

# FEDERAL ACQUISITION CIRCULAR

June 6, 2000

FAC 97-18

Federal Acquisition Circular (FAC) 97-18 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.

All Federal Acquisition Regulation (FAR) changes and other directive material contained in FAC 97-18 are effective June 6, 2000, except for Item VII, which is effective July 7, 2000, and Items II, III, IV, and V, which are effective August 7, 2000. Each rule is applicable to solicitations issued on or after the rule's effective date.

**NOTE TO USERS:** Pages included in this and future FACs are separated by effective dates. Please file these pages on their respective effective dates.



## FAC 97-18 LIST of SUBJECTS

<u>Item</u>	<u>Title</u>	<u>Page</u>
I	Rescission of Office of Federal Procurement Policy Letters	i
II	FAR Drafting Principles	i
III	Requirements Supporting Procurement of Recycled Products and Environmentally Preferable Services	i & ii
IV	General Records Schedules	ii
V	Federal Supply Schedules Small Business Opportunities	ii & iii
VI	Trade Agreements Thresholds	iii
VII	Restrictions on Acquisitions from Yugoslavia and Afghanistan	iii & iv
VIII	Applicability, Thresholds and Waiver of Cost Accounting Standards Coverage (Interim)	iv
IX	Technical Amendments	iv
	Looseleaf Corrections	v
	Revised FAR Index	v



## FAC 97-18 SUMMARY of ITEMS

### **Item I—Rescission of Office of Federal Procurement Policy Letters (FAR Case 2000-605)**

This final rule reflects editorial amendments removing unnecessary cross-references to policy letters that were rescinded by the Office of Federal Procurement Policy (OFPP) (65 FR 16968, March 30, 2000).

**Replacement pages:** 1-3 and 1-4; 9-21 and 9-22; 15-9 and 15-10; 22-39 and 22-40; 35-1 and 35-2; 37-9 and 37-10; 42-1 and 42-2; and 42-25 and 42-26.

### **Item II—FAR Drafting Principles (FAR Case 1999-610)**

This final rule adds Federal Acquisition Regulation drafting principles to enhance a common understanding of the regulation among all members of the acquisition team and other users. This rule affects all contracting officers who use the FAR. The final rule adds drafting conventions in FAR 1.108 and amends 1.105-2, 52.101, 52.104, 52.105, and 52.200 to reflect current FAR drafting conventions.

**Replacement pages:** 1-1 thru 1-4; 1-7 thru 1-13; and 52-7 thru 52-12.

### **Item III—Requirements Supporting Procurement of Recycled Products and Environmentally Preferable Services (FAR Case 1998-015 (98-015))**

This final rule implements Executive Order 13101, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition, dated September 14, 1998. This rule is significant for all contracting officers who buy supplies, including supplies that are furnished under a service contract. The rule rewrites text currently in the FAR based on earlier Executive orders, but reorganizes and relocates some of the text to conform to plain language guidelines for Government writing. The rewrite and reorganization should make the text easier to use and understand. The revisions also emphasize Executive branch policies for the acquisition of products containing recovered material and other environmentally preferable products and services. The rule—

- Revises FAR Subpart 7.1 to ensure that requirements for printing and writing paper meet minimum content requirements specified in the E.O.;
- Revises Subpart 11.3 to add definitions and special requirements to implement E.O. requirements and Environmental Protection Agency (EPA) regulations governing acquisitions of printing and writing paper, and to clarify that contracting

officers may include in solicitations additional information requirements when needed to determine if the offeror's product meets requirements for recycled content or related standards;

- Clarifies in Part 13 how the procurement requirements of the Resource Conservation and Recovery Act, 42 U.S.C. 6962, apply to micro-purchases and acquisitions that do not exceed \$100,000; and

- Reorganizes and revises Subparts 23.4 and 23.7 and associated clauses.

**Replacement pages:** 2-3 thru 2-5; 4-1 thru 4-4; 7-1 and 7-2; 11-1 and 11-2; 11-4.1 and 11-4.2 added; 13-3 thru 13-6; 23-1 thru 23-9 (23-10 removed); 52-1 thru 52-4; 52-19 and 52-20 (52-20.1 added); 52-29 and 52-30; 52-43 thru 52-44.4; 52-129 thru 52-132; Matrix 1 and Matrix 2; Matrix 5 and Matrix 6; and Matrix 23 and Matrix 24.

#### **Item IV—General Records Schedules (FAR Case 1999-615)**

This final rule implements National Archives and Records Administration General Records Schedule 3, Procurement, Supply, and Grants Records (NARA Schedule 3), dated December 15, 1998. This rule affects all contracting officers. The rule—

- Rewrites and reorganizes the text already in the FAR to make it easier to understand.

- Simplifies the retention table by grouping several categories of records that were previously treated as separate records under more generic record categories (e.g., the contract file or the contract administration records).

- Deletes separate retention policy on signed original justifications and approvals, determinations and findings, and rejected engineering change proposals. Those records are retained with the contract files shown in blocks 2 through 7 of the new retention table.

- Deletes the separate retention period for contract status, expediting, and production surveillance records. Those records are retained with the contract administration records shown in block 7 of the new retention table.

**Replacement pages:** 4-1 and 4-2; 4-7 and 4-8; and 4-11 thru 4-13.

#### **Item V—Federal Supply Schedules Small Business Opportunities (FAR Case 1998-609) (98-609)**

This final rule amends the Federal Acquisition Regulation to ensure that small businesses holding contracts under the Federal

Supply Schedules are afforded the maximum practicable opportunity to compete for and receive FSS purchases. This rule affects all ordering offices which place orders under Federal Supply Schedule contracts. The rule—

- Encourages ordering offices to consider the availability of small business concerns under the schedule and encourages ordering offices to consider small businesses when conducting evaluations before placing an order.

- Amends FAR Subpart 38.1 to reaffirm that the General Services Administration and agencies delegated the authority to establish a Federal Supply Schedule must comply with all statutory and regulatory requirements before issuance of a solicitation.

- Revises the FSS guidance in accordance with the plain language guidelines in a White House memorandum, Plain Language in Government Writing, dated June 1, 1998.

**Replacement pages:** 8-3 and 8-4; and 38-1.

**Item VI—Trade Agreements Thresholds  
(FAR Case 2000-004)**

This final rule amends FAR Subparts 25.2, 25.4, 25.6, and 25.11, and the clauses at 52.225-11 and 52.225-12 to implement new dollar thresholds for application of the Trade Agreements Act (TAA) and North American Free Trade Agreement (NAFTA), as published by the U.S. Trade Representative in the Federal Register at 65 FR 17332, March 31, 2000. Contracting Officers must review the new thresholds when acquiring supplies, services, or construction, in order to select the appropriate contract clauses to implement the Buy American Act, Balance of Payments Program, trade agreements, and sanctions of European Union country end products and services.

**Replacement pages:** 25-7 and 25-8; 25-11 and 25-12; 25-17 thru 25-20; 52-143 thru 52-148.1; and Matrix 25 thru Matrix 27.

**Item VII—Restrictions on Acquisitions from Yugoslavia and Afghanistan (FAR Case 1999-008)**

This final rule amends FAR Subpart 25.7, section 25.1103, and the associated clauses at 52.212-5, 52.213-4, and 52.225-13, to implement Executive Orders 13121 and 13129. These Executive orders, as modified by Office of Foreign Assets Control (OFAC) General Licenses Numbers 2 and 4, prohibit the importation into the United States of any goods or services from Serbia (excluding the territory of Kosovo) or the territory of Afghanistan controlled by the Taliban. As a matter of policy, the Government does not generally acquire, even for overseas use, supplies or services that cannot be imported lawfully into the United States.

This rule primarily affects contracting officers making purchases overseas, for overseas use, because the Treasury Department already prohibits import of these restricted goods and services into the United States. The rule is particularly beneficial to contracting officers facing unusual circumstances overseas (such as location within a restricted territory), explicitly providing an exception for such circumstances.

**Replacement pages:** 25-17 thru 25-21; 52-43 thru 52-44.2; and 52-147 thru 52-148.1.

#### **Item VIII—Applicability, Thresholds and Waiver of Cost Accounting Standards Coverage (FAR Case 2000-301)**

This interim rule amends FAR Part 30, Cost Accounting Standards Administration, and the provision at FAR 52.230-1, Cost Accounting Standards Notices and Certification, to implement Section 802 of the National Defense Authorization Act for Fiscal Year 2000 (Pub. L. 106-65) and the Cost Accounting Standards (CAS) Board's interim rule, Applicability, Thresholds and Waiver of Cost Accounting Standards Coverage. The FAR rule revises policies affecting which contractors and subcontractors must comply with Cost Accounting Standards. The rule—

- Amends the provision at FAR 52.230-1, Cost Accounting Standards Notices and Certification, to remove the requirement that a contractor or subcontractor must have received at least one CAS-covered contract exceeding \$1 million ("trigger contract") to be subject to full CAS coverage, since the CAS Board removed this "trigger contract" amount from its corresponding solicitation provision, Cost Accounting Standards Notices and Certification, at 48 CFR 9903.201-3. The CAS Board established a new "trigger contract" dollar amount of \$7.5 million in the CAS applicability section of its regulations (48 CFR 9903.201-1) rather than in its solicitation provision. Since FAR 30.201-1 already references this section, no FAR changes were required to address the new "trigger contract" dollar amount;

- Increases the dollar threshold for full CAS coverage from \$25 million to \$50 million; and

- Adds procedures and conditions for agency waiver of the applicability of CAS.

**Replacement pages:** 30-1 thru 30-6; and 52-185 thru 52-188.

#### **Item IX—Technical Amendments**

These amendments update references and make editorial changes at sections 3.303, 5.204, 47.504, 49.601-1, and 49.601-2.

**Replacement pages:** 3-9 and 3-10; 5-3 and 5-4; 47-25 and 47-26; and 49-23 thru 49-26.



## LOOSELEAF CORRECTIONS ONLY

The following corrections are made to the looseleaf version only of the FAR:

### **PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM**

1. Page 1-5 is republished to correct the FAR segment "2.222-23" to read "52.222-23."

**Replacement pages:** 1-5 and 1-6.

### **PART 47—TRANSPORTATION**

#### **47.504 [Amendments merged]**

2. The amendment to section 47.504(e) is effective on June 6, 2000. However, because of redesignation of 47.504(e) as 47.504(d) in FAC 97-17, which is effective June 26, 2000, these amendments have been merged.

**Replacement pages:** 47-25 and 47-26.

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

#### **52.237-1 [Corrected]**

3. The provision at 52.237-1 is corrected by removing the paragraph designation "(a)".

**Replacement pages:** 52-247 and 52-248.

### **FAR INDEX**

The FAR Index is republished in its entirety to reflect revisions to FAR section headings and to include all definitions. A copy of the index is provided in the looseleaf version of the FAR.

**Replacement pages:** Index pages 1 thru 109 (pages 110 thru 129 are added).



## FAC 97-18 FILING INSTRUCTIONS

**NOTE: The following pages reflect FAR rules and technical amendments that are effective on June 6, 2000.**

### Remove Pages

1-3 thru 1-6

3-9 and 3-10

5-3 and 5-4

9-21 and 9-22

15-9 and 15-10

22-39 and 22-40

25-7 and 25-8

25-11 and 25-12

25-17 thru 25-20

30-1 thru 30-6

35-1 and 35-2

37-9 and 37-10

42-1 and 42-2

42-25 and 42-26

47-25 and 47-26

49-23 thru 49-26

52-143 thru 52-148.1

52-185 thru 52-188

52-247 and 52-248

Matrix 25 thru Matrix 27

### Insert Pages

1-3 thru 1-6

3-9 and 3-10

5-3 and 5-4

9-21 and 9-22

15-9 and 15-10

22-39 and 22-40

25-7 and 25-8

25-11 and 25-12

25-17 thru 25-20

30-1 thru 30-6

35-1 and 35-2

37-9 and 37-10

42-1 and 42-2

42-25 and 42-26

47-25 and 47-26

49-23 thru 49-26

52-143 thru 52-148.1

52-185 thru 52-188

52-247 and 52-248

Matrix 25 thru Matrix 27



(2) To achieve efficient operations, the System must shift its focus from “risk avoidance” to one of “risk management.” The cost to the taxpayer of attempting to eliminate all risk is prohibitive. The Executive Branch will accept and manage the risk associated with empowering local procurement officials to take independent action based on their professional judgment.

(3) The Government shall exercise discretion, use sound business judgment, and comply with applicable laws and regulations in dealing with contractors and prospective contractors. All contractors and prospective contractors shall be treated fairly and impartially but need not be treated the same.

(d) *Fulfill public policy objectives.* The System must support the attainment of public policy goals adopted by the Congress and the President. In attaining these goals, and in its overall operations, the process shall ensure the efficient use of public resources.

### 1.102-3 Acquisition Team.

The purpose of defining the Federal Acquisition Team (Team) in the Guiding Principles is to ensure that participants in the System are identified beginning with the customer and ending with the contractor of the product or service. By identifying the team members in this manner, teamwork, unity of purpose, and open communication among the members of the Team in sharing the vision and achieving the goal of the System are encouraged. Individual team members will participate in the acquisition process at the appropriate time.

### 1.102-4 Role of the Acquisition Team.

(a) Government members of the Team must be empowered to make acquisition decisions within their areas of responsibility, including selection, negotiation, and administration of contracts consistent with the Guiding Principles. In particular, the contracting officer must have the authority to the maximum extent practicable and consistent with law, to determine the application of rules, regulations, and policies, on a specific contract.

(b) The authority to make decisions and the accountability for the decisions made will be delegated to the lowest level within the System, consistent with law.

(c) The Team must be prepared to perform the functions and duties assigned. The Government is committed to provide training, professional development, and other resources necessary for maintaining and improving the knowledge, skills, and abilities for all Government participants on the Team, both with regard to their particular area of responsibility within the System, and their respective role as a team member. The contractor community is encouraged to do likewise.

(d) The System will foster cooperative relationships between the Government and its contractors consistent with its overriding responsibility to the taxpayers.

(e) The FAR outlines procurement policies and procedures that are used by members of the Acquisition Team. If a policy or procedure, or a particular strategy or practice, is in the best interest of the Government and is not specifically addressed in the FAR, nor prohibited by law (statute or case law), Executive order or other regulation, Government members of the Team should not assume it is prohibited. Rather, absence of direction should be interpreted as permitting the Team to innovate and use sound business judgment that is otherwise consistent with law and within the limits of their authority. Contracting officers should take the lead in encouraging business process innovations and ensuring that business decisions are sound.

### 1.103 Authority.

(a) The development of the FAR System is in accordance with the requirements of the Office of Federal Procurement Policy Act of 1974 (Pub. L. 93-400), as amended by Pub. L. 96-83.

(b) The FAR is prepared, issued, and maintained, and the FAR System is prescribed jointly by the Secretary of Defense, the Administrator of General Services, and the Administrator, National Aeronautics and Space Administration, under their several statutory authorities.

### 1.104 Applicability.

The FAR applies to all acquisitions as defined in Part 2 of the FAR, except where expressly excluded.

### 1.105 Issuance.

#### 1.105-1 Publication and code arrangement.

- (a) The FAR is published in—
- (1) The daily issue of the *Federal Register*;
  - (2) Cumulated form in the *Code of Federal Regulations* (CFR); and
  - (3) A separate loose-leaf edition.

(b) The FAR is issued as Chapter 1 of Title 48, CFR. Subsequent chapters are reserved for agency acquisition regulations that implement or supplement the FAR (see Subpart 1.3). The CFR Staff will assign chapter numbers to requesting agencies.

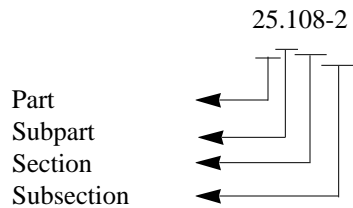
(c) Each numbered unit or segment (*e.g.*, part, subpart, section, etc.) of an agency acquisition regulation that is codified in the CFR shall begin with the chapter number. However, the chapter number assigned to the FAR will not be included in the numbered units or segments of the FAR.

#### 1.105-2 Arrangement of regulations.

(a) *General.* The FAR is divided into subchapters, parts (each of which deals with a separate aspect of acquisition), subparts, sections, and subsections.

1.105-3

(b) *Numbering.* (1) The numbering system permits the discrete identification of every FAR paragraph. The digits to the left of the decimal point represent the part number. The numbers to the right of the decimal point and to the left of the dash represent, in order, the subpart (one or two digits), and the section (two digits). The number to the right of the dash represents the subsection. Subdivisions may be used at the section and subsection level to identify individual paragraphs. The following example illustrates the make-up of a FAR number citation (note that subchapters are not used with citations):



(2) Subdivisions below the section or subsection level shall consist of parenthetical alpha numerics reading from highest to lowest indenture as follows: lower case alphabet, Arabic numbers, lower case Roman numerals, and upper case alphabet. The following example is illustrative:

(a)(1)(i)(A)

Subdivisions, below the 4th level, shall repeat the sequence.

(c) *References and citations.* (1) Unless otherwise stated, cross-references indicate parts, subparts, sections, subsections, paragraphs, subparagraphs, or subdivisions of this regulation.

(2) This regulation may be referred to as the Federal Acquisition Regulation or the FAR.

(3) Using the FAR coverage at 9.106-4(d) as a typical illustration, reference to the—

(i) Part would be “FAR Part 9” outside the FAR and “Part 9” within the FAR.

(ii) Subpart would be “FAR Subpart 9.1” outside the FAR and “Subpart 9.1” within the FAR.

(iii) Section would be “FAR 9.106” outside the FAR and “9.106” within the FAR.

(iv) Subsection would be “FAR 9.106-4” outside the FAR and “9.106-4” within the FAR.

(v) Paragraph would be “FAR 9.106-4(d)” outside the FAR and “9.106-4(d)” within the FAR.

(4) Citations of authority (*e.g.*, statutes or Executive orders) in the FAR shall follow the *Federal Register* form guides.

**1.105-3 Copies.**

Copies of the FAR in *Federal Register*, loose-leaf, CD-ROM, and CFR form may be purchased from the—

Superintendent of Documents  
 Government Printing Office (GPO)  
 Washington, DC 20402.

**1.106 OMB approval under the Paperwork Reduction Act.**

The Paperwork Reduction Act of 1980 (Pub. L. 96-511) imposes a requirement on Federal agencies to obtain approval from the Office of Management and Budget (OMB) before collecting information from 10 or more members of the public. The information collection and recordkeeping requirements contained in this regulation have been approved by the OMB. The following OMB control numbers apply:

FAR segment	OMB Control Number
3.103	9000-0018
3.4	9000-0003
4.102	9000-0033
4.5	9000-0137
4.602	9000-0145
4.603	9000-0145
4.7	9000-0034
4.9	9000-0097
5.405	9000-0036
7.2	9000-0082
8.5	9000-0113
9.1	9000-0011
9.2	9000-0020
14.201	9000-0034
14.202-4	9000-0040
14.202-5	9000-0039
14.205	9000-0002
14.205-4(c)	9000-0037
14.214	9000-0105
14.407	9000-0038
14.5	9000-0041
15.2	9000-0037
15.209	9000-0034
15.4	9000-0013
15.404-1(f)	9000-0080
15.407-2	9000-0078
15.408	9000-0115
19.7	9000-0006
19.12	9000-0150
22.103	9000-0065
22.8	1215-0072
22.11	9000-0066
22.13	1215-0072
22.14	1215-0072
23.602	9000-0107
23.9	9000-0139
27.3	9000-0095
27.4	9000-0090
28.1	9000-0045
28.2	9000-0045
29.304	9000-0059
30.6	9000-0129

## FAC 97-18 JUNE 6, 2000

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

1.106

FAR segment	OMB Control Number	FAR segment	OMB Control Number
31.205-46	9000-0079	52.214-16	9000-0044
31.205-46(a)(3)	9000-0088	52.214-21	9000-0039
32	9000-0035	52.214-26	9000-0034
32.000	9000-0138	52.214-28	9000-0013
32.1	9000-0070 and 9000-0138	52.215-2	9000-0034
32.2	9000-0138	52.215-1(c)(2)(iv)	9000-0048
32.4	9000-0073	52.215-1(d)	9000-0044
32.5	9000-0010 and 9000-0138	52.215-6	9000-0047
32.7	9000-0074	52.215-9	9000-0078
32.9	9000-0102	52.215-12	9000-0013
32.10	9000-0138	52.215-13	9000-0013
33	9000-0035	52.215-14	9000-0080
34.1	9000-0133	52.215-19	9000-0015
36.213-2	9000-0037	52.215-20	9000-0013
36.603	9000-0004 and 9000-0005	52.215-21	9000-0013
36.701	9000-0037	52.216-2	9000-0068
41.202(c)	9000-0125	52.216-3	9000-0068
42.205(f)	9000-0026	52.216-4	9000-0068
42.7	9000-0013	52.216-5	9000-0071
42.12	9000-0076	52.216-6	9000-0071
42.13	9000-0076	52.216-7	9000-0069
42.14	9000-0056	52.216-10	9000-0067
45	9000-0075	52.216-13	9000-0069
46	9000-0077	52.216-15	9000-0069
47	9000-0061	52.216-16	9000-0067
48	9000-0027	52.216-17	9000-0067
49	9000-0028	52.219-9	9000-0006
50	9000-0029	52.219-10	9000-0006
51.1	9000-0031	52.219-19	9000-0100
51.2	9000-0032	52.219-20	9000-0100
52.203-2	9000-0018	52.219-21	9000-0100
52.203-7	9000-0091	52.219-22	9000-0150
52.204-3	9000-0097	52.219-23	9000-0150
52.204-6	9000-0145	52.219-25	9000-0150
52.207-3	9000-0114	52.222-2	9000-0065
52.208-8	9000-0113	52.222-4	1215-0119
52.208-9	9000-0113	52.222-6	1215-0140
52.209-1(b)	9000-0020	52.222-8	1215-0149 and
52.209-1(c)	9000-0083		1215-0017
52.209-5	9000-0094	52.222-11	9000-0014
52.209-6	9000-0094	52.222-18	9000-0127
52.210-8	9000-0018	52.222-21	1215-0072
52.210-9	9000-0016	52.222-22	1215-0072
52.210-10	9000-0017	52.222-23	1215-0072
52.212-1	9000-0043	52.222-25	1215-0072
52.212-2	9000-0043	52.222-26	1215-0072
52.212-3	9000-0136	52.222-27	1215-0072
52.214-14	9000-0047	52.222-35	1215-0072
52.214-15	9000-0044	52.222-36	1215-0072
		52.222-41	1215-0017 and
		52.222-46	1215-0150
			9000-0066

FAC 97-16 MARCH 27, 2000

1.106

FEDERAL ACQUISITION REGULATION

FAR segment	OMB Control Number	FAR segment	OMB Control Number
52.223-4	9000-0134	52.232-27	9000-0102
52.223-5	9000-0147	52.232-29	9000-0138
52.223-6(b)(5)	9000-0101	52.232-30	9000-0138
52.223-7	9000-0107	52.232-31	9000-0138
52.223-9	9000-0134	52.232-32	9000-0138
52.223-13	9000-0139	52.233-1	9000-0035
52.223-14	9000-0139	52.234-1	9000-0133
52.225-2	9000-0023 and 9000-0024	52.236-5	9000-0062
52.225-4	9000-0130	52.236-13	1220-0029 and 9000-0060
52.225-6	9000-0025	52.236-15	9000-0058
52.225-8	9000-0022	52.236-19	9000-0064
52.225-9	9000-0141	52.241-1	9000-0126
52.225-11	9000-0141	52.241-3	9000-0122
52.227-14	9000-0090	52.241-7	9000-0123
52.227-15	9000-0090	52.241-13	9000-0124
52.227-16	9000-0090	52.242-12	9000-0056
52.227-17	9000-0090	52.243-1	9000-0026
52.227-18	9000-0090	52.243-2	9000-0026
52.227-19	9000-0090	52.243-3	9000-0026
52.227-20	9000-0090	52.243-4	9000-0026
52.227-21	9000-0090	52.243-6	9000-0026
52.227-22	9000-0090	52.243-7	9000-0026
52.227-23	9000-0090	52.245-2	9000-0075
52.228-1	9000-0045	52.245-3	9000-0075
52.228-2	9000-0045	52.245-5	9000-0075
52.228-12	9000-0135	52.245-7	9000-0075
52.228-13	9000-0045	52.245-8	9000-0075
52.228-15	9000-0045	52.245-9	9000-0075
52.228-16	9000-0045	52.245-10	9000-0075
52.229-2	9000-0059	52.245-11	9000-0075
52.230-6	9000-0129	52.245-16	9000-0075
52.232-1	9000-0070	52.245-17	9000-0075
52.232-2	9000-0070	52.245-18	9000-0075
52.232-3	9000-0070	52.246-2	9000-0077
52.232-4	9000-0070	52.246-3	9000-0077
52.232-5	9000-0070	52.246-4	9000-0077
52.232-6	9000-0070	52.246-5	9000-0077
52.232-7	9000-0070	52.246-6	9000-0077
52.232-8	9000-0070	52.246-7	9000-0077
52.232-9	9000-0070	52.246-8	9000-0077
52.232-10	9000-0070	52.246-10	9000-0077
52.232-11	9000-0070	52.246-12	9000-0077
52.232-12	9000-0073	52.246-15	9000-0077
52.232-13	9000-0010	52.247-2	9000-0053
52.232-14	9000-0010	52.247-29	9000-0061
52.232-15	9000-0010	52.247-30	9000-0061
52.232-16	9000-0010	52.247-31	9000-0061
52.232-20	9000-0074	52.247-32	9000-0061
52.232-21	9000-0074	52.247-33	9000-0061
52.232-22	9000-0074	52.247-34	9000-0061



request information from appropriate parties regarding the violation or possible violation when considered in the best interests of the Government.

