

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Chapter 1****Federal Acquisition Circular 97-12;
Introduction**

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

ACTION: Summary presentation of final and interim rules, and technical amendments.

SUMMARY: This document summarizes the Federal Acquisition Regulation (FAR) rules issued by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in this Federal Acquisition Circular (FAC) 97-12. A companion document, the Small Entity Compliance Guide (SECG), follows this FAC. The FAC, including the SECG, is available via the Internet at <http://www.arnet.gov/far>.

DATES: For effective dates and comment dates, see separate documents which follow.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501-4755, for information pertaining to status or publication schedules. For clarification of content, contact the analyst whose name appears in the table below in relation to each FAR case or subject area. Please cite FAC 97-12 and specific FAR case number(s). Interested parties may also visit our website at <http://www.arnet.gov/far>.

Item	Subject	FAR case	Analyst
I	Taxpayer Identification Numbers	97-003	Olson.
II	Use of Brand Name Item Descriptions	96-018	Moss.
III	SBA's 8(a) Business Development Program (Interim)	98-011	Moss.
IV	Competition Under Multiple Award Task and Delivery Order Contracts	98-007	DeStefano.
V	Application of the Brooks Act	98-023	O'Neill.
VI	Restrictions on the Acquisition of Information Technology	98-306	Nelson.
VII	Technical Amendments		

SUPPLEMENTARY INFORMATION:

Summaries for each FAR rule follow. For the actual revisions and/or amendments to these FAR cases, refer to the specific item number and subject set forth in the documents following these item summaries.

Federal Acquisition Circular 97-12 amends the Federal Acquisition Regulation (FAR) as specified below:

**Item I—Taxpayer Identification
Numbers (FAR Case 97-003)**

The interim rule published as Item I of the FAC 97-09 is converted to a final rule without change. The rule amends FAR Parts 1, 4, 13, 14, 15, and 52 to implement Subsection (i) of the Debt Collection Improvement Act of 1996 and Section 1022 of the Taxpayer Relief Act of 1997; and to clarify the Government requirements for reporting contract and payment information to the Internal Revenue Service (IRS).

**Item II—Use of Brand Name Item
Descriptions (FAR Case 96-018)**

This final rule amends FAR Parts 11, 37, and 52 to clarify guidance for the use of brand name purchase descriptions.

**Item III—SBA's 8(a) Business
Development Program (FAR Case 98-011)**

This interim rule amends FAR Parts 12, 19, and 52 to implement changes made in the Small Business Administration's 8(a) Business Development (8(a)BD) Program

regulation contained in 13 CFR parts 121, 124, and 134 regarding the eligibility procedures for admission to the 8(a)BD and contractual assistance programs.

**Item IV—Competition Under Multiple
Award Task and Delivery Order
Contracts (FAR Case 98-007)**

This final rule amends the procedures for placing orders under multiple award contracts at FAR 16.505(b). The amendment emphasizes that agencies shall use only fair methods when placing orders. For example, the contracting officer shall not employ allocation or designation of any preferred awardee(s) that would result in less than fair consideration being given to all awardees prior to placing each order.

**Item V—Application of the Brooks Act
(FAR Case 98-023)**

This final rule amends FAR Part 36 to remove the reference to the National Imagery and Mapping Agency (NIMA) at FAR 36.601-4(a)(4).

**Item VI—Restrictions on the
Acquisition of Information Technology
(FAR Case 98-306)**

This final rule revises FAR 39.101 to implement Division A, Section 101(h), Title VI, Section 622 of the Omnibus Appropriations and Authorization Act for Fiscal Year 1999. Section 622 provides that no appropriated funds may be used to acquire information technology that does not comply with

FAR 39.106, unless the agency's Chief Information Officer (CIO) determines that noncompliance with 39.106 is necessary to the function and operation of the agency or the acquisition is required by a contract in effect before October 21, 1998.

Item VII—Technical Amendments

Amendments are being made at 1.106, 9.505, 12.301, 19.803, 19.806, 22.609, 31.205-6, 42.203, 52.204-6, 52.212-1, 52.212-3, 52.213-4, 52.215-2, 52.219-1, 52.219-8, 52.219-14, 52.219-22, 53.214 and 53.215-1 in order to update references and make editorial changes.

