

**DEPARTMENT OF DEFENSE****GENERAL SERVICES  
ADMINISTRATION****NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION**

**48 CFR Parts 1, 3, 4, 6, 8, 9, 12, 14, 16, 19, 22, 23, 25, 27, 29, 31, 32, 36, 37, 42, 45, 47, 49, 52 and 53**

[FAR Case 96-312]

RIN 9000-AH23

**Federal Acquisition Regulation;  
Certification Requirements**

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Proposed rule.

**SUMMARY:** The Administrator of the Office of Federal Procurement Policy has requested that the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council issue a proposal to amend the Federal Acquisition Regulation (FAR) to remove particular certification requirements for contractors and offerors. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.

**DATES:** Comments should be submitted on or before November 12, 1996 to be considered in the formulation of a final rule.

**ADDRESSES:** Interested parties should submit written comments to: General Services Administration, FAR Secretariat (MVRS), 18th and F Streets, NW., Room 4037 Washington, DC 20405.

Please cite FAR case 96-312 in all correspondence related to this case.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jack O'Neill at (202) 501-3856 in reference to this FAR case. For general information, contact the FAR

Secretariat, Room 4037, GS Building, Washington, DC 20405 (202) 501-4755. Please cite FAR case 96-312.

**SUPPLEMENTARY INFORMATION:****A. Background**

The Administrator of the Office of Federal Procurement Policy has reviewed the certifications in the FAR. The Federal Acquisition Regulatory Council (FARC) has made recommendations as to the retention of certain certifications and the Administrator has approved the retention of certifications discussed herein. As a result, the Administrator has issued a proposal which we are now publishing on behalf of the Administrator of Federal Procurement Policy as a proposed rule.

This proposed rule amends FAR Parts 1, 3, 4, 6, 8, 9, 12, 14, 16, 19, 22, 23, 25, 27, 29, 31, 32, 36, 37, 42, 45, 47, 49, 52 and 53 to remove particular certification requirements for contractors and offerors. The proposed rule implements Section 4301b of the National Defense Authorization Act for Fiscal Year 1996 (Pub. L. 104-106). Section 4301b requires the Administrator, Office of Federal Procurement Policy, to issue for public comment a proposal to remove from the FAR those certification requirements for contractors and offerors that are not specifically imposed by statute. The Administrator may omit such a certification only if (1) The FAR Council provides the Administrator with a written justification for the requirement and a determination that there is no less burdensome means for administering and enforcing the particular regulation that contains the certification requirement; and (2) the Administrator approves in writing the retention of the certification requirement.

The proposed rule implements Section 4301b by removing certification requirements for contractors and offerors not specifically imposed by statute. A separate FAR case 96-013 has been initiated to identify and delete any

representations that place an unnecessary burden on contractors and offerors.

Review of certifications imposed by the Small Business Administration revealed that representations, not certifications, were imposed by the Small Business Act (15 U.S.C. 645(d)). Therefore, in the FAR text at 19.001, 19.301, 19.703 and the provisions at 52.219-1, 52.219-15, 52.219-18, 52-219-19, and 52-219-21, representations have been substituted for certifications. These representations will be reviewed under FAR case 96-013.

Review of certifications contained in the FAR, revealed that several certifications are required by outside source documents. For example, the following certifications are required by Department of Labor regulations: FAR 52.222-8, Payrolls and Basic Records; FAR 52.222-15, Eligibility under the Davis Bacon Act; FAR 52.222-41 (n) and (p), Service Contract Act; FAR 52.222-48 Exemption from the Service Contract Act for ADP services; and FAR 52.222-21, Certification of Nonsegregated Facilities. Also, the following certifications are required by Executive order: FAR 22.1020, Seniority Lists; and FAR 52.223-13, Toxic Chemical Release Reporting. The following certifications are required by regulations issued by the Cost Accounting Standards Board: FAR Provision 52.230-1, Appendix B; FAR 30.201-3, 30.201-4, 30.202-6, and 30.602-1. The disposition of these certifications will not be covered by this proposal, but in accordance with section 4301(b)(1)(B) of the Federal Acquisition Reform Act, and under the authority of the Department of Labor with regard to the labor certifications; and by the Office of Management and Budget, with regard to those required by Executive order and the Cost Accounting Standards Board.

The FAR certifications for contractors and offerors proposed for elimination are summarized below:

**FAR CERTIFICATION REQUIREMENTS RECOMMENDED FOR DELETION**

FAR cite	Clause/provision No.	Title	Remarks
3.502-2(i)(1) .....	.....	Subcontractor kickbacks .....	Revise language to delete certification.
4.102(d) .....	.....	Joint ventures .....	Revise language to delete certification.
1.106 .....	52.208-1 .....	Required Sources for Jewel Bearings and Related Items.	Delete clause.
6.302-3(b)(1)(viii) .....	.....	.....	.....
8.002 .....	52.208-2 .....	Jewel Bearing and Related Items Certificate.	Delete provision.
8.2 .....	.....	.....	.....
12.504(a)(16) .....	.....	.....	.....
9.505-4(c) .....	52.209-7 .....	Organizational Conflicts of Interest Certificate—Marketing Consultants.	Revise language to delete certification.
9.506(a) .....	.....	Procedures (Organizational Conflict of Interest).	Revise language to delete certification.

## FAR CERTIFICATION REQUIREMENTS RECOMMENDED FOR DELETION—Continued

FAR cite	Clause/provision No.	Title	Remarks
9.506(d)(4) .....	.....	Procedures (Organizational Conflict of Interest).	Revise language to delete certificate.
1.106 .....	52.209-7 .....	Organizational Conflict of Interest—Marketing Consultant.	Delete provision.
9.507-1 .....	52.209-8 .....	Organizational Conflict of Interest—Advisory/Assistance Services.	Delete provision.
1.106 .....	.....	Organizational Conflict of Interest .....	Delete language—Language refers to FAR clauses 52.209-7 and -8.
9.507-1(d) .....	.....	Offeror Representations and Certifications—Commercial Items Minor informalities or irregularities in bids.	Revised language to reflect revisions in this proposal.
12.503 .....	52.212-3 .....	.....	Revise language to specify representations in lieu of certifications. FAR 52.222-22 and 52.222-25 are representations as required by statute, not certifications.
14.405(f) .....	.....	Level of effort .....	Revise language to delete certification requirement.
16.306(d)(2) .....	.....	Small Business Program Representation	Revise language to delete certification requirement and substitute representations as required by law.
19.001 .....	52.219-1 .....	Notification of Competition Limited to Eligible 8a Concerns.	
19.301 .....	52.219-19 .....	SB Concern Representation for SB Competitiveness Demonstration Program.	
19.703 .....	52.219-21 .....	SB Size Representation for Targeted Industry Categories Under the SB Competitiveness Demonstration Program.	
19.303(c)(2) .....	.....	Determining Product or Service Classifications.	Revise language to delete certification requirement.
19.303(c)(3) .....	.....	General (self-certification) .....	Revise language to delete certification requirement.
9.501(h)(1) .....	152.219-15 (b) & (c) .....	Notice of Participation by Organizations for the Handicapped.	Delete clause.
23.105 .....	52.223-1 .....	Clean Air and Water Certification .....	Revise language to delete certification requirement.
23.106 .....	.....	Policy—Hazardous material .....	Revise language to delete certification requirement.
23.302(d)(1) .....	52.223-3 .....	Hazardous Material Identification and Material Safety Data.	Revise language to delete certification requirement.
23.601(c) .....	52.223-7 .....	Notice of Radioactive Materials .....	Revise language to delete certification if prior conditions are not changed.
25.109(a) .....	52.225-1 .....	Buy American Certificate .....	Revise language to delete certification requirement.
25.305 .....	52.225-6 .....	Balance of Payments Program Certificate.	Revise language to delete certification requirement.
25.408(a)(1) .....	52.225-7 .....	Balance of Payment Program.	
25.408(a)(2) .....	52.225-8 .....	Buy American Act—Trade Agreements—Balance of Payments Program Certificate.	Revise language to delete certification requirement.
25.408(a)(4) .....	52.225-9 .....	Buy American Act—Trade Agreements—Balance of Payments Program.	Revise language to delete certificate requirement.
25.408(b) .....	52.225-21 .....	Buy American Act—North American Free Trade Agreement (NAFTA) Implementation Act—Balance of Payments Program.	Revise language to delete certification requirement.
27.303(e) .....	.....	Solicitation provisions and contract clauses.	Revise language to delete certification requirement.
27.406 .....	52.227-12 .....	Patent Rights—Retention by the Contractor (Short form).	Revise language to delete certification requirement.
27.409(q) .....	52.227-13 .....	Patent Rights—Retention by the Contractor.	Revise language to require declaration in lieu of certification, as required by statute.
29.305(b)(3) .....	52.227-21 .....	Patent Rights—Acquisition by the Government.	
31.110 .....	.....	Technical Data Certification, Revision, and Withholding of Payment—Major Systems.	
42.703-2 .....	.....	State and local tax exemptions .....	Revise language to delete certification requirement.
.....	52.242-4 .....	Certification of Indirect Costs .....	Revise language to delete nonstatutory certification.

## FAR CERTIFICATION REQUIREMENTS RECOMMENDED FOR DELETION—Continued

FAR cite	Clause/provision No.	Title	Remarks
31.205–22(d) and (e) .....	.....	Legislative Lobbying costs .....	Revise language to delete certification requirement.
32.805 .....	.....	Procedures (Assignments) .....	Revise language to delete certification requirement.
36.205(b)(3) .....	.....	Statutory cost limitations .....	Revise language to delete certification requirement.
37.402 .....	52.237–7 .....	Indemnification and Medical Liability Insurance.	Revise language to require evidence in lieu of certification.
45.606–1 .....	.....	Submission .....	Revise language to delete certification requirement.
.....	52.245–8 .....	Liability for the Facilities .....	Revise language to delete certification requirement.
47.303–17(d)(3)(ii) .....	.....	Contractor-prepaid commercial bills of lading, small package shipments.	Revise language to delete certification requirement.
47.305–11(b) .....	52.247–54 .....	Diversion of Shipment under F.o.b. Destination Contracts.	Delete clause.
47.403–3 .....	.....	Disallowance of expenditures .....	Revise language to delete certification requirement.
.....	52.247–2 .....	Permits, Authorities, or Franchises .....	Revise language to delete certification requirement.
47.404 .....	52.247–63 .....	Preference for U.S.-Flag Air Carriers .....	Revise language to delete certification requirement.
.....	.....	.....	49 U.S.C. 40118 directs agencies to ensure transportation is by U.S. carriers.
49.108–3(b) .....	.....	Settlement procedures .....	Revise language to delete certification requirement.
.....	52.209–3 .....	First Article Approval (Alt I) .....	Revise language to delete certification requirement.
.....	52.209–4 .....	First Article Approval (Alt I) .....	Revise language to delete certification requirement.
.....	52.215–35 .....	Annual Representations and Certifications—Negotiation.	Revise language to require acknowledgment in lieu of certification.
.....	52.216–2 .....	Economic Price Adjustment—Standard Supplies.	Revise language to delete certification requirement.
.....	52.216–3 .....	Economic Price Adjustment—Semistandard—Supplies.	Revise language to delete certification requirement.
.....	52.216–4 .....	Economic Price Adjustment—Labor/Material.	Revise language to delete certification requirement.
.....	52.228–5 .....	Insurance—Work on a Government Installation.	Revise language to delete certification requirement.
.....	52.228–8 .....	Liability and Insurance—Leased Motor Vehicles.	Revise language to delete certification requirement.
.....	52.228–9 .....	Cargo Insurance .....	Revise language to delete certification requirement.
Part 53 .....	.....	SF 129 .....	Revise form to delete certification requirement.
.....	.....	Part 22 Form—SF 1445 .....	Revise form to delete certification requirement.
.....	.....	Part 29 Form—SF 1094, SF 1094A .....	Revise forms to delete certification requirement.
.....	.....	Part 45 Forms—SFs 1423, 1426, 1428, 1430, 1432, 1434.	Revise forms to delete certification requirement.

