideration of small business and small disadvantaged business concerns (see part 19). * * *

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PART 8—REQUIRED SOURCES OF SUPPLIES AND SERVICES

10. Section 8.404 is amended by revising the last sentence of paragraph (a) to read as follows:

8.404 Using schedules.

(a) * * * When placing orders under a Federal Supply Schedule, ordering activities need not seek further competition, synopsize the requirement, make a separate determination of fair and reasonable pricing, or consider set-asides in accordance with 19.503.

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PART 9—CONTRACTOR QUALIFICATIONS

11. Section 9.104-3 is amended by revising the last sentence of paragraph (c) to read as follows:

9.104-3 Application of standards.

* * * *-

(c) * * *

If the pending contract requires a subcontracting plan pursuant to Subpart 19.7, Subcontracting with Small, Small Disadvantaged and Women-Owned Small Business Concerns, the contracting officer shall also consider the prospective contractor's compliance with subcontracting plans under recent contracts.

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PART 14—SEALED BIDDING

14.205-4 [Amended]

12. Section 14.205-4 is amended in the fourth sentence of paragraph (b) by inserting after the word "small" the phrase ", small disadvantaged and women-owned small"; and removing "and labor surplus areas (see 20.104(e) and (f))"; and in the last sentence of (b)(3) by removing "parts 19 and 20" and inserting in its place "part 19".

13. Section 14.206 is revised to read as follows:

14.206 Small business and small disadvantaged business set-asides.-

(See part 19.)

14.407-6 [Amended]

14. Section 14.407-6 is amended by removing paragraph (a)(3) and redesignating (a)(4) as (a)(3).

14.502 [Amended]-

15. Section 14.502(b)(3) is amended by removing the text following the word