FAR Index

The FAR Index is revised and a copy is provided in the looseleaf version of the FAR.

Dated: June 9, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Federal Acquisition Circular

Federal Acquisition Circular (FAC) 97-12 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 97-12 are effective August 16, 1999, except for Items I, III, VI, and VII which are effective June 17, 1999.

Dated: June 8, 1999.
Eleanor R. Spector,
Director, Defense Procurement.

Dated: June 7, 1999.
Ida M. Ustad,
Deputy Associate Administrator, Office of Acquisition Policy General Services Administration.

Dated: May 27, 1999.
Tom Luedtke,
Acting Associate Administrator for Procurement National Aeronautics and Space Administration.
[FR Doc. 99-15145 Filed 6-16-99; 8:45 am]
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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 4, 13, 14, 15, and 52

[FAC 97-12; FAR Case 97-003; Item I]

RIN 9000-A114

Federal Acquisition Regulation; Taxpayer Identification Numbers

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

ACTION: Interim rule adopted as final without change.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed to adopt the interim rule published in the **Federal Register** at 63 FR 58587, October 30, 1998, as a final rule without change. The rule amends the Federal Acquisition Regulation (FAR) to implement Subsection (i) of the Debt Collection Improvement Act of 1996 and Section 1022 of the Taxpayer Relief Act of 1997, and to clarify the Government requirements for reporting contract and payment information to the Internal Revenue Service (IRS).

EFFECTIVE DATE: June 17, 1999.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 501-4755, for information pertaining to status or publication schedules. For clarification of content, contact Mr. Jeremy F. Olson, Procurement Analyst, at (202) 501-3221. Please cite FAC 97-12, FAR case 97-003.

SUPPLEMENTARY INFORMATION:

A. Background

DoD, GSA, and NASA published an interim FAR rule in the **Federal Register** on October 30, 1998 (63 FR 58587), and received no public comments.

Therefore, we converted the interim rule to a final rule without change.

The interim rule implemented Subsection (i) of the Debt Collection Improvement Act of 1996 (Pub. L. 104-134) and Section 1022 of the Taxpayer Relief Act of 1997 (Pub. L. 105-32). Subsection (i) amended 31 U.S.C. 7701 by requiring each contractor doing business with the Government to furnish its Taxpayer Identification Number (TIN) and by requiring the Government to disclose its intent to use such number for purposes of collecting and reporting on any delinquent amounts. Section 1022 amended 26 U.S.C. 6041A(d) to add payments for services provided by corporations to the list of payments that the Government is required to report to the IRS using Form 1099.

In addition, the interim rule clarified the requirement for Government agencies to obtain contract information and payment information to facilitate issuance of Forms 1099 and other reports to the IRS. The rule deleted the FAR clauses at 52.214-2, Type of Business Organization—Sealed Bidding, and 52.215-4, Type of Business Organization, since the information requested in these clauses duplicates the information requested in FAR 8.405-2(q), Taxpayer Identification Number, and FAR clauses 52.204-3, Taxpayer Identification, and 52.212-3, Offeror Representations and Certifications Commercial Items.

This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule merely clarifies an existing requirement for contractors to submit TINs, and requires the Government to advise contractors of the potential debt collection usage of the TIN.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the

FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 1, 4, 13, 14, 15, and 52

Government procurement.

Dated: June 9, 1999.

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

Interim Rule Adopted as Final Without Change

Accordingly, DoD, GSA, and NASA adopt the interim rule amending 48 CFR parts 1, 4, 13, 14, 15, and 52, which was published at 63 FR 58587, October 30, 1998, as a final rule without change.

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

[FR Doc. 99-15146 Filed 6-16-99; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 11, 37, and 52

[FAC 97-12; FAR Case 96-018; Item II]

RIN 9000-AH85

Federal Acquisition Regulation; Use of Brand Name Item Descriptions

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

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to clarify guidance for the use of brand name purchase descriptions.

EFFECTIVE DATE: August 16, 1999.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501-4755, for information pertaining to status or publication schedules. For clarification of content, contact Ms. Victoria Moss, Procurement Analyst, at (202) 501-4764. Please cite FAC 97-12, FAR case 96-018.

SUPPLEMENTARY INFORMATION: