

Register of March 10, 1998, regarding the filing of revised informational tariffs by operator services providers.

DATES: Effective March 31, 1998.

FOR FURTHER INFORMATION CONTACT: Adrien Auger, Enforcement Division, Common Carrier Bureau, (202) 418-0960.

SUPPLEMENTARY INFORMATION: The FCC published a document in the **Federal Register** on March 10, 1998, FCC 98-9 (63 FR 11612) FR Doc. No. 98-6088. This document corrects § 64.709(e)(2) on page 11617, in the third column, to read as follows:

§ 64.709 [Corrected]

* * * * *

(e) * * *

(2) Revised tariffs shall be filled pursuant to the procedures specified in this section.

Dated: March 24, 1998.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98-8184 Filed 3-30-98; 8:45 am]

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DEPARTMENT OF DEFENSE

48 CFR Parts 204, 212, and 252

[DFARS Case 97-D005]

Defense Federal Acquisition Regulation Supplement; Central Contractor Registration

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to require contractor registration in the DoD Central Contractor Registration database prior to award of any contract, basic agreement, basic ordering agreement, or blanket purchase agreement, unless the award results from a solicitation issued on or before May 31, 1998. This rule more efficiently implements the Debt Collection Improvement Act of 1996.

EFFECTIVE DATE: March 31, 1998.

FOR FURTHER INFORMATION CONTACT: Ms Sandra G. Haberlin, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 97-D005.

SUPPLEMENTARY INFORMATION:

A. Background

The President's Management Council's Electronic Processes Initiatives Committee recently issued a strategic plan for electronic Federal purchasing and payment. The plan identifies three options currently available to agencies for collecting and managing contractor information: (1) Through a central registry, in which contractors could centrally provide information for multiple contracts; (2) through financial intermediaries (networks), that could collect and maintain information on network members; and (3) on a contract-by-contract basis. At this time, DoD has elected to use a Central Contractor Registration (CCR) database to collect and manage contractor information—including taxpayer identification numbers (TINs) and electronic funds transfer (EFT) information required by the Debt Collection Improvement Act of 1996 (Pub. L. 104-134). Recognizing that technology and the marketplace are dynamic, DoD will continue to assess its registration policy in light of changes in market conditions and advances in technology.

This final rule requires contractor registration in a DoD CCR database prior to award of a contract, basic agreement, basic ordering agreement, or blanket purchase agreement, unless the award results from a solicitation issued on or before May 31, 1998. The rule requires that contractors register on a one-time basis, and confirm on an annual basis that their CCR registration is accurate and complete. The objectives of this rule are (1) to more efficiently comply with Public Law 104-134 by using a central DoD repository to collect statutorily required TINs and EFT information; (2) to simplify and streamline procurement by presenting "one DoD face to industry," and, thereby, eliminate duplicate requirements and processes; and (3) to increase visibility of vendor sources for specific supplies and services.

A proposed rule was published in the **Federal Register** on September 15, 1997 (62 FR 48200). All comments received in response to the proposed rule were considered in the development of the final rule. The final rule differs from the proposed rule in that it (1) revises the date after which prospective contractors must be registered in the CCR database, from March 31, 1998, to May 31, 1998; (2) adds paragraph 204.7303(d) to require the contracting officer to transmit either the Commercial and Government Entity code or the Data Universal Numbering System number to

the payment office; and (3) makes editorial changes for clarification.

B. Regulatory Flexibility Act

A Final Regulatory Flexibility Analysis (FRFA) has been performed. The analysis is summarized as follows:

This final rule requires contractors to register in the CCR database by providing certain business information, including TINs and EFT information required by the Debt Collection Improvement Act of 1996 (Pub. L. 104-134). Subsequent to the initial registration, contractors will only be required to confirm on an annual basis that their CCR registration is accurate and complete. All small entities will be subject to the rule unless their contract or agreement falls within one of the five exceptions cited in DFARS 204.7302.

An issue raised by one respondent was that the rule will delay the award of contracts to small business vendors that are unaware of the CCR requirements. It is unlikely that a prospective awardee will be unaware of the registration requirement at the time of contract award since the clause requiring CCR registration will be included in solicitations issued after May 31, 1998. In addition, since the goal of DoD is to process each vendor's registration application within 48 hours after receipt, it is unlikely that the registration requirement of the rule will delay a significant number of contract awards.

The one significant alternative that was considered was to exclude small entities from the requirements of this rule. The requirements of Public Law 104-134 would still be accomplished by existing regulations. The conclusion was that this alternative, while fulfilling the objective of Public Law 104-134, does not minimize the economic impact on small entities since existing regulations require a contractor to submit, for every contract, the same information to various contracting or payment offices.

Since this final rule eliminates certain redundant requirements, and their resulting administrative burdens, this alternative of excluding small entities from the requirements of this rule was rejected.

A copy of the FRFA may be obtained from the Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), 3062 Defense Pentagon, Washington, DC 20301-3062. Please cite DFARS Case 97-D005 in all correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) applies, because the

final rule contains information collection requirements. On November 20, 1997, the Office of Management and Budget (OMB) approved the collection requirements under OMB Control No. 0704-0400, which expires on November 30, 2000.

List of Subjects in 48 CFR Part 204, 212, and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 204, 212, and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 204, 212, and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 204—ADMINISTRATIVE MATTERS

2. Subpart 204.73 is added to read as follows:

Subpart 204.73—Central Contractor Registration

Sec.

- 204.7300 Scope.
- 204.7301 Definitions.
- 204.7302 Policy.
- 204.7303 Procedures.
- 204.7304 Contract clause.

Subpart 204.73—Central Contractor Registration

204.7300 Scope.

This subpart prescribes policies and procedures for requiring contractor registration in the DoD Central Contractor Registration (CCR) database to comply with the Debt Collection Improvement Act of 1996 (31 U.S.C. 3332; 31 U.S.C. 7701), and to increase visibility of vendor sources for specific supplies and services and their geographical locations.

204.7301 Definitions.

Central Contractor Registration (CCR) database, Data Universal Numbering System (DUNS) number, Data Universal Numbering System+4 (DUNS+4) number, and Registered in the CCR database are defined in the clause at 252.204-7004, Required Central Contractor Registration.

204.7302 Policy.

After May 31, 1998, prospective contractors must be registered in the CCR database, prior to award of a contract, basic agreement, basic ordering agreement, or blanket purchase agreement, unless the award results from a solicitation issued on or before

May 31, 1998. This policy applies to all types of awards except the following:

(a) Purchases made with a Governmentwide commercial purchase card.

(b) Awards made to foreign vendors for work performed outside the United States.

(c) Classified contracts or purchases (see FAR 4.401).

(d) Contracts awarded by deployed contracting officers in the course of military operations, including, but not limited to, contingency operations as defined in 10 U.S.C. 101(a)(13), or contracts awarded by contracting officers in the conduct of emergency operations, such as responses to natural disasters or national or civil emergencies.

(e) Purchases to support unusual or compelling needs of the type described in FAR 6.302-2.

204.7303 Procedures.

(a)(1) Except as provided in 204.7302, the contracting officer shall require each offeror to provide a DUNS or, if applicable, a DUNS+4 number, with its verbal or written offer, regardless of the dollar amount of the offer.

(2) Prior to making an award of any contract, basic agreement, basic ordering agreement, or blanket purchase agreement after May 31, 1998, unless the award results from a solicitation issued on or before May 31, 1998, the contracting officer shall verify that the prospective awardee is registered in the CCR database (but see paragraph (b) of this section). The contracting officer may verify registration using the DUNS number or, if applicable, the DUNS+4 number, by calling toll free: 1-800-841-4431, commercial: 1-616-961-5757, or Defense Switched Network (DSN): 932-5757; via the Internet at <http://ccr.edi.disa.mil/ccr/cgi-bin/status.pi>; or as otherwise provided by agency procedures.