The FAR certifications specifically imposed by statute are summarized below:

## FAR CERTIFICATION REQUIREMENTS REQUIRED BY STATUTE

FAR cite	Clause/provision No.	Title	Remarks
3.802(b) .....	52.203–11 .....	Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions.	Required by 31 USC 1352.
3.803 .....	52.212–3(e)	.....	.....
3.804 .....	.....	.....	.....
3.808 .....	.....	.....	.....
9.204(a)(2) .....	.....	Certification for testing and evaluation costs.	Required by 10 USC 2319(d)(2) and 41 USC 253c(d)(2).
.....	52.214–27 .....	Price Reduction for Defective Cost or Pricing Data—Modifications—Sealed Bidding.	Required by 10 USC 2306a(a)(2) and 41 USC 254b.

## FAR CERTIFICATION REQUIREMENTS REQUIRED BY STATUTE—Continued

FAR cite	Clause/provision No.	Title	Remarks
15.804-4	52.214-28	Subcontractor Cost or Pricing Data—Modifications—Sealed Bidding.	Required by 10 USC 2306a(a)(2) and 41 USC 254b.
22.407	52.215-22, -23, -24, -25	TINA	Required by 10 USC 2306a and 41 USC 254b.
23.404(b)(2)(iii)	52.222-8	Certified Payroll and Basic Records	Required by 40 USC 276.
23.405(a)	52.223-8	Estimate of Percentage of Recovered Material for Designated Items to be Used in the Performance of the Contract.	Required by 42 USC 6962(c)(3).
23.404(b)(4)	52.223-4	Recovered Material Certification	Required by 42 USC 6962(c)(3)(A)(i).
23.405(c)	52.223-9	Certification of Percentage of Recovered Material Content for EPA Designated Items Used in Performance of the Contract.	Required by 42 USC 6962(c)(3).
29.304(d)	52.229-2	North Carolina State and Local Sales and Use Tax.	Required by North Carolina State Law.
	52.232-33	Mandatory Information for Electronic Funds Transfer.	Required by 31 USC 3332
33.201	52.232-34 (Optional)		
33.202	52.233-1	Disputes	Required by 41 USC 605(c)(1).
33.207			
33.208			
33.211(c)(2)			
33.211(e)			
33.214(a)(5)			
42.703-2	52.242-4	Certificate of Indirect costs	Required by 10 USC 2324(h) and 41 USC 256(h).
50.303-2		Contractor certification	Required by 10 USC 2410 and 41 USC 605(c)(1).

The FAR certifications approved in writing for retention by the Administrator for Federal Procurement Policy are summarized below:

## FAR CERTIFICATION REQUIREMENTS WHICH OFPP HAS GIVEN APPROVAL TO RETAIN

FAR cite	Clause/provision No.	Title	Remarks
3.103	52.203-2	Certificate of Independent Price Determination.	See following justification.
9.408	52.209-5	Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters.	See following justification.
9.409	52.213-1	Fast Payment Procedure	See following justification.
32.202-4(b)(3)		Security for Government financing	See following justification.
32.304-8		Other borrowing	See following justification.
32.503-4		Approval of progress payment requests	See following justification.
32.503-5		Administration of progress payments	See Justification under 32.503-9.
32.503-9(a)(9)		Liquidation rates-alternate method	See following Justification.
32.503-14 (a) and (c)		Protection of Government title (progress payment).	See following Justification.
	52.232-4	Payments under Transportation Contracts and Transportation Related Service Contracts.	See following Justification.
32.905(c)(1)	52.232-5	Payments Under Fixed-Price Construction Contracts.	See following Justification.
32.1009 (a) and (c) and 32.1010(c).	52.232.32	Performance-Based Payments	See following Justification.
	52.232-12 (a), (o)	Advance Payments	See following Justification.
	52.232-16(g)	Progress Payments	See following Justification.
42.1204		Agreement to recognize a successor in interest (novation agreement).	See following Justification.
42.1205		Agreement to recognize contractor's change of name.	See following Justification.
46.315	52.246-15	Certificate of Conformance	See following Justification.
46.504			
49.108-4(a)(1)(iii)		Authorization for subcontract settlements without approval or ratification.	See following Justification.
49.602-1(a)		Certification and approval of partial payments.	See following Justification.
49.112-1(h)		Discontinuance of vouchers	See following Justification.
49.302			

## FAR CERTIFICATION REQUIREMENTS WHICH OFPP HAS GIVEN APPROVAL TO RETAIN—Continued

FAR cite	Clause/provision No.	Title	Remarks
49.304-2 .....	.....	Submission of settlement proposal (fee only).	See following Justification.
49.603-1 .....	.....	Fixed-price contracts-complete termination.	See following Justification.
49.603-2 .....	.....	Fixed-price contracts-partial termination	See following Justification.
49.603-3 .....	.....	Cost-reimbursement contracts-complete termination, if settlement includes cost.	See following Justification.
49.603-8 .....	.....	Fixed-price contracts-settlements with subcontractors only.	See following Justification.
	52.249-2 (c), (d) .....	Termination for Convenience of the Government (Fixed-Price).	See following Justification.
	52.249-3 (c), (d) .....	Termination for Convenience of the Government (Dismantling, Demolition, or Removal of Improvements).	See following Justification.
	52.249-5(c) .....	Termination for Convenience of the Government (Educational and Other Non-profit Institutions).	See following Justification.
	52.249-6 (d), (e) .....	Termination (Cost-Reimbursement) .....	See following Justification.
	52.249-11 (c), (d) .....	Termination of Work (Consolidated Facilities or Facilities Acquisition).	See following Justification.
Part 53, Forms .....	.....	Part 49 Forms-SFs 1435, 1436, 1437, 1438, 1439, and 1440.	See following Justification.

FAR Provision 52.203-2 and the prescription at 3.103 require that offerors certify that proposed prices were arrived at independently without, for the purpose of restricting competition, consultation with other competitors. This certification is required to continue to maintain the integrity of the Government procurement process by insuring fair access to all interested contractors. The requirement that Certificates of Independent Price Determination (CIPDs) be submitted by offerors for Government contracts is being retained. First, CIPDs require the disclosure, by offerors, of with whom prices were discussed or to whom prices were disclosed, so that contracting officers can determine whether offers have been prepared according to the bid requirements set out in Government Requests for Proposals. Unlike private contracting situations, important public policy concerns may dictate in some instances that only independently prepared bids are acceptable, while in other circumstances teaming agreements may be acceptable or even actively solicited. Second, certain types of pre-bid conduct or communications among competitors, such as attempting to induce another firm to submit, or not to submit, an offer or disclosing price information, may adversely affect the competitiveness of their offers and yet not constitute an unlawful "agreement" under Federal antitrust laws. With taxpayer dollars at stake, the public deserves the price and quality benefits of vigorous competition. CIPDs are necessary to preclude conduct and

communications that diminish the competitiveness of the Federal contracting process. The Government must be able to hold those who seek to obtain public monies to the highest standards of conduct at all times, and public funds must be protected from unlawful collusion in the bidding process. These policy considerations justify retaining the requirement for the submission of CIPDs. The Department of Justice has concluded that this certification will not place a significant burden on most offerors. The continued preparation of CIPDs will not place a significant burden on most offerors. For many businesses, and particularly for small businesses, very few officials are responsible for determining the prices being offered on Government contracts. The Department relies on the certificate in trials of bid rigging conspiracies because the certificate demonstrates that the defendant was put on notice of antitrust prohibitions against collusive bidding and, in turn, responded fraudulently when asked to certify the independent and non-collusive nature of its bid.

FAR Provision 52.209-5 and the prescriptions at 9.408 and 9.409 require certified information from offerors regarding debarment, suspension, and other responsibility matters. This information is crucial to contracting officers in evaluating the responsibility of prospective contractors. Not all the information that an offeror submits under the provision at 52.209-5 is available from the General Services Administration's (GSA) List of Parties Excluded from Federal Procurement and

Nonprocurement Programs. While the list is updated by GSA to reflect suspensions and reinstatements by other Federal agencies, the list can not be precisely correct at all times. Consequently, the certification required by this provision is necessary to afford protections to both the Government and contractors by providing contracting officers with accurate information at all times on which to evaluate contractor responsibility. The alternative is extensive preaward surveys.

FAR clause 52.213-1 provides for contractor payment prior to the Government's receipt, inspection and acceptance of supplies. This certification is being retained because it expedites payment to contractors without formal acceptance thereby improving cash flow. The alternative to the fast pay invoice certification would be to delay contractor payment until the Government actually received the supplies shipped.

FAR 32.202-4(b)(3) requires contractors to certify that, when the Government's security for contract financing is in the form of a lien on contractor assets, the assets subject to the lien are free from any prior encumbrances. This certification is being retained because it represents good business practice to ascertain that no other encumbrances have been attached to assets pledged by contractors to secure Government financing. The alternative to the use of a certification would be to conduct an exhaustive search of contractor records to ensure no other liens on pledged assets exist.

FAR 32.304-8 requires contractors to certify to the amount of their unliquidated unguaranteed borrowings. This certification is being retained because the Government must be aware of and have strong confidence in the amount of outstanding unguaranteed borrowing before it can prudently consent to contractor requests for additional borrowing during the guaranteed loan period. The alternative would be to obtain this financial information from the contractor's ledgers which is more burdensome. The contractor would still be required to submit status reports in writing regardless of the requirement for a certification. Thus, the underlying burden would not be removed even if the certificate were.

There are several certifications required when contractors are requesting progress payments. These certifications and associated documentation are required when the Government is providing payments without receiving goods or services. FAR clauses 52.232-5, 52.232-12, 52.232-32 and the prescriptions at 32.503-4, 32.503-5, 32.503-9, 32.503-14, 32.905, 32.1009, and 32.1010 require contractor certifications when submitting requests for progress payments. Progress payments are a form of contract financing which benefit contractors. For this benefit to accrue, the contracting officer relies on information submitted with the certification to establish the amount to be paid and to ensure that the contractor has met certain safeguards necessary to protect taxpayer funds. Because progress payments can involve large sums of money, requiring these certifications is a prudent business practice. Even if a certification were not required, the contractor must still submit written requests with appropriate documentation for payment. Elimination of the certification will not eliminate that underlying burden. The only alternative would be an audit of the contractor's records.

FAR 42.1204 and 42.1205 require contractors to certify that a novation or contractor change of name was authorized by the corporation's governing body and was within the scope of its corporate powers. These certifications are being retained because they are necessary to enable contracting officers to maintain and enforce contracts with entities that had their contractual interest transferred or assigned. The alternative to the use of certified statements would be to obtain this information by reviewing and analyzing the contractor's legal

documentation in support of the name change or novation.

FAR clause 52.246-15 and the prescriptions at 46.315 and 46.504 require contractors to certify that supplies have met the requirements of the contract in lieu of Government source inspection, thereby allowing the Government to eliminate on-site inspections. This certification is being retained because it reduces administrative burden for both the Government and contractors. The alternative would be increased source inspections.

FAR clauses 52.249-2, 52.249-3, 52.249-5, 52.249-6, 52.249-11 and the prescriptions at 49.108-4, 49.112-1, 49.302, 49.304-2, 49.602-1, 49.603-1, 49.603-2, 49.603-3, and 49.603-8 contain procedures for settling contracts terminated for the convenience of the Government. Because these certifications apply to final settlement proposals, the indirect costs must be certified in accordance with 10 U.S.C. 2324(h). Strict application of only the statutorily mandated certification would leave areas in the overall settlement proposal that would not be certified. Requiring contractors to certify all claimed costs as a condition to settle a termination claim against the Government is a prudent safeguard of taxpayer funds and is less burdensome than requiring one settlement form for indirect costs that must be certified and one settlement form for all other costs.

#### B. Regulatory Flexibility Act

This proposed rule may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 602, *et seq.*, because it reduces the number of certifications that offerors and contractors must provide to the Government. An Initial Regulatory Flexibility Analysis (IRFA) has been prepared and is summarized as follows: This rule proposes to amend the FAR to remove particular certification requirements for contractors and offerors that are not specifically imposed by statute, and which have not been approved for retention by the Administrator for Federal Procurement Policy. The objective of the rule is to implement the Federal Acquisition Reform Act of 1996 (Public Law 104-106). Section 4301b requires that all certifications not specifically required by statute be eliminated from the FAR unless otherwise approved for retention by the Administrator for Federal Procurement Policy. The rule will apply to all businesses, large and small, who are interested in receiving Government

contracts. The rule imposes no reporting, recordkeeping, or other compliance requirements, but, rather, deletes existing certification requirements that are not required by statute and which have not been approved for retention by the Administrator for Federal Procurement Policy. The rule does not duplicate, overlap, or conflict with any other Federal rules. A copy of the IRFA may be obtained from the FAR Secretariat. A copy of the IRFA has been submitted to the Chief Counsel for Advocacy of the Small Business Administration. Comments are invited from small business and other interested parties. Comments from small entities concerning the affected FAR parts will be considered in accordance with Section 610 of the Act. Such comments should be submitted separately and cite FAR case 96-312 in correspondence.

#### C. Paperwork Reduction Act

The Paperwork Reduction Act (Public Law 96-511) is deemed to apply because the proposed rule eliminates certain information collection requirements found at FAR 52.208-2, 52.209-7, 52.209-8, and 52.222-21. Accordingly, a request for elimination of the information collection requirement concerning Certification Requirements will be submitted to the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 1, 3, 4, 6, 8, 9, 12, 14, 16, 19, 22, 23, 25, 27, 29, 31, 32, 36, 37, 42, 45, 47, 49, 52 and 53

Government procurement.

Dated: September 5, 1996.

Edward C. Loeb,  
Director, Office of Federal Acquisition Policy  
Division.

Therefore, it is proposed that 48 CFR Parts 1, 3, 4, 6, 8, 9, 12, 14, 16, 19, 22, 23, 25, 27, 29, 31, 32, 36, 37, 42, 45, 47, 49, 52 and 53 be amended as set forth below:

1. The authority citation for 48 CFR Parts 1, 3, 4, 6, 8, 9, 12, 14, 16, 19, 22, 23, 25, 27, 29, 31, 32, 36, 37, 42, 45, 47, 49, 52 and 53 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. 2301 to 2331; and 42 U.S.C. 2473(c).

### PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

#### 1.106 [Amended]

2. Section 1.106 is amended in the table following the text by removing the following entries along with their control numbers: 8.203-2, 9.5, 52.208-1, and 52.222-21.

### PART 3—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

3. Section 3.502-2(i)(1) is revised to read as follows:

#### 3.502-2 General.

\* \* \* \*

(i) \* \* \*

(1) Have in place and follow reasonable procedures designed to prevent and detect violations of the Act in its own operations and direct business relationships (e.g., company ethics rules prohibiting kickbacks by employees, agents, or subcontractors; education programs for new employees and subcontractors, explaining policies about kickbacks, related company procedures and the consequences of detection; procurement procedures to minimize the opportunity for kickbacks; audit procedures designed to detect kickbacks; periodic surveys of subcontractors to elicit information about kickbacks; procedures to report kickbacks to law enforcement officials; annual declarations by employees of gifts or gratuities received from subcontractors; annual employee declarations that they have violated no company ethics rules; personnel practices that document unethical or illegal behavior and make such information available to prospective employers); and

\* \* \* \*

### PART 4—ADMINISTRATIVE MATTERS

4. Section 4.102 is amended by revising the last sentence of paragraph (d) to read as follows:

#### 4.102 Contractor's signature.

\* \* \* \*

(d) *Joint ventures.* \* \* \* When a corporation is participating, the contracting officer shall verify that the corporation is authorized to participate in the joint venture.

\* \* \* \*

### PART 6—COMPETITION REQUIREMENTS

#### 6.302-3 [Amended]

5. Section 6.302-3 is amended by removing paragraph (b)(1)(viii).

### PART 8—REQUIRED SOURCES OF SUPPLIES AND SERVICES

#### 8.002 [Amended]

6. Section 8.002 is amended by removing paragraph (a), and redesignating paragraphs (b) through (f) as (a) through (e).

### Subpart 8.2—[Removed and reserved]

7. Subpart 8.2 is removed and reserved.

### PART 9—CONTRACTOR QUALIFICATIONS

#### 9.505-4 [Amended]

8. Section 9.505-4(c) is amended by removing the last sentence.

9. Section 9.506 is amended in paragraph (a) by revising the first sentence; by adding "and" after the semicolon in (b)(1); by removing (b)(2); by redesignating (b)(3) as (b)(2); and by revising (c)(1) and (d). The revised text reads as follows:

#### 9.506 Procedures.

(a) If information concerning prospective contractors is necessary to identify and evaluate potential organizational conflicts of interest or to develop recommended actions, contracting officers should first seek the information from within the Government or from other readily available sources. \* \* \*

\* \* \* \*

(c) \* \* \*

(1) Review the contracting officer's analysis and recommended course of action, including any proposed clause.

\* \* \* \*

(d) The contracting officer shall—

(1) Include any approved clause(s) in the solicitation or the contract;

(2) Consider additional information provided by prospective contractors in response to the solicitation or during negotiations;

(3) Before awarding the contract, resolve the conflict or the potential conflict in a manner consistent with the approval or other direction by the head of the contracting activity.

\* \* \* \*

#### 9.507-1 [Removed and reserved]

10. Section 9.507-1 is removed and reserved.

### PART 12—ACQUISITION OF COMMERCIAL ITEMS

11. Section 12.503 is amended by revising paragraphs (b)(1) and (b)(5) to read as follows:

#### 12.503 Applicability of certain laws to Executive agency contracts for the acquisition of commercial items.

\* \* \* \*

(b) \* \* \*

(1) 33 U.S.C. 1368, Requirement for a clause under the Federal Water Pollution Control Act (see 23.105).

\* \* \* \*

(5) 42 U.S.C. 7606, Requirements for a clause under the Clean Air Act (see 23.105).

#### 12.504 [Amended]

12. Section 12.504 is amended by removing paragraph (a)(16).

### PART 14—SEALED BIDDING

#### 14.405 [Amended]

13. Section 14.405(f) is amended by removing "certifications" and inserting "representations" in its place.

### PART 16—TYPES OF CONTRACTS

#### 16.306 [Amended]

14. Section 16.306 is amended in paragraph (d)(2) by removing "certification" and inserting "statement" in its place.

### PART 19—SMALL BUSINESS PROGRAMS

#### 19.001 [Amended]

15. Section 19.001 is amended in the introductory text of paragraph (b) of the definition "Small disadvantaged business concern" by removing "certify" and inserting "represent".

16. Section 19.301 is amended by revising the first sentence of paragraph (a) to read as follows:

#### 19.301 Representation by the offeror.

(a) To be eligible for award as a small business, an offeror must represent in good faith that it is a small business at the time of its written representation.

\* \* \*

\* \* \* \*

17. Section 19.303 is amended by revising the introductory text of paragraph (c)(2); in paragraph (c)(2)(vi) by removing "certifying" and inserting "acknowledging" in its place; and by revising the second sentence of paragraph (c)(3) to read as follows:

#### 19.303 Determining product or service classifications.

\* \* \* \*

(c) \* \* \*

(2) The appeal shall be in writing and shall be addressed to the Office of Hearings and Appeals, Small Business Administration, Washington, D.C. 20416. No particular form is prescribed for the appeal. However, time limits and procedures set forth in SBA's regulations at 13 CFR 121.11 are strictly enforced. The appellant shall submit an original and one legible copy of the appeal. In the case of telegraphic appeals, the telegraphic notice shall be confirmed by the next day mailing of a written appeal, in duplicate. By signing the submission, a party or its attorney

attests that the statements and allegations in the submission are true to the best of its knowledge, and that the submission is not being filed for the purpose of delay or harassment. The appeal shall include—

\* \* \* \* \*

(3) \* \* \* The contracting officer's response, if any, to the appeal must include appropriate argument and evidence, and must be filed with the Office of Hearings and Appeals no later than 5 business days after receipt of the appeal. \* \* \*

#### **19.501 [Amended]**

18. Section 19.501 is amended by removing paragraph (h).

#### **19.508 [Removed]**

18a. Section 19.508 is removed.

19. Section 19.703 is amended in paragraph (a)(2) by revising the second and fourth sentences to read as follows:

#### **19.703 Eligibility requirements for participating in the program.**

(a) \* \* \*

(2) \* \* \* Individuals who represent that they are members of named groups (Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent-Asian Americans) may also represent themselves as socially and economically disadvantaged. \* \* \* Concerns who are tribally-owned entities or Native Hawaiian Organizations may represent themselves as socially and economically disadvantaged if they qualify under the requirements of 13 CFR 124.112 or 13 CFR 124.113, respectively. \* \* \*

\* \* \* \* \*

### **PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS**

20. Section 22.810(a) is revised to read as follows:

#### **22.810 Solicitation provisions and contract clauses.**

(a) The contracting officer shall insert the provision at 52.222–22, Previous Contracts and Compliance Reports, in solicitations when a contract is contemplated that will include the clause at 52.222–26, Equal Opportunity. \* \* \*

### **PART 23—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE**

#### **23.102 [Amended]**

21. Section 23.102 is amended in paragraph (d) by removing the reference

“40 CFR Part 15” and inserting “40 CFR Part 32” in its place.

22. Section 23.105 is amended by revising paragraph (a) to read as follows:

#### **23.105 Solicitation provision and contract clause.**

(a) The contracting officer shall insert the solicitation provision at 52.223–1, Notification of Clean Air Act and/or Clean Water Act Convictions, in solicitations containing the clause at 52.223–2, Clean Air and Water (see paragraph (b) of this section). \* \* \*

23. Section 23.106 is amended by revising paragraph (a) to read as follows:

#### **23.106 Delaying award.**

(a) If an otherwise successful offeror informs the contracting officer that EPA is considering listing a facility proposed for contract performance (see the provision at 52.223–1, Notification of Clean Air Act and/or Clean Water Act Convictions), the contracting officer shall promptly notify the EPA Administrator or a designee, in writing, that the offeror is being considered for award. \* \* \*

24. Section 23.302 is amended by revising paragraph (d)(1) to read as follows:

#### **23.302 Policy.**

\* \* \* \* \*

(d) \* \* \*

(1) By the apparently successful offeror prior to contract award if hazardous materials are expected to be used during contract performance. \* \* \*

25. Section 23.601 is amended by revising paragraph (c) to read as follows:

#### **23.601 Requirements.**

\* \* \* \* \*

(c) The clause permits the contracting officer to waive the notification if the contractor states that the notification on prior deliveries is still current. The contracting officer may waive the notice only after consultation with cognizant technical representatives. \* \* \*

### **PART 25—FOREIGN ACQUISITION**

#### **25.109, 25.305, and 25.408 [Amended]**

26. Part 25 is amended in the following sections by removing “Certificate” and inserting “Provision” in its place: 25.109(a), 25.305(a); and 25.408(a)(1).

26b. In addition to the amendment set forth above, section 25.408 is further amended by revising paragraph (b) to read as follows:

#### **25.408 Solicitation provision and contract clause.**

\* \* \* \* \*

(b) The contracting officer shall rely on the information submitted by the offeror. \* \* \*

### **PART 27—PATENT, DATA, AND COPYRIGHTS**

27. Section 27.303(e) is amended by revising the first sentence to read as follows:

#### **27.303 Contract clauses.**

\* \* \* \* \*

(e) For those agencies excepted under paragraph (a)(1)(i), only small business firms or non-profit organizations qualify for the clause at 52.227–11. \* \* \*

28. Section 27.406 is amended by revising paragraph (c); in paragraph (d)(1) and (d)(2), and twice in (d)(3) by removing (C) certification and inserting “(D) declaration”; and in paragraph (d)(2) by removing certify and inserting “declare” in its place. The revised text reads as follows:

#### **27.406 Acquisition of data.**

\* \* \* \* \*

(c) *Acceptance of data.* As required by 41 U.S.C. 418a(d)(7), acceptability of technical data delivered under a contract shall be in accordance with the appropriate contract clause as required by Subpart 46.3, and the clause at 52.227–21, Technical Data Declaration, Revision, and Withholding of Payment—Major Systems, when it is included in the contract. (See paragraph (d) of this section.) \* \* \*

#### **27.409 [Amended]**

29. Section 27.409 is amended in paragraph (q) by removing “Certification” and inserting “Declaration” in its place.

### **PART 29—TAXES**

30. Section 29.305 is amended by revising paragraph (b)(3) to read as follows:

#### **29.305 State and local tax exemptions.**

\* \* \* \* \*

(b) \* \* \*

(3) Under a contract or purchase order that contains no tax provision, if:

(i) Requested by the contractor and approved by the contracting officer or at the discretion of the contracting officer; and

(ii) Either the contract price does not include the tax or, if the transaction or property is tax exempt, the contractor



consents to a reduction in the contract price.

### PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

31. Section 31.110 is amended by revising the first sentence of paragraph (a) to read as follows:

#### 31.110 Indirect cost rate certification and penalties on unallowable costs.

(a) Certain contracts require certification of the indirect cost rates proposed for final payment purposes.

\* \* \* \* \*

#### 31.205–22 Legislative lobbying costs.

32. Section 31.205–22 is amended by revising the section heading as set forth above; by removing paragraph (d) and redesignating paragraphs (e) and (f) as (d) and (e), respectively; and in the newly designated (d) by adding “(See 42.703–2)” after “unallowable”.

### PART 32—CONTRACT FINANCING

#### 32.805 [Amended]

33. Section 32.805 is amended in paragraph (a)(1)(iii) by removing “certified” and inserting “true”.

### PART 36—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

34. Section 36.205 is amended by revising paragraph (b)(3) to read as follows:

#### 36.205 Statutory cost limitations.

\* \* \* \* \*

(b)\* \* \* (3) that the price on each schedule shall include an approximate apportionment of all estimated direct costs, allocable indirect costs, and profit.

\* \* \* \* \*

### PART 37—SERVICE CONTRACTING

35. Section 37.402 is revised to read as follows:

#### 37.402 Contracting officer responsibilities.

Contracting officers shall obtain evidence of insurability concerning medical liability insurance from the apparently successful offeror prior to contract award and shall obtain evidence of insurance demonstrating the required coverage prior to commencement of performance.

### PART 42—CONTRACT ADMINISTRATION

36. Section 42.703–2 is amended by revising paragraph (a); in paragraph (c)(1) by removing “billing rates or” and inserting “final” in its place; and by revising paragraph (f) to read as follows:

#### 42.703–2 Certificate of indirect costs.

(a) *General.* In accordance with 10 U.S.C. 2324(h) and 41 U.S.C. 256(h), a proposal shall not be accepted and no agreement shall be made to establish final indirect cost rates unless the costs have been certified by the contractor.

\* \* \* \* \*

(f) *Contract clause.* (1) Except as provided in paragraph (f)(2) of this subsection, the clause at 52.242–4, Certification of Indirect Costs, shall be incorporated into all solicitations and contracts which provide for establishment of final indirect cost rates.

(2) The Department of Energy may provide an alternate clause in its agency supplement for its management and operating contracts.

### PART 45—GOVERNMENT PROPERTY

#### 45.606–1 [Amended]

37. Section 45.606–1 is amended by removing the designation of paragraph (a); and by removing paragraph (b).

### PART 47—TRANSPORTATION

38. Section 47.303–17 is amended by revising paragraph (d)(3)(ii) to read as follows:

#### 47.303–17 Contractor-prepaid commercial bills of lading, small package shipments.

\* \* \* \* \*

(d) \* \* \*

(3) \* \* \*

(ii) The contractor agrees to furnish evidence of payment when requested by the Government.

\* \* \* \* \*

#### 47.305–11 [Amended]

39. Section 47.305–11 is amended by removing the designation of paragraph (a) and adding the text to the end of the undesignated paragraph which precedes it; by removing paragraph (b); and redesignating paragraphs (a)(1) through (3) as (a) through (c).

40. Section 47.403–3 is amended in paragraph (a) by removing certificate or; and by revising paragraph (c) to read as follows:

#### 47.403–3 Disallowance of expenditures.

\* \* \* \* \*

(c) The justification requirement is satisfied by the contractor’s use of a statement similar to one contained in the clause at 52.247–63, Preference for U.S.-Flag Air Carriers. (See 47.405.)

41. Section 47.404 is amended by revising paragraph (b)(2) to read as follows:

#### 47.404 Air freight forwarders.

\* \* \* \* \*

(b) \* \* \* (2) justification for the use of foreign-flag air carriers similar to the

one shown in the clause at 52.247–63, Preference for U.S.-Flag Air Carriers.

### PART 49—TERMINATION OF CONTRACTS

42. Section 49.108–3 is amended by revising paragraph (b) to read as follows:

#### 49.108–3 Settlement procedure.

\* \* \* \* \*

(b) Except as provided in 49.108–4, the TCO shall require that:

(1) All subcontractor termination inventory be disposed of and accounted for in accordance with Part 45; and

(2) The prime contractor submit for approval or ratification, all termination settlements with subcontractors.

### PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

#### 52.208–1 and 52.208–2 [Removed and reserved]

43. Sections 52.208–1 and 52.208–2 are removed and reserved.

44. Section 52.209–3 is amended in Alternate I by revising the date and paragraph (i) to read as follows:

#### 52.209–3 First Article Approval—Contractor Testing.

\* \* \* \* \*

*Alternate I (Date).* \* \* \*

(i) The Contractor shall produce both the first article and the production quantity at the same facility.

\* \* \* \* \*

45. Section 52.209–4 is amended by revising the date and paragraph (j) of Alternate I to read as follows:

#### 52.209–4 First Article Approval—Government Testing.

\* \* \* \* \*

*Alternate I (DATE).* \* \* \*

(j) The Contractor shall produce both the first article and the production quantity at the same facility.

\* \* \* \* \*

#### 52.209–7 and 52.209–8 [Removed]

47. Sections 52.209–7 and 52.209–8 are removed.

46. Section 52.212–3 is amended—  
a. By revising the provision date, paragraph (c)(2), the introductory text of (c)(6), and the last sentence of the introductory text of (c)(6)(ii);

c. By revising the introductory text of (d), and by removing (d)(1) and the undesignated paragraph following it, and redesignating (d)(2) and (d)(3) as (d)(1) and (d)(2), respectively; and

c. In the introductory text of (f) by removing “Certificate” and inserting “Provision” in its place, and by revising (f)(1) and (f)(3). The revised text reads as follows:

**52.212-3 Offeror Representations and Certifications—Commercial Items.**

\* \* \* \* \*

**OFFEROR REPRESENTATIONS AND CERTIFICATIONS—COMMERCIAL ITEMS (DATE)**

\* \* \* \* \*

(c) \* \* \*

(2) *Small disadvantaged business concern.* The offeror represents that it ☐ is, ☐ is not a small disadvantaged business concern.

\* \* \* \* \*

(6) Small Business Size for the Small Business Competitiveness Demonstration Program and for the Targeted Industry Categories under the Small Business Competitiveness Demonstration Program. [*Complete only if the offeror has represented itself to be a small business concern under the size standards for this solicitation.*]

\* \* \* \* \*

(ii) \* \* \* Offeror represents as follows:

\* \* \* \* \*

(d) Representations required to implement provisions of Executive Order 11246—

\* \* \* \* \*

(f) \* \* \*

(1) Each end product being offered, except those listed in paragraph (f)(2) of this provision, is a domestic end product (as defined in the clause entitled “Buy American Act—Trade Agreements—Balance of Payments Program”). Components of unknown origin have been considered to have been mined, produced, or manufactured outside the United States, a designated country, a North American Free Trade Agreement (NAFTA) country, or a Caribbean Basin country, as defined in section 25.401 of the Federal Acquisition Regulation.

\* \* \* \* \*

(3) Offers will be evaluated by giving certain preferences to domestic end products, designated country end products, NAFTA country end products, and Caribbean Basin country end products over other end products. In order to obtain these preferences in the evaluation of each excluded end product listed in paragraph (f)(2) of this provision, offerors must identify and list below those excluded end products that are designated country end products or NAFTA country end products, or Caribbean Basin country end products. Products that are not identified and listed below will not be deemed designated country end products, NAFTA country end products, or Caribbean Basin country end products.

Offerors must insert the applicable line item numbers in the following:

(i) The following supplies qualify as “designated country end products” or “NAFTA country end products” as those terms are defined in the clause entitled “Buy American Act—Trade Agreements—Balance of Payments Program”:

---



---

(Insert line item numbers)

(ii) The following supplies qualify as “Caribbean Basin country end products” as that term is defined in the clause entitled “Buy American Act—Trade Agreements—Balance of Payments Program”:

---



---

(Insert line item numbers)

\* \* \* \* \*

48. Section 52.214-30 is revised to read as follows:

**52.214-30 Annual Representations and Certifications—Sealed Bidding.**

As prescribed in 14.201-6(u), insert the following provision:

**ANNUAL REPRESENTATIONS AND CERTIFICATIONS—SEALED BIDDING (DATE)**

The bidder has (check the appropriate block): ☐ (a) Submitted to the contracting office issuing this solicitation, annual representations and certifications dated \_\_\_\_\_ [*Insert date of signature of submission*], which are incorporated herein by reference, and are current, accurate, and complete as of the date of this bid, except as follows [*insert changes that affect only this solicitation; if “none,” so state*]: \_\_\_\_\_

☐ (b) Enclosed its annual representations and certifications.

(End of provision)

49. Section 52.215-35 is revised to read as follows:

**52.215-35 Annual Representations and Certifications—Negotiation.**

As prescribed in 15.407(i), insert the following provision:

**ANNUAL REPRESENTATIONS AND CERTIFICATIONS—NEGOTIATION (DATE)**

The offeror has (check the appropriate block):

☐ (a) Submitted to the contracting office issuing this solicitation, annual representations and certifications dated \_\_\_\_\_ [*insert date of signature on submission*] which are

incorporated herein by reference and are current, accurate, and complete as of the date of this bid, except as follows [*insert changes that affect only this solicitation; if “none,” so state*]: \_\_\_\_\_

☐ (b) Enclosed its annual representations and certifications.  
(End of provision)

**52.216-2 [Amended]**

50. Section 52.216-2 is amended by revising the clause date to read “(DATE)”; and in paragraph (b) by removing the last sentence.

