

meeting on this rule (FAR case 94-701) because of the clarity and non-controversial nature of the rule. If the public believes such a meeting is needed with respect to this rule, a letter requesting a public meeting and outlining the nature of the requested meeting shall be submitted to and received by the FAR Secretariat (see ADDRESSES caption) on or before February 8, 1995. The FAR Council will consider such requests in determining whether a public meeting on this rule should be scheduled.

B. Regulatory Flexibility Act

The proposed rule is not expected to have 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.* because it affects internal operating procedures of the Federal Government. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. Comments from small entities concerning the affected FAR subparts will also be considered in accordance with 5 U.S.C. 610 of the Act. Such comments must be submitted separately and cite 5 U.S.C. 601, *et seq.* (FAR case 94-701) in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose recordkeeping or 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.*

List of Subjects in 48 CFR Chapter 1

Government procurement.

Dated: December 29, 1994.

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Deputy 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 4.601 is amended by redesignating existing paragraph (d) as (e) and revising it; and adding a new paragraph (d) to read as follows:

4.601 Record requirements.

* * * * *

(d) In addition to the information described in paragraphs (b) and (c) of this section, for procurements exceeding \$25,000, the following information shall be accessible:

(1) Awards to small disadvantaged businesses using either set-asides or full and open competition.

(2) Awards to business concerns owned and controlled by women.

(3) The number of offers received in response to a solicitation.—

(4) Task or delivery order contracts.

(5) Contracts for the acquisition of commercial items.—

(e) This information shall be transmitted to the Federal Procurement Data System in accordance with agency procedures.

PART 5—PUBLICIZING CONTRACT ACTIONS

5.201 [Amended]—

3. Section 5.201 is amended in paragraph (a) by removing “(15 U.S.C. 637(c))” and inserting “(15 U.S.C. 637(e))”.—

4. Section 5.202 is amended at the end of paragraph (a)(11) by removing “;or”; at the end of paragraph (a)(12) by removing the period and inserting “;or”; and by adding paragraph (a)(13) to read as follows:

5.202 Exceptions.

* * * * *

(a) * * *—

(13) The contract action is for the services of an expert to support the Federal Government in any current or anticipated litigation or dispute.

* * * * *

5. Section 5.301 is amended at the end of paragraph (b)(5) by removing “or”; at the end of paragraph (b)(6) by removing the period and inserting “;or”; and by adding paragraph (b)(7) to read as follows:

5.301 General.

* * * * *

(b) * * *—

(7) The award is for the services of an expert to support the Federal Government in any current or anticipated litigation or dispute.

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PART 6—COMPETITION REQUIREMENTS—

6. Section 6.202 is amended by revising paragraph (a)(1); at the end of paragraph (a)(2) by removing “or”; at the end of paragraph (a)(3) by removing the period and inserting a semicolon; adding paragraphs (a)(4) through (a)(6); and removing from paragraphs (b)(1) and (b)(3) the word “above” and

inserting “of this section”. The revised text reads as follows:

6.202 Establishing or maintaining alternative sources.—

(a) * * *—

(1) Increase or maintain competition and likely result in reduced overall costs for the acquisition, or for any anticipated acquisition;

* * * * *

(4) Ensure the continuous availability of a reliable source of supplies or services;—

(5) Satisfy projected needs based on a history of high demand; or—

(6) Satisfy a critical need for medical, safety, or emergency supplies.

* * * * *

7. Section 6.302-3 is amended by revising the heading and paragraph (a)(2); and by adding paragraph (b)(3) to read as follows:

6.302-3 Industrial mobilization; engineering, developmental, or research capability; or expert services.—

(a) * * *—

(2) Full and open competition need not be provided for when it is necessary to award the contract to a particular source or sources in order (i) to maintain a facility, producer, manufacturer, or other supplier available for furnishing supplies or services in case of a national emergency or to achieve industrial mobilization, (ii) to establish or maintain an essential engineering, research, or development capability to be provided by an educational or other nonprofit institution or a federally funded research and development center, or (iii) to acquire the services of an expert for any current or anticipated litigation or dispute.—

(b) * * *—

(3) Use of the authority in paragraph (a)(2)(iii) of this subsection may be appropriate when it is necessary to acquire the services of—

(i) An expert to—

(A) Assist the Government in the analysis, presentation, or defense of any claim or request for adjustment to contract terms or conditions, whether asserted by a contractor or the Government, which is in litigation or dispute, or is anticipated to result in dispute or litigation before any court, administrative tribunal, or agency, or—

(B) Participate in any part of an alternative dispute resolution process, including but not limited to evaluators, factfinders, or witnesses, regardless of whether the expert is expected to testify; or—

(ii) A neutral person, e.g., mediators or arbitrators, to facilitate the resolution