

**DATES:** *Effective Date:* October 5, 2004.

**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. Please cite FAC 2001-25, Technical Amendments.

#### List of Subjects in 48 CFR Parts 14 and 52

Government procurement.

Dated: September 28, 2004.

**Ralph J. De Stefano,**

*Acting Director, Acquisition Policy Division.*

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 14 and 52 as set forth below:

■ 1. The authority citations for 48 CFR parts 14 and 52 are revised to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

#### PART 14—SEALED BIDDING

■ 2. In section 14.403, revise paragraph (c) to read as follows:

##### 14.403 Recording of Bids.

\* \* \* \* \*

(c) The forms identified in paragraph (a) of this section need not be used by the Defense Energy Support Center for acquisitions of coal or petroleum products or by the Defense Supply Center Philadelphia for perishable subsistence items.

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#### PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

##### 52.212-5 [Amended]

■ 3. Amend section 52.212-5 in paragraph (b)(34)(ii) by removing “(Apr 1984)” and adding “(Apr 2003)” in its place.

##### 52.215-15 [Amended]

■ 4. Amend section 52.215-15 by revising the date of the clause to read “(OCT 2004)”.

##### 52.217-5 [Amended]

■ 5. Amend section 52.217-5 in the introductory paragraph by removing “17.208(c)(1)” and adding “17.208(c)” in its place.

##### 52.219-4 [Amended]

■ 6. Amend section 52.219-4 by revising the date of the clause to read “(OCT 2004)” and removing “will be will be” from paragraph (d)(3) of the clause and adding “will be” in its place.

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#### DEPARTMENT OF DEFENSE

##### GENERAL SERVICES ADMINISTRATION

##### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Chapter 1

##### Federal Acquisition Regulation; Small Entity Compliance Guide

**AGENCIES:** Department of Defense (DoD), General Services Administration (GSA),

and National Aeronautics and Space Administration (NASA).

**ACTION:** Small Entity Compliance Guide.

**SUMMARY:** This document is issued under the joint authority of the Secretary of Defense, the Administrator of General Services and the Administrator for the National Aeronautics and Space Administration. This Small Entity Compliance Guide has been prepared in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of rules appearing in Federal Acquisition Circular (FAC) 2001-25 which amend the FAR. An asterisk (\*) next to a rule indicates that a regulatory flexibility analysis has been prepared. Interested parties may obtain further information regarding these rules by referring to FAC 2001-25 which precedes this document. These documents are also available via the Internet at <http://www.acqnet.gov/far>.

**FOR FURTHER INFORMATION CONTACT:** Laurie Duarte, FAR Secretariat, (202) 501-4225. For clarification of content, contact the analyst whose name appears in the table below.

#### LIST OF RULES IN FAC 2001-25

Item	Subject	FAR case	Analyst
I .....	Elimination of the Standard Form 1417 .....	2002-017	Davis.
II .....	Free Trade Agreements—Chile and Singapore, and Trade Agreements Thresholds .....	2003-016	Davis.
III .....	Telecommuting for Federal Contractors (Interim) .....	2003-025	Zaffos.
IV .....	Section 508 Micropurchase Exemption (Interim) .....	2004-020	Nelson.
V .....	Technical Amendments.		

#### Item I—Elimination of the Standard Form 1417 (FAR Case 2002-017)

This final rule eliminates the use of the Standard Form 1417, Pre-Solicitation Notice (Construction Contract), in contracts for construction, alteration or repair, dismantling, demolition, or removal of improvements. The use of this form has become unnecessary because contracting officers provide access to presolicitation notices through the Governmentwide point of entry (GPE)

via the Internet at <http://www.fedbizopps.gov> pursuant to FAR 5.204. Elimination of the form increases reliance on electronic business practices and reduces the estimated information collection requirement burden hours imposed on offerors.

#### Item II—Free Trade Agreements—Chile and Singapore, and Trade Agreements Thresholds (FAR Case 2003-016)

The interim rule to implement new Free Trade Agreements with Chile and Singapore, published in the **Federal**

**Register** at 69 FR 1050, January 7, 2004, is converted to a final rule with changes. The interim rule included in each Trade Agreements clause the statement that United States law will apply to resolve any claim of breach of contract. At the request of the Department of Justice, the final rule relocates this statement into a separate clause to be included in all contracts. All contracting officers must be aware of this new requirement.

**Item III—Telecommuting for Federal Contractors (FAR Case 2003–025) (Interim)**

This interim rule addresses telecommuting by employees of Federal contractors. This rule implements Section 1428 of the Services Acquisition Reform Act of 2003 (Title XIV of Public Law 108–136), which prohibits agencies from including a requirement in a solicitation that precludes an offeror from permitting its employees to telecommute or, when telecommuting is not precluded, from unfavorably evaluating an offeror's proposal that includes telecommuting unless it would adversely affect agency requirements,

such as security. Contracting officers awarding service contracts should familiarize themselves with this rule.

**Item IV—Section 508 Micropurchase Exemption (FAR Case 2004–020) (Interim)**

This interim rule extends from October 1, 2004, to April 1, 2005, the micropurchase exception from the requirement to purchase electronic and information technology that provides individuals with disabilities better access to and use of information and data, as required by Section 508 of the Rehabilitation Act of 1973. The extension will provide agencies time to update their purchase card training

modules on the 508 requirements and train their personnel. This rule is of special interest to contracting officers who purchase electronic and information technology.

**Item V—Technical Amendments**

Editorial changes are made at FAR 14.403(c), 52.212–5(b)(34)(ii), 52.215–15(b)(2), 52.217–5, and 52.219–4(d)(3) to update various references.

Dated: September 28, 2004.

**Ralph J. De Stefano,**

*Acting Director, Contract Policy Division.*

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