**52.216-3 [Amended]**

51. Section 52.216-3 is amended by revising the clause date to read “(DATE)”; and in paragraph (b) by removing the last sentence.

**52.216-4 [Amended]**

52. Section 52.216-4 is amended by revising the clause date to read “(DATE)”; and by removing paragraph (d) and redesignating paragraph (e) as (d).

**52.219-1 [Amended]**

53. Section 52.219-1 is amended by revising the provision date to read “(DATE)”; and in paragraph (b)(1) by removing “and certifies”.

**52.219-15 [Removed and Reserved]**

54. Section 52.219-15 is removed and reserved.

**52.219-18 [Amended]**

55. Section 52.219-18 is amended by revising the clause date to read “(DATE)”; and in paragraph (b) by removing “certifies” and inserting “represents”.

56. Section 52.219-19 is amended by revising the date and paragraph (b) of the provision to read as follows:

**52.219-19 Small Business Concern Representation for the Small Business Competitiveness Demonstration Program.**

\* \* \* \* \*

**SMALL BUSINESS CONCERN REPRESENTATION FOR THE SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM (DATE)**

\* \* \* \* \*

(b) [*Complete only if the Offeror has represented itself under the provision at 52.219-1 as a small business concern under the size standards of this solicitation.*]

The offeror ☐ is, ☐ is not an emerging small business.

\* \* \* \* \*

**52.219-21 [Amended]**

57. Section 52.219-21 is amended by revising the clause date to read (XXX);

in the parenthetical following the provision heading by removing "certified" and inserting "represented"; and in the first paragraph of the provision by removing "and certifies".

#### 52.222-21 [Reserved]

58. Section 52.222-21 is removed and reserved.

59. Section 52.223-1 is revised to read as follows:

#### 52.223-1 Notification of Clean Air Act and/or Clean Water Act Convictions.

As prescribed in 23.105(a), insert the following provision in solicitations containing the clause at 52.223-2, Clean Air and Water:

#### NOTIFICATION OF CLEAN AIR ACT AND/OR CLEAN WATER ACT CONVICTIONS (DATE)

(a) If a facility owned or leased by the offeror is proposed to be used in the performance of the contract, and the facility owner, lessee, or supervisor was convicted of a violation at that facility of Section 113 of the Clean Air Act (CAA), 42 U.S.C. 7413, or Section 309(c) of the Clean Water Act (CWA), 33 U.S.C. 1319(c), the offeror shall notify the Contracting Officer whether such facility is presently owned, leased or supervised by the convicted person. The notification shall be submitted with the offer; if the conviction occurs on or after the date the offer was submitted, the offeror shall promptly submit a separate notification to the Contracting Officer.

(b) After receiving notification of a CAA or a CWA conviction, the Contracting Officer may make award only if the Contracting Officer obtains confirmation that the Environmental Protection Agency has certified that the condition giving rise to the conviction has been corrected, or that the agency head has excepted the contract or subcontract from the CAA or CWA ineligibility.

(End of provision)

60. Section 52.223-3 is amended by revising the clause date and paragraphs (c) and (e) to read as follows:

#### 52.223-3 Hazardous Material Identification and Material Safety Data.

\* \* \* \* \*

#### HAZARDOUS MATERIAL IDENTIFICATION AND MATERIAL SAFETY DATA (DATE)

\* \* \* \* \*

(c) This list must be updated during performance of the contract whenever the Contractor determines that any other material to be delivered under this contract is hazardous.

\* \* \* \* \*

(e) If, after award, there is a change in the composition of the item(s) or a revision to Federal Standard No. 313, which renders incomplete or inaccurate the data submitted under paragraph (d) of this clause, the Contractor shall promptly notify the Contracting Officer and resubmit the data.

\* \* \* \* \*

61. Section 52.223-7 is amended by revising the clause date and paragraph (b)(2) to read as follows:

#### 52.223-7 Notice of Radioactive Materials.

#### NOTICE OF RADIOACTIVE MATERIALS (DATE)

\* \* \* \* \*

(b) \* \* \*  
(2) State that the quantity of activity, characteristics, and composition of the radioactive material have not changed; and

\* \* \* \* \*

62. Section 52.225-1 is amended by revising its heading; and by revising the provision heading and the first paragraph to read as follows:

#### 52.225-1 Buy American Provision.

\* \* \* \* \*

#### BUY AMERICAN PROVISION (DATE)

The offeror shall list below each end product that is not a domestic end product (as defined in the clause entitled "Buy American Act-Supplies"). Components of unknown origin are considered to have been mined, produced, or manufactured outside the United States.

Excluded end products	Country of origin

\* \* \* \* \*

(End of provision)

63. Section 52.225-6 is amended by revising the heading; and by revising the heading and date and paragraph (a) of the provision to read as follows:

#### 52.225-6 Balance of Payments Program Provision.

#### BALANCE OF PAYMENTS PROGRAM PROVISION (DATE)

(a) The offeror shall list below each end product or service that is not a domestic end product or service (as defined in the clause entitled "Balance of Payments Program"). Components of unknown origin have been considered to have been mined, produced, or manufactured outside the United States.

\* \* \* \* \*

#### 52.225-7 [Amended]

64. Section 52.225-7 is amended by revising the date of the provision heading to read "(DATE)"; and in paragraph (b) by removing "Certificate" and inserting "Provision".

65. 52.225-8 is amended by revising the section and provision headings; and by revising paragraphs (a) and (c) of the provision to read as follows:

#### 52.225-8 Buy American Act—Trade Agreements—Balance of Payments Program Provision.

\* \* \* \* \*

#### BUY AMERICAN ACT—TRADE AGREEMENTS—BALANCE OF PAYMENTS PROGRAM PROVISION (DATE)

(a) Each end product being offered, except those listed in paragraph (b) of this provision, is a domestic end product (as defined in the clause entitled "Buy American Act—Trade Agreements—Balance of Payments Program"). Components of unknown origin have been considered to have been mined, produced, or manufactured outside the United States, a designated country, a North American Free Trade Agreement (NAFTA) country, or a Caribbean Basin country, as defined in section 25.401 of the Federal Acquisition Regulation.

\* \* \* \* \*

(c) Offers will be evaluated by giving certain preferences to domestic end products, designated country end products, NAFTA country end products, and Caribbean Basin country end products over other end products. In order to obtain these preferences in the evaluation of each excluded end product listed in paragraph (b) of this provision, offerors must identify and list below those excluded end products that are designated country end products or NAFTA country end products, or Caribbean Basin country end products. Products that are not identified and listed below will not be deemed designated country end products, NAFTA country end products, or Caribbean Basin country end products. Offerors must insert the applicable line item numbers in the following:

(1) The following supplies qualify as "designated country end products or NAFTA country end products" as those terms are defined in the clause entitled "Buy American Act—Trade Agreements—Balance of Payments Program:"

[Insert line item numbers]

(2) The following supplies qualify as "Caribbean Basin country end products" as that term is defined in the

clause entitled "Buy American Act—Trade Agreements—Balance of Payments Program":

[Insert line item numbers]

\* \* \* \* \*

66. Section 52.225-9 is amended by revising the clause date to read "(DATE)"; and by revising the third and fourth sentences of paragraph (b) to read as follows:

**52.225-9 Buy American Act—Trade Agreements—Balance of Payments Program.**

\* \* \* \* \*

**BUY AMERICAN ACT—TRADE AGREEMENTS—BALANCE OF PAYMENTS PROGRAM (DATE)**

\* \* \* \* \*

(b) \* \* \* The Contractor agrees to deliver under this contract only domestic end products unless, in its offer, it specifies delivery of foreign end products in the provision entitled "Buy American Act—Trade Agreements—Balance of Payments Program Provision". An offer stating that a designated, NAFTA, or Caribbean Basin country end product will be supplied requires the Contractor to supply a designated, NAFTA, or Caribbean Basin country end product or, at the Contractor's option, a domestic end product. \* \* \*

\* \* \* \* \*

**52.225-21 [Amended]**

67. Section 52.225-21 is amended by revising the clause date to read "(XXX)"; in the third sentence of paragraph (c) by removing "Certificate" and inserting "Provision" in its place; in Alternate I by revising the date to read "(XXX)"; and in paragraph (c) by removing "Certificate" and inserting "Provision" in its place.

**52.227-12 [Amended]**

68. Section 52.227-12 is amended by revising the clause date to read "(DATE)"; and in paragraph (f)(7)(ii) by removing "certifying" wherever it appears and inserting "stating".

**52.227-13 [Amended]**

69. Section 52.227-13 is amended by revising the clause date to read "(DATE)"; and in paragraph (e)(3)(ii) by removing "certifying" wherever it appears and inserting "stating".

70. Section 52.227-21 is amended by revising the section and clause headings, the clause date, paragraph (b)(1), the first sentence of (b)(2), and (d)(1)(ii) to read as follows:

**52.227-21 Technical Data Declaration, Revision, and Withholding of Payment—Major Systems.**

\* \* \* \* \*

**TECHNICAL DATA DECLARATION, REVISION, AND WITHHOLDING OF PAYMENT—MAJOR SYSTEMS (DATE)**

\* \* \* \* \*

(b) *Technical data declaration.* (1) All technical data that are subject to this clause shall be accompanied by the following declaration upon delivery:

**TECHNICAL DATA DECLARATION (DATE)**

The Contractor, \_\_\_\_\_, hereby declares that, to the best of its knowledge and belief, the technical data delivered herewith under Government contract No. \_\_\_\_\_ (and subcontract \_\_\_\_\_, if appropriate) are complete, accurate, and comply with the requirements of the contract concerning such technical data. (End of declaration)

(2) The Government shall rely on the declarations set out in paragraph (b)(1) of this clause in accepting delivery of the technical data, and in consideration thereof may, at any time during the period covered by this clause, request correction of any deficiencies which are not in compliance with contract requirements. \* \* \*

\* \* \* \* \*

(d) \* \* \*

(1) \* \* \*

(ii) Provide the declaration required by paragraph (b)(1) of this clause;

\* \* \* \* \*

(End of clause)

71. Section 52.228-5 is amended by revising the clause date and the first sentence of paragraph (b) to read as follows:

**52.228-5 Insurance—Work on a Government Installation.**

\* \* \* \* \*

**INSURANCE—WORK ON A GOVERNMENT INSTALLATION (DATE)**

\* \* \* \* \*

(b) Before commencing work under this contract, the Contractor shall notify the Contracting Officer in writing that the required insurance has been obtained. \* \* \*

\* \* \* \* \*

72. Section 52.228-8 is amended by revising the clause date and the first sentence of paragraph (d) to read as follows:

**52.228-8 Liability and Insurance—Leased Motor Vehicles.**

\* \* \* \* \*

**LIABILITY AND INSURANCE—LEASED MOTOR VEHICLES (DATE)**

\* \* \* \* \*

(d) Before commencing work under this contract, the Contractor shall notify the Contracting Officer in writing that the required insurance has been obtained.

\* \* \* \* \*

73. Section 52.228-9 is amended by revising the clause date, the second sentence of paragraph (b), and paragraph (c)(2) to read as follows:

**52.228-9 Cargo Insurance.**

\* \* \* \* \*

**CARGO INSURANCE (DATE)**

(a) \* \* \*

(b) \* \* \* As evidence of insurance maintained, an authenticated copy of the cargo liability insurance policy or policies shall be furnished to

\_\_\_\_\_, [insert name of contracting agency]. \* \* \*

(c) \* \* \*

(2) An authenticated copy of any renewal policy to \_\_\_\_\_ [insert name of contracting agency] not less than 15 days prior to the expiration of any current policy on file with \_\_\_\_\_ [insert name of contracting agency].

(End of clause)

74. Section 52.237-7 is amended by revising the clause date and the first sentence of paragraph (d) to read as follows:

**52.237-7 Indemnification and Medical Liability Insurance.**

\* \* \* \* \*

**INDEMNIFICATION AND MEDICAL LIABILITY INSURANCE (DATE)**

\* \* \* \* \*

(d) Evidence of insurance documenting the required coverage for each health care provider who will perform under this contract shall be provided to the Contracting Officer prior to the commencement of services under this contract. \* \* \*

\* \* \* \* \*

75. Section 52.242-4 is amended by revising the clause date and paragraph (a)(1); and in paragraph 2 of the Certificate following paragraph (c) by removing "billing or". The revised text reads as follows:

**52.242-4 Certification of Indirect Costs.**

\* \* \* \* \*

**CERTIFICATION OF INDIRECT COSTS (DATE)**

(a) \* \* \*

(1) Certify any proposal to establish final indirect cost rates;

\* \* \* \* \*

#### 52.245-8 [Amended]

76. Section 52.245-8 is amended by revising the clause date to read "(DATE)"; and in paragraph (f) by removing "a certificate" and inserting "documentation" both times it appears; the first instance should be capitalized.

77. Section 52.247-2 is amended by revising the introductory paragraph, the clause date and paragraph (a) to read as follows:

#### 52.247-2 Permits, Authorities, or Franchises.

As prescribed in 47.207-1(a), insert the following clause:

PERMITS, AUTHORITIES, OR FRANCHISES (DATE)

(a) The offeror does ☐, does not ☐, hold authorization from the Federal Highway Administration (FHWA) or other cognizant regulatory body. If authorization is held, it is as follows:

(Name of regulatory body)

(Authorization No.)

\* \* \* \* \*

[End of clause]

#### 52.247-54 [Removed and Reserved]

78. Section 52.247-54 is removed and reserved.

79. Section 52.247-63 is amended by revising the clause date and the definition "U.S.-flag air carrier"; in paragraph (b) by removing "49 U.S.C. 1517" and inserting "49 U.S.C. 40118"; and by revising paragraph (d) to read as follows:

#### 52.247-63 Preference for U.S.-Flag Air Carriers.

\* \* \* \* \*

PREFERENCE FOR U.S.-FLAG AIR CARRIERS (DATE)

\* \* \* \* \*

(a) \* \* \*

*U.S.-flag air carrier*, as used in this clause, means an air carrier holding a certificate under Chapter 411 of Title 49 of U.S.C.

\* \* \* \* \*

(d) In the event that the Contractor selects a carrier other than a U.S.-flag air carrier for international air transportation, the Contractor shall include a statement on vouchers involving such transportation essentially as follows:

#### STATEMENT OF UNAVAILABILITY OF U.S.-FLAG AIR CARRIERS

International air transportation of persons (and their personal effects) or property by U.S.-flag air carrier was not available or it was necessary to use foreign-flag air carrier service for the following reasons (see section 47.403 of the Federal Acquisition Regulation): [State reasons]:

(End of statement)

\* \* \* \* \*

#### PART 53—FORMS

80. Section 53.214(e) is amended by revising the paragraph heading to read as follows:

#### 53.214 Sealed bidding.

\* \* \* \* \*

(e) *SF 129 (REV. XX/XX), Solicitation Mailing List Application.* \* \* \*

\* \* \* \* \*

81. Section 53.215-1(f) is amended by revising the paragraph heading to read as follows:

#### 53.215-1 Solicitation and receipt of proposals and quotations.

\* \* \* \* \*

(f) *SF 129, Solicitation Mailing List Application.* \* \* \*

\* \* \* \* \*

82. Section 53.222(g) is amended by revising the paragraph heading to read as follows:

#### 53.222 Application of labor laws to Government acquisitions (SF's 99, 308, 1093, 1413, 1444, 1445, 1446, WH-347).

\* \* \* \* \*

(g) *SF 1445 (REV. XX/XX), Labor Standards Interview.* \* \* \*

\* \* \* \* \*

83. Section 53.229 is amended by revising the paragraph heading to read as follows:

#### 53.229 Taxes (SF's 1094, 1094-A).

*SF 1094 (REV. XX/XX, U.S. Tax Exemption Certificate, and SF 1094-A (REV. XX/XX), Tax Exemption Certificates Accountability Record.* \* \* \*

84. Section 53.245 is amended in paragraphs (c), (f), (g), (h), (i), and (j) by revising the paragraph headings to read as follows:

#### 53.245 Government property.

\* \* \* \* \*

(c) *SF 1423 (REV. XX/XX), Inventory Verification Survey.*

\* \* \* \* \*

(f) *SF 1426 (REV. XX/XX), Inventory Schedule A (Metals in Mill Product Form), and SF 1427 (REV. 7/89), Inventory Schedule A-Continuation Sheet (Metals in Mill Product Form.* \* \* \*

(g) *SF 1428 (REV. XX/XX), Inventory Schedule B, and SF 1429 (REV. 7/89), Inventory Schedule B-Continuation Sheet.* \* \* \*

(h) *SF 1430 (REV. XX/XX), Inventory Schedule C (Work-in-Process) and SF 1431 (REV. 7/89), Inventory Schedule C-Continuation Sheet (Work-in-Process).* \* \* \*

(i) *SF 1432 (REV. XX/XX), Inventory Schedule D (Special Tooling and Special Test Equipment), and SF 1433 (REV. 7/89), Inventory Schedule D-Continuation Sheet (Special Tooling and Special Test Equipment).* \* \* \*

(j) *SF 1434 (REV. XX/XX), Termination Inventory Schedule E (Short Form for Use with SF 38 Only).* \* \* \*

BILLING CODE 6820-EP-P

85. Section 53.301-129 is revised to read as follows:

**53.301-129 Standard Form 129, Solicitation Mailing List Application.**

<b>SOLICITATION MAILING LIST APPLICATION</b>				1. TYPE OF APPLICATION <input type="checkbox"/> INITIAL <input type="checkbox"/> REVISION		2. DATE		OMB NO.: 9000-0002 Expires: 10/31/97					
<b>NOTE: Please complete all items on this form. Insert N/A in items not applicable. See reverse for instruction.</b> Public reporting burden for this collection of information is estimated to average .58 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20405.													
3. SUBMIT TO	a. FEDERAL AGENCY'S NAME				4. APPLICANT		a. NAME						
	b. STREET ADDRESS						b. STREET ADDRESS				c. COUNTY		
	c. CITY		d. STATE				e. ZIP CODE				d. CITY		e. STATE
5. TYPE OF ORGANIZATION (Check one)						6. ADDRESS TO WHICH SOLICITATIONS ARE TO BE MAILED (If different than Item 4)							
<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> NON-PROFIT ORGANIZATION						a. STREET ADDRESS				b. COUNTY			
<input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION, INCORPORATED UNDER THE LAWS OF THE STATE OF:						c. CITY				d. STATE		e. ZIP CODE	
<b>7. NAMES OF OFFICERS, OWNERS, OR PARTNERS</b>													
a. PRESIDENT				b. VICE PRESIDENT			c. SECRETARY						
d. TREASURER				e. OWNERS OR PARTNERS									
<b>8. AFFILIATES OF APPLICANT</b>													
NAME				LOCATION			NATURE OF AFFILIATION						
<b>9. PERSONS AUTHORIZED TO SIGN OFFERS AND CONTRACTS IN YOUR NAME (Indicate if agent)</b>													
NAME				OFFICIAL CAPACITY			TELEPHONE NUMBER						
							AREA CODE			NUMBER			
10. IDENTIFY EQUIPMENT, SUPPLIES, AND/OR SERVICES ON WHICH YOU DESIRE TO MAKE AN OFFER (See attached Federal Agency's supplemental listing and instruction, if any)													
11a. SIZE OF BUSINESS (See definition on reverse)				11b. AVERAGE NUMBER OF EMPLOYEES (Including affiliates) FOR FOUR PRECEDING CALENDAR QUARTERS			11c. AVERAGE ANNUAL SALES OR RECEIPTS FOR PRECEDING THREE FISCAL YEARS						
<input type="checkbox"/> SMALL BUSINESS (If checked, complete Items 11b and 11c) <input type="checkbox"/> LARGER THAN SMALL BUSINESS							\$						
12. TYPE OF OWNERSHIP (See definitions on reverse) (Not applicable for other than small businesses)				13. TYPE OF BUSINESS (See definitions on reverse)									
<input type="checkbox"/> DISADVANTAGED BUSINESS <input type="checkbox"/> WOMAN-OWNED BUSINESS				<input type="checkbox"/> MANUFACTURER OR PRODUCER <input type="checkbox"/> CONSTRUCTION CONCERN <input type="checkbox"/> SURPLUS DEALER									
<input type="checkbox"/> SERVICE ESTABLISHMENT <input type="checkbox"/> RESEARCH AND DEVELOPMENT				15. HOW LONG IN PRESENT BUSINESS?									
14. DUNS NO. (If available)													
16. FLOOR SPACE (Square Feet <sup>2</sup> )				17. NET WORTH									
a. MANUFACTURING				b. WAREHOUSE			a. DATE			b. AMOUNT			
										\$			
<b>18. SECURITY CLEARANCE (If applicable, check highest clearance authorized)</b>													
FOR		TOP SECRET		SECRET		CONFIDENTIAL		c. NAMES OF AGENCIES GRANTING SECURITY CLEARANCES		d. DATES GRANTED			
a. KEY PERSONNEL													
b. PLANT ONLY													
The information supplied herein (including all pages attached) is correct and that neither the applicant nor any person (or concern) in any connection with the applicant as a principal or officer, so far as is known, is now debarred or otherwise declared ineligible by any agency of the Federal Government from making offers for furnishing materials, supplies, or services to the Government or any agency thereof.													
19a. NAME OF PERSON AUTHORIZED TO SIGN (Type or print)						20. SIGNATURE		21. DATE SIGNED					
19b. TITLE OF PERSON AUTHORIZED TO SIGN (Type or print)													

## INSTRUCTIONS

Persons or concerns wishing to be added to a particular agency's bidder's mailing list for supplies or services shall file this properly completed Solicitation Mailing List Application, together with such other lists as may be attached to this application form, with each procurement office of the Federal agency with which they desire to do business. If a Federal agency has attached a Supplemental Commodity list with instructions, complete the application as instructed. Otherwise, identify in Item 10 the equipment, supplies, and/or services on which you desire to bid. (Provide Federal Supply Class or Standard Industrial Classification codes, if available.) The application shall be submitted and signed by the principal as distinguished from an agent, however constituted.

After placement on the bidder's mailing list of an agency, your failure to respond (submission of bid, or notice in writing, that you are unable to bid on that particular transaction but wish to remain on the active bidder's mailing list for that particular item) to solicitations will be understood by the agency to indicate lack of interest and concurrence in the removal of your name from the purchasing activity's solicitation mailing for items concerned.

#### SIZE OF BUSINESS DEFINITIONS (See Item 11A.)

a. Small business concern - A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is competing for Government contracts, and can further qualify under the criteria concerning number of employees, average annual receipts, or the other criteria, as prescribed by the Small Business Administration. (See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed industry definitions and related procedures.)

b. Affiliates - Business concerns are affiliates of each other when either directly or indirectly (i) one concern controls or has the power to control the other, or (ii) a third party controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationship. (See Items 8 and 11A.)

c. Number of employees - (Item 11B) In connection with the determination of small business status, "number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary or other basis during each of the pay periods of the preceding 12 months. If a concern has not been in existence for 12 months, "number of employees" means the average employment of such concern and its affiliates during the period that such concern has been in existence based on the number of persons employed during each of the pay periods of the period that such concern has been in business.

#### TYPE OF OWNERSHIP DEFINITIONS (See Item 12.)

a. "Disadvantaged business concern" - means any business concern (1) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (2) whose management and daily business operations are controlled by one or more of such individuals.

b. "Women-owned business" - means a business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.

#### TYPE OF BUSINESS DEFINITIONS (See Item 13.)

a. "Manufacturer or producer" - means a person (or concern) owning, operating, or maintaining a store, warehouse, or other establishment that produces, on the premises, the materials, supplies, articles or equipment of the general character of those listed in Item 10, or in the Federal agency's Supplemental Commodity List, if attached.

b. "Service establishment" - means a concern (or person) which owns, operates, or maintains any type of business which is principally engaged in the furnishing of nonpersonal services, such as (but not limited to) repairing, cleaning, redecorating, or rental of personal property, including the furnishing of necessary repair parts or other supplies as a part of the services performed.

- **COMMERCE BUSINESS DAILY** - The Commerce Business Daily, published by the Department of Commerce, contains information concerning proposed procurements, sales, and contract awards. For further information concerning this publication, contact your local Commerce Field Office.

85. Section 53.301-1094 is revised to read as follows:

**53.301-1094 Standards Form 1094, U.S. Tax Exemption Certificates.**

In case this book of United States Tax Exemption  
Forms is lost, find it will please put band or  
string around cover and mail to:

GENERAL SERVICES ADMINISTRATION  
OFFICE OF PERSONAL PROPERTY  
STANDARD FORMS MANAGEMENT (WYSI-B)  
WASHINGTON, D. C. 20401



U.S. TAX EXEMPTION FORM		Read the instructions on the reverse side.		DEPARTMENT, AGENCY, OR OFFICE		SERIAL NO.	
ITEM PURCHASED FOR EXCLUSIVE USE OF THE U.S. GOVERNMENT (Describe)							
VENDOR NAME FROM WHICH PURCHASED		ADDRESS (Include Street, City, State, and ZIP Code)		A tax exemption form has not previously been issued and the described item(s) has (have) been delivered and invoiced pursuant to:		QUANTITY UNIT PRICE \$	
I certify that the information on this form is true and correct to the best of my knowledge and belief.		PURCHASER'S SIGNATURE, OFFICE TITLE, AND ADDRESS		P.O. OR CONTRACT NO.		Amount of Tax Excluded \$	
DATE		DATE		DATES		State \$	
SIGNATURE AND TITLE OF VENDOR'S REPRESENTATIVE		DATE		Local \$		For Administrative Office D.O. SYMBOL NO.	
				VOUCHER NO.		DATE	

STANDARD FORM 1094 (REV. 10-83)  
Prescribed by GSA  
FPMR (41 CFR) 53.229

### INSTRUCTIONS

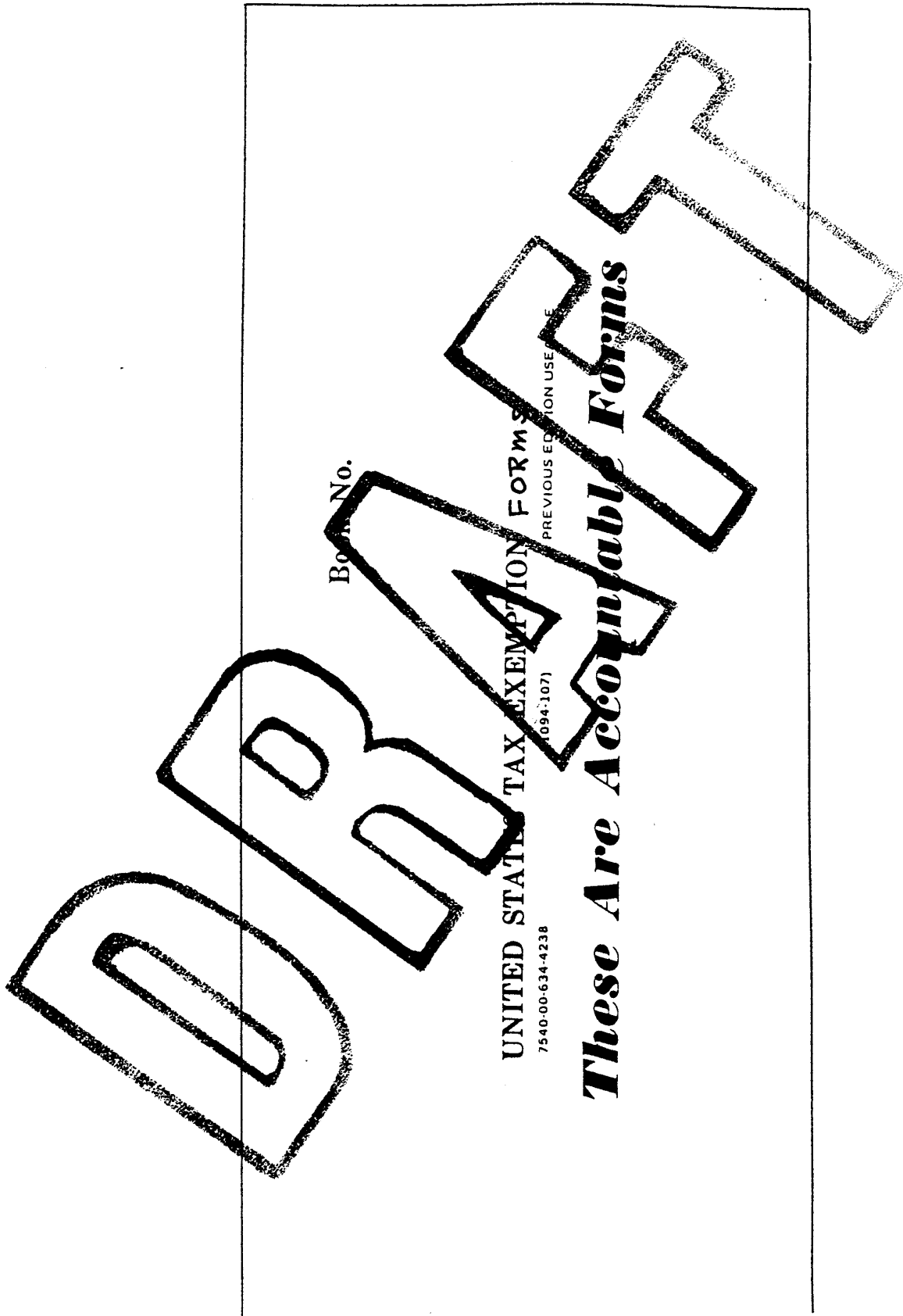
1. This form will be used to establish the Government's exemption or immunity from State or Local taxes whenever no other evidence is available.
2. This form shall NOT be used for:
  - (a) Purchases of quarters or subsistence made by employees in travel status.
  - (b) Expenses incident to use of a privately owned motor vehicle for which a mileage allowance has been authorized, or
  - (c) Merchandise purchased which is subject only to Federal Tax.
3. In the space provided on the reverse of this form, include a separate statement containing the information required by the State and Local taxes are involved, use a separate form for each tax. The form will be provided to the vendor when the prices exclude State or Local tax.
5. The serial number of each form prepared will be shown on the payment voucher.

THE FRAUDULENT USE OF THIS FORM FOR THE PURPOSE OF OBTAINING EXEMPTION FROM OR ADJUSTMENT OF TAXES IS PROHIBITED.

STANDARD FORM 1094 BACK (REV. 10-83)

86. Section 53.301-1094 is revised to read as follows:

53.301-1094A Standard Form 1094A, Tax Exemption Certificates Accountability Record.



TAX EXEMPTION FORMS ACCOUNTABILITY RECORD		To be used for convenience of the issuing agency for maintaining a control record of tax exemption issued	
TAX EXEMPTION FORM IN THIS BOOK NUMBERED		TAX EXEMPTION FORM RETURNED UNUSED FOR REISSUE	
THROUGH		THROUGH	
ISSUED TO		REISSUED TO	
NAME		NAME	
TITLE		TITLE	
OFFICE DESIGNATION		OFFICE DESIGNATION	
SIGNATURE		SIGNATURE	
DATE ISSUED		DATE ISSUED	
ISSUING OFFICER		ISSUING OFFICER	
TITLE AND OFFICE DESIGNATION		TITLE AND OFFICE DESIGNATION	

STANDARD FORM 1084-A (REV. 10-83)  
Prescribed by GSA  
FAR (48 CFR) 53.229

Form NO.	DATE	Mark "X" in appropriate column to indicate type of purchase	TAX EXCLUDED (Amount)	TRANSACTION REFERENCE
		VENDOR NAME AND ADDRESS		Voucher No.
		VENDOR NAME AND ADDRESS	\$	PO/Cont. No.
		VENDOR NAME AND ADDRESS		Voucher No.
		VENDOR NAME AND ADDRESS		Voucher Date
		VENDOR NAME AND ADDRESS		PO/Cont. No.
		VENDOR NAME AND ADDRESS		Voucher No.
		VENDOR NAME AND ADDRESS		Voucher Date
		VENDOR NAME AND ADDRESS		PO/Cont. No.
		VENDOR NAME AND ADDRESS	\$	Voucher No.
		VENDOR NAME AND ADDRESS		Voucher Date
		VENDOR NAME AND ADDRESS		PO/Cont. No.
		VENDOR NAME AND ADDRESS	\$	Voucher No.
		VENDOR NAME AND ADDRESS		Voucher Date
		VENDOR NAME AND ADDRESS		PO/Cont. No.

STANDARD FORM 1084-A BACK (REV. 10-83)

87. Section 53.301-1423 is revised to read as follows:

53.301-1423 Standard Form 1423, Inventory Verification Survey.

<b>INVENTORY VERIFICATION SURVEY</b> (See FAR 45.606-3)		DATE	OMB No.: 9000-0015 Expires: 05/31/98
<small>Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20405.</small>			
<b>SECTION I - GENERAL</b>			
1. FROM: (Include ZIP Code)		2. CONTRACT NUMBER	
3. TO: (Include ZIP Code)		4. CONTRACT/SUB CONTRACTOR	
5. SCHEDULES OF INVENTORY TO BE INSPECTED AND VERIFIED			
SF 1426 pages _____ through _____ \$ _____		SF 1432 pages _____ through _____ \$ _____	
SF 1428 pages _____ through _____ \$ _____		SF 1430 pages _____ through _____ \$ _____	
SF 1430 pages _____ through _____ \$ _____			
<b>SECTION II - TECHNICAL VERIFICATION</b>			
		YES	NO
6. IS PROPERTY LISTED ON THE INVENTORY SCHEDULES ON HAND AND IN THE QUANTITIES INDICATED?		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
7. IS THE PROPERTY CORRECTLY DESCRIBED ON THE INVENTORY SCHEDULES?		<input type="checkbox"/>	<input type="checkbox"/>
8. IS THE PROPERTY SEGREGATED OR ADEQUATELY PROTECTED?		<input type="checkbox"/>	<input type="checkbox"/>
9. IS THE PROPERTY PROPERLY TAGGED?		<input type="checkbox"/>	<input type="checkbox"/>
10. ARE THE CONDITION CODES ACCURATE?		<input type="checkbox"/>	<input type="checkbox"/>
11. ARE THE ITEMS LISTED ON SF 1432 CORRECTLY CATEGORIZED AS SPECIAL TOOLING OR SPECIAL TEST EQUIPMENT?		<input type="checkbox"/>	<input type="checkbox"/>
12. ARE THE WEIGHTS OF THE ITEMS RECOMMENDED AS SCRAP APPROXIMATELY CORRECT?		<input type="checkbox"/>	<input type="checkbox"/>
IF WEIGHTS ARE NOT SHOWN, GIVE ESTIMATE OF WEIGHT BY BASIC MATERIAL CONTENT:		<input type="checkbox"/>	<input type="checkbox"/>
13. DO THE ITEMS APPEAR TO HAVE COMMERCIAL VALUE OTHER THAN SCRAP?		<input type="checkbox"/>	<input type="checkbox"/>
14. ARE THE ITEMS AGENCY PROPERTY?		<input type="checkbox"/>	<input type="checkbox"/>
15. DO ANY ITEMS REQUIRE SPECIAL PROCESSING (Fire arms, drugs, hazardous or sensitive items, or precious metals, etc.)?		<input type="checkbox"/>	<input type="checkbox"/>
16. ARE COMMON ITEMS INCLUDED ON THE INVENTORY SCHEDULE?		<input type="checkbox"/>	<input type="checkbox"/>
<b>SECTION III - TERMINATION INVENTORY</b>			
<b>COMPLETION OF THIS SECTION IS <input type="checkbox"/> IS NOT REQUIRED (Requestor, check one)</b>			
17. DID WORK STOP PROMPTLY UPON RECEIPT OF THE TERMINATION NOTICE?		YES	NO
DATE TO NOTICE:		<input type="checkbox"/>	<input type="checkbox"/>
18. DO THE QUANTITIES OF MATERIAL EXCEED THE AMOUNTS THAT WOULD HAVE BEEN REQUIRED TO COMPLETE THE TERMINATED PORTION OF THE CONTRACT?		<input type="checkbox"/>	<input type="checkbox"/>
CAN THE ITEMS OF TERMINATION INVENTORY BE USED ON THE CONTINUING PORTION OF THE CONTRACT?		<input type="checkbox"/>	<input type="checkbox"/>
19. ARE ALL ITEMS AND QUANTITIES ALLOWABLE TO THE TERMINATION PORTION OF THIS CONTRACT OR ORDER?		<input type="checkbox"/>	<input type="checkbox"/>
20. DOES THE INVENTORY INCLUDE REJECTS? IF YES, EXPLAIN SPECIFIC REJECT ITEM ENTRIES. OBTAIN FROM CONTRACTOR ESTIMATED COST OF REWORKING REJECTS ON SPECIFIC LINE ITEM BASIS.		<input type="checkbox"/>	<input type="checkbox"/>
21a. HAVE COMPLETED ARTICLES BEEN INSPECTED AS TO QUALITY AND CONFORMANCE TO SPECIFICATIONS?		<input type="checkbox"/>	<input type="checkbox"/>
DO THE COMPLETED ITEMS INSPECTED CONFORM TO CONTRACT SPECIFICATIONS?		<input type="checkbox"/>	<input type="checkbox"/>
21c. DO OTHER THAN COMPLETED ITEMS CONFORM WITH TECHNICAL REQUIREMENTS OF THE CONTRACT OR ORDER?		<input type="checkbox"/>	<input type="checkbox"/>
22. REQUESTING OFFICE REMARKS (Where the answers to any question are in a block containing an asterisk (*) detailed comments of the verifier shall be included on the reverse of this form and identified by section and item number.)			
23. SIGNATURE OF REQUESTER			
<b>INVENTORY VERIFICATION</b> The above information is based on a physical Verification of Inventory listed under Item 5.			
24. NAME AND TITLE		25. SIGNATURE OF VERIFIER	
		26. DATE	





90. Section 53.301-1430 is revised to read as follows:

**53.301–1430 SF 1430, Inventory Schedule C (Work-in-Process).**

INVENTORY SCHEDULE C (WORK-IN-PROCESS) (See FAR Section 45.606 for Instructions)		TYPE OF CONTRACT		OMB No.: 9000-0015 Expires: 05/31/98				
<input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL <input type="checkbox"/> TERMINATION <input type="checkbox"/> NONTERMINATION		DATE		PAGE NO.    NO. OF PAGES				
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20405								
THIS SCHEDULE APPLIES TO (Check one)								
<input type="checkbox"/> A PRIME CONTRACT WITH THE GOVERNMENT GOVERNMENT PRIME CONTRACT NO.		<input type="checkbox"/> SUBCONTRACT(S) OR PURCHASE ORDER(S) REFERENCE NO.						
CONTRACTOR WHO SENT NOTICE OF TERMINATION								
NAME		STREET ADDRESS		CITY AND STATE (Include ZIP Code)				
ADDRESS (Include ZIP Code)		LOCATION OF MATERIAL						
PRODUCT COVERED BY CONTRACT OR ORDER								
FOR USE OF CONTRACTING AGENCY ONLY	ITEM NO.	DESCRIPTION	ESTIMATED WEIGHT	QUANTITY	UNIT OF MEASURE	COST	CONTRACTOR'S OFFER	FOR USE OF CONTRACTING AGENCY ONLY
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)

DRAFT

### INVENTORY SCHEDULE CERTIFICATE

The Contractor agrees to inform the Contracting Officer of any substantial change in the status of the inventory shown in this Schedule between the date hereof and the final disposition of such inventory.

Subject to any authorized prior disposition, title to the inventory listed in this Schedule is hereby tendered to the Government and is warranted to be free and clear of all liens and encumbrances.

NAME OF CONTRACTOR	BY (Signature of Authorized Official)	DATE
NAME OF SUPERVISORY ACCOUNTING OFFICIAL		

AUTHORIZED FOR LOCAL REPRODUCTION  
 Previous edition is not usable  
 STANDARD FORM 1430 (REV. )  
 Prescribed by GSA - FAR (48 CFR) 53.245(h)





92. Section 53.301-1434 is revised to read as follows:

53.301-1434 SF 1434 Termination Inventory Schedule E (Short Form For Use With SF 1438 Only).

TERMINATION INVENTORY SCHEDULE E (SHORT FORM FOR USE WITH SF 1438 ONLY) (See FAR Section 45.606 for Instructions)				DATE	PAGE NO.	NO. OF PAGES	OMB No.: 9000-0015 Expires: 05/31/98
<input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing this collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20405.				THIS SCHEDULE APPLIES TO (Check one) <input type="checkbox"/> A PRIME CONTRACT WITH THE GOVERNMENT <input type="checkbox"/> A PRIME CONTRACT WITH THE GOVERNMENT (SUBCONTRACTOR'S O. NO.) <input type="checkbox"/> SUBCONTRACT(S) OR PURCHASE ORDER(S) REFERENCE NO.			
CONTRACTOR WHO SENT NOTICE OF TERMINATION				COMPANY PREPARING AND SUBMITTING SCHEDULE			
NAME				STREET ADDRESS			
ADDRESS (Include ZIP Code)				CITY AND STATE (Include ZIP Code)			
PRODUCT COVERED BY CONTRACT OR ORDER				LOCATION OF MATERIAL			
DESCRIPTION				COND. (Use code)			
ITEM NO. (a)		ITEM DESCRIPTION (b)		TYPE OF PACKING (Bulk, bbls., crates, etc.) (2)		QUAN- TITY (d)	
FOR USE OF CONTRACTING AGENCY ONLY		GOVERNMENT PART OR DRAWING NUMBER AND REVISION NUMBER (b1)		UNIT OF MEASURE (c1)		COST (For finished product, show contract price instead of cost) UNIT (e) TOTAL (f)	
						CONTRACTOR'S OFFER (g)	
						FOR USE OF CONTRACTING AGENCY ONLY	

TERMINATION INVENTORY	
This Inventory Schedule has been examined, and in the exercise of the signer's best judgment and to the best of the signer's knowledge, based upon information believed by the signer to be reliable, said Schedule has been prepared in accordance with applicable instructions; the inventory described is allocable to the designated contract and is located at the places specified; if the property reported is termination inventory, the quantities are not in excess of the reasonable quantitative requirements of the terminated portion of the contract; this Schedule does not include any items reasonably usable, without loss to the Contractor, on its other work; and the costs shown on this Schedule are in accordance with the Contractor's records and books of account.	The Contractor agrees to inform the Contracting Officer of any substantial change in the status of the inventory shown in this Schedule between the date hereof and the final disposition of such inventory. Subject to any authorized prior disposition, title to the inventory listed in this Schedule is hereby tendered to the Government and is warranted to be free and clear of all liens and encumbrances.
NAME OF CONTRACTOR	DATE
BY (Signature of Authorized Official)	TITLE
NAME OF SUPERVISORY ACCOUNTING OFFICIAL	TITLE

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93. Section 53.301-1445 is revised to read as follows:

**53.301-1445 SF 1445, Labor Standards Interview.**

LABOR STANDARDS INTERVIEW		FORM APPROVED OMB NO. 9000-0089	
CONTRACT NUMBER		EMPLOYEE'S NAME (Last, First, M.I.)	
NAME OF PRIME CONTRACTOR		EMPLOYEE'S ADDRESS (Street, City, State, ZIP Code)	
NAME OF EMPLOYER		WORK CLASSIFICATION	WAGE RATE
		SUPERVISOR'S NAME (Last, First, M.I.)	
		(Check Below)	
		YES	NO
DO YOU WORK OVER 8 HOURS PER DAY?			
DO YOU WORK OVER 40 HOURS PER WEEK?			
ARE YOU PAID AT LEAST TIME AND A HALF FOR OVERTIME HOURS?			
ARE YOU RECEIVING ANY CASH PAYMENTS FOR FRINGE BENEFITS REQUIRED BY THE POSTED WAGE DETERMINATION DECISION?			
WHAT DEDUCTIONS OTHER THAN TAXES AND SOCIAL SECURITY ARE MADE FROM YOUR PAY?			
HOW MANY HOURS DID YOU WORK ON YOUR LAST WORK DAY BEFORE THIS INTERVIEW?			
HOURS	WHAT DATE (YYMMDD) WAS THAT?		
WHAT TOOLS DO YOU USE?			
WHEN DID YOU BEGIN WORK ON THIS PROJECT (YYMMDD)?			
THE ABOVE <u>IS</u> CORRECT TO THE BEST OF MY KNOWLEDGE.			
EMPLOYEE'S SIGNATURE		DATE (YYMMDD)	
INTERVIEWER'S SIGNATURE		DATE (YYMMDD)	
INTERVIEWER'S COMMENTS			
WORK EMPLOYEE WAS DOING WHEN INTERVIEWED			
IS EMPLOYEE PROPERLY CLASSIFIED AND PAID? (If additional space is needed, use comments section)			
<input type="checkbox"/> YES <input type="checkbox"/> NO			
ARE WAGE RATES AND POSTERS DISPLAYED?			
<input type="checkbox"/> YES <input type="checkbox"/> NO			
FOR USE BY PAYROLL CHECKER			
IS ABOVE INFORMATION IN AGREEMENT WITH PAYROLL DATA?			
<input type="checkbox"/> YES <input type="checkbox"/> NO			
COMMENTS			
DATE OF CHECK (YYMMDD)	NAME OF CHECKER (Last, First, M.I.)	JOB TITLE	SIGNATURE

NSN 7540-01-268-0632

1445-101

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