(3) Verification of registration is not required for orders or calls placed under contracts, basic agreements, basic ordering agreements, or blanket purchase agreements.

(4) After May 31, 1998, as part of the annual review of basic agreements, basic ordering agreements, and blanket purchase agreements, contracting officers shall modify these agreements to incorporate the clause at 252.2204-7004, Required Central Contractor Registration.

(b) If the contracting officer determines that a prospective awardee is not registered in the CCR database, the contracting officer shall—

(1) If the needs of the requiring activity allow for a delay, proceed to

award after the contractor is registered; or

(2) If the needs of the requiring activity do not allow for a delay, proceed to award to the next otherwise successful registered offeror, provided that written approval is obtained at one level above the contracting officer.

(c) Agencies shall protect against improper disclosure of contractor CCR information.

(d) The contracting officer, shall, on contractual documents transmitted to the payment office, provide either the Commercial and Government Entity code or the DUNS number in accordance with agency procedures.

204.7304 Contract clause.

Except as provided in 204.7302, use the clause at 252.204-7004, Required Central Contractor Registration, in—

(a) Solicitations issued after May 31, 1998;

(b) Contracts resulting from solicitations issued after May 31, 1998; and

(c) Basic agreements, basic ordering agreements, and blanket purchase agreements issued after May 31, 1998, unless they resulted from solicitations issued on or before May 31, 1998.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

3. Section 212.301 is amended by adding paragraph (f)(iv) to read as follows:

§ 212.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(f) * * *

(iv) Use the clause at 252.204-7004, Required Central Contractor Registration, as prescribed in 204.7304.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Section 252.204-7004 is added to read as follows:

252.204-7004 Required Central Contractor Registration.

As prescribed in 204.7304, use the following clause:

Required Central Contractor Registration (Mar. 1998)

(a) *Definitions.*

As used in this clause—

(1) *Central Contractor Registration (CCR) database* means the primary DoD repository for contractor information required for the conduct of business with DoD.

(2) *Data Universal Numbering System (DUNS) number* means the 9-digit number assigned by Dun and Bradstreet Information Services to identify unique business entities.

(3) *Data Universal Numbering System +4 (DUNS+4) number* means the DUNS number assigned by Dun and Bradstreet plus a 4-digit suffix that may be assigned by a parent (controlling) business concern. This 4-digit suffix may be assigned at the discretion of the parent business concern for such purposes as identifying subunits or affiliates of the parent business concern.

(4) *Registered in the CCR database* means that all mandatory information, including the DUNS number or the DUNS+4 number, if applicable, and the corresponding Commercial and Government Entity (CAGE) code, is in the CCR database; the DUNS number and the CAGE code have been validated; and all edits have been successfully completed.

(b)(1) By submission of an offer, the offeror acknowledges the requirement that a prospective awardee must be registered in the CCR database prior to award, during performance, and through final payment of any contract resulting from this solicitation, except for awards to foreign vendors for work to be performed outside the United States.

(2) The offeror shall provide its DUNS or, if applicable, its DUNS+4 number with its offer, which will be used by the Contracting Officer to verify that the offeror is registered in the CCR database.

(3) Lack of registration in the CCR database will make an offeror ineligible for award.

(4) DoD has established a goal of registering an applicant in the CCR database within 48 hours after receipt of a complete and accurate application via the Internet. However, registration of an applicant submitting an application through a method other than the Internet may take up to 30 days. Therefore, offerors that are not registered should consider applying for registration immediately upon receipt of this solicitation.

(c) The Contractor is responsible for the accuracy and completeness of the data within the CCR, and for any liability resulting from the Government's reliance on inaccurate or incomplete data. To remain registered in the CCR database after the initial registration, the Contractor is required to confirm on an annual basis that its information in the CCR database is accurate and complete.

(d) Offerors and contractors may obtain information on registration and annual confirmation requirements by calling 1-888-227-2423, or via the Internet at <http://ccr.edi.disa.mil>.

(End of clause)

[FR Doc. 98-8417 Filed 3-30-98; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF VETERANS AFFAIRS

48 CFR Parts 833 and 852

RIN 2900-A151

VA Acquisition Regulations: Department Protests

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) Acquisition Regulations (VAAR) to delete coverage that duplicates or conflicts with the Federal Acquisition Regulation; to delete internal agency guidance to contracting officers; to delete obsolete references to the General Services Administration Board of Contract Appeals; to incorporate changes made by Federal Acquisition Circular (FAC) 90-40, Item XIII and FAC 90-45, Item XII; to publish VA policy regarding the availability of staff of the VA Board of Contract Appeals to serve as third-party neutrals in alternative dispute resolution proceedings; and to update clauses and references. These changes implement VA policy and are required to ensure that the VAAR corresponds with the requirements of the Federal Acquisition Regulation and public law.

DATES: Effective Date: April 30, 1998.

FOR FURTHER INFORMATION CONTACT: Don Kaliher, Acquisition Policy Team (95A), Office of Acquisition and Materiel Management, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington DC 20420, (202) 273-8819.

SUPPLEMENTARY INFORMATION: On September 9, 1997, we published in the **Federal Register** (62 FR 47411) a proposal to amend the Department of Veterans Affairs Acquisition Regulations to make changes relating to Department protests. Comments were solicited concerning the proposal for 60 days, ending November 10, 1997. We did not receive any comments. The information presented in the proposed rule document still provides a basis for this final rule. Therefore, based on the rationale set forth in the proposed rule document, we are adopting the provisions of the proposed rule as a final rule with no changes, except for nonsubstantive changes to reflect the date of this final rule for each clause and to provide a new clause number for one of the clauses included in the rule.

The Secretary hereby certifies that this final rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. This rule will have minuscule effect, if any, on small businesses. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

List of Subjects

48 CFR Part 852

Administrative practices and procedure, Government procurement.

48 CFR Part 852

Government procurement, Reporting and recordkeeping.

Approved: March 18, 1998.

Togo D. West, Jr.,
Acting Secretary.

For the reasons set forth in the preamble, 48 CFR parts 833 and 852 are amended as follows:

1. The authority citation for parts 833 and 852 continues to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

PART 833—PROTESTS, DISPUTES, APPEALS

Subpart 833.1—Protests

§ 833.102 [Amended]

2. Section 833.102 introductory text is amended by removing “852.233-2” and adding, in its place, “FAR provision 52.233-2”. It is further amended by removing “or the GSA Board of Contract Appeals (GSBCA)” and paragraph (b) is amended by removing “(95B)” and adding, in its place, “Acquisition Administration Team”.

3. In § 833.103, paragraph (a)(1) is revised to read as follows:

§ 833.103 Protests to the Department.

(a) *Filing of protests.* (1) An interested party may protest to the contracting officer or, as an alternative, may request an independent review by filing a protest with the Deputy Assistant Secretary for Acquisition and Materiel Management, Acquisition Administration Team, or, for solicitations issued by the Office of Facilities Management, the Chief Facilities Management Officer, Office of Facilities Management. A protest filed with the Deputy Assistant Secretary for Acquisition and Materiel Management or the Chief Facilities Management Officer will not be considered if the interested party has a protest on the same or similar issues pending with the contracting officer.

* * * * *

4. In § 833.103, paragraph (a)(2)(ii) is amended by removing “Review Division” and adding, in its place, “Administration Team”; paragraphs (a)(3) and (a)(4) are removed; paragraph (a)(5) is redesignated as paragraph (a)(3); newly redesignated paragraph (a)(3)(vi) is removed; paragraphs (a)(3)(vii) through (a)(3)(ix) are redesignated as paragraphs (a)(3)(vi) through (a)(3)(viii), respectively.

5. In § 833.103, paragraph (c) is removed; paragraph (b) is redesignated as a new paragraph (c) and is revised