(d) If the HCA or designee concludes that the prohibitions of section 27 of the Act have been violated, then the HCA or designee may direct the contracting officer to—

(1) If a contract has not been awarded—

(i) Cancel the procurement;

(ii) Disqualify an offeror; or

(iii) Take any other appropriate actions in the interests of the Government.

(2) If a contract has been awarded—

(i) Effect appropriate contractual remedies, including profit recapture as provided for in the clause at 52.203-10, Price or Fee Adjustment for Illegal or Improper Activity, or, if the contract has been rescinded under paragraph (d)(2)(ii) of this subsection, recovery of the amount expended under the contract;

(ii) Void or rescind the contract with respect to which—

(A) The contractor or someone acting for the contractor has been convicted for an offense where the conduct constitutes a violation of subsections 27(a) or (b) of the Act for the purpose of either—

(1) Exchanging the information covered by such subsections for anything of value; or

(2) Obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract; or

(B) The head of the agency, or designee, has determined, based upon a preponderance of the evidence, that the contractor or someone acting for the contractor has engaged in conduct constituting an offense punishable under subsection 27(e)(1) of the Act; or

(iii) Take any other appropriate actions in the best interests of the Government.

(3) Refer the matter to the agency suspension and debarment official.

(e) The HCA or designee shall recommend or direct an administrative or contractual remedy commensurate with the severity and effect of the violation.

(f) If the HCA or designee receiving information concerning a violation or possible violation determines that award is justified by urgent and compelling circumstances, or is otherwise in the interests of the Government, the HCA may authorize the contracting officer to award the contract or execute the contract modification after notification to the head of the agency in accordance with agency procedures.

(g) The HCA may delegate his or her authority under this subsection to an individual at least one organizational level above the contracting officer and of General Officer, Flag, Senior Executive Service, or equivalent rank.

### **3.104-11 Criminal and civil penalties, and further administrative remedies.**

Criminal and civil penalties, and administrative remedies, may apply to conduct which violates the Act (see 3.104-4). See 33.102(f) for special rules regarding bid protests. See 3.104-10 for administrative remedies relating to contracts.

(a) An official who knowingly fails to comply with the requirements of 3.104-4 shall be subject to the penalties and administrative action set forth in subsection 27(e) of the Act.

(b) A bidder or offeror who engages in employment discussion with an official subject to the restrictions of 3.104-4, knowing that the official has not complied with 3.104-4(c)(1), shall be subject to the criminal, civil or administrative penalties set forth in subsection 27(e) of the Act.

(c) An official who refuses to terminate employment discussions (see 3.104-6) may be subject to agency administrative actions under 5 CFR 2635.604(d) if the official's disqualification from participation in a particular procurement interferes substantially with the individual's ability to perform assigned duties.

## **Subpart 3.2—Contractor Gratuities to Government Personnel**

### **3.201 Applicability.**

This subpart applies to all executive agencies, except that coverage concerning exemplary damages applies only to the Department of Defense (10 U.S.C. 2207).

### **3.202 Contract clause.**

The contracting officer shall insert the clause at 52.203-3, Gratuities, in solicitations and contracts with a value exceeding the simplified acquisition threshold, except those for personal services and those between military departments or defense agencies and foreign governments that do not obligate any funds appropriated to the Department of Defense.

### **3.203 Reporting suspected violations of the Gratuities clause.**

Agency personnel shall report suspected violations of the Gratuities clause to the contracting officer or other designated official in accordance with agency procedures. The agency reporting procedures shall be published as an implementation of this section 3.203 and shall clearly specify—

(a) What to report and how to report it; and

(b) The channels through which reports must pass, including the function and authority of each official designated to review them.

## 3.204

**3.204 Treatment of violations.**

(a) Before taking any action against a contractor, the agency head or a designee shall determine, after notice and hearing under agency procedures, whether the contractor, its agent, or another representative, under a contract containing the Gratuities clause—

(1) Offered or gave a gratuity (*e.g.*, an entertainment or gift) to an officer, official, or employee of the Government; and

(2) Intended by the gratuity to obtain a contract or favorable treatment under a contract (intent generally must be inferred).

(b) Agency procedures shall afford the contractor an opportunity to appear with counsel, submit documentary evidence, present witnesses, and confront any person the agency presents. The procedures should be as informal as practicable, consistent with principles of fundamental fairness.

(c) When the agency head or designee determines that a violation has occurred, the Government may—

(1) Terminate the contractor's right to proceed;

(2) Initiate debarment or suspension measures as set forth in Subpart 9.4; and

(3) Assess exemplary damages, if the contract uses money appropriated to the Department of Defense.

### Subpart 3.3—Reports of Suspected Antitrust Violations

**3.301 General.**

(a) Practices that eliminate competition or restrain trade usually lead to excessive prices and may warrant criminal, civil, or administrative action against the participants. Examples of anticompetitive practices are collusive bidding, follow-the-leader pricing, rotated low bids, collusive price estimating systems, and sharing of the business.

(b) Contracting personnel are an important potential source of investigative leads for antitrust enforcement and should therefore be sensitive to indications of unlawful behavior by offerors and contractors. Agency personnel shall report, in accordance with agency regulations, evidence of suspected antitrust violations in acquisitions for possible referral to—

(1) The Attorney General under 3.303; and

(2) The agency office responsible for contractor debarment and suspension under Subpart 9.4.

**3.302 Definitions.**

“Identical bids” means bids for the same line item that are determined to be identical as to unit price or total line item amount, with or without the application of evaluation factors (*e.g.*, discount or transportation cost).

“Line item” means an item of supply or service, specified in an invitation for bids, for which the bidder must bid a separate price.

**3.303 Reporting suspected antitrust violations.**

(a) Agencies are required by 41 U.S.C. 253b(i) and 10 U.S.C. 2305(b)(9) to report to the Attorney General any bids or proposals that evidence a violation of the antitrust laws. These reports are in addition to those required by Subpart 9.4.

(b) The antitrust laws are intended to ensure that markets operate competitively. Any agreement or mutual understanding among competing firms that restrains the natural operation of market forces is suspect. Paragraph (c) below identifies behavior patterns that are often associated with antitrust violations. Activities meeting the descriptions in paragraph (c) are not necessarily improper, but they are sufficiently questionable to warrant notifying the appropriate authorities, in accordance with agency procedures.

(c) Practices or events that may evidence violations of the antitrust laws include—

(1) The existence of an “industry price list” or “price agreement” to which contractors refer in formulating their offers;

(2) A sudden change from competitive bidding to identical bidding;

(3) Simultaneous price increases or follow-the-leader pricing;

(4) Rotation of bids or proposals, so that each competitor takes a turn in sequence as low bidder, or so that certain competitors bid low only on some sizes of contracts and high on other sizes;

(5) Division of the market, so that certain competitors bid low only for contracts let by certain agencies, or for contracts in certain geographical areas, or on certain products, and bid high on all other jobs;

(6) Establishment by competitors of a collusive price estimating system;

(7) The filing of a joint bid by two or more competitors when at least one of the competitors has sufficient technical capability and productive capacity for contract performance;

(8) Any incidents suggesting direct collusion among competitors, such as the appearance of identical calculation or spelling errors in two or more competitive offers or the submission by one firm of offers for other firms; and

(9) Assertions by the employees, former employees, or competitors of offerors, that an agreement to restrain trade exists.

(d) Identical bids shall be reported under this section if the agency has some reason to believe that the bids resulted from collusion.

Superintendent of Documents  
 Government Printing Office  
 Washington, DC 20402  
 Telephone (202) 512-1800.

### 5.202 Exceptions.

The contracting officer need not submit the notice required by 5.201 when—

(a) The contracting officer determines that—

(1) The synopsis cannot be worded to preclude disclosure of an agency's needs and such disclosure would compromise the national security (*e.g.*, would result in disclosure of classified information). The fact that a proposed solicitation or contract action contains classified information, or that access to classified matter may be necessary to submit a proposal or perform the contract does not, in itself, justify use of this exception to synopsis;

(2) The proposed contract action is made under the conditions described in 6.302-2 (or, for purchases conducted using simplified acquisition procedures, if unusual and compelling urgency precludes competition to the maximum extent practicable) and the Government would be seriously injured if the agency complies with the time periods specified in 5.203;

(3) The proposed contract action is one for which either the written direction of a foreign government reimbursing the agency for the cost of the acquisition of the supplies or services for such government, or the terms of an international agreement or treaty between the United States and a foreign government, or international organizations, has the effect of requiring that the acquisition shall be from specified sources;

(4) The proposed contract action is expressly authorized or required by a statute to be made through another Government agency, including acquisitions from the Small Business Administration (SBA) using the authority of section 8(a) of the Small Business Act (but see 5.205(f)), or from a specific source such as a workshop for the blind under the rules of the Committee for the Purchase from the Blind and Other Severely Handicapped;

(5) The proposed contract action is for utility services other than telecommunications services and only one source is available;

(6) The proposed contract action is an order placed under Subpart 16.5;

(7) The proposed contract action results from acceptance of a proposal under the Small Business Innovation Development Act of 1982 (Pub. L. 97-219);

(8) The proposed contract action results from the acceptance of an unsolicited research proposal that demonstrates a unique and innovative concept (see 6.003) and publication of any notice complying with 5.207 would

improperly disclose the originality of thought or innovativeness of the proposed research, or would disclose proprietary information associated with the proposal. This exception does not apply if the proposed contract action results from an unsolicited research proposal and acceptance is based solely upon the unique capability of the source to perform the particular research services proposed (see 6.302-1(a)(2)(i));

(9) The proposed contract action is made for perishable subsistence supplies, and advance notice is not appropriate or reasonable;

(10) The proposed contract action is made under conditions described in 6.302-3, or 6.302-5 with regard to brand name commercial items for authorized resale, or 6.302-7, and advance notice is not appropriate or reasonable;

(11) The proposed contract action is made under the terms of an existing contract that was previously synopsisized in sufficient detail to comply with the requirements of 5.207 with respect to the current proposed contract action;

(12) The proposed contract action is by a Defense agency and the proposed contract action will be made and performed outside the United States, its possessions, or Puerto Rico, and only local sources will be solicited. This exception does not apply to proposed contract actions subject to the Trade Agreements Act (see Subpart 25.4). This exception also does not apply to North American Free Trade Agreement proposed contract actions, which will be synopsisized in accordance with agency regulations;

(13) The proposed contract action—

(i) Is for an amount not expected to exceed the simplified acquisition threshold;

(ii) Will be made through FACNET or another means that provides access to the notice of proposed contract action through the single, Governmentwide point of entry; and

(iii) Permits the public to respond to the solicitation electronically; or

(14) The proposed contract action is made under conditions described in 6.302-3 with respect to the services of an expert to support the Federal Government in any current or anticipated litigation or dispute.

(b) The head of the agency determines in writing, after consultation with the Administrator for Federal Procurement Policy and the Administrator of the Small Business Administration, that advance notice is not appropriate or reasonable.

### 5.203 Publicizing and response time.

Whenever agencies are required to publish notice of proposed contract actions under 5.201, they shall proceed as follows:

(a) A notice of proposed contract action shall be published in the Commerce Business Daily at least 15 days

## 5.204

before issuance of a solicitation except that, for acquisitions of commercial items, the contracting officer may—

(1) Establish a shorter period for issuance of the solicitation; or

(2) Use the combined CBD synopsis/solicitation procedure (see 12.603).

(b) The contracting officer shall establish a solicitation response time that will afford potential offerors a reasonable opportunity to respond to each proposed contract action (including actions via FACNET or for which the notice of proposed contract action is accessible through the single, Governmentwide point of entry), in an amount estimated to be greater than \$25,000, but not greater than the simplified acquisition threshold; or each contract action for the acquisition of commercial items in an amount estimated to be greater than \$25,000. The contracting officer should consider the circumstances of the individual acquisition, such as the complexity, commerciality, availability, and urgency, when establishing the solicitation response time.

(c) Except for the acquisition of commercial items (see 5.203(b)), agencies shall allow at least a 30-day response time for receipt of bids or proposals from the date of issuance of a solicitation, if the proposed contract action is expected to exceed the simplified acquisition threshold.

(d) Agencies shall allow at least a 30 day response time from the date of publication of a proper notice of intent to contract for architect-engineer services or before issuance of an order under a basic ordering agreement or similar arrangement if the proposed contract action is expected to exceed the simplified acquisition threshold.

(e) Agencies shall allow at least a 45 day response time for receipt of bids or proposals from the date of publication of the notice required in 5.201 for proposed contract actions categorized as research and development if the proposed contract action is expected to exceed the simplified acquisition threshold.

(f) Nothing in this subpart prohibits officers or employees of agencies from responding to requests for information.

(g) Contracting officers may, unless they have evidence to the contrary, presume that notice has been published 10 days (6 days if electronically transmitted) following transmittal of the synopsis to the CBD. This presumption is based on the CBD's confirmation that publication does occur within these time frames. This presumption does not negate the mandatory waiting or response times specified in paragraphs (a) through (d) of this section. Upon learning that a particular notice has not in fact been published within the presumed timeframes, contracting officers should consider whether the date for receipt of offers can be extended or whether circumstances have become sufficiently compelling to justify proceeding with the proposed contract action under the authority of 5.202(a)(2).

(h) In addition to other requirements set forth in this section, for acquisitions subject to NAFTA or the Trade Agreements Act (see Subpart 25.4), the period of time between publication of the synopsis notice and receipt of offers shall be no less than 40 days. However, if the acquisition falls within a general category identified in an annual forecast, the availability of which is published in the CBD, the contracting officer may reduce this time period to as few as 10 days.

#### 5.204 Presolicitation notices.

Contracting officers shall publicize presolicitation notices in the CBD (see 15.201 and 36.213-2). Synopsizing of a proposed contract action is required prior to issuance of any resulting solicitation (see 5.201 and 5.203).

#### 5.205 Special situations.

(a) *Research and development (R&D) advance notices.* Contracting officers may publish in the CBD, advance notices of their interest in potential R&D programs whenever existing solicitation mailing lists do not include a sufficient number of concerns to obtain adequate competition. Advance notices shall not be used where security considerations prohibit such publication. Advance notices will enable potential sources to learn of R&D programs and provide these sources with an opportunity to submit information which will permit evaluation of their capabilities. Potential sources which respond to advance notices shall be added to the appropriate solicitation mailing list for subsequent solicitation. Advance notices shall be titled "Research and Development Sources Sought," cite the appropriate Numbered Note, and include the name and telephone number of the contracting officer or other contracting activity official from whom technical details of the project can be obtained. This will enable sources to submit information for evaluation of their R&D capabilities. Contracting officers shall synopsize all subsequent solicitations for R&D contracts, including those resulting from a previously synopsized advance notice, unless one of the exceptions in 5.202 applies.

(b) *Federally Funded Research and Development Centers.* Before establishing a Federally Funded Research and Development Center (FFRDC) (see Part 35) or before changing its basic purpose and mission, the sponsor shall place at least three notices over a 90-day period in the *Commerce Business Daily* and the *Federal Register*, indicating the agency's intention to sponsor an FFRDC or change the basic purpose and mission of an FFRDC. The notice shall indicate the scope and nature of the effort to be performed and request comments. Notice is not required where action is required by law.

(c) *Special notices.* Contracting officers may publish in the CBD special notices of procurement matters such as

(c) Implements section 8141 of the 1989 Department of Defense Appropriation Act, Pub. L. 100-463, 102 Stat. 2270-47 (1988).

#### 9.501 Definitions.

“Marketing consultant” means any independent contractor who furnishes advice, information, direction, or assistance to an offeror or any other contractor in support of the preparation or submission of an offer for a Government contract by that offeror. An independent contractor is not a marketing consultant when rendering—

- (a) Services excluded in Subpart 37.2;
- (b) Routine engineering and technical services (such as installation, operation, or maintenance of systems, equipment, software, components, or facilities);
- (c) Routine legal, actuarial, auditing, and accounting services; and
- (d) Training services.

“Organizational conflict of interest” means that because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the Government, or the person's objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage.

#### 9.502 Applicability.

(a) This subpart applies to contracts with either profit or nonprofit organizations, including nonprofit organizations created largely or wholly with Government funds.

(b) The applicability of this subpart is not limited to any particular kind of acquisition. However, organizational conflicts of interest are more likely to occur in contracts involving—

- (1) Management support services;
- (2) Consultant or other professional services;
- (3) Contractor performance of or assistance in technical evaluations; or
- (4) Systems engineering and technical direction work performed by a contractor that does not have overall contractual responsibility for development or production.

(c) An organizational conflict of interest may result when factors create an actual or potential conflict of interest on an instant contract, or when the nature of the work to be performed on the instant contract creates an actual or potential conflict of interest on a future acquisition. In the latter case, some restrictions on future activities of the contractor may be required.

(d) Acquisitions subject to unique agency organizational conflict of interest statutes are excluded from the requirements of this subpart.

#### 9.503 Waiver.

The agency head or a designee may waive any general rule or procedure of this subpart by determining that its application in a particular situation would not be in the Government's interest. Any request for waiver must be in writing, shall set forth the extent of the conflict, and requires approval by the agency head or a designee. Agency heads shall not delegate waiver authority below the level of head of a contracting activity.

#### 9.504 Contracting officer responsibilities.

(a) Using the general rules, procedures, and examples in this subpart, contracting officers shall analyze planned acquisitions in order to—

- (1) Identify and evaluate potential organizational conflicts of interest as early in the acquisition process as possible; and
- (2) Avoid, neutralize, or mitigate significant potential conflicts before contract award.

(b) Contracting officers should obtain the advice of counsel and the assistance of appropriate technical specialists in evaluating potential conflicts and in developing any necessary solicitation provisions and contract clauses (see 9.506).

(c) Before issuing a solicitation for a contract that may involve a significant potential conflict, the contracting officer shall recommend to the head of the contracting activity a course of action for resolving the conflict (see 9.506).

(d) In fulfilling their responsibilities for identifying and resolving potential conflicts, contracting officers should avoid creating unnecessary delays, burdensome information requirements, and excessive documentation. The contracting officer's judgment need be formally documented only when a substantive issue concerning potential organizational conflict of interest exists.

(e) The contracting officer shall award the contract to the apparent successful offeror unless a conflict of interest is determined to exist that cannot be avoided or mitigated. Before determining to withhold award based on conflict of interest considerations, the contracting officer shall notify the contractor, provide the reasons therefor, and allow the contractor a reasonable opportunity to respond. If the contracting officer finds that it is in the best interest of the United States to award the contract notwithstanding a conflict of interest, a request for waiver shall be submitted in accordance with 9.503. The waiver request and decision shall be included in the contract file.

#### 9.505 General rules.

The general rules in 9.505-1 through 9.505-4 prescribe limitations on contracting as the means of avoiding, neutralizing, or mitigating organizational conflicts of interest that might otherwise exist in the stated situations. Some

illustrative examples are provided in 9.508. Conflicts may arise in situations not expressly covered in this section 9.505 or in the examples in 9.508. Each individual contracting situation should be examined on the basis of its particular facts and the nature of the proposed contract. The exercise of common sense, good judgment, and sound discretion is required in both the decision on whether a significant potential conflict exists and, if it does, the development of an appropriate means for resolving it. The two underlying principles are—

(a) Preventing the existence of conflicting roles that might bias a contractor's judgment; and

(b) Preventing unfair competitive advantage. In addition to the other situations described in this subpart, an unfair competitive advantage exists where a contractor competing for award of any Federal contract possesses—

(1) Proprietary information that was obtained from a Government official without proper authorization; or

(2) Source selection information (as defined in 3.104-3) that is relevant to the contract but is not available to all competitors, and such information would assist that contractor in obtaining the contract.

#### **9.505-1 Providing systems engineering and technical direction.**

(a) A contractor that provides systems engineering and technical direction for a system but does not have overall contractual responsibility for its development, its integration, assembly, and checkout, or its production shall not—

(1) Be awarded a contract to supply the system or any of its major components; or

(2) Be a subcontractor or consultant to a supplier of the system or any of its major components.

(b) Systems engineering includes a combination of substantially all of the following activities: determining specifications, identifying and resolving interface problems, developing test requirements, evaluating test data, and supervising design. Technical direction includes a combination of substantially all of the following activities: developing work statements, determining parameters, directing other contractors' operations, and resolving technical controversies. In performing these activities, a contractor occupies a highly influential and responsible position in determining a system's basic concepts and supervising their execution by other contractors. Therefore this contractor should not be in a position to make decisions favoring its own products or capabilities.

#### **9.505-2 Preparing specifications or work statements.**

(a)(1) If a contractor prepares and furnishes complete specifications covering nondevelopmental items, to be used in a competitive acquisition, that contractor shall not be

allowed to furnish these items, either as a prime contractor or as a subcontractor, for a reasonable period of time including, at least, the duration of the initial production contract. This rule shall not apply to—

(i) Contractors that furnish at Government request specifications or data regarding a product they provide, even though the specifications or data may have been paid for separately or in the price of the product; or

(ii) Situations in which contractors, acting as industry representatives, help Government agencies prepare, refine, or coordinate specifications, regardless of source, provided this assistance is supervised and controlled by Government representatives.

(2) If a single contractor drafts complete specifications for nondevelopmental equipment, it should be eliminated for a reasonable time from competition for production based on the specifications. This should be done in order to avoid a situation in which the contractor could draft specifications favoring its own products or capabilities. In this way the Government can be assured of getting unbiased advice as to the content of the specifications and can avoid allegations of favoritism in the award of production contracts.

(3) In development work, it is normal to select firms that have done the most advanced work in the field. These firms can be expected to design and develop around their own prior knowledge. Development contractors can frequently start production earlier and more knowledgeably than firms that did not participate in the development, and this can affect the time and quality of production, both of which are important to the Government. In many instances the Government may have financed the development. Thus, while the development contractor has a competitive advantage, it is an unavoidable one that is not considered unfair; hence no prohibition should be imposed.

(b)(1) If a contractor prepares, or assists in preparing, a work statement to be used in competitively acquiring a system or services—or provides material leading directly, predictably, and without delay to such a work statement—that contractor may not supply the system, major components of the system, or the services unless—

(i) It is the sole source;

(ii) It has participated in the development and design work; or

(iii) More than one contractor has been involved in preparing the work statement.

(2) Agencies should normally prepare their own work statements. When contractor assistance is necessary, the contractor might often be in a position to favor its own products or capabilities. To overcome the possibility of bias, contractors are prohibited from supplying a system or services acquired on the basis of work statements growing out

**15.210 Forms.**

Prescribed forms are not required to prepare solicitations described in this part. The following forms may be used at the discretion of the contracting officer:

(a) Standard Form 33, Solicitation, Offer and Award, and Optional Form 308, Solicitation and Offer—Negotiated Acquisition, may be used to issue RFPs and RFIs.

(b) Standard Form 30, Amendment of Solicitation/Modification of Contract, and Optional Form 309, Amendment of Solicitation, may be used to amend solicitations of negotiated contracts.

(c) Optional Form 17, Offer Label, may be furnished with each request for proposal.

**Subpart 15.3—Source Selection**

**15.300 Scope of subpart.**

This subpart prescribes policies and procedures for selection of a source or sources in competitive negotiated acquisitions.

**15.301 Definitions.**

“Deficiency,” as used in this subpart, is a material failure of a proposal to meet a Government requirement or a combination of significant weaknesses in a proposal that increases the risk of unsuccessful contract performance to an unacceptable level.

“Weakness,” as used in this subpart, is a flaw in the proposal that increases the risk of unsuccessful contract performance. A “significant weakness” in the proposal is a flaw that appreciably increases the risk of unsuccessful contract performance.

**15.302 Source selection objective.**

The objective of source selection is to select the proposal that represents the best value.

**15.303 Responsibilities.**

(a) Agency heads are responsible for source selection. The contracting officer is designated as the source selection authority, unless the agency head appoints another individual for a particular acquisition or group of acquisitions.

(b) The source selection authority shall—

(1) Establish an evaluation team, tailored for the particular acquisition, that includes appropriate contracting, legal, logistics, technical, and other expertise to ensure a comprehensive evaluation of offers;

(2) Approve the source selection strategy or acquisition plan, if applicable, before solicitation release;

(3) Ensure consistency among the solicitation requirements, notices to offerors, proposal preparation instructions, evaluation factors and subfactors, solicitation provisions or contract clauses, and data requirements;

(4) Ensure that proposals are evaluated based solely on the factors and subfactors contained in the solicitation (10 U.S.C. 2305(b)(1) and 41 U.S.C. 253b(d)(3));

(5) Consider the recommendations of advisory boards or panels (if any); and

(6) Select the source or sources whose proposal is the best value to the Government (10 U.S.C. 2305(b)(4)(B) and 41 U.S.C. 253b(d)(3)).

(c) The contracting officer shall—

(1) After release of a solicitation, serve as the focal point for inquiries from actual or prospective offerors;

(2) After receipt of proposals, control exchanges with offerors in accordance with 15.306; and

(3) Award the contract(s).

**15.304 Evaluation factors and significant subfactors.**

(a) The award decision is based on evaluation factors and significant subfactors that are tailored to the acquisition.

(b) Evaluation factors and significant subfactors must—

(1) Represent the key areas of importance and emphasis to be considered in the source selection decision; and

(2) Support meaningful comparison and discrimination between and among competing proposals.

(c) The evaluation factors and significant subfactors that apply to an acquisition and their relative importance, are within the broad discretion of agency acquisition officials, subject to the following requirements:

(1) Price or cost to the Government shall be evaluated in every source selection (10 U.S.C. 2305(a)(3)(A)(ii) and 41 U.S.C. 253a(c)(1)(B)) (also see Part 36 for architect-engineer contracts);

(2) The quality of the product or service shall be addressed in every source selection through consideration of one or more non-cost evaluation factors such as past performance, compliance with solicitation requirements, technical excellence, management capability, personnel qualifications, and prior experience (10 U.S.C. 2305(a)(3)(A)(i) and 41 U.S.C. 253a(c)(1)(A)); and

(3)(i) Except as set forth in paragraph (c)(3)(iv) of this section, past performance shall be evaluated in all source selections for negotiated competitive acquisitions expected to exceed \$1,000,000.

(ii) Except as set forth in paragraph (c)(3)(iv) of this section, past performance shall be evaluated in all source selections for negotiated competitive acquisitions issued on or after January 1, 1999, for acquisitions expected to exceed \$100,000. Agencies should develop phase-in schedules that meet or exceed this schedule.

(iii) For solicitations involving bundling that offer a significant opportunity for subcontracting, the contracting officer must include a factor to evaluate past performance indicating the extent to which the offeror attained applicable

## 15.305

goals for small business participation under contracts that required subcontracting plans (15 U.S.C. 637(d)(4)(G)(ii)).

(iv) Past performance need not be evaluated if the contracting officer documents the reason past performance is not an appropriate evaluation factor for the acquisition.

(4) The extent of participation of small disadvantaged business concerns in performance of the contract shall be evaluated in unrestricted acquisitions expected to exceed \$500,000 (\$1,000,000 for construction) subject to certain limitations (see 19.201 and 19.1202).

(5) For solicitations involving bundling that offer a significant opportunity for subcontracting, the contracting officer must include proposed small business subcontracting participation in the subcontracting plan as an evaluation factor (15 U.S.C. 637(d)(4)(G)(i)).

(d) All factors and significant subfactors that will affect contract award and their relative importance shall be stated clearly in the solicitation (10 U.S.C. 2305(a)(2)(A)(i) and 41 U.S.C. 253a(b)(1)(A)) (see 15.204-5(c)). The rating method need not be disclosed in the solicitation. The general approach for evaluating past performance information shall be described.

(e) The solicitation shall also state, at a minimum, whether all evaluation factors other than cost or price, when combined, are—

- (1) Significantly more important than cost or price;
- (2) Approximately equal to cost or price; or
- (3) Significantly less important than cost or price (10 U.S.C. 2305(a)(3)(A)(iii) and 41 U.S.C. 253a(c)(1)(C)).

### 15.305 Proposal evaluation.

(a) Proposal evaluation is an assessment of the proposal and the offeror's ability to perform the prospective contract successfully. An agency shall evaluate competitive proposals and then assess their relative qualities solely on the factors and subfactors specified in the solicitation. Evaluations may be conducted using any rating method or combination of methods, including color or adjectival ratings, numerical weights, and ordinal rankings. The relative strengths, deficiencies, significant weaknesses, and risks supporting proposal evaluation shall be documented in the contract file.

(1) *Cost or price evaluation.* Normally, competition establishes price reasonableness. Therefore, when contracting on a firm-fixed-price or fixed-price with economic price adjustment basis, comparison of the proposed prices will usually satisfy the requirement to perform a price analysis, and a cost analysis need not be performed. In limited situations, a cost analysis (see 15.403-1(c)(1)(i)(B)) may be appropriate to establish reasonableness of the otherwise successful offeror's price. When contracting on a cost-reimbursement basis, evaluations shall include a cost realism analysis to determine what the Government should

realistically expect to pay for the proposed effort, the offeror's understanding of the work, and the offeror's ability to perform the contract. (See 37.115 for uncompensated overtime evaluation.) The contracting officer shall document the cost or price evaluation.

(2) *Past performance evaluation.* (i) Past performance information is one indicator of an offeror's ability to perform the contract successfully. The currency and relevance of the information, source of the information, context of the data, and general trends in contractor's performance shall be considered. This comparative assessment of past performance information is separate from the responsibility determination required under Subpart 9.1.

(ii) The solicitation shall describe the approach for evaluating past performance, including evaluating offerors with no relevant performance history, and shall provide offerors an opportunity to identify past or current contracts (including Federal, State, and local government and private) for efforts similar to the Government requirement. The solicitation shall also authorize offerors to provide information on problems encountered on the identified contracts and the offeror's corrective actions. The Government shall consider this information, as well as information obtained from any other sources, when evaluating the offeror's past performance. The source selection authority shall determine the relevance of similar past performance information.

(iii) The evaluation should take into account past performance information regarding predecessor companies, key personnel who have relevant experience, or subcontractors that will perform major or critical aspects of the requirement when such information is relevant to the instant acquisition.

(iv) In the case of an offeror without a record of relevant past performance or for whom information on past performance is not available, the offeror may not be evaluated favorably or unfavorably on past performance.

(v) The evaluation should include the past performance of offerors in complying with subcontracting plan goals for small disadvantaged business (SDB) concerns (see Subpart 19.7), monetary targets for SDB participation (see 19.1202), and notifications submitted under 19.1202-4(b).

(3) *Technical evaluation.* When tradeoffs are performed (see 15.101-1), the source selection records shall include—

(i) An assessment of each offeror's ability to accomplish the technical requirements; and

(ii) A summary, matrix, or quantitative ranking, along with appropriate supporting narrative, of each technical proposal using the evaluation factors.

(4) *Cost information.* Cost information may be provided to members of the technical evaluation team in accordance with agency procedures.



**22.1020 Seniority lists.**

If a contract is performed at a Federal facility where employees may be hired/retained by a succeeding contractor, the incumbent prime contractor is required to furnish a certified list of all service employees on the contractor's or subcontractor's payroll during the last month of the contract, together with anniversary dates of employment, to the contracting officer no later than 10 days before contract completion. (See paragraph (n) of the clause at 52.222-41, Service Contract Act of 1965, as amended.) At the commencement of the succeeding contract, the contracting officer shall provide a copy of the list to the successor contractor for determining employee eligibility for vacation or other fringe benefits which are based upon length of service, including service with predecessor contractors if such benefit is required by an applicable wage determination.

**22.1021 Request for hearing.**

(a) A contracting agency or other interested party may request a hearing on an issue presented in 22.1013(a). To obtain a hearing for the contracting agency, the contracting officer shall submit a written request through appropriate channels (ordinarily the agency labor advisor) to—

Administrator, Wage and Hour Division  
Employment Standards Administration  
U.S. Department of Labor  
Washington, DC 20210

(b) A request for a substantial variance hearing shall include sufficient data to show that the rates at issue vary substantially from those prevailing for similar services in the locality. The request shall also include—

- (1) The number of the wage determinations at issue;
- (2) The name of the contracting agency whose contract is involved;
- (3) A brief description of the services to be performed under the contract;
- (4) The status of the procurement and any estimated procurement dates, such as bid opening, contract award, and commencement date of the contract or its follow-up option period;
- (5) A statement of the applicant's case, setting forth in detail the reasons why the applicant believes that a substantial variance exists with respect to some or all of the wages and/or fringe benefits;
- (6) Names and addresses (to the extent known) of interested parties; and
- (7) Any other data required by the Administrator.

(c) A request for an arm's length hearing shall include—

- (1) A statement of the applicant's case, setting forth in detail the reasons why the applicant believes that the wages and fringe benefits contained in the collective bargaining

agreement were not reached as a result of arm's length negotiations;

(2) A statement regarding the status of the procurement and any estimated procurement dates, such as bid opening, contract award, and commencement date of the contract or its follow-up option period; and

(3) Names and addresses (to the extent known) of interested parties.

(d) Unless the Administrator determines that extraordinary circumstances exist, the Administrator will not consider requests for a hearing unless received as follows:

(1) For sealed bid contracts, more than 10 days before the award of the contract; or

(2) For negotiated contracts and for contracts with provisions exceeding the initial term by option, before the commencement date of the contract or the follow-up option period.

**22.1022 Withholding of contract payments.**

Any violations of the clause at 52.222-41, Service Contract Act of 1965, as amended, renders the responsible contractor liable for the amount of any deductions, rebates, refunds, or underpayments (which includes nonpayment) of compensation due employees performing the contract. The contracting officer may withhold—or, upon written request of the Department of Labor from a level no lower than that of Assistant Regional Administrator, Wage and Hour Division, Employment Standards Administration, Department of Labor, shall withhold—the amount needed to pay such underpaid employees from accrued payments due the contractor on the contract, or on any other prime contract (whether subject to the Service Contract Act or not) with the contractor. The agency shall place the amount withheld in a deposit fund. Such withheld funds shall be transferred to the Department of Labor for disbursement to the underpaid employees on order of the Secretary (or authorized representatives), and Administrative Law Judge, or the Board of Service Contract Appeals. In addition, the Department of Labor has given blanket approval to forward withheld funds pending completion of an investigation or other administrative proceeding when disposition of withheld funds remains the final action necessary to close out a contract.

**22.1023 Termination for default.**

As provided by the Act, any contractor failure to comply with the requirements of the contract clauses related to the Act may be grounds for termination for default (see paragraph (k) of the clause at 52.222-41, Service Contract Act of 1965, as amended).

**22.1024 Cooperation with the Department of Labor.**

The contracting officer shall cooperate with Department of Labor representatives in the examination of records, interviews with service employees, and all other aspects of investigations undertaken by the Department. When asked, agencies shall furnish the Wage and Hour Administrator or a designee, any available information on contractors, sub-contractors, their contracts, and the nature of the contract services. The contracting officer shall promptly refer, in writing to the appropriate regional office of the Department, apparent violations and complaints received. Employee complaints shall not be disclosed to the employer.

**22.1025 Ineligibility of violators.**

A list of persons or firms found to be in violation of the Act is contained in the List of Parties Excluded from Federal Procurement and Nonprocurement Programs (see 9.404). No Government contract may be awarded to any violator so listed because of a violation of the Act, or to any firm, corporation, partnership, or association in which the violator has a substantial interest, without the approval of the Secretary of Labor. This prohibition against award to an ineligible contractor applies to both prime and subcontracts.

**22.1026 Disputes concerning labor standards.**

Disputes concerning labor standards requirements of the contract are handled under paragraph (t) of the contract clause at 52.222-41, Service Contract Act of 1965, as amended, and not under the clause at 52.233-1, Disputes.

### **Subpart 22.11—Professional Employee Compensation**

**22.1101 Applicability.**

The Service Contract Act of 1965 was enacted to ensure that Government contractors compensate their blue-collar service workers and some white-collar service workers fairly, but it does not cover bona fide executive, administrative, or professional employees.

**22.1102 Definition.**

“Professional employee” means any person meeting the definition of “employee employed in a bona fide . . . professional capacity” given in 29 CFR 541. The term embraces members of those professions having a recognized status based upon acquiring professional knowledge through prolonged study. Examples of these professions include accountancy, actuarial computation, architecture, dentistry, engineering, law, medicine, nursing, pharmacy, the sciences (such as biology, chemistry, and physics, and

teaching). To be a professional employee, a person must not only be a professional but must be involved essentially in discharging professional duties.

**22.1103 Policy, procedures, and solicitation provision.**

All professional employees shall be compensated fairly and properly. Accordingly, the contracting officer shall insert the provision at 52.222-46, Evaluation of Compensation for Professional Employees, in solicitations for negotiated service contracts when the contract amount is expected to exceed \$500,000 and the service to be provided will require meaningful numbers of professional employees. This provision requires that offerors submit for evaluation a total compensation plan setting forth proposed salaries and fringe benefits for professional employees working on the contract. Supporting information will include data, such as recognized national and regional compensation surveys and studies of professional, public and private organizations, used in establishing the total compensation structure. Plans indicating unrealistically low professional employees compensation may be assessed adversely as one of the factors considered in making an award.

### **Subpart 22.12—Nondisplacement of Qualified Workers Under Certain Contracts**

**22.1200 Scope of subpart.**

This subpart prescribes policies and procedures for implementing Executive Order (E.O.) 12933 of October 20, 1994, Nondisplacement of Qualified Workers Under Certain Contracts, and Department of Labor regulations at 29 CFR Part 9.

**22.1201 Statement of policy.**

It is the policy of the Government that contracts for building services at public buildings shall require the contractor under a successor contract for performance of similar services at the same public building, to offer those employees (other than managerial or supervisory employees) under the predecessor contract, whose employment will be terminated as a result of the award of the successor contract, a right of first refusal to employment under the contract in positions for which they are qualified. E.O. 12933 states that there shall be no employment openings under the contract until such right of first refusal has been provided.

Mica.

Microprocessor chips (brought onto a Government construction site as separate units for incorporation into building systems during construction or repair and alteration of real property).

Nickel, primary, in ingots, pigs, shots, cathodes, or similar forms; nickel oxide and nickel salts.

Nitroguanidine (also known as picrite).

Nux vomica, crude.

Oiticica oil.

Olive oil.

Olives (green), pitted or unpitted, or stuffed, in bulk.

Opium, crude.

Oranges, mandarin, canned.

Petroleum, crude oil, unfinished oils, and finished products.

Pine needle oil.

Platinum and related group metals, refined, as sponge, powder, ingots, or cast bars.

Pyrethrum flowers.

Quartz crystals.

Quebracho.

Quinidine.

Quinine.

Rabbit fur felt.

Radium salts, source and special nuclear materials.

Rosettes.

Rubber, crude and latex.

Rutile.

Santonin, crude.

Secretin.

Shellac.

Silk, raw and unmanufactured.

Spare and replacement parts for equipment of foreign manufacture, and for which domestic parts are not available.

Spices and herbs, in bulk.

Sugars, raw.

Swords and scabbards.

Talc, block, steatite.

Tantalum.

Tapioca flour and cassava.

Tartar, crude; tartaric acid and cream of tartar in bulk.

Tea in bulk.

Thread, metallic (gold).

Thyme oil.

Tin in bars, blocks, and pigs.

Triprolidine hydrochloride.

Tungsten.

Vanilla beans.

Venom, cobra.

Wax, carnauba.

Wire glass.

Woods; logs, veneer, and lumber of the following species: Alaskan yellow cedar, angelique, balsa, ekki, greenheart, lignum vitae, mahogany, and teak.

Yarn, 50 Denier rayon.

(b) The determination in paragraph (a) of this section does not apply if the contracting officer learns before the time designated for receipt of bids in sealed bidding or final offers in negotiation that an article on the list is available domestically in sufficient and reasonably available quantities of a satisfactory quality. The contracting officer must amend the solicitation if purchasing the article, or if purchasing an end product that could contain such an article as a component, and must specify in all new solicitations that the article is available domestically and that offerors and contractors may not treat foreign components of the same class or kind as domestic components. In addition, the contracting officer must submit a copy of supporting documentation to the appropriate council identified in 1.201-1 in accordance with agency procedures, for possible removal of the article from the list.

#### 25.105 Determining reasonableness of cost.

(a) The contracting officer—

(1) Must use the evaluation factors in paragraph (b) of this section unless the head of the agency makes a written determination that the use of higher factors is more appropriate. If the determination applies to all agency acquisitions, the agency evaluation factors must be published in agency regulations; and

(2) Must not apply evaluation factors to offers of eligible products if the acquisition is subject to a trade agreement under Subpart 25.4.

(b) If there is a domestic offer that is not the low offer, and the restrictions of the Buy American Act apply to the low offer, the contracting officer must determine the reasonableness of the cost of the domestic offer by adding to the price of the low offer, inclusive of duty—

(1) 6 percent, if the lowest domestic offer is from a large business concern; or

(2) 12 percent, if the lowest domestic offer is from a small business concern. The contracting officer must use this factor, or another factor established in agency regulations, in small business set-asides if the low offer is from a small business concern offering the product of a small business concern that is not a domestic end product (see Subpart 19.5).

(c) The price of the domestic offer is reasonable if it does not exceed the evaluated price of the low offer after addition of the appropriate evaluation factor in accordance with paragraph (a) or (b) of this section. (See evaluation procedures at Subpart 25.5.)

### Subpart 25.2—Buy American Act— Construction Materials

#### 25.200 Scope of subpart.

This subpart implements the Buy American Act (41 U.S.C. 10a - 10d) and Executive Order 10582, December 17, 1954. It applies to contracts for the construction, alteration, or repair of any public building or public work in the United States.

#### 25.201 Policy.

Except as provided in 25.202, use only domestic construction materials in construction contracts performed in the United States.

#### 25.202 Exceptions.

(a) When one of the following exceptions applies, the contracting officer may acquire foreign construction materials without regard to the restrictions of the Buy American Act:

(1) *Impracticable or inconsistent with public interest.* The head of the agency may determine that application of the restrictions of the Buy American Act to a particular construction material would be impracticable or would be inconsistent with the public interest. The public interest exception applies when an agency has an agreement with a foreign government that provides a blanket exception to the Buy American Act.

(2) *Nonavailability.* The head of the contracting activity may determine that a particular construction material is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality. The determinations of nonavailability of the articles listed at 25.104(a) and the procedures at 25.104(b) also apply if any of those articles are acquired as construction materials.

(3) *Unreasonable cost.* The contracting officer concludes that the cost of domestic construction material is unreasonable in accordance with 25.204.

(b) *Determination and findings.* When a determination is made for any of the reasons stated in this section that certain foreign construction materials may be used, the contracting officer must list the excepted materials in the contract. The agency must make the findings justifying the exception available for public inspection.

(c) *Acquisitions under trade agreements.* For construction contracts with an estimated acquisition value of \$6,806,000 or more, see 25.403. If the acquisition value is \$7,068,419 or more, also see 25.405.

#### 25.203 Preaward determinations.

(a) For any acquisition, an offeror may request from the contracting officer a determination concerning the inapplicability of the Buy American Act for specifically identified construction materials. The time for submitting the request is specified in the solicitation in paragraph (b) of either 52.225-10 or 52.225-12, whichever applies. The information and supporting data that must be included in the request are also specified in the solicitation in paragraphs (c) and (d) of either 52.225-9 or 52.225-11, whichever applies.

(b) Before award, the contracting officer must evaluate all requests based on the information provided and may supplement this information with other readily available information.

#### 25.204 Evaluating offers of foreign construction material.

(a) Offerors proposing to use foreign construction material other than that listed by the Government in the applicable clause at 52.225-9, paragraph (b)(2), or 52.225-11, paragraph (b)(3), or excepted under the Trade Agreements Act or NAFTA (paragraph (b)(2) of 52.225-11), must provide the information required by paragraphs (c) and (d) of the respective clauses.

(b) Unless the head of the agency specifies a higher percentage, the contracting officer must add to the offered price 6 percent of the cost of any foreign construction material proposed for exception from the requirements of the Buy American Act based on the unreasonable cost of domestic construction materials. In the case of a tie, the contracting officer must give preference to an offer that does not include foreign construction material excepted at the request of the offeror on the basis of unreasonable cost.

(c) Offerors also may submit alternate offers based on use of equivalent domestic construction material to avoid possible rejection of the entire offer if the Government determines that an exception permitting use of a particular foreign construction material does not apply.

(d) If the contracting officer awards a contract to an offeror that proposed foreign construction material not listed in the applicable clause in the solicitation (paragraph (b)(2) of 52.225-9, or paragraph (b)(3) of 52.225-11), the contracting officer must add the excepted materials to the list in the contract clause.

#### 25.205 Postaward determinations.

(a) If a contractor requests a determination regarding the inapplicability of the Buy American Act after contract award, the contractor must explain why it could not request the determination before contract award or why the need for such determination otherwise was not reasonably foreseeable. If the contracting officer concludes that the

(b)(1) Other services not covered by the Trade Agreements Act are—

(i) Dredging; and

(ii) Management and operation contracts to certain Government or privately owned facilities used for Government purposes, including Federally Funded Research and Development Centers (FFRDCs).

(2) Other services not covered by NAFTA are—

(i) ADP teleprocessing and timesharing services (D305), telecommunications network management services (D316), automated news services, data services or other information services (D317), and other ADP and telecommunications services (D399) (Federal Service Code from the Federal Procurement Data System Product/Service Code Manual indicated in parentheses);

(ii) Operation of all facilities by the Department of Defense, Department of Energy, or the National Aeronautics and Space Administration; and all Government-owned research and development facilities or Government-owned environmental laboratories;

(iii) Maintenance, repair, modification, rebuilding and installation of equipment related to ships; and

(iv) Nonnuclear ship repair.

#### 25.402 General.

The trade agreements waive the applicability of the Buy American Act or the Balance of Payments Program for some foreign supplies and construction materials from certain countries. The Trade Agreements Act and NAFTA specify procurement procedures designed to ensure fairness. The value of the acquisition is a determining factor in the applicability of the trade agreements. When the restrictions of the Buy American Act or the Balance of Payments Program are waived for eligible products, offers of such products (eligible offers) receive equal consideration with domestic offers. Under the Trade Agreements Act, only U.S.-made end products or eligible products may be acquired (also see 25.403(c)). See Subpart 25.5 for evaluation procedures for supply contracts subject to trade agreements.

#### 25.403 Trade Agreements Act.

(a) *General.* The Agreement on Government Procurement of the Trade Agreements Act—

(1) Waives application of the Buy American Act and the Balance of Payments Program to the end products and construction materials of designated countries;

(2) Prohibits discriminatory practices based on foreign ownership;

(3) Restricts purchases to end products identified in 25.403(c);

(4) Requires certain procurement procedures designed to ensure fairness (see 25.408).

(b) *Thresholds.* (1) Except as provided in 25.401, the Trade Agreements Act applies to an acquisition for supplies or services if the estimated value of the acquisition is \$177,000 or more; the Trade Agreements Act applies to an acquisition for construction if the estimated value of the acquisition is \$6,806,000 or more. These dollar thresholds are subject to revision by the U.S. Trade Representative approximately every 2 years (see Executive Order 12260).

(2) To determine whether the Trade Agreements Act applies to the acquisition of products by lease, rental, or lease-purchase contract (including lease-to-ownership, or lease-with-option-to purchase), calculate the estimated acquisition value as follows:

(i) If a fixed-term contract of 12 months or less is contemplated, use the total estimated value of the acquisition.

(ii) If a fixed-term contract of more than 12 months is contemplated, use the total estimated value of the acquisition plus the estimated residual value of the leased equipment at the conclusion of the contemplated term of the contract.

(iii) If an indefinite-term contract is contemplated, use the estimated monthly payment multiplied by the total number of months that ordering would be possible under the proposed contract, *i.e.*, the initial ordering period plus any optional ordering periods.

(iv) If there is any doubt as to the contemplated term of the contract, use the estimated monthly payment multiplied by 48.

(3) The estimated value includes the value of all options.

(4) If, in any 12-month period, recurring or multiple awards for the same type of product or products are anticipated, use the total estimated value of these projected awards to determine whether the Trade Agreements Act applies. Do not divide any acquisition with the intent of reducing the estimated value of the acquisition below the dollar threshold of the Trade Agreements Act.

(c) *Purchase restriction.* (1) In acquisitions subject to the Trade Agreements Act, acquire only U.S.-made end products or eligible products (designated, Caribbean Basin, or NAFTA country end products) unless offers for such end products are either not received or are insufficient to fulfill the requirements.

(2) This restriction does not apply to purchases by the Department of Defense from a country with which it has entered into a reciprocal agreement, as provided in departmental regulations.

#### 25.404 Caribbean Basin Trade Initiative.

Under the Caribbean Basin Trade Initiative, the United States Trade Representative has determined that, for

**25.405**

acquisitions subject to the Trade Agreements Act, Caribbean Basin country end products must be treated as eligible products. This determination is effective until September 30, 2000. The U.S. Trade Representative may extend these dates through a document in the *Federal Register*.

**25.405 North American Free Trade Agreement (NAFTA).**

(a) An acquisition of supplies is not subject to NAFTA if the estimated value of the acquisition is \$25,000 or less. For acquisitions subject to NAFTA, evaluate offers of NAFTA country end products without regard to the restrictions of the Buy American Act or the Balance of Payments Program, except that for acquisitions with an estimated value of less than \$54,372, only Canadian end products are eligible products. Eligible products from NAFTA countries are entitled to the nondiscriminatory treatment of the Trade Agreements Act. NAFTA does not prohibit the purchase of other foreign end products.

(b) NAFTA applies to construction materials if the estimated value of the construction contract is \$7,068,419 or more.

(c) The procedures in 25.408 apply to the acquisition of NAFTA country services, other than services identified in 25.401. NAFTA country services are services provided by a firm established in a NAFTA country under service contracts with an estimated acquisition value of \$54,372 or more (\$7,068,419 or more for construction).

**25.406 Israeli Trade Act.**

Acquisitions of supplies by most agencies are subject to the Israeli Trade Act, if the estimated value of the acquisition is \$50,000 or more but does not exceed the Trade Agreements Act threshold for supplies (see 25.403(b)(1)). Agencies other than the Department of Defense, the Department of Energy, the Department of Transportation, the Bureau of Reclamation of the Department of the Interior, the Federal Housing Finance Board, and the Office of Thrift Supervision must evaluate offers of Israeli end products without regard to the restrictions of the Buy American Act or the Balance of Payments Program. The Israeli Trade Act does not prohibit the purchase of other foreign end products.

**25.407 Agreement on Trade in Civil Aircraft.**

Under the authority of Section 303 of the Trade Agreements Act, the U.S. Trade Representative has waived the Buy American Act for civil aircraft and related articles, that meet the substantial transformation test of the Trade Agreements Act, from countries that are parties to the Agreement on Trade in Civil Aircraft. Those countries are Austria, Belgium, Bulgaria, Canada, Denmark, Egypt,

Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, Macao, the Netherlands, Norway, Portugal, Romania, Spain, Sweden, Switzerland, and the United Kingdom.

**25.408 Procedures.**

(a) If the Trade Agreements Act or NAFTA applies (see 25.401), the contracting officer must—

(1) Comply with the requirements of 5.203, Publicizing and response time;

(2) Comply with the requirements of 5.207, Preparation and Transmittal of Synopses, including the appropriate “Numbered Note” (5.207(e)(2)) for contracts that are subject to the Trade Agreements Act;

(3) Not include technical requirements in solicitations solely to preclude the acquisition of eligible products;

(4) Specify in solicitations that offerors must submit offers in the English language and in U.S. dollars (see 52.214-34, Submission of Offers in the English Language, and 52.214-35, Submission of Offers in U.S. Currency, or paragraph (c)(5) of 52.215-1, Instruction to Offerors—Competitive Acquisitions); and

(5) Provide unsuccessful offerors from designated or NAFTA countries notice in accordance with 14.409-1 or 15.503.

(b) See Subpart 25.5 for evaluation procedures and examples.

**Subpart 25.5—Evaluating Foreign Offers—Supply Contracts****25.501 General.**

The contracting officer—

(a) Must apply the evaluation procedures of this subpart to each line item of an offer unless either the offer or the solicitation specifies evaluation on a group basis (see 25.503);

(b) May rely on the offeror’s certification of end product origin when evaluating a foreign offer;

(c) Must identify and reject offers of end products that are prohibited or sanctioned in accordance with Subparts 25.6 and 25.7; and

(d) Must not use the Buy American Act and Balance of Payments Program evaluation factors prescribed in this subpart to provide a preference for one foreign offer over another foreign offer.

**25.502 Application.**

(a) Unless otherwise specified in agency regulations, perform the following steps in the order presented:

(1) Eliminate all offers or offerors that are unacceptable for reasons other than price; *e.g.*,

**Subpart 25.6—Trade Sanctions****25.600 Scope of subpart.**

This subpart implements sanctions imposed by the President pursuant to Section 305(g)(1) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(g)(1)), on European Union (EU) member states that discriminate against U.S. products or services (sanctioned EU member states). This subpart does not apply to contracts for supplies or services awarded and performed outside the United States, or to the Department of Defense. For thresholds unique to individual agencies, see agency regulations.

**25.601 Policy.**

(a) Except as provided in 25.602, agencies must not award contracts for—

(1) Sanctioned EU country end products with an estimated acquisition value less than \$177,000;

(2) Sanctioned EU country construction with an estimated acquisition value less than \$6,806,000; or

(3) Sanctioned EU country services as follows (Federal Service Code or Category from the Federal Procurement Data System Product/Service Code Manual is indicated in parentheses):

(i) Service contracts regardless of acquisition value for—

(A) All transportation services, including launching services (all V codes, J019, J998, J999, and K019);

(B) Dredging (Y216 and Z216);

(C) Management and operation of certain Government or privately owned facilities used for Government purposes, including federally funded research and development centers (all M codes);

(D) Development, production or coproduction of program material for broadcasting, such as motion pictures (T006 and T016);

(E) Research and development (all A codes);

(F) Airport concessions (S203);

(G) Legal services (R418);

(H) Hotel and restaurant services (S203);

(I) Placement and supply of personnel services (V241 and V251);

(J) Investigation and security services (S206, S211, and R423);

(K) Education and training services (all U codes and R419);

(L) Health and social services (all O and G codes);

(M) Recreational, cultural, and sporting services (G003); or

(N) Telecommunications services (encompassing only voice telephony, telex, radio telephony, paging, and satellite services) (S1, D304, D305, D316, D317, and D399).

(ii) All other service contracts with an estimated acquisition value less than \$177,000.

(b) Determine the applicability of sanction thresholds in the manner provided at 25.403(b).

**25.602 Exceptions.**

(a) The sanctions in 25.601 do not apply to—

(1) Purchases at or below the simplified acquisition threshold awarded using simplified acquisition procedures;

(2) Total small business set-asides in accordance with 19.502-2;

(3) Contracts in support of U.S. national security interests; or

(4) Contracts for essential spare, repair, or replacement parts not otherwise available from nonsanctioned countries.

(b)(1) The head of the agency, without power of redelegation, may authorize the award of a contract or class of contracts for sanctioned EU country end products, services, and construction, the purchase of which is otherwise prohibited by 25.601(a), if the head of the agency determines that such action is necessary—

(i) In the public interest;

(ii) To avoid the restriction of competition in a manner that would limit the acquisition in question to, or would establish a preference for, the services, articles, materials, or supplies of a single manufacturer or supplier; or

(iii) Because there would be or are an insufficient number of potential or actual offerors to ensure the acquisition of services, articles, materials, or supplies of requisite quality at competitive prices.

(2) When the head of the agency makes a determination in accordance with paragraph (b)(1) of this section, the agency must notify the U.S. Trade Representative within 30 days after contract award.

**Subpart 25.7—Prohibited Sources****25.701 Restrictions.**

(a) The Government generally does not acquire supplies or services that cannot be imported lawfully into the United States. Therefore, even for overseas use, agencies and their contractors and subcontractors must not acquire any supplies or services originating from sources within, or that were located in or transported from or through—

(1) Cuba (31 CFR part 515);

(2) Iran (31 CFR part 560);

(3) Iraq (31 CFR part 575);

(4) Libya (31 CFR part 550);

- (5) North Korea (31 CFR part 500); or
- (6) Sudan (31 CFR part 538).

(b) Agencies and their contractors and subcontractors must not acquire any supplies or services from entities controlled by the Government of Iraq or other specially designated nationals (31 CFR Chapter V, Appendix A).

#### **25.702 Source of further information.**

Questions concerning the restrictions in 25.701 should be referred to the—

Department of the Treasury  
Office of Foreign Assets Control  
Washington, DC 20220  
(Telephone (202) 622-2520).

### **Subpart 25.8—Other International Agreements and Coordination**

#### **25.801 General.**

Treaties and agreements between the United States and foreign governments affect the evaluation of offers from foreign entities and the performance of contracts in foreign countries.

#### **25.802 Procedures.**

(a) When placing contracts with contractors located outside the United States, for performance outside the United States, contracting officers must—

- (1) Determine the existence and applicability of any international agreements and ensure compliance with these agreements; and
- (2) Conduct the necessary advance acquisition planning and coordination between the appropriate U.S. executive agencies and foreign interests as required by these agreements.

(b) The Department of State publishes many international agreements in the “United States Treaties and Other International Agreements” series. Copies of this publication normally are available in overseas legal offices and U.S. diplomatic missions.

(c) Contracting officers must award all contracts with Taiwanese firms or organizations through the American Institute of Taiwan (AIT). AIT is under contract to the Department of State.

### **Subpart 25.9—Customs and Duties**

#### **25.900 Scope of subpart.**

This subpart provides policies and procedures for exempting from import duties certain supplies purchased under Government contracts.

#### **25.901 Policy.**

United States laws impose duties on foreign supplies imported into the customs territory of the United States. Certain exemptions from these duties are available to Government agencies. Agencies must use these exemptions when the anticipated savings to appropriated funds will outweigh the administrative costs associated with processing required documentation.

#### **25.902 Procedures.**

For regulations governing importations and duties, see the Customs Regulations issued by the U.S. Customs Service, Department of the Treasury (19 CFR Chapter 1). Except as provided elsewhere in the Customs Regulations (see 19 CFR 10.100), all shipments of imported supplies purchased under Government contracts are subject to the usual Customs entry and examination requirements. Unless the agency obtains an exemption (see 25.903), those shipments are also subject to duty.

#### **25.903 Exempted supplies.**

(a) Subchapters VIII and X of Chapter 98 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202) list supplies for which exemptions from duty may be obtained when imported into the customs territory of the United States under a Government contract. For certain of these supplies, the contracting agency must certify to the Commissioner of Customs that they are for the purpose stated in the Harmonized Tariff Schedule (see 19 CFR 10.102-104, 10.114, and 10.121 and 15 CFR part 301 for requirements and formats).

(b) Supplies (excluding equipment) for Government-operated vessels or aircraft may be withdrawn from any customs-bonded warehouse, from continuous customs custody elsewhere than in a bonded warehouse, or from a foreign-trade zone, free of duty and internal revenue tax as provided in 19 U.S.C. 1309 and 1317. The contracting activity must cite this authority on the appropriate customs form when making purchases (see 19 CFR 10.59 - 10.65).

### **Subpart 25.10—Additional Foreign Acquisition Regulations**

#### **25.1001 Waiver of right to examination of records.**

(a) *Policy.* The clause at 52.215-2, Audit and Records—Negotiation, prescribed at 15.209(b), and paragraph (d) of the clause at 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items, prescribed at 12.301(b)(4), implement 10 U.S.C. 2313 and 41 U.S.C. 254d. The basic clauses authorize examination of records by the Comptroller General.



(1) Insert the appropriate basic clause, whenever possible, in negotiated contracts with foreign contractors.

(2) The contracting officer may use 52.215-2 with its Alternate III or 52.212-5 with its Alternate I after—

(i) Exhausting all reasonable efforts to include the basic clause;

(ii) Considering factors such as alternate sources of supply, additional cost, and time of delivery; and

(iii) The head of the agency has executed a determination and findings in accordance with paragraph (b) of this section, with the concurrence of the Comptroller General. However, concurrence of the Comptroller General is not required if the contractor is a foreign government or agency thereof or is precluded by the laws of the country involved from making its records available for examination.

(b) *Determination and findings.* The determination and findings must—

(1) Identify the contract and its purpose, and identify if the contract is with a foreign contractor or with a foreign government or an agency of a foreign government;

(2) Describe the efforts to include the basic clause;

(3) State the reasons for the contractor's refusal to include the basic clause;

(4) Describe the price and availability of the supplies or services from the United States and other sources; and

(5) Determine that it will best serve the interest of the United States to use the appropriate alternate clause in paragraph (a)(2) of this section.

#### 25.1002 Use of foreign currency.

(a) Unless an international agreement or the Trade Agreements Act (see 25.408(a)(3)) requires a specific currency, contracting officers must determine whether solicitations for contracts to be entered into and performed outside the United States will require submission of offers in U.S. currency or a specified foreign currency. In unusual circumstances, the contracting officer may permit submission of offers in other than a specified currency.

(b) To ensure a fair evaluation of offers, solicitations generally should require all offers to be priced in the same currency. However, if the solicitation permits submission of offers in other than a specified currency, the contracting officer must convert the offered prices to U.S. currency for evaluation purposes. The contracting officer must use the current market exchange rate from a commonly used source in effect as follows:

(1) For acquisitions conducted using sealed bidding procedures, on the date of bid opening.

(2) For acquisitions conducted using negotiation procedures—

(i) On the date specified for receipt of offers, if award is based on initial offers; otherwise

(ii) On the date specified for receipt of final proposal revisions.

(c) If a contract is priced in foreign currency, the agency must ensure that adequate funds are available to cover currency fluctuations to avoid a violation of the Anti-Deficiency Act (31 U.S.C. 1341, 1342, 1511-1519).

### Subpart 25.11—Solicitation Provisions and Contract Clauses

#### 25.1101 Acquisition of supplies.

The following provisions and clauses apply to the acquisition of supplies and the acquisition of services involving the furnishing of supplies.

(a)(1) Insert the clause at 52.225-1, Buy American Act—Balance of Payments Program—Supplies, in solicitations and contracts with a value exceeding \$2,500 but not exceeding \$25,000; and in solicitations and contracts with a value exceeding \$25,000, if none of the clauses prescribed in paragraphs (b) and (c) of this section apply, except if—

(i) The solicitation is restricted to domestic end products in accordance with Subpart 6.3;

(ii) The acquisition is for supplies for use within the United States and an exception to the Buy American Act applies (*e.g.*, nonavailability or public interest); or

(iii) The acquisition is for supplies for use outside the United States and an exception to the Balance of Payments Program applies.

(2) Insert the provision at 52.225-2, Buy American Act—Balance of Payments Program Certificate, in solicitations containing the clause at 52.225-1.

(b)(1)(i) Insert the clause at 52.225-3, Buy American Act—North American Free Trade Agreement—Israeli Trade Act—Balance of Payments Program, in solicitations and contracts with a value exceeding \$25,000 but less than \$177,000, unless—

(A) The acquisition is for the acquisition of supplies, or for services involving the furnishing of supplies, for use outside the United States, and the value of the acquisition is less than the simplified acquisition threshold; or

(B) The acquisition is exempt from the North American Free Trade Agreement and the Israeli Trade Act (see 25.401). For acquisitions of agencies not subject to the Israeli Trade Act (see 25.406), see agency regulations.

(ii) If the acquisition value exceeds \$25,000 but is less than \$50,000, use the clause with its Alternate I.

(iii) If the acquisition value is \$50,000 or more but less than \$54,372, use the clause with its Alternate II.

(2)(i) Insert the provision at 52.225-4, Buy American Act—North American Free Trade Agreement—Israeli Trade Act—Balance of Payments Program Certificate, in solicitations containing the clause at 52.225-3.

(ii) If the acquisition value exceeds \$25,000 but is less than \$50,000, use the provision with its Alternate I.

(iii) If the acquisition value is \$50,000 or more but less than \$54,372, use the provision with its Alternate II.

(c)(1) Insert the clause at 52.225-5, Trade Agreements, in solicitations and contracts valued at \$177,000 or more, if the Trade Agreements Act applies (see 25.401 and 25.403) and the agency has determined that the restrictions of the Buy American Act or Balance of Payments Program are not applicable to U.S.-made end products, unless the acquisition is to be awarded and performed outside the United States in support of a contingency operation or a humanitarian or peacekeeping operation and does not exceed the increased simplified acquisition threshold of \$200,000. If the agency has not made such a determination, the contracting officer must follow agency procedures.

(2) Insert the provision at 52.225-6, Trade Agreements Certificate, in solicitations containing the clause at 52.225-5.

(d) Insert the provision at 52.225-7, Waiver of Buy American Act for Civil Aircraft and Related Articles, in solicitations for civil aircraft and related articles (see 25.407), if the acquisition value is less than \$177,000.

(e) Insert the clause at 52.225-8, Duty-Free Entry, in solicitations and contracts for supplies that may be imported into the United States and for which duty-free entry may be obtained in accordance with 25.903(a), if the value of the acquisition—

(1) Exceeds \$100,000; or

(2) Is \$100,000 or less, but the savings from waiving the duty is anticipated to be more than the administrative cost of waiving the duty. When used for acquisitions valued at \$100,000 or less, the contracting officer may modify paragraphs (b)(1) and (i)(2) of the clause to reduce the dollar figure.

### 25.1102 Acquisition of construction.

(a) Insert the clause at 52.225-9, Buy American Act—Balance of Payments Program—Construction Materials, in solicitations and contracts for construction valued at less than \$6,806,000.

(1) List in paragraph (b)(2) of the clause all foreign construction material excepted from the requirements of the Buy American Act.

(2) If the head of the agency determines that a higher percentage is appropriate, substitute the higher evaluation percentage in paragraph (b)(3)(i) of the clause.

(b)(1) Insert the provision at 52.225-10, Notice of Buy American Act/Balance of Payments Program Requirement—Construction Materials, in solicitations containing the clause at 52.225-9.

(2) If insufficient time is available to process a determination regarding the inapplicability of the Buy

American Act or Balance of Payments Program prior to receipt of offers, use the provision with its Alternate I.

(c) Insert the clause at 52.225-11, Buy American Act—Balance of Payments Program—Construction Materials under Trade Agreements, in solicitations and contracts valued at \$6,806,000 or more.

(1) List in paragraph (b)(3) of the clause all foreign construction material excepted from the requirements of the Buy American Act, other than designated country or NAFTA country construction material.

(2) If the head of the agency determines that a higher percentage is appropriate, substitute the higher evaluation percentage in paragraph (b)(4)(i) of the clause.

(3) For acquisitions valued at \$6,806,000 or more, but less than \$7,068,419, use the clause with its Alternate I.

(d)(1) Insert the provision at 52.225-12, Notice of Buy American Act/Balance of Payments Program Requirement—Construction Materials under Trade Agreements, in solicitations containing the clause at 52.225-11.

(2) If insufficient time is available to process a determination regarding the inapplicability of the Buy American Act or Balance of Payments Program before receipt of offers, use the provision with its Alternate I.

(3) For acquisitions valued at \$6,806,000 or more, but less than \$7,068,419, use the clause with its Alternate II.

### 25.1103 Other provisions and clauses.

(a) *Restrictions on certain foreign purchases.* Insert the clause at 52.225-13, Restrictions on Certain Foreign Purchases, in solicitations and contracts with a value exceeding \$2,500.

(b) *Translations.* Insert the clause at 52.225-14, Inconsistency Between English Version and Translation of Contract, in solicitations and contracts if anticipating translation into another language.

(c) *Sanctions.* (1) Except as provided in paragraph (c)(2) of this section, insert the clause at—

(i) 52.225-15, Sanctioned European Union Country End Products, in solicitations and contracts for supplies valued at less than \$177,000; or

(ii) 52.225-16, Sanctioned European Union Country Services, in solicitations and contracts for services—

(A) Listed in 25.601(a)(3)(i); or

(B) Valued at less than \$177,000.

(2) Do not insert the clauses in paragraph (c)(1) of this section in—

(i) Solicitations issued and contracts awarded by a contracting activity located outside of the United States, provided the supplies will be used or the services will be performed outside of the United States;

# PART 30—COST ACCOUNTING STANDARDS ADMINISTRATION

Sec.

30.000 Scope of part.

## Subpart 30.1—General

30.101 Cost Accounting Standards.

30.102 Cost Accounting Standards Board Publication.

## Subpart 30.2—CAS Program Requirements

30.201 Contract requirements.

30.201-1 CAS applicability.

30.201-2 Types of CAS coverage.

30.201-3 Solicitation provisions.

30.201-4 Contract clauses.

30.201-5 Waiver.

30.201-6 Findings.

30.201-7 Cognizant Federal agency responsibilities.

30.202 Disclosure requirements.

30.202-1 General requirements.

30.202-2 Impracticality of submission.

30.202-3 Amendments and revisions.

30.202-4 Privileged and confidential information.

30.202-5 Filing Disclosure Statements.

30.202-6 Responsibilities.

30.202-7 Determinations.

30.202-8 Subcontractor Disclosure Statements.

## Subpart 30.3—CAS Rules and Regulations [Reserved]

## Subpart 30.4—Cost Accounting Standards [Reserved]

## Subpart 30.5—Cost Accounting Standards for Educational Institutions [Reserved]

## Subpart 30.6—CAS Administration

30.601 Responsibility.

30.602 Changes to disclosed or established cost accounting practices.

30.602-1 Equitable adjustments for new or modified standards.

30.602-2 Noncompliance with CAS requirements.

30.602-3 Voluntary changes.

30.603 Subcontract administration.

## 30.000 Scope of part.

This part describes policies and procedures for applying the Cost Accounting Standards Board (CASB) rules and regulations (48 CFR Chapter 99 (FAR Appendix)) to negotiated contracts and subcontracts. This part does not apply to sealed bid contracts or to any contract with a small business concern (see 48 CFR 9903.201-1(b) (FAR Appendix) for these and other exemptions).

## Subpart 30.1—General

### 30.101 Cost Accounting Standards.

(a) Public Law 100-679 (41 U.S.C. 422) requires certain contractors and subcontractors to comply with Cost Accounting Standards (CAS) and to disclose in writing and follow consistently their cost accounting practices.

(b) Contracts that refer to this Part 30 for the purpose of applying the policies, procedures, standards and regulations promulgated by the CASB pursuant to Public Law 100-679, shall be deemed to refer to the CAS, and any other regulations promulgated by the CASB (see 48 CFR Chapter 99), all of which are hereby incorporated in this Part 30.

(c) The Appendix to the FAR loose-leaf edition contains—

(1) Cost Accounting Standards and Cost Accounting Standards Board Rules and Regulations Recodified by the Cost Accounting Standards Board at 48 CFR Chapter 99; and

(2) The following preambles:

(i) Part I—Preambles to the Cost Accounting Standards Published by the Cost Accounting Standards Board.

(ii) Part II—Preambles to the Related Rules and Regulations Published by the Cost Accounting Standards Board.

(iii) Part III—Preambles Published under the FAR System.

(d) The preambles are not regulatory but are intended to explain why the Standards and related Rules and Regulations were written, and to provide rationale for positions taken relative to issues raised in the public comments. The preambles are printed in chronological order to provide an administrative history.

### 30.102 Cost Accounting Standards Board Publication.

Copies of the CASB Standards and Regulations are printed in title 48 of the *Code of Federal Regulations*, Chapter 99, and may be obtained by writing the—

Superintendent of Documents  
US Government Printing Office  
Washington, DC 20402

or by calling the Washington, DC, ordering desk at (202) 512-1800.

## Subpart 30.2—CAS Program Requirements

### 30.201 Contract requirements.

Title 48 CFR 9903.201-1 (FAR Appendix) describes the rules for determining whether a proposed contract or sub-

**30.201-1**

contract is exempt from CAS. Negotiated contracts not exempt in accordance with 48 CFR 9903.201-1(b) shall be subject to CAS. A CAS-covered contract may be subject to either full or modified coverage. The rules for determining whether full or modified coverage applies are in 48 CFR 9903.201-2 (FAR Appendix).

**30.201-1 CAS applicability.**

See 48 CFR 9903.201-1 (FAR Appendix).

**30.201-2 Types of CAS coverage.**

See 48 CFR 9903.201-2 (FAR Appendix).

**30.201-3 Solicitation provisions.**

(a) The contracting officer shall insert the provision at 52.230-1, Cost Accounting Standards Notices and Certification, in solicitations for proposed contracts subject to CAS as specified in 48 CFR 9903.201 (FAR Appendix).

(b) If an award to an educational institution is contemplated prior to July 1, 1997, the contracting officer shall insert the basic provision set forth at 52.230-1 with its Alternate I, unless the contract is to be performed by a Federally Funded Research and Development Center (FFRDC) (see 48 CFR 9903.201-2(c)(5) (FAR Appendix)), or the provision at 48 CFR 9903.201-2(c)(6) (FAR Appendix) applies.

**30.201-4 Contract clauses.**

(a) *Cost accounting standards.* (1) The contracting officer shall insert the clause at FAR 52.230-2, Cost Accounting Standards, in negotiated contracts, unless the contract is exempted (see 48 CFR 9903.201-1 (FAR Appendix)), the contract is subject to modified coverage (see 48 CFR 9903.201-2 (FAR Appendix)), or the clause prescribed in paragraph (c) of this subsection is used.

(2) The clause at FAR 52.230-2 requires the contractor to comply with all CAS specified in 48 CFR 9904 (FAR Appendix), to disclose actual cost accounting practices (applicable to CAS-covered contracts only), and to follow disclosed and established cost accounting practices consistently.

(b) *Disclosure and consistency of cost accounting practices.* (1) Insert the clause at FAR 52.230-3, Disclosure and Consistency of Cost Accounting Practices, in negotiated contracts when the contract amount is over \$500,000, but less than \$50 million, and the offeror certifies it is eligible for and elects to use modified CAS coverage (see 48 CFR 9903.201-2 (FAR Appendix)), unless the clause prescribed in paragraph (c) of this subsection is used.

(2) The clause at FAR 52.230-3 requires the contractor to comply with 48 CFR 9904.401, 9904.402, 9904.405, and 9904.406 (FAR Appendix) to disclose (if it meets cer-

tain requirements) actual cost accounting practices, and to follow consistently its established cost accounting practices.

(c) *Consistency in cost accounting practices.* The contracting officer shall insert the clause at FAR 52.230-4, Consistency in Cost Accounting Practices, in negotiated contracts that are exempt from CAS requirements solely on the basis of the fact that the contract is to be awarded to a United Kingdom contractor and is to be performed substantially in the United Kingdom (see 48 CFR 9903.201-1(b)(12) (FAR Appendix)).

(d) *Administration of cost accounting standards.* (1) The contracting officer shall insert the clause at FAR 52.230-6, Administration of Cost Accounting Standards, in contracts containing any of the clauses prescribed in paragraphs (a), (b), or (e) of this subsection.

(2) The clause at FAR 52.230-6 specifies rules for administering CAS requirements and procedures to be followed in cases of failure to comply.

(e) *Cost accounting standards—educational institutions.* (1) The contracting officer shall insert the clause at FAR 52.230-5, Cost Accounting Standards—Educational Institution, in negotiated contracts awarded to educational institutions, unless the contract is exempted (see 48 CFR 9903.201-1 (FAR Appendix)), the contract is to be performed by an FFRDC (see 48 CFR 9903.201-2(c)(5) (FAR Appendix)), or the provision at 48 CFR 9903.201-2(c)(6) (FAR Appendix) applies.

(2) The clause at FAR 52.230-5 requires the educational institution to comply with all CAS specified in 48 CFR 9905 (FAR Appendix), to disclose actual cost accounting practices as required by 48 CFR 9903.202-1(f) (FAR Appendix), and to follow disclosed and established cost accounting practices consistently.

**30.201-5 Waiver.**

(a) The head of the agency—

(1) May waive the applicability of CAS for a particular contract or subcontract under the conditions listed in paragraph (b) of this subsection; and

(2) Must not delegate this waiver authority to any official in the agency below the senior contract policymaking level.

(b) The head of the agency may grant a waiver when one of the following conditions exists:

(1) The contract or subcontract value is less than \$15,000,000, and the head of the agency determines, in writing, that the segment of the contractor or subcontractor that will perform the contract or subcontract—

(i) Is primarily engaged in the sale of commercial items; and

(ii) Has no contracts or subcontracts that are subject to CAS.

(2) The head of the agency determines that exceptional circumstances exist whereby a waiver of CAS is necessary to meet the needs of the agency. Exceptional circumstances exist only when the benefits to be derived from waiving the CAS outweigh the risk associated with the waiver. The determination that exceptional circumstances exist must—

- (i) Be set forth in writing; and
- (ii) Include a statement of the specific circumstances that justify granting the waiver.

(c) When one of the conditions in paragraph (b) of this subsection exists, the request for waiver should include the following:

- (1) The amount of the proposed award.
- (2) A description of the contract or subcontract type (e.g., firm-fixed-price, cost-reimbursement).
- (3) Whether the segment(s) that will perform the contract or subcontract has CAS-covered contracts or subcontracts.
- (4) A description of the item(s) being procured.
- (5) When the contractor or subcontractor will not accept the contract or subcontract if CAS applies, a statement to that effect.
- (6) Whether cost or pricing data will be obtained, and if so, a discussion of how the data will be used in negotiating the contract or subcontract price.
- (7) The benefits to the Government of waiving CAS.
- (8) The potential risk to the Government of waiving CAS.
- (9) The date by which the waiver is needed.
- (10) Any other information that may be useful in evaluating the request.

(d) When neither of the conditions in paragraph (b) of this subsection exists, the waiver request must be prepared in accordance with 48 CFR 9903.201-5(e) (FAR Appendix) and submitted to the CAS Board.

(e) Each agency must report any waivers granted under paragraph (a) of this subsection to the CAS Board, on a fiscal year basis, not later than 90 days after the close of the Government's fiscal year.

**30.201-6 Findings.**

See 48 CFR 9903.201-6 (FAR Appendix).

**30.201-7 Cognizant Federal agency responsibilities.**

See 48 CFR 9903.201-7 (FAR Appendix).

**30.202 Disclosure requirements.**

**30.202-1 General requirements.**

See 48 CFR 9903.202-1 (FAR Appendix).

**30.202-2 Impracticality of submission.**

See 48 CFR 9903.202-2 (FAR Appendix).

**30.202-3 Amendments and revisions.**

See 48 CFR 9903.202-3 (FAR Appendix).

**30.202-4 Privileged and confidential information.**

See 48 CFR 9903.202-4 (FAR Appendix).

**30.202-5 Filing Disclosure Statements.**

See 48 CFR 9903.202-5 (FAR Appendix).

**30.202-6 Responsibilities.**

(a) The contracting officer is responsible for determining when a proposed contract may require CAS coverage and for including the appropriate notice in the solicitation. The contracting officer must then ensure that the offeror has made the required solicitation certifications and that required Disclosure Statements are submitted. (Also see 48 CFR 9903.201-3 and 9903.202 (FAR Appendix).)

(b) The contracting officer shall not award a CAS-covered contract until the ACO has made a written determination that a required Disclosure Statement is adequate unless, in order to protect the Government's interest, the contracting officer waives the requirement for an adequacy determination before award. In this event, a determination of adequacy shall be required as soon as possible after the award.

(c) The cognizant auditor is responsible for conducting reviews of Disclosure Statements for adequacy and compliance.

(d) The cognizant ACO is responsible for determinations of adequacy and compliance of the Disclosure Statement.

**30.202-7 Determinations.**

(a) *Adequacy determination.* As prescribed by 48 CFR 9903.202-6 (FAR Appendix), the cognizant auditor shall conduct a review of the Disclosure Statement to ascertain whether it is current, accurate, and complete and shall report the results to the cognizant ACO, who shall determine whether or not it adequately describes the offeror's cost accounting practices. If the ACO identifies any areas of inadequacy, the ACO shall request a revised Disclosure Statement. If the Disclosure Statement is adequate, the ACO shall notify the offeror in writing, with copies to the cognizant auditor and contracting officer. The notice of adequacy shall state that a disclosed practice shall not, by virtue of such disclosure, be considered an approved practice for pricing proposals or accumulating and reporting contract performance cost data. Generally, the ACO shall furnish the contractor notification of adequacy or inadequacy within 30 days after the Disclosure Statement has been received by the ACO.

(b) *Compliance determination.* After the notification of adequacy, the cognizant auditor shall conduct a detailed compliance review to ascertain whether or not the disclosed practices comply with Part 31 and the CAS and shall advise the ACO of the results. The ACO shall take action regarding noncompliance with CAS under FAR 30.602-2. The ACO may require a revised Disclosure Statement and adjustment of the prime contract price or cost allowance. Noncompliance with Part 31 shall be processed separately, in accordance with normal administrative practices.

### **30.202-8 Subcontractor Disclosure Statements.**

(a) When the Government requires determinations of adequacy or inadequacy, the ACO cognizant of the subcontractor shall provide such determination to the ACO cognizant of the prime contractor or next higher tier subcontractor. The ACO cognizant of higher tier subcontractors or prime contractors shall not reverse the determination of the ACO cognizant of the subcontractor.

(b) Any determination that it is impractical to secure a subcontractor's Disclosure Statement must be made in accordance with 48 CFR 9903.202-2 (FAR Appendix).

### **Subpart 30.3—CAS Rules and Regulations [Reserved]**

NOTE: See 48 CFR 9903.3 (FAR Appendix B).

### **Subpart 30.4—Cost Accounting Standards [Reserved]**

NOTE: See 48 CFR Part 9904 (FAR Appendix B).

### **Subpart 30.5—Cost Accounting Standards for Educational Institutions [Reserved]**

NOTE: See 48 CFR Part 9905 (FAR Appendix B).

### **Subpart 30.6—CAS Administration**

#### **30.601 Responsibility.**

(a) The cognizant ACO shall perform CAS administration for all contracts in a business unit notwithstanding retention of other administration functions by the contracting officer.

(b) Within 30 days after the award of any new contract or subcontract subject to CAS, the contracting officer, contractor, or subcontractor making the award shall request the cognizant ACO to perform administration for CAS matters (see Subpart 42.2).

#### **30.602 Changes to disclosed or established cost accounting practices.**

Adjustments to contracts and withholding amounts payable for CAS noncompliance, new standards, or voluntary changes are required only if the amounts involved are

material. In determining materiality, the ACO shall use the criteria in 48 CFR 9903.305 (FAR Appendix). The ACO may forego action to require that a cost impact proposal be submitted or to adjust contracts, if the ACO determines the amount involved is immaterial. However, in the case of noncompliance issues, the ACO shall inform the contractor that—

(a) The Government reserves the right to make appropriate contract adjustments if, in the future, the ACO determines that the cost impact has become material; and

(b) The contractor is not excused from the obligation to comply with the applicable Standard or rules and regulations involved.

#### **30.602-1 Equitable adjustments for new or modified standards.**

(a) *New or modified standards.* (1) The provision at 52.230-1, Cost Accounting Standards Notices and Certification, requires offerors to state whether or not the award of the contemplated contract would require a change to established cost accounting practices affecting existing contracts and subcontracts. The contracting officer shall ensure that the contractor's response to the notice is made known to the ACO.

(2) Contracts and subcontracts containing the clause at FAR 52.230-2, Cost Accounting Standards, or FAR 52.230-5, Cost Accounting Standards—Educational Institution, may require equitable adjustments to comply with new or modified CAS. Such adjustments are limited to contracts and subcontracts awarded before the effective date of each new or modified standard. A new or modified standard becomes applicable prospectively to these contracts and subcontracts when a new contract or subcontract containing the clause at 52.230-2 or 52.230-5 is awarded on or after the effective date of the new or modified standard.

(3) Contracting officers shall encourage contractors to submit to the ACO any change in accounting practice in anticipation of complying with a new or modified standard as soon as practical after the new or modified Standard has been promulgated by the CASB.

(b) *Accounting changes.* (1) The clause at FAR 52.230-6, Administration of Cost Accounting Standards, requires the contractor to submit a description of any change in cost accounting practices required to comply with a new or modified CAS within 60 days (or other mutually agreed to date) after award of a contract requiring the change.

(2) The ACO, with the assistance of the auditor, shall review the proposed change concurrently for adequacy and compliance (see 30.202-7). If the description of the change meets both tests, the ACO shall notify the contractor and request submission of a cost impact proposal in accordance with FAR 30.602.

(c) *Contract price adjustments.* (1) The ACO shall promptly analyze the cost impact proposal with the assistance of the auditor, determine the impact, and negotiate the contract price adjustment on behalf of all Government agencies. The ACO shall invite contracting officers to participate in negotiations of adjustments when the price of any of their contracts may be increased or decreased by \$10,000 or more. At the conclusion of negotiations, the ACO shall—

(i) Execute supplemental agreements to contracts of the ACO's own agency (and, if additional funds are required, request them from the appropriate contracting officer);

(ii) Prepare a negotiation memorandum and send copies to cognizant auditors and contracting officers of other agencies having prime contracts affected by the negotiation (those agencies shall execute supplemental agreements in the amounts negotiated); and

(iii) Furnish copies of the memorandum indicating the effect on costs to the ACO of the next higher tier subcontractor or prime contractor, as appropriate, if a subcontract is to be adjusted. This memorandum shall be the basis for negotiation between the subcontractor and the next higher tier subcontractor or prime contractor and for execution of a supplemental agreement to the subcontract.

(2) If the parties fail to agree on the cost or price adjustment, the ACO may make a unilateral adjustment, subject to contractor appeal as provided in the clause at 52.233-1, Disputes.

(d) *Remedies for contractor failure to make required submissions.* (1) If the contractor does not submit the accounting change description or the general dollar magnitude of the change or cost impact proposal (in the form and manner specified), the ACO, with the assistance of the auditor, shall estimate the general dollar magnitude of the cost impact on CAS-covered contracts and subcontracts. The ACO may then withhold an amount not to exceed 10 percent of each subsequent amount determined payable related to the contractor's CAS-covered prime contracts, up to the estimated general dollar magnitude of the cost impact, until the required submission is furnished by the contractor.

(2) If the contractor has not submitted the cost impact proposal before the total withheld amount reaches the estimated general dollar magnitude and the ACO determines that an adjustment is required (see 30.602), the ACO shall request the contractor to agree to the cost or price adjustment. The contractor shall also be advised that in the event no agreement on the cost or price adjustment is reached within 20 days, the ACO may make a unilateral adjustment, subject to contractor appeal as provided in the clause at 52.233-1, Disputes.

### **30.602-2 Noncompliance with CAS requirements.**

(a) *Determination of noncompliance.* (1) Within 15 days of the receipt of a report of alleged noncompliance from the cognizant auditor, the ACO shall make an initial finding of compliance or noncompliance and advise the auditor.

(2) If an initial finding of noncompliance is made, the ACO shall immediately notify the contractor in writing of the exact nature of the noncompliance and allow the contractor 60 days within which to agree or to submit reasons why the existing practices are considered to be in compliance.

(3) If the contractor agrees with the initial finding of noncompliance, the ACO shall review the contractor submissions required by paragraph (a) of the clause at FAR 52.230-6, Administration of Cost Accounting Standards.

(4) If the contractor disagrees with the initial noncompliance finding, the ACO shall review the reasons why the contractor considers the existing practices to be in compliance and make a determination of compliance or noncompliance. If the ACO determines that the contractor's practices are in noncompliance, a written explanation shall be provided as to why the ACO disagrees with the contractor's rationale. The ACO shall notify the contractor and the auditor in writing of the determination. If the ACO makes a determination of noncompliance, the procedures in (b) through (d), as appropriate, shall be followed.

(b) *Accounting changes.* (1) The clause at FAR 52.230-6, Administration of Cost Accounting Standards, requires the contractor to submit a description of any cost accounting practice change needed to correct a noncompliance.

(2) The ACO shall review the proposed change concurrently for adequacy and compliance (see 30.202-7). If the description of the change meets both tests, the ACO shall notify the contractor and request submission of a cost impact proposal in accordance with FAR 30.602.

(c) *Contract price adjustments.* (1) The ACO shall request that the contractor submit a cost impact proposal within the time specified in the clause at FAR 52.230-6, Administration of Cost Accounting Standards.

(2) Upon receipt of the cost impact proposal, the ACO shall then follow the procedures in 30.602-1(c)(1). In accordance with the clause at 52.230-2, Cost Accounting Standards, or 52.230-5, Cost Accounting Standards—Educational Institution, the ACO shall include and separately identify, as part of the computation of the contract price adjustment(s), applicable interest on any increased costs paid to the contractor as a result of the noncompliance. Interest shall be computed from the date of overpayment to the time the adjustment is effected. If the costs were incurred and paid evenly over the fiscal years during which the noncompliance occurred, then the midpoint of the period in which the noncompliance began may be considered the baseline for the computation of interest. An alternate equitable method should be used if the costs were not incurred

and paid evenly over the fiscal years during which the non-compliance occurred. Interest under 52.230-2 should be computed pursuant to Public Law 100-679.

(d) *Remedies for contractor failure to make required submissions.* (1) If the contractor does not submit the accounting change description or the general dollar magnitude of the change or cost impact proposal (in the form and manner specified), the ACO, with the assistance of the cognizant auditor, shall estimate the general dollar magnitude of the cost impact on CAS-covered contracts and subcontracts. The ACO may then withhold an amount not to exceed 10 percent of each subsequent amount determined payable related to the contractor's CAS-covered prime contracts, up to the estimated general dollar magnitude of the cost impact until the required submission is furnished by the contractor.

(2) If the contractor has not submitted the cost impact proposal before the total withheld amount reaches the estimated general dollar magnitude and the ACO determines that an adjustment is required (see 30.602), the ACO shall notify the contractor and request agreement as to the cost or price adjustment together with any applicable interest as computed in accordance with 30.602-2(c)(2). The contractor shall also be advised that in the event no agreement on the cost or price adjustment is reached within 20 days, the ACO may make a unilateral adjustment, subject to contractor appeal, as provided in the clause at 52.233-1, Disputes.

(3) If the ACO determines that there is no material increase in costs as a result of the noncompliance, the ACO shall notify the contractor in writing that the contractor is in noncompliance, that corrective action should be taken, and that if such noncompliance subsequently results in materially increased costs to the Government, the provisions of the clause at 52.230-2, Cost Accounting Standards, 52.230-5, Cost Accounting Standards—Educational Institution, and/or the clause at 52.230-3, Disclosure and Consistency of Cost Accounting Practices, will be enforced.

### 30.602-3 Voluntary changes.

(a) *General.* (1) The contractor may voluntarily change its disclosed or established cost accounting practices.

(2) The contract price may be adjusted for voluntary changes. However, increased costs resulting from a voluntary change may be allowed only if the ACO determines that the change is desirable and not detrimental to the interest of the Government.

(b) *Accounting changes.* (1) The clause at FAR 52.230-6, Administration of Cost Accounting Standards, requires the contractor to notify the ACO and submit a description of any voluntary cost accounting practice change not less than 60 days (or such other date as may be mutually agreed to) before implementation of the voluntary change.

(2) The ACO, with the assistance of the cognizant auditor, shall review the proposed change concurrently for adequacy and compliance (see 30.202-7). If the description of the change meets both tests, the ACO shall notify the contractor and request submission of a cost impact proposal in accordance with FAR 30.602.

(c) *Contract price adjustments.* (1) With the assistance of the auditor, the ACO shall promptly analyze the cost impact proposal to determine whether or not the proposed change will result in increased costs being paid by the Government. The ACO shall consider all of the contractor's affected CAS-covered contracts and subcontracts, but any cost changes to higher-tier subcontracts or contracts of other contractors over and above the cost of the subcontract adjustment shall not be considered.

(2) The ACO shall then follow the procedures in 30.602-1(c)(1).

(d) *Remedies for contractor failure to make required submissions.* (1) If the contractor does not submit the accounting change description or the general dollar magnitude of the change or cost impact proposal (in the form and manner specified), the ACO, with the assistance of the cognizant auditor, shall estimate the general dollar magnitude of the cost impact on CAS-covered contracts and subcontracts. The ACO may then withhold an amount not to exceed 10 percent of each subsequent amount determined payable related to the contractor's CAS-covered prime contracts up to the estimated general dollar magnitude of the cost impact, until the required submission is furnished by the contractor.

(2) If the contractor has not submitted the cost impact proposal before the total withheld amount reaches the estimated general dollar magnitude and the ACO determines that an adjustment is appropriate (see 30.602), the ACO shall request the contractor to agree to the cost or price adjustment. The contractor shall also be advised that, in the event no agreement on the cost or price adjustment is reached within 20 days, the ACO may make a unilateral adjustment subject to contractor appeal, as provided in the clause at 52.233-1, Disputes.

### 30.603 Subcontract administration.

When a negotiated CAS price adjustment or a determination of noncompliance is required at the subcontract level, the ACO cognizant of the subcontractor shall make the determination and advise the ACO cognizant of the prime contractor or next higher tier subcontractor of the decision. The ACOs cognizant of higher tier subcontractors or prime contractors shall not reverse the determination of the ACO cognizant of the subcontractor.

\* \* \*

\* \* \*



PART 35—RESEARCH AND DEVELOPMENT CONTRACTING

Sec.

35.000 Scope of part.

35.001 Definitions.

35.002 General.

35.003 Policy.

35.004 Publicizing requirements and expanding research and development sources.

35.005 Work statement.

35.006 Contracting methods and contract type.

35.007 Solicitations.

35.008 Evaluation for award.

35.009 Subcontracting research and development effort.

35.010 Scientific and technical reports.

35.011 Data.

35.012 Patent rights.

35.013 Insurance.

35.014 Government property and title.

35.015 Contracts for research with educational institutions and nonprofit organizations.

35.016 Broad agency announcement.

35.017 Federally Funded Research and Development Centers.

35.017-1 Sponsoring agreements.

35.017-2 Establishing or changing an FFRDC.

35.017-3 Using an FFRDC.

35.017-4 Reviewing FFRDC's.

35.017-5 Terminating an FFRDC.

35.017-6 Master list of FFRDC's.

35.017-7 Limitation on the creation of new FFRDC's.

**35.000 Scope of part.**

(a) This part prescribes policies and procedures of special application to research and development (R&D) contracting.

(b) R&D integral to acquisition of major systems is covered in Part 34. Independent research and development (IR&D) is covered at 31.205-18.

**35.001 Definitions.**

“Applied research” means the effort that (a) normally follows basic research, but may not be severable from the related basic research; (b) attempts to determine and exploit the potential of scientific discoveries or improvements in technology, materials, processes, methods, devices, or techniques; and (c) attempts to advance the state of the art. When being used by contractors in cost principle applications, this term does not include efforts whose principal aim is the design, development, or testing of specific items or services to be considered for sale; these efforts are within the definition of “development,” given below.

“Basic research” means research directed toward increasing knowledge in science. The primary aim of basic research

is a fuller knowledge or understanding of the subject under study, rather than any practical application of that knowledge.

“Broad agency announcement” means a general announcement of an agency's research interest including criteria for selecting proposals and soliciting the participation of all offerors capable of satisfying the Government's needs (see 6.102(d)(2)).

“Cost sharing,” as used in this part, means an explicit arrangement under which the contractor bears some of the burden of reasonable, allocable, and allowable contract cost.

“Development,” as used in this part, means the systematic use of scientific and technical knowledge in the design, development, testing, or evaluation of a potential new product or service (or of an improvement in an existing product or service) to meet specific performance requirements or objectives. It includes the functions of design engineering, prototyping, and engineering testing; it excludes subcontracted technical effort that is for the sole purpose of developing an additional source for an existing product.

“Federally Funded Research and Development Centers (FFRDC's),” means activities that are sponsored under a broad charter by a Government agency (or agencies) for the purpose of performing, analyzing, integrating, supporting, and/or managing basic or applied research and/or development, and which receive 70 percent or more of their financial support from the Government; a long-term relationship is contemplated; most or all of the facilities are owned or funded by the Government; and the FFRDC has access to Government and supplier data, employees, and facilities beyond that which is common in a normal contractual relationship. The National Science Foundation maintains the master list of FFRDC's.

“Recoupment,” as used in this part, means the recovery by the Government of Government-funded nonrecurring costs from contractors that sell, lease, or license the resulting products or technology to buyers other than the Federal Government.

**35.002 General.**

The primary purpose of contracted R&D programs is to advance scientific and technical knowledge and apply that knowledge to the extent necessary to achieve agency and national goals. Unlike contracts for supplies and services, most R&D contracts are directed toward objectives for which the work or methods cannot be precisely described in advance. It is difficult to judge the probabilities of success or required effort for technical approaches, some of which offer little or no early assurance of full success. The contracting process shall be used to encourage the best sources from the scientific and industrial community to become

involved in the program and must provide an environment in which the work can be pursued with reasonable flexibility and minimum administrative burden.

### 35.003 Policy.

(a) *Use of contracts.* Contracts shall be used only when the principal purpose is the acquisition of supplies or services for the direct benefit or use of the Federal Government. Grants or cooperative agreements should be used when the principal purpose of the transaction is to stimulate or support research and development for another public purpose.

(b) *Cost sharing.* Cost sharing policies (which are not otherwise required by law) under Government contracts shall be in accordance with 16.303, 42.707(a) and agency procedures.

(c) *Recoupment.* Recoupment not otherwise required by law shall be in accordance with agency procedures.

### 35.004 Publicizing requirements and expanding research and development sources.

(a) In order to obtain a broad base of the best contractor sources from the scientific and industrial community, agencies shall, in addition to following the requirements of Part 5, continually search for and develop information on sources (including small business concerns) competent to perform R&D work. These efforts should include—

(1) Early identification and publication of agency R&D needs and requirements, including publication in the Commerce Business Daily (see Part 5);

(2) Cooperation among technical personnel, contracting officers, and Government small business personnel early in the acquisition process; and

(3) Providing agency R&D points of contact for potential sources.

(b) See Subpart 9.7 for information regarding R&D pools and Subpart 9.6 for teaming arrangements.

### 35.005 Work statement.

(a) A clear and complete work statement concerning the area of exploration (for basic research) or the end objectives (for development and applied research) is essential. The work statement should allow contractors freedom to exercise innovation and creativity. Work statements must be individually tailored by technical and contracting personnel to attain the desired degree of flexibility for contractor creativity and the objectives of the R&D.

(b) In basic research the emphasis is on achieving specified objectives and knowledge rather than on achieving predetermined end results prescribed in a statement of specific performance characteristics. This emphasis applies

particularly during the early or conceptual phases of the R&D effort.

(c) In reviewing work statements, contracting officers should ensure that language suitable for a level-of-effort approach, which requires the furnishing of technical effort and a report on the results, is not intermingled with language suitable for a task-completion approach, which often requires the development of a tangible end item designed to achieve specific performance characteristics. The wording of the work statement should also be consistent with the type and form of contract to be negotiated (see 16.207 and 16.306(d)). For example, the work statement for a cost-reimbursement contract promising the contractor's best efforts for a fixed term would be phrased differently than a work statement for a cost-reimbursement completion contract promising the contractor's best efforts for a defined task. Differences between work statements for fixed-price contracts and cost-reimbursement contracts should be even clearer.

(d) In preparing work statements, technical and contracting personnel shall consider and, as appropriate, provide in the solicitation—

(1) A statement of the area of exploration, tasks to be performed, and objectives of the research or development effort;

(2) Background information helpful to a clear understanding of the objective or requirement (*e.g.*, any known phenomena, techniques, methodology, or results of related work);

(3) Information on factors such as personnel, environment, and interfaces that may constrain the results of the effort;

(4) Reporting requirements and information on any additional items that the contractor is required to furnish (at specified intervals) as the work progresses;

(5) The type and form of contract contemplated by the Government and, for level-of-effort work statements, an estimate of applicable professional and technical effort involved; and

(6) Any other considerations peculiar to the work to be performed; for example, any design-to-cost requirements.

### 35.006 Contracting methods and contract type.

(a) In R&D acquisitions, the precise specifications necessary for sealed bidding are generally not available, thus making negotiation necessary. However, the use of negotiation in R&D contracting does not change the obligation to comply with Part 6.

(b) Selecting the appropriate contract type is the responsibility of the contracting officer. However, because of the importance of technical considerations in R&D, the choice

contracts also are excluded from the requirements of this subpart. However, good management practices and contract administration techniques should be used regardless of the contracting method.

### 37.503 Agency-head responsibilities.

The agency head or designee should ensure that—

(a) Requirements for services are clearly defined and appropriate performance standards are developed so that the agency's requirements can be understood by potential offerors and that performance in accordance with contract terms and conditions will meet the agency's requirements;

(b) Service contracts are awarded and administered in a manner that will provide the customer its supplies and services within budget and in a timely manner;

(c) Specific procedures are in place before contracting for services to ensure compliance with OFPP Policy Letter 92-1, Inherently Governmental Functions; and

(d) Strategies are developed and necessary staff training is initiated to ensure effective implementation of the policies in 37.102.

### 37.504 Contracting officials' responsibilities.

Contracting officials should ensure that "best practices" techniques are used when contracting for services and in contract management and administration (see OFPP Policy Letter 93-1).

## Subpart 37.6—Performance-Based Contracting

### 37.600 Scope of subpart.

This subpart prescribes policies and procedures for use of performance-based contracting methods.

### 37.601 General.

Performance-based contracting methods are intended to ensure that required performance quality levels are achieved and that total payment is related to the degree that services performed meet contract standards. Performance-based contracts—

(a) Describe the requirements in terms of results required rather than the methods of performance of the work;

(b) Use measurable performance standards (*i.e.*, terms of quality, timeliness, quantity, etc.) and quality assurance surveillance plans (see 46.103(a) and 46.401(a));

(c) Specify procedures for reductions of fee or for reductions to the price of a fixed-price contract when services are not performed or do not meet contract requirements (see 46.407); and

(d) Include performance incentives where appropriate.

### 37.602 Elements of performance-based contracting.

#### 37.602-1 Statements of work.

(a) Generally, statements of work shall define requirements in clear, concise language identifying specific work to be accomplished. Statements of work must be individually tailored to consider the period of performance, deliverable items, if any, and the desired degree of performance flexibility (see 11.106). In the case of task order contracts, the statement of work for the basic contract need only define the scope of the overall contract (see 16.504(a)(4)(iii)). The statement of work for each task issued under a task order contract shall comply with paragraph (b) of this subsection. To achieve the maximum benefits of performance-based contracting, task order contracts should be awarded on a multiple award basis (see 16.504(c) and 16.505(b)).

(b) When preparing statements of work, agencies shall, to the maximum extent practicable—

(1) Describe the work in terms of "what" is to be the required output rather than either "how" the work is to be accomplished or the number of hours to be provided (see 11.002(a)(2) and 11.101);

(2) Enable assessment of work performance against measurable performance standards;

(3) Rely on the use of measurable performance standards and financial incentives in a competitive environment to encourage competitors to develop and institute innovative and cost-effective methods of performing the work; and

(4) Avoid combining requirements into a single acquisition that is too broad for the agency or a prospective contractor to manage effectively.

#### 37.602-2 Quality assurance.

Agencies shall develop quality assurance surveillance plans when acquiring services (see 46.103 and 46.401(a)). These plans shall recognize the responsibility of the contractor (see 46.105) to carry out its quality control obligations and shall contain measurable inspection and acceptance criteria corresponding to the performance standards contained in the statement of work. The quality assurance surveillance plans shall focus on the level of performance required by the statement of work, rather than the methodology used by the contractor to achieve that level of performance.

#### 37.602-3 Selection procedures.

Agencies shall use competitive negotiations when appropriate to ensure selection of services that offer the best value to the Government, cost and other factors considered (see 15.304).

**37.602-4 Contract type.**

Contract types most likely to motivate contractors to perform at optimal levels shall be chosen (see Subpart 16.1 and, for research and development contracts, see 35.006). To the maximum extent practicable, performance incentives, either positive or negative or both, shall be incorporated into the contract to encourage contractors to increase efficiency and maximize performance (see Subpart 16.4). These incentives shall correspond to the specific performance standards in the quality assurance surveillance plan and shall be capable of being measured objectively. Fixed-price contracts are generally appropriate for services

that can be defined objectively and for which the risk of performance is manageable (see Subpart 16.1).

**37.602-5 Follow-on and repetitive requirements.**

When acquiring services that previously have been provided by contract, agencies shall rely on the experience gained from the prior contract to incorporate performance-based contracting methods to the maximum extent practicable. This will facilitate the use of fixed-price contracts for such requirements for services. (See 7.105 for requirement to address performance-based contracting strategies in acquisition plans. See also 16.104(k).)

\* \* \* \* \*

**PART 42—CONTRACT ADMINISTRATION AND AUDIT SERVICES**

- Sec.*
- 42.000 Scope of part.
  - 42.001 Definitions.
  - 42.002 Interagency agreements.
  - 42.003 Cognizant Federal agency.
- Subpart 42.1—Contract Audit Services**
- 42.101 Contract audit responsibilities.
  - 42.102 Assignment of contract audit services.
  - 42.103 Contract audit services directory.
- Subpart 42.2—Contract Administration Services**
- 42.201 Contract administration responsibilities.
  - 42.202 Assignment of contract administration.
  - 42.203 Contract administration services directory.
- Subpart 42.3—Contract Administration Office Functions**
- 42.301 General.
  - 42.302 Contract administration functions.
- Subpart 42.4—Correspondence and Visits**
- 42.401 Contract correspondence.
  - 42.402 Visits to contractors' facilities.
  - 42.403 Evaluation of contract administration offices.
- Subpart 42.5—Postaward Orientation**
- 42.500 Scope of subpart.
  - 42.501 General.
  - 42.502 Selecting contracts for postaward orientation.
  - 42.503 Postaward conferences.
  - 42.503-1 Postaward conference arrangements.
  - 42.503-2 Postaward conference procedure.
  - 42.503-3 Postaward conference report.
  - 42.504 Postaward letters.
  - 42.505 Postaward subcontractor conferences.
- Subpart 42.6—Corporate Administrative Contracting Officer**
- 42.601 General.
  - 42.602 Assignment and location.
  - 42.603 Responsibilities.
- Subpart 42.7—Indirect Cost Rates**
- 42.700 Scope of subpart.
  - 42.701 Definitions.
  - 42.702 Purpose.
  - 42.703 General.
  - 42.703-1 Policy.
  - 42.703-2 Certificate of indirect costs.
  - 42.704 Billing rates.
  - 42.705 Final indirect cost rates.
  - 42.705-1 Contracting officer determination procedure.
  - 42.705-2 Auditor determination procedure.
  - 42.705-3 Educational institutions.
  - 42.705-4 State and local governments.
- 42.705-5 Nonprofit organizations other than educational and state and local governments.
  - 42.706 Distribution of documents.
  - 42.707 Cost-sharing rates and limitations on indirect cost rates.
  - 42.708 Quick-closeout procedure.
  - 42.709 Scope.
  - 42.709-1 General.
  - 42.709-2 Responsibilities.
  - 42.709-3 Assessing the penalty.
  - 42.709-4 Computing interest.
  - 42.709-5 Waiver of the penalty.
  - 42.709-6 Contract clause.
- Subpart 42.8—Disallowance of Costs**
- 42.800 Scope of subpart.
  - 42.801 Notice of intent to disallow costs.
  - 42.802 Contract clause.
  - 42.803 Disallowing costs after incurrence.
- Subpart 42.9—Bankruptcy**
- 42.900 Scope of subpart.
  - 42.901 General.
  - 42.902 Procedures.
  - 42.903 Solicitation provision and contract clause.
- Subpart 42.10—[Reserved]**
- Subpart 42.11—Production Surveillance and Reporting**
- 42.1101 General.
  - 42.1102 Applicability.
  - 42.1103 Policy.
  - 42.1104 Surveillance requirements.
  - 42.1105 Assignment of criticality designator.
  - 42.1106 Reporting requirements.
  - 42.1107 Contract clause.
- Subpart 42.12—Novation and Change-of-Name Agreements**
- 42.1200 Scope of subpart.
  - 42.1201 Definitions.
  - 42.1202 Responsibility for executing agreements.
  - 42.1203 Processing agreements.
  - 42.1204 Applicability of novation agreements.
  - 42.1205 Agreement to recognize contractor's change of name.
- Subpart 42.13—Suspension of Work, Stop-Work Orders, and Government Delay of Work**
- 42.1301 General.
  - 42.1302 Suspension of work.
  - 42.1303 Stop-work orders.
  - 42.1304 Government delay of work.
  - 42.1305 Contract clauses.
- Subpart 42.14—Traffic and Transportation Management**
- 42.1401 General.

**42.000**

- 42.1402 Volume movements within the continental United States.
- 42.1403 Shipping documents covering f.o.b. origin shipments.
- 42.1404 Shipments by parcel post or other classes of mail.
- 42.1404-1 Parcel post eligible shipments.
- 42.1404-2 Contract clauses.
- 42.1405 Discrepancies incident to shipment of supplies.
- 42.1406 Report of shipment (REPSHIP).
- 42.1406-1 Advance notice.
- 42.1406-2 Contract clause.

**Subpart 42.15—Contractor Performance Information**

- 42.1500 Scope of subpart.
- 42.1501 General.
- 42.1502 Policy.
- 42.1503 Procedures.

**Subpart 42.16—Small Business Contract Administration**

- 42.1601 General.

**Subpart 42.17—Forward Pricing Rate Agreements**

- 42.1701 Procedures.

**42.000 Scope of part.**

This part prescribes policies and procedures for assigning and performing contract administration and contract audit services.

**42.001 Definitions.**

As used in this part—

“Cognizant Federal agency” means the Federal agency that, on behalf of all Federal agencies, is responsible for establishing final indirect cost rates and forward pricing rates, if applicable, and administering cost accounting standards for all contracts in a business unit.

“Responsible audit agency” means the agency that is responsible for performing all required contract audit services at a business unit (as defined in 31.001).

**42.002 Interagency agreements.**

(a) Agencies shall avoid duplicate audits, reviews, inspections, and examinations of contractors or subcontractors, by more than one agency, through the use of interagency agreements.

(b) Subject to the fiscal regulations of the agencies and applicable interagency agreements, the requesting agency shall reimburse the servicing agency for rendered services in accordance with the Economy Act (31 U.S.C. 1535).

(c) When an interagency agreement is established, the agencies are encouraged to consider establishing procedures for the resolution of issues that may arise under the agreement.

**42.003 Cognizant Federal agency.**

(a) For contractors other than educational institutions and nonprofit organizations, the cognizant Federal agency normally will be the agency with the largest dollar amount of negotiated contracts, including options. For educational institutions and nonprofit organizations, the cognizant Federal agency is established according to Subsection G.11 of OMB Circular A-21, Cost Principles for Educational Institutions, and Attachment A, Subsection E.2, of OMB Circular A-122, Cost Principles for Nonprofit Organizations, respectively.

(b) Once a Federal agency assumes cognizance for a contractor, it should remain cognizant for at least 5 years to ensure continuity and ease of administration. If, at the end of the 5-year period, another agency has the largest dollar amount of negotiated contracts, including options, the two agencies shall coordinate and determine which will assume cognizance. However, if circumstances warrant it and the affected agencies agree, cognizance may transfer prior to the expiration of the 5-year period.

**Subpart 42.1—Contract Audit Services****42.101 Contract audit responsibilities.**

(a) The auditor is responsible for—

(1) Submitting information and advice to the requesting activity, based on the auditor's analysis of the contractor's financial and accounting records or other related data as to the acceptability of the contractor's incurred and estimated costs;

(2) Reviewing the financial and accounting aspects of the contractor's cost control systems; and

(3) Performing other analyses and reviews that require access to the contractor's financial and accounting records supporting proposed and incurred costs.

(b) Normally, for contractors other than educational institutions and nonprofit organizations, the Defense Contract Audit Agency (DCAA) is the responsible Government audit agency. However, there may be instances where an agency other than DCAA desires cognizance of a particular contractor. In those instances, the two agencies shall agree on the most efficient and economical approach to meet contract audit requirements. For educational institutions and nonprofit organizations, audit cognizance will be determined according to the provisions of OMB Circular A-133, Audits of Institutions of Higher Education and Other Non-Profit Institutions.

**42.102 Assignment of contract audit services.**

(a) As provided in agency procedures or interagency agreements, contracting officers may request audit services directly from the responsible audit agency cited in the Directory of Federal Contract Audit Offices. The audit

agency regulations. DOD activities report to the Military Traffic Management Command (MTMC) under the Defense Traffic Management Regulation (DTMR). Civilian agencies report to GSA, Office of Transportation, or other designated offices under the Federal Property Management Regulations (FPMR), specifically 41 CFR 101-40.305-2.

(b) Reporting of volume movements permits MTMC and GSA transportation personnel to determine the reasonableness of applicable current rates and, when appropriate, to negotiate adjusted or modified rates.

#### **42.1403 Shipping documents covering f.o.b. origin shipments.**

(a) Except as provided in 47.303-17, when a contract specifies delivery of supplies f.o.b. origin with transportation costs to be paid by the Government, the contractor shall make shipments on U.S. Government bills of lading (GBL's), or on other shipping documents prescribed by MTMC in the case of seavan containers, furnished by the CAO or the appropriate agency transportation office. Each agency shall establish appropriate procedures by which the contractor shall obtain GBL's. The contracting officer shall not authorize the contractor to ship on commercial bills of lading for conversion to GBL's unless delivery is extremely urgent and GBL's are not readily available.

(b) The possible application of reduced rates under section 10721 of the Interstate Commerce Act for shipments on commercial bills of lading and the Commercial Bill of Lading Notations clause are discussed at 47.104.

(c)(1) The limited authority for the use of commercial forms and procedures to acquire freight or express transportation for small shipments of a recurring nature when transportation costs do not exceed \$100, is prescribed in the Transportation Documentation and Audit Regulation, specifically 41 CFR 101-41.304-2.

(2) For DOD shipments, corresponding guidance is in Chapter 32 of the DTMR.

#### **42.1404 Shipments by parcel post or other classes of mail.**

##### **42.1404-1 Parcel post eligible shipments.**

(a)(1) Use of parcel post or other classes of mail permits direct movements from source of supply to the user, without the intermediate documentation that is required when supplies are transported through depots or air or water terminals. However, the use of parcel post and other classes of mail shall be confined to deliveries of mailable matter that meet the size, weight, and distance limitations prescribed by the U.S. Postal Service. Parcel post eligible shipments for overseas destinations will not be sent via Small Package Delivery services or parcel post to CONUS military air or water terminals. These shipments will be

mailed through the APO or FPO to the overseas user. Contractors shall not divide delivery quantities into mailable parcels for the purpose of avoiding shipments by other modes of transportation.

(2) When parcel post or other classes of mail are used by contractors, they shall prepay the postage costs by using their own mailing labels or stamps and include prepaid postage costs as separate items in the invoices for supplies shipped.

(b)(1) Authority for contractors to use indicia mail may be obtained by submitting Postal Service (PS) Form 3601, Application to Mail Without Affixing Postage Stamps, to the U.S. Postal Service for approval following agency procedures. If approval is granted, the agency shall follow the U.S. Postal Service permit requirements.

(2) When indicia mail is used, the contractor will be provided with a completed PS Form 3601 and official penalty permit imprint mailing labels, envelopes, or cards printed on the top right side in a rectangular box: Postage and Fees Paid (first line); Government Agency Name (second line); and, the proper permit imprint number (G-000) on the third line. These must also bear in the upper left corner in every case the printed return address of the agency concerned above the printed phrases "Official Business" and "Penalty for Private Use, \$300." The name and address of a private person or firm shall not be shown.

(c) When a contractor uses the contractor's own label for making a shipment to a post office servicing military and other agency consignees outside the United States, the contractor shall stamp or imprint the parcel immediately above the label in 1/4 inch block letters with (i) the name of the agency and (ii) the words "Official Mail-Contents for Official Use-Exempt from Customs Requirements." This permits identification and expedites handling within the postal system. Use of this marking does not eliminate the requirement for payment of postage by the contractor when so required by the contract or when the contractor is to be reimbursed for the cost of postage.

(d) Contractors may not insure shipments at Government expense for the purpose of recovery in case of loss and/or damage, except that minimum insurance required for the purposes of obtaining receipts at point of origin and upon delivery is authorized.

##### **42.1404-2 Contract clauses.**

(a) The contracting officer shall insert the clause at 52.242-10, F.o.b. Origin—Government Bills of Lading or Prepaid Postage, in solicitations and contracts when f.o.b. origin shipments are to be made using Government bills of lading or prepaid postage.

(b) The contracting officer shall insert the clause at 52.242-11, F.o.b. Origin—Government Bills of Lading or Indicia Mail, in solicitations and contracts when f.o.b. origin

**42.1405**

shipments are to be made using Government bills of lading or indicia mail, if indicia mail has been authorized by the U.S. Postal Service.

**42.1405 Discrepancies incident to shipment of supplies.**

(a) Discrepancies incident to shipment include overage, shortage, loss, damage, and other discrepancies between the quantity and/or condition of supplies received from commercial carriers and the quantity and/or condition of these supplies as shown on the covering bill of lading or other transportation document. Regulations and procedures for reporting and adjusting discrepancies in Government shipments are in Subpart 40.7 of the Federal Property Management Regulations (41 CFR 101-40.7). (Military installations shall consult "Reporting of Transportation Discrepancies in Shipments," AR 55-38, NAVSUP INST 4610.33C, AFR 75-18, MCO P4610.19D, DLAR 4500.15.)

(b) Generally, when the place of delivery is f.o.b. origin, the Government consignee at destination is also accountable for the supplies, and all claims or reports dealing with discrepancies shall be initiated at that point in accordance with the property accountability regulations of the agency concerned.

(c) If supplies are acquired on an f.o.b. destination basis, any claim arising from a discrepancy occurring in transit is a matter for settlement between the contractor and the carrier. However, the Government consignee shall—

(1) Notify the carrier of the discrepancy by noting the exception on the carrier's delivery receipt; and

(2) Furnish all available data to the CAO or appropriate agency office, which shall promptly transmit the data to the contractor.

**42.1406 Report of shipment (REPSHIP).****42.1406-1 Advance notice.**

Military (and as required, civilian agency) storage and distribution points, depots, and other receiving activities require advance notice of shipments en route from contractors' plants. Generally, this notification is required only for classified material; sensitive, controlled, and certain other protected material; explosives, and some other hazardous materials; selected shipments requiring movement control; or minimum carload or truckload shipments. It facilitates arrangements for transportation control, labor, space, and use of materials handling equipment at destination. Also, timely receipt of notices by the consignee transportation office precludes the incurring of demurrage and vehicle detention charges.

**42.1406-2 Contract clause.**

The contracting officer shall insert the clause at 52.242-12, Report of Shipment (REPSHIP), in solicitations and contracts when advance notice of shipment is required for safety or security reasons, or where carload or truckload shipments will be made to DoD installations or, as required, to civilian agency facilities.

**Subpart 42.15—Contractor Performance Information****42.1500 Scope of subpart.**

This subpart provides policies and establishes responsibilities for recording and maintaining contractor performance information. This subpart does not apply to procedures used by agencies in determining fees under award or incentive fee contracts. However, the fee amount paid to contractors should be reflective of the contractor's performance and the past performance evaluation should closely parallel the fee determinations.

**42.1501 General.**

Past performance information is relevant information, for future source selection purposes, regarding a contractor's actions under previously awarded contracts. It includes, for example, the contractor's record of conforming to contract requirements and to standards of good workmanship; the contractor's record of forecasting and controlling costs; the contractor's adherence to contract schedules, including the administrative aspects of performance; the contractor's history of reasonable and cooperative behavior and commitment to customer satisfaction; and generally, the contractor's business-like concern for the interest of the customer.

**42.1502 Policy.**

(a) Except as provided in paragraph (b) of this section, agencies shall prepare an evaluation of contractor performance for each contract in excess of \$1,000,000 (regardless of the date of contract award) and for each contract in excess of \$100,000 beginning not later than January 1, 1998 (regardless of the date of contract award), at the time the work under the contract is completed. In addition, interim evaluations should be prepared as specified by the agencies to provide current information for source selection purposes, for contracts with a period of performance, including options, exceeding one year. This evaluation is generally for the entity, division, or unit that performed the contract. The content and format of performance evaluations shall be established in accordance with agency procedures and



time on a scheduled flight from origin to destination airport by foreign-flag air carrier is 3 hours or less and service by a U.S.-flag air carrier would involve twice such traveltime.

#### 47.403-2 Air transport agreements between the United States and foreign governments.

Nothing in the guidelines of the Comptroller General (see 47.403) shall preclude, and no penalty shall attend, the use of a foreign-flag air carrier that provides transportation under an air transport agreement between the United States and a foreign government, the terms of which are consistent with the international aviation policy goals at 49 U.S.C. 1502(b) and provide reciprocal rights and benefits.

#### 47.403-3 Disallowance of expenditures.

(a) Agencies shall disallow expenditures for U.S. Government-financed commercial international air transportation on foreign-flag air carriers unless there is attached to the appropriate voucher a memorandum adequately explaining why service by U.S.-flag air carriers was not available, or why it was necessary to use foreign-flag air carriers.

(b) When the travel is by indirect route or the traveler otherwise fails to use available U.S.-flag air carrier service, the amount to be disallowed against the traveler is based on the loss of revenues suffered by U.S.-flag air carriers as determined under the following formula, which is prescribed and more fully explained in 56 Comp. Gen. 209 (1977):

$\frac{\text{Sum of U.S.-flag carrier segment mileage, authorized}}{\text{Sum of all segment mileage, authorized}}$	X	Fare payable by Government
	<i>MINUS</i>	
$\frac{\text{Sum of U.S.-flag carrier segment mileage, traveled}}{\text{Sum of all segment mileage, traveled}}$	X	Through fare paid

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

#### 47.404 Air freight forwarders.

(a) Agencies may use air freight forwarders that are engaged in international air transportation (49 U.S.C. 1301(24)(c)) for U.S. Government-financed movements of property. The rule on disallowance of expenditures in 47.403-3(a) applies also to the air carriers used by these international air freight forwarders.

(b) Agency personnel shall inform international air freight forwarders that to facilitate prompt payments of their bills, they shall submit with their bills—

(1) A copy of the airway bill or manifest showing the air carriers used; and

(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.

#### 47.405 Contract clause.

The contracting officer shall insert the clause at 52.247-63, Preference for U.S.-Flag Air Carriers, in solicitations and contracts whenever it is possible that U.S. Government-financed international air transportation of personnel (and their personal effects) or property will occur in the performance of the contract. This clause does not apply to contracts awarded using the simplified acquisition procedures in Part 13 or contracts for commercial items (see Part 12).

### Subpart 47.5—Ocean Transportation by U.S.-Flag Vessels

#### 47.500 Scope of subpart.

This subpart prescribes policy and procedures for giving preference to U.S.-flag vessels when transportation of supplies by ocean vessel is required. This subpart does not apply to the Department of Defense (DoD). Policy and procedures applicable to DoD appear in DFARS subpart 247.5.

#### 47.501 Definitions.

“Dry bulk carrier” means a vessel used primarily for the carriage of shipload lots of homogeneous unmarked nonliquid cargoes such as grain, coal, cement, and lumber.

“Dry cargo liner” means a vessel used for the carriage of heterogeneous marked cargoes in parcel lots. However, any

cargo may be carried in these vessels, including part cargoes of dry bulk items or, when carried in deep tanks, bulk liquids such as petroleum and vegetable oils.

“Foreign-flag vessel” means any vessel of foreign registry including vessels owned by U.S. citizens but registered in a nation other than the United States.

“Government vessel,” as used in this subpart, means a vessel owned by the U.S. Government and operated directly by the Government or for the Government by an agent or contractor, including a privately owned U.S.-flag vessel under bareboat charter to the Government.

“Privately owned U.S.-flag commercial vessel,” as used in this subpart, means a vessel—

(a) Registered and operated under the laws of the United States,

(b) Used in commercial trade of the United States,

(c) Owned and operated by U.S. citizens, including a vessel under voyage or time charter to the Government, and

(d) A Government-owned vessel under bareboat charter to, and operated by, U.S. citizens.

## 47.502

“Tanker” means a vessel used primarily for the carriage of bulk liquid cargoes such as liquid petroleum products, vegetable oils, and molasses.

“U.S.-flag vessel,” as used in this subpart, when used independently means either a Government vessel or a privately owned U.S.-flag commercial vessel.

**47.502 Policy.**

(a) The policy of the United States regarding the use of U.S.-flag vessels is stated in the following acts:

(1) The Cargo Preference Act of 1904 (10 U.S.C. 2631), which requires the Department of Defense to use only U.S.-flag vessels for ocean transportation of supplies for the Army, Navy, Air Force, or Marine Corps unless those vessels are not available at fair and reasonable rates.

(2) The Merchant Marine Act of 1936 (46 U.S.C. 1101), which declares it is the policy of the United States to foster the development and encourage the maintenance of its merchant marine.

(3) The Cargo Preference Act of 1954 (46 U.S.C. 1241(b)), which is Section 901(b) of the Merchant Marine Act). Under this Act, Government agencies acquiring, either within or outside the United States, supplies that may require ocean transportation shall ensure that at least 50 percent of the gross tonnage of these supplies (computed separately for dry bulk carriers, dry cargo liners, and tankers) is transported on privately owned U.S.-flag commercial vessels to the extent that such vessels are available at rates that are fair and reasonable for U.S.-flag commercial vessels. This applies when the supplies are—

(i) Acquired for the account of the United States;

(ii) Furnished to, or for the account of, a foreign nation without provision for reimbursement;

(iii) Furnished for the account of a foreign nation in connection with which the United States advances funds or credits, or guarantees the convertibility of foreign currencies; or

(iv) Acquired with advance of funds, loans, or guaranties made by or on behalf of the United States.

(b) Additional policies providing preference for the use of U.S.-flag vessels are contained in—

(1) 10 U.S.C. 2634 for the transportation of privately-owned vehicles belonging to service members when making permanent change of station moves;

(2) 46 U.S.C. 1241(a) for official business travel by officers and employees of the United States and for the transportation of their personal effects; and

(3) 46 U.S.C. 1241(e) for the transportation of motor vehicles owned by Government personnel when transportation is at Government expense or otherwise authorized by law.

(c) The provisions of the Cargo Preference Act of 1954 may be temporarily waived when the Congress, the

President, or the Secretary of Defense declares that an emergency justifying a temporary waiver exists and so notifies the appropriate agency or agencies.

**47.503 Applicability.**

(a) Except as stated in paragraph (b) of this section and in 47.504, the Cargo Preference Acts of 1904 and 1954 described in 47.502(a) apply to the following cargoes:

(1) Supplies owned by the Government and in the possession of—

- (i) The Government;
- (ii) A contractor; or
- (iii) A subcontractor at any tier.

(2) Supplies for use of the Government that are contracted for and require subsequent delivery to a Government activity but are not owned by the Government at the time of shipment.

(3) Supplies not owned by the Government at the time of shipment that are to be transported for distribution to foreign assistance programs, but only if these supplies are not acquired or contracted for with local currency funds (see 47.504(b)).

(b) Government-owned supplies to be shipped commercially that are—

(1) In the possession of a department, a contractor, or a subcontractor at any tier and

(2) For use of military departments shall be transported exclusively in privately owned U.S.-flag commercial vessels if such vessels are available at rates that are fair and reasonable for U.S.-flag commercial vessels.

(c) The 50-percent requirement shall not prevent the use of privately owned U.S.-flag commercial vessels for transportation of up to 100 percent of the cargo subject to the Cargo Preference Act of 1954.

**47.504 Exceptions.**

The policy and procedures in this subpart do not apply to the following:

(a) Shipments aboard vessels of the Panama Canal Commission or as required or authorized by law or treaty.

(b) Ocean transportation between foreign countries of supplies purchased with foreign currencies made available, or derived from funds that are made available, under the Foreign Assistance Act of 1961 (22 U.S.C. 2353).

(c) Shipments of classified supplies when the classification prohibits the use of non-Government vessels.

(d) Beginning May 1, 1996, subcontracts for the acquisition of commercial items or commercial components (see 12.504(a)(11)). This exception does not apply to grants-in-aid shipments, such as agricultural and food-aid shipments, to shipments covered under Export-Import Bank loans or guarantees, and to subcontracts under Government contracts or agreements for ocean transportation services.

amount is expected to exceed the simplified acquisition threshold. The contracting officer may use the clause when the contract amount is at or below the simplified acquisition threshold, if appropriate (e.g., if the acquisition involves items with a history of unsatisfactory quality).

(2) *Transportation.* If the contract is for transportation or transportation-related services, the contracting officer shall use the clause with its Alternate I.

(b) *Research and development.* The contracting officer shall insert the clause at 52.249-9, Default (Fixed-Price Research and Development), in solicitations and contracts for research and development when a fixed-price contract is contemplated and the contract amount is expected to exceed the simplified acquisition threshold, except those with educational or nonprofit institutions on a no-profit basis. The contracting officer may use the clause when the contract amount is at or below the simplified acquisition threshold, if appropriate (e.g., if the contracting officer believes that key personnel essential to the work may be devoted to other programs).

(c)(1) *Construction.* The contracting officer shall insert the clause at 52.249-10, Default (Fixed-Price Construction), in solicitations and contracts for construction, when a fixed-price contract is contemplated and the contract amount is expected to exceed the simplified acquisition threshold. The contracting officer may use the clause when the contract amount is at or below the simplified acquisition threshold, if appropriate (e.g., if completion dates are essential).

(2) *Dismantling and demolition.* If the contract is for dismantling, demolition, or removal of improvements, the contracting officer shall use the clause with its Alternate I.

(3) *National emergencies.* If the contract is to be awarded during a period of national emergency, the contracting officer may use the clause—

(i) With its Alternate II when a fixed-price contract for construction is contemplated, or

(ii) With its Alternate III when a contract for dismantling, demolition, or removal of improvements is contemplated.

**49.505 Other termination clauses.**

(a) *Facilities.* The contracting officer shall insert the clause at 52.249-11, Termination of Work (Consolidated Facilities or Facilities Acquisition), in consolidated facilities contracts and facilities acquisition contracts. If the contract is with an agency of the U.S. Government or with State, local, or foreign governments or their agencies, and if the contracting officer determines that the requirement to pay interest on excess partial payments is inappropriate, the contracting officer shall use the clause with its Alternate I.

(b) *Personal service contracts.* The contracting officer shall insert the clause at 52.249-12, Termination (Personal Services), in solicitations and contracts for personal services (see Part 37).

(c) *Failure to perform.* The contracting officer shall insert the clause at 52.249-13, Failure to Perform, in facilities contracts, except facilities use contracts with nonprofit educational institutions.

(d) *Excusable delays.* The contracting officer shall insert the clause at 52.249-14, Excusable Delays, in solicitations and contracts for supplies, services, construction, and research and development on a fee basis, when a cost-reimbursement contract is contemplated. The contracting officer shall also insert the clause in time-and-material contracts, labor-hour contracts, consolidated facilities contracts, and facilities acquisition contracts.

(e) *Communication service contracts.* This regulation does not prescribe a clause for the cancellation or termination of orders under communication service contracts with common carriers because of special agency requirements that apply to these services. An appropriate clause, however, shall be prescribed at agency level, within those agencies contracting for these services.

**Subpart 49.6—Contract Termination Forms and Formats**

**49.601 Notice of termination for convenience.**

(See 49.402-3(g) for notice of termination for default.)

**49.601-1 Telegraphic notice.**

(a) *Complete termination.* The following telegraphic notice is suggested for use if a supply contract is being completely terminated for convenience. If appropriately modified, the notice may be used for other than supply contracts.

Date \_\_\_\_\_

XYZ Corporation  
New York, NY 12345

Contract No. \_\_\_\_\_ is completely terminated under clause \_\_\_\_\_, effective \_\_\_\_\_ [insert “immediately” or “on \_\_\_\_\_, 20\_\_\_\_,” or “as soon as you have delivered, including prior deliveries, the following items:” (list)]. Immediately stop all work, terminate subcontracts, and place no further orders except to the extent [insert if applicable “necessary to complete items not terminated or”] that you or a subcontractor wish to retain and continue for your own account any work-in-process or other materials. Telegraph similar instructions to all subcontractors and suppliers. Detailed instructions follow.

\_\_\_\_\_  
(Contracting Officer)

(b) *Partial termination.* The following telegraphic notice is suggested for use if a supply contract is being partially terminated for convenience. If appropriately modified, the notice may be used for other than supply contracts.

Date \_\_\_\_\_

XYZ Corporation  
New York, NY 12345

Contract No. \_\_\_\_\_ is partially terminated under clause \_\_\_\_\_, effective \_\_\_\_\_ [insert "immediately" or "on \_\_\_\_\_, 20\_\_\_\_"]. Reduce items to be delivered as follows: [insert instructions]. Immediately stop all work, terminate subcontracts, and place no further orders except as necessary to perform the portion not terminated or that you or a subcontractor wish to retain and continue for your account any work-in-process or other materials. Telegraph similar instructions to all subcontractors and suppliers. Detailed instructions follow.

\_\_\_\_\_  
(Contracting Officer)

**49.601-2 Letter notice.**

The following letter notice of termination is suggested for use if a contract for supplies is being terminated for convenience. With appropriate modifications, it may be used in terminating contracts for other than supplies and in terminating subcontracts. This notice shall be sent by certified mail, return receipt requested. If no prior telegraphic notice was issued, use the alternate notice that follows this notice.

NOTICE OF TERMINATION TO PRIME CONTRACTORS

[At the top of the notice, set out all special details relating to the particular termination; e.g., name and address of company, contract number of terminated contract, items, etc.]

(a) *Effective date of termination.* This confirms the Government's telegram to you dated \_\_\_\_\_, 20\_\_\_\_, terminating \_\_\_\_\_ [insert "completely" or "in part"] Contract No. \_\_\_\_\_ (referred to as "the contract") for the Government's convenience under the clause entitled \_\_\_\_\_ [insert title of appropriate termination clause]. The termination is effective on the date and in the manner stated in the telegram.

(b) *Cessation of work and notification to immediate subcontractors.* You shall take the following steps:

(1) Stop all work, make no further shipments, and place no further orders relating to the contract, except for—

(i) The continued portion of the contract, if any;

(ii) Work-in-process or other materials that you may wish to retain for your own account; or

(iii) Work-in-process that the Contracting Officer authorizes you to continue (A) for safety precautions, (B) to clear or avoid damage to equipment, (C) to avoid immediate complete spoilage of work-in-process having a definite commercial value, or (D) to prevent any other undue loss to the Government. (If you believe this authorization is necessary or advisable, immediately notify the Contracting Officer by telephone or personal conference and obtain instructions.)

(2) Keep adequate records of your compliance with subparagraph (b)(1) of this section showing the—

(i) Date you received the Notice of Termination;

(ii) Effective date of the termination; and

(iii) Extent of completion of performance on the effective date.

(3) Furnish notice of termination to each immediate subcontractor and supplier that will be affected by this termination. In the notice—

(i) Specify your Government contract number;

(ii) State whether the contract has been terminated completely or partially;

(iii) Provide instructions to stop all work, make no further shipments, place no further orders, and terminate all subcontracts under the contract, subject to the exceptions in subparagraph (b)(1) of this section;

(iv) Provide instructions to submit any settlement proposal promptly; and

(v) Request that similar notices and instructions be given to its immediate subcontractors.

(4) Notify the Contracting Officer of all pending legal proceedings that are based on subcontracts or purchase orders under the contract, or in which a lien has been or may be placed against termination inventory to be reported to the Government. Also, promptly notify the Contracting Officer of any such proceedings that are filed after receipt of this Notice.

(5) Take any other action required by the Contracting Officer or under the Termination clause in the contract.

(c) *Termination inventory.* (1) As instructed by the Contracting Officer, transfer title and deliver to the Government all termination

inventory of the following types or classes, including subcontractor termination inventory that you have the right to take: [Contracting Officer insert proper identification or "None"].

(2) To settle your proposal, it will be necessary to establish that all prime and subcontractor termination inventory has been properly accounted for. For detailed information, see Part 45.

(d) Settlements with subcontractors. You remain liable to your subcontractors and suppliers for proposals arising because of the termination of their subcontracts or orders. You are requested to settle these settlement proposals as promptly as possible. For purposes of reimbursement by the Government, settlements will be governed by the provisions of Part 49.

(e) Completed end items. (1) Notify the Contracting Officer of the number of items completed under the contract and still on hand and arrange for their delivery or other disposal (see 49.205).

(2) Invoice acceptable completed end items under the contract in the usual way and do not include them in the settlement proposal.

(f) Patents. If required by the contract, promptly forward the following to the Contracting Officer:

(1) Disclosure of all inventions, discoveries, and patent applications made in the performance of the contract.

(2) Instruments of license or assignment on all inventions, discoveries, and patent applications made in the performance of the contract.

(g) Employees affected. (1) If this termination, together with other outstanding terminations, will necessitate a significant reduction in your work force, you are urged to—

(i) Promptly inform the local State Employment Service of your reduction-in-force schedule in numbers and occupations, so that the Service can take timely action in assisting displaced workers;

(ii) Give affected employees maximum practical advance notice of the employment reduction and inform them of the facilities and services available to them through the local State Employment Service offices;

(iii) Advise affected employees to file applications with the State Employment Service to qualify for unemployment insurance, if necessary;

(iv) Inform officials of local unions having agreements with you of the impending reduction-in-force; and

(v) Inform the local Chamber of Commerce and other appropriate organizations

which are prepared to offer practical assistance in finding employment for displaced workers of the impending reduction-in-force.

(2) If practicable, urge subcontractors to take similar actions to those described in subparagraph (1) of this section.

(h) Administrative. The contract administration office named in the contract will identify the Contracting Officer who will be in charge of the settlement of this termination and who will, upon request, provide the necessary settlement forms. Matters not covered by this notice should be brought to the attention of the undersigned.

(i) Please acknowledge receipt of this notice as provided below.

\_\_\_\_\_  
(Contracting Officer)

\_\_\_\_\_  
(Name of Office)

\_\_\_\_\_  
(Address)

ACKNOWLEDGMENT OF NOTICE

The undersigned acknowledges receipt of a signed copy of this notice on \_\_\_\_\_, 20\_\_\_\_. Two signed copies of this notice are returned.

\_\_\_\_\_  
(Name of Contractor)

By \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

(End of notice)

Alternate notice. If no prior telegraphic notice was issued, substitute the following paragraph (a) for paragraph (a) of the notice above:

(a) Effective date of termination. You are notified that Contract No. \_\_\_\_\_ (referred to as "the contract") is terminated \_\_\_\_\_ [insert "completely" or "in part"] for the Government's convenience under the clause entitled \_\_\_\_\_ [insert title of appropriate termination clause]. The termination is effective \_\_\_\_\_ [insert either "immediately upon receipt of this Notice" or "on \_\_\_\_\_, 20\_\_\_\_," or "as soon as you have delivered, including prior deliveries, the following items:" (list)]. Reduce items to be delivered as follows: [insert instructions].

**49.602 Forms for settlement of terminated contracts.**

The standard forms listed below shall be used for settling terminated prime contracts. The forms at 49.602-1 and 49.602-2 may also be used for settling terminated subcontracts. Standard forms are illustrated in Subpart 53.3.

**49.602-1 Termination settlement proposal forms.**

(a) Standard Form 1435, Settlement Proposal (Inventory Basis), shall be used to submit settlement proposals resulting from the termination of fixed-price contracts if the proposals are computed on an inventory basis (see 49.206-2(a)).

(b) Standard Form 1436, Settlement Proposal (Total Cost Basis), shall be used to submit settlement proposals resulting from the termination of fixed-price contracts if the proposals are computed on a total cost basis (see 49.206-2(b)).

(c) Standard Form 1437, Settlement Proposal for Cost-Reimbursement Type Contracts, shall be used to submit settlement proposals resulting from the termination of cost-reimbursement contracts (see 49.302).

(d) Standard Form 1438, Settlement Proposal (Short Form), shall be used to submit settlement proposals resulting from the termination of fixed-price contracts if the total proposal is less than \$10,000 (see 49.206-1(d)).

**49.602-2 Inventory schedule forms.**

The following forms shall be used to support settlement proposals submitted on the forms specified in 49.602-1(a), (b), and (c) (see 45.606):

(a) Standard Form 1426, Inventory Schedule A (Metals in Mill Product Form), and Standard Form 1427, Inventory Schedule A—Continuation Sheet (Metals in Mill Product Form).

(b) Standard Form 1428, Inventory Schedule B, and Standard Form 1429, Inventory Schedule B—Continuation Sheet (used for reporting raw materials, purchased parts, finished components, finished product, plant equipment, and miscellaneous inventory).

(c) Standard Form 1430, Inventory Schedule C—(Work-in-Process), and Standard Form 1431, Inventory Schedule C—Continuation Sheet (Work-in-Process).

(d) Standard Form 1432, Inventory Schedule D (Special Tooling and Special Test Equipment), and Standard Form 1433, Inventory Schedule D—Continuation Sheet (Special Tooling and Special Test Equipment).

(e) Standard Form 1434, Termination Inventory Schedule E (Short Form for use with SF 1438 only).

**49.602-3 Schedule of accounting information.**

Standard Form 1439, Schedule of Accounting Information, shall be filed in support of a settlement proposal unless the proposal is filed on Standard Form 1438, Settlement Proposal (Short Form) (see 49.206-1(e)).

**49.602-4 Partial payments.**

Standard Form 1440, Application for Partial Payment, shall be used to apply for partial payments (see 49.112-1).

**49.602-5 Settlement agreement.**

Standard Form 30 (SF 30), Amendment of Solicitation/Modification of Contract, shall be used to execute a settlement agreement (see 49.109-1).

**49.603 Formats for termination for convenience settlement agreements.**

The formats to be used for termination for convenience settlement agreements should be substantially as shown in this section (see 49.109). Termination contracting officers (TCO's) may, however, modify the contents of these agreements to conform with special termination clauses prescribed or authorized by their agencies (*e.g.*, see 49.501 and 49.505(e)).

**49.603-1 Fixed price contracts—complete termination.**

*[Insert the following in Block 14 of SF 30 for settlements of fixed-price contracts completely terminated.]*

(a) This supplemental agreement settles the settlement proposal resulting from the Notice of Termination dated \_\_\_\_\_.

(b) The parties agree to the following:

(1) The Contractor certifies that all contract termination inventory (including scrap) has been retained or acquired by the contractor, sold to third parties, returned to suppliers, delivered to or stored for the Government, or otherwise properly accounted for, and that all proceeds and retention credits have been used in arriving at this agreement.

(2) The Contractor certifies that each immediate subcontractor, whose settlement proposal is included in the proposal settled by this agreement, has furnished the contractor a certificate stating—

(i) That all subcontract termination inventory (including scrap) has been retained or acquired by the subcontractor, sold to third parties, returned to suppliers, delivered to or stored for the government, or otherwise properly accounted for, and that all proceeds and retention credits were used in arriving at the settlement of the subcontract, and

(ii) That the subcontractor has received a similar certificate from each immediate subcontractor whose proposal was included in its proposal.

(3) The contractor certifies that all items of termination inventory, the costs of which

FOREIGN AND DOMESTIC CONSTRUCTION MATERIALS PRICE COMPARISON			
<u>Construction Material</u> <u>Description</u>	<u>Unit of</u> <u>Measure</u>	<u>Quantity</u>	<u>Price</u> <u>(Dollars)*</u>
<i>Item 1:</i>			
Foreign construction material	_____	_____	_____
Domestic construction material	_____	_____	_____
<i>Item 2:</i>			
Foreign construction material	_____	_____	_____
Domestic construction material	_____	_____	_____

[List name, address, telephone number, and contact for suppliers surveyed. Attach copy of response; if oral, attach summary.]

[Include other applicable supporting information.]

[\* Include all delivery costs to the construction site and any applicable duty (whether or not a duty-free entry certificate is issued).]

(End of clause)

**52.225-10 Notice of Buy American Act/Balance of Payments Program Requirement—Construction Materials.**

As prescribed in 25.1102(b)(1), insert the following provision:

NOTICE OF BUY AMERICAN ACT/BALANCE OF PAYMENTS  
PROGRAM REQUIREMENT—CONSTRUCTION MATERIALS  
(FEB 2000)

(a) *Definitions.* “Construction material,” “domestic construction material,” and “foreign construction material,” as used in this provision, are defined in the clause of this solicitation entitled “Buy American Act—Balance of Payments Program—Construction Materials” (Federal Acquisition Regulation (FAR) clause 52.225-9).

(b) *Requests for determinations of inapplicability.* An offeror requesting a determination regarding the inapplicability of the Buy American Act or Balance of Payments Program should submit the request to the Contracting Officer in time to allow a determination before submission of offers. The offeror shall include the information and applicable supporting data required by paragraphs (c) and (d) of the clause at FAR 52.225-9 in the request. If an offeror has not requested a determination regarding the inapplicability of the Buy American Act or Balance of Payments Program before submitting its offer, or has not received a response to a previous request, the offeror shall include the information and supporting data in the offer.

(c) *Evaluation of offers.* (1) The Government will evaluate an offer requesting exception to the requirements of the Buy American Act or Balance of Payments Program, based on claimed unreasonable cost of domestic construction material, by adding to the offered price the appropriate per-

centage of the cost of such foreign construction material, as specified in paragraph (b)(3)(i) of the clause at FAR 52.225-9.

(2) If evaluation results in a tie between an offeror that requested the substitution of foreign construction material based on unreasonable cost and an offeror that did not request an exception, the Contracting Officer will award to the offeror that did not request an exception based on unreasonable cost.

(d) *Alternate offers.* (1) When an offer includes foreign construction material not listed by the Government in this solicitation in paragraph (b)(2) of the clause at FAR 52.225-9, the offeror also may submit an alternate offer based on use of equivalent domestic construction material.

(2) If an alternate offer is submitted, the offeror shall submit a separate Standard Form 1442 for the alternate offer, and a separate price comparison table prepared in accordance with paragraphs (c) and (d) of the clause at FAR 52.225-9 for the offer that is based on the use of any foreign construction material for which the Government has not yet determined an exception applies.

(3) If the Government determines that a particular exception requested in accordance with paragraph (c) of the clause at FAR 52.225-9 does not apply, the Government will evaluate only those offers based on use of the equivalent domestic construction material, and the offeror shall be required to furnish such domestic construction material. An offer based on use of the foreign construction material for which an exception was requested—

- (i) Will be rejected as nonresponsive if this acquisition is conducted by sealed bidding; or
- (ii) May be accepted if revised during negotiations.

(End of provision)

*Alternate I (Feb 2000).* As prescribed in 25.1102(b)(2), substitute the following paragraph (b) for paragraph (b) of the basic provision:

(b) *Requests for determinations of inapplicability.* An offeror requesting a determination regarding the inapplicability of the Buy American Act or Balance of Payments Program shall submit the request with its offer, including the information and applicable supporting data required by paragraphs (c) and (d) of the clause at FAR 52.225-9.

**52.225-11 Buy American Act—Balance of Payments Program—Construction Materials under Trade Agreements.**

As prescribed in 25.1102(c), insert the following clause:

**BUY AMERICAN ACT—BALANCE OF PAYMENTS PROGRAM—  
CONSTRUCTION MATERIALS UNDER TRADE AGREEMENTS  
(FEB 2000)**

(a) *Definitions.* As used in this clause—

“Component” means any article, material, or supply incorporated directly into construction materials.

“Construction material” means an article, material, or supply brought to the construction site by the Contractor or subcontractor for incorporation into the building or work. The term also includes an item brought to the site pre-assembled from articles, materials, or supplies. However, emergency life safety systems, such as emergency lighting, fire alarm, and audio evacuation systems, that are discrete systems incorporated into a public building or work and that are produced as complete systems, are evaluated as a single and distinct construction material regardless of when or how the individual parts or components of those systems are delivered to the construction site. Materials purchased directly by the Government are supplies, not construction material.

“Cost of components” means—

(1) For components purchased by the Contractor, the acquisition cost, including transportation costs to the place of incorporation into the end product (whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or

(2) For components manufactured by the Contractor, all costs associated with the manufacture of the component, including transportation costs as described in paragraph (1) of this definition, plus allocable overhead costs, but excluding profit. Cost of components does not include any costs associated with the manufacture of the end product.

“Designated country” means any of the following countries:

Aruba	Kiribati
Austria	Korea, Republic of
Bangladesh	Lesotho
Belgium	Liechtenstein
Benin	Luxembourg
Bhutan	Malawi
Botswana	Maldives
Burkina Faso	Mali
Burundi	Mozambique
Canada	Nepal
Cape Verde	Netherlands
Central African Republic	Niger
Chad	Norway
Comoros	Portugal
Denmark	Rwanda
Djibouti	Sao Tome and Principe
Equatorial Guinea	Sierra Leone
Finland	Singapore
France	Somalia
Gambia	Spain
Germany	Sweden
Greece	Switzerland
Guinea	Tanzania U.R.
Guinea-Bissau	Togo
Haiti	Tuvalu
Hong Kong	Uganda
Ireland	United Kingdom
Israel	Vanuatu
Italy	Western Samoa
Japan	Yemen

“Designated country construction material” means a construction material that—

(1) Is wholly the growth, product, or manufacture of a designated country; or

(2) In the case of a construction material that consists in whole or in part of materials from another country, has been substantially transformed in a designated country into a new and different construction material distinct from the materials from which it was transformed.

“Domestic construction material” means—

(1) An unmanufactured construction material mined or produced in the United States; or

(2) A construction material manufactured in the United States, if the cost of its components mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. Components of foreign origin of the same class or kind for which nonavailability determinations have been made are treated as domestic.



“Foreign construction material” means a construction material other than a domestic construction material.

“North American Free Trade Agreement country” means Canada or Mexico.

“North American Free Trade Agreement country construction material” means a construction material that—

(1) Is wholly the growth, product, or manufacture of a North American Free Trade Agreement (NAFTA) country; or

(2) In the case of a construction material that consists in whole or in part of materials from another country, has been substantially transformed in a NAFTA country into a new and different construction material distinct from the materials from which it was transformed.

“United States” means the 50 States and the District of Columbia, U.S. territories and possessions, Puerto Rico, the Northern Mariana Islands, and any other place subject to U.S. jurisdiction, but does not include leased bases.

(b) *Construction materials.* (1) This clause implements the Buy American Act (41 U.S.C. 10a - 10d) and the Balance of Payments Program by providing a preference for domestic construction material. In addition, the Contracting Officer has determined that the Trade Agreements Act and the North American Free Trade Agreement (NAFTA) apply to this acquisition. Therefore, the Buy American Act and Balance of Payments Program restrictions are waived for designated country and NAFTA country construction materials.

(2) The Contractor shall use only domestic, designated country, or NAFTA country construction material in performing this contract, except as provided in paragraphs (b)(3) and (b)(4) of this clause.

(3) The requirement in paragraph (b)(2) of this clause does not apply to the construction materials or components listed by the Government as follows:

[Contracting Officer to list applicable excepted materials or indicate “none”]

(4) The Contracting Officer may add other foreign construction material to the list in paragraph (b)(3) of this clause if the Government determines that—

(i) The cost of domestic construction material would be unreasonable. The cost of a particular domestic construction material subject to the restrictions of the Buy American Act is unreasonable when the cost of such material exceeds the cost of foreign material by more than 6 percent. For determination of unreasonable cost under the Balance of Payments Program, the Contracting Officer will use a factor of 50 percent;

(ii) The application of the restriction of the Buy American Act or Balance of Payments Program to a particular construction material would be impracticable or inconsistent with the public interest; or

(iii) The construction material is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality.

(c) *Request for determination of inapplicability of the Buy American Act or Balance of Payments Program.* (1)(i) Any Contractor request to use foreign construction material in accordance with paragraph (b)(4) of this clause shall include adequate information for Government evaluation of the request, including—

(A) A description of the foreign and domestic construction materials;

(B) Unit of measure;

(C) Quantity;

(D) Price;

(E) Time of delivery or availability;

(F) Location of the construction project;

(G) Name and address of the proposed supplier;

and

(H) A detailed justification of the reason for use of foreign construction materials cited in accordance with paragraph (b)(3) of this clause.

(ii) A request based on unreasonable cost shall include a reasonable survey of the market and a completed price comparison table in the format in paragraph (d) of this clause.

(iii) The price of construction material shall include all delivery costs to the construction site and any applicable duty (whether or not a duty-free certificate may be issued).

(iv) Any Contractor request for a determination submitted after contract award shall explain why the Contractor could not reasonably foresee the need for such determination and could not have requested the determination before contract award. If the Contractor does not submit a satisfactory explanation, the Contracting Officer need not make a determination.

(2) If the Government determines after contract award that an exception to the Buy American Act or Balance of Payments Program applies and the Contracting Officer and the Contractor negotiate adequate consideration, the Contracting Officer will modify the contract to allow use of the foreign construction material. However, when the basis for the exception is the unreasonable price of a domestic construction material, adequate consideration is not less than the differential established in paragraph (b)(4)(i) of this clause.

(3) Unless the Government determines that an exception to the Buy American Act or Balance of Payments Program applies, use of foreign construction material is noncompliant with the Buy American Act or Balance of Payments Program.

(d) *Data.* To permit evaluation of requests under paragraph (c) of this clause based on unreasonable cost, the

Contractor shall include the following information and any applicable supporting data based on the survey of suppliers:

FOREIGN AND DOMESTIC CONSTRUCTION MATERIALS  
PRICE COMPARISON

<u>Construction Material Description</u>	<u>Unit of Measure</u>	<u>Quantity</u>	<u>Price (Dollars)*</u>
<i>Item 1:</i>			
Foreign construction material	_____	_____	_____
Domestic construction material	_____	_____	_____
<i>Item 2:</i>			
Foreign construction material	_____	_____	_____
Domestic construction material	_____	_____	_____

[List name, address, telephone number, and contact for suppliers surveyed. Attach copy of response; if oral, attach summary.]

[Include other applicable supporting information.]

[\* Include all delivery costs to the construction site and any applicable duty (whether or not a duty-free entry certificate is issued).]

(End of clause)

*Alternate I (June 2000).* As prescribed in 25.1102(c)(3), delete the definitions of “North American Free Trade Agreement country” and “North American Free Trade Agreement country construction material” from the definitions in paragraph (a) of the basic clause and substitute the following paragraphs (b)(1) and (b)(2) for paragraphs (b)(1) and (b)(2) of the basic clause:

(b) *Construction materials.* (1) This clause implements the Buy American Act (41 U.S.C. 10a-10d) and the Balance of Payments Program by providing a preference for domestic construction material. In addition, the Contracting Officer has determined that the Trade Agreements Act applies to this acquisition. Therefore, the Buy American Act and Balance of Payments Program restrictions are waived for designated country construction materials.

(2) The Contractor shall use only domestic or designated country construction material in performing this contract, except as provided in paragraphs (b)(3) and (b)(4) of this clause.

**52.225-12 Notice of Buy American Act/Balance of Payments Program Requirement—Construction Materials under Trade Agreements.**

As prescribed in 25.1102(d)(1), insert the following provision:

NOTICE OF BUY AMERICAN ACT/BALANCE OF PAYMENTS PROGRAM REQUIREMENT—CONSTRUCTION MATERIALS UNDER TRADE AGREEMENTS (FEB 2000)

(a) *Definitions.* “Construction material,” “designated country construction material,” “domestic construction material,” “foreign construction material,” and “NAFTA country construction material,” as used in this provision, are defined in the clause of this solicitation entitled “Buy American Act—Balance of Payments Program—Construction Materials under Trade Agreements” (Federal Acquisition Regulation (FAR) clause 52.225-11).

(b) *Requests for determination of inapplicability.* An offeror requesting a determination regarding the inapplicability of the Buy American Act or Balance of Payments Program should submit the request to the Contracting Officer in time to allow a determination before submission of offers. The offeror shall include the information and applicable supporting data required by paragraphs (c) and (d) of FAR clause 52.225-11 in the request. If an offeror has not requested a determination regarding the inapplicability of the Buy American Act or Balance of Payments Program before submitting its offer, or has not received a response to a previous request, the offeror shall include the information and supporting data in the offer.

(c) *Evaluation of offers.* (1) The Government will evaluate an offer requesting exception to the requirements of the Buy American Act or Balance of Payments Program, based on claimed unreasonable cost of domestic construction materials, by adding to the offered price the appropriate percentage of the cost of such foreign construction material, as specified in paragraph (b)(4)(i) of FAR clause 52.225-11.

(2) If evaluation results in a tie between an offeror that requested the substitution of foreign construction material based on unreasonable cost and an offeror that did not request an exception, the Contracting Officer will award to the offeror that did not request an exception based on unreasonable cost.

(d) *Alternate offers.* (1) When an offer includes foreign construction material, other than designated country or NAFTA country construction material, that is not listed by the Government in this solicitation in paragraph (b)(3) of FAR clause 52.225-11, the offeror also may submit an alternate offer based on use of equivalent domestic, designated country, or NAFTA country construction material.

(2) If an alternate offer is submitted, the offeror shall submit a separate Standard Form 1442 for the alternate offer, and a separate price comparison table prepared in accordance with paragraphs (c) and (d) of FAR clause 52.225-11 for the offer that is based on the use of any foreign construction material for which the Government has not yet determined an exception applies.

(3) If the Government determines that a particular exception requested in accordance with paragraph (c) of FAR clause 52.225-11 does not apply, the Government will evaluate only those offers based on use of the equivalent domestic, designated country, or NAFTA country construction material, and the offeror shall be required to furnish such domestic, designated country, or NAFTA country construction material. An offer based on use of the foreign construction material for which an exception was requested—

(i) Will be rejected as nonresponsive if this acquisition is conducted by sealed bidding; or

(ii) May be accepted if revised during negotiations.

(End of provision)

*Alternate I (Feb 2000).* As prescribed in 25.1102(d)(2), substitute the following paragraph (b) for paragraph (b) of the basic provision:

(b) *Requests for determination of inapplicability.*

An offeror requesting a determination regarding the inapplicability of the Buy American Act or Balance of Payments Program shall submit the request with its offer, including the information and applicable supporting data required by paragraphs (c) and (d) of FAR clause 52.225-11.

*Alternate II (June 2000).* As prescribed in 25.1102(d)(3), substitute the following paragraphs (a) and (d) for paragraphs (a) and (d) of the basic provision:

(a) *Definitions.* “Construction material,” “designated country construction material,” “domestic construction material,” and “foreign construction material,” as used in this provision, are defined in the clause of this solicitation entitled “Buy American Act—Balance of Payments Program—Construction Materials under Trade Agreements” (Federal Acquisition Regulation (FAR) clause 52.225-11).

(d) *Alternate offers.* (1) When an offer includes foreign construction material, other than designated country construction material, that is not listed by the Government in this solicitation in paragraph (b)(3) of FAR clause 52.225-11, the offeror also may submit an alternate offer based on use of equivalent domestic or designated country construction material.

(2) If an alternate offer is submitted, the offeror shall submit a separate Standard Form 1442 for the alternate offer, and a separate price comparison table prepared in accordance with paragraphs (c) and (d) of FAR clause 52.225-11 for the offer that is based on the use of any foreign construction material for which the Government has not yet determined an exception applies.

(3) If the Government determines that a particular exception requested in accordance with paragraph (c) of FAR clause 52.225-11 does not apply, the Government will evaluate only those offers based on use of the equivalent domestic or designated country construction material, and the offeror shall be required to furnish such domestic or designated country construction material. An offer based on use of the foreign construction material for which an exception was requested—

(i) Will be rejected as nonresponsive if this acquisition is conducted by sealed bidding; or

(ii) May be accepted if revised during negotiations.

**52.225-13 Restrictions on Certain Foreign Purchases.**

As prescribed in 25.1103(a), insert the following clause:

RESTRICTIONS ON CERTAIN FOREIGN PURCHASES (FEB 2000)

(a) The Contractor shall not acquire, for use in the performance of this contract, any supplies or services originating from sources within, or that were located in or transported from or through, countries whose products are banned from importation into the United States under regulations of the Office of Foreign Assets Control, Department of the Treasury. Those countries are Cuba, Iran, Iraq, Libya, North Korea, and Sudan.

(b) The Contractor shall not acquire for use in the performance of this contract any supplies or services from entities controlled by the government of Iraq.

(c) The Contractor shall insert this clause, including this paragraph (c), in all subcontracts.

(End of clause)

**52.225-14 Inconsistency between English Version and Translation of Contract.**

As prescribed at 25.1103(b), insert the following clause:

INCONSISTENCY BETWEEN ENGLISH VERSION AND TRANSLATION OF CONTRACT (FEB 2000)

In the event of inconsistency between any terms of this contract and any translation into another language, the English language meaning shall control.

(End of clause)

**52.225-15 Sanctioned European Union Country End Products.**

As prescribed in 25.1103(c), insert the following clause:

SANCTIONED EUROPEAN UNION COUNTRY END PRODUCTS (FEB 2000)

(a) *Definitions.* As used in this clause—  
“Sanctioned European Union country end product” means an article that—

(1) Is wholly the growth, product, or manufacture of a sanctioned European Union (EU) member state; or

(2) In the case of an article that consists in whole or in part of materials from another country, has been substantially transformed in a sanctioned EU member state into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed. The term refers to a product offered for purchase under a supply contract, but for purposes of calculating the value of the end product includes services (except transportation services) incidental to the article, provided that the value of those incidental services does not exceed that of the article itself.

“Sanctioned European Union member state” means Austria, Belgium, Denmark, Finland, France, Ireland, Italy, Luxembourg, the Netherlands, Sweden, or the United Kingdom.

(b) The Contractor shall not deliver any sanctioned European Union country end products under this contract.

(End of clause)

#### **52.225-16 Sanctioned European Union Country Services.**

As prescribed in 25.1103(c), insert the following clause:

##### SANCTIONED EUROPEAN UNION COUNTRY SERVICES (FEB 2000)

(a) *Definition.* “Sanctioned European Union member state,” as used in this clause, means Austria, Belgium, Denmark, Finland, France, Ireland, Italy, Luxembourg, the Netherlands, Sweden, or the United Kingdom.

(b) The Contractor shall not perform services under this contract in a sanctioned European Union member state. This prohibition does not apply to subcontracts.

(End of clause)

#### **52.225-17 Evaluation of Foreign Currency Offers.**

As prescribed in 25.1103(d), insert the following provision:

##### EVALUATION OF FOREIGN CURRENCY OFFERS (FEB 2000)

If the Government receives offers in more than one currency, the Government will evaluate offers by converting the foreign currency to United States currency using [*Contracting Officer to insert source of rate*] in effect as follows:

(a) For acquisitions conducted using sealed bidding procedures, on the date of bid opening.

(b) For acquisitions conducted using negotiation procedures—

(1) On the date specified for receipt of offers, if award is based on initial offers; otherwise

(2) On the date specified for receipt of proposal revisions.

(End of provision)

#### **52.226-1 Utilization of Indian Organizations and Indian-Owned Economic Enterprises.**

As prescribed in 26.104, insert the following clause:

##### UTILIZATION OF INDIAN ORGANIZATIONS AND INDIAN-OWNED ECONOMIC ENTERPRISES (JUNE 2000)

(a) *Definitions.* As used in this clause:

“Indian” means any person who is a member of any Indian tribe, band, group, pueblo, or community that is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs (BIA) in accordance with 25 U.S.C. 1452(c) and any “Native” as defined in the Alaska Native Claims Settlement Act (43 U.S.C. 1601).

“Indian organization” means the governing body of any Indian tribe or entity established or recognized by the governing body of an Indian tribe for the purposes of 25 U.S.C., chapter 17.

“Indian-owned economic enterprise” means any Indian-owned (as determined by the Secretary of the Interior) commercial, industrial, or business activity established or organized for the purpose of profit, provided that Indian ownership constitutes not less than 51 percent of the enterprise.

“Indian tribe” means any Indian tribe, band, group, pueblo, or community, including native villages and native groups (including corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in the Alaska Native Claims Settlement Act, that is recognized by the Federal Government as eligible for services from BIA in accordance with 25 U.S.C. 1452(c).

“Interested party” means a prime contractor or an actual or prospective offeror whose direct economic interest would be affected by the award of a subcontract or by the failure to award a subcontract.

(b) The Contractor shall use its best efforts to give Indian organizations and Indian-owned economic enterprises (25 U.S.C. 1544) the maximum practicable opportunity to participate in the subcontracts it awards to the fullest extent consistent with efficient performance of its contract.

(1) The Contracting Officer and the Contractor, acting in good faith, may rely on the representation of an Indian

organization or Indian-owned economic enterprise as to its eligibility, unless an interested party challenges its status or the Contracting Officer has independent reason to question that status. In the event of a challenge to the representation of a subcontractor, the Contracting Officer will refer the matter to the—

U.S. Department of the Interior  
Bureau of Indian Affairs (BIA)  
Attn: Chief, Division of Contracting and  
Grants Administration  
1849 C Street, NW,  
MS-2626-MIB  
Washington, DC 20240-4000.

The BIA will determine the eligibility and notify the Contracting Officer. No incentive payment will be made within 50 working days of subcontract award or while a challenge is pending. If a subcontractor is determined to be an ineligible participant, no incentive payment will be made under the Indian Incentive Program.

(2) The Contractor may request an adjustment under the Indian Incentive Program to the following:

(i) The estimated cost of a cost-type contract.

(ii) The target cost of a cost-plus-incentive-fee prime contract.

(iii) The target cost and ceiling price of a fixed-price incentive prime contract.

(iv) The price of a firm-fixed-price prime contract.

(3) The amount of the adjustment to the prime contract is 5 percent of the estimated cost, target cost, or firm-fixed-price included in the subcontract initially awarded to the Indian organization or Indian-owned economic enterprise.

(4) The Contractor has the burden of proving the amount claimed and must assert its request for an adjustment prior to completion of contract performance.

(c) The Contracting Officer, subject to the terms and conditions of the contract and the availability of funds, will authorize an incentive payment of 5 percent of the amount paid to the subcontractor. The Contracting Officer will seek funding in accordance with agency procedures.

(End of clause)

#### **52.226-2 Historically Black College or University and Minority Institution Representation.**

As prescribed in 26.304, insert the following provision:

HISTORICALLY BLACK COLLEGE OR UNIVERSITY AND  
MINORITY INSTITUTION REPRESENTATION (MAY 1997)

(a) *Definitions.* As used in this provision—

“Historically Black College or University” means an institution determined by the Secretary of Education to meet the requirements of 34 CFR 608.2. For the Department of Defense, the National Aeronautics and Space Administration, and the Coast Guard, the term also includes any nonprofit research institution that was an integral part of such a college or university before November 14, 1986.

“Minority Institution” means an institution of higher education meeting the requirements of Section 1046(3) of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)) which, for the purpose of this provision, includes a Hispanic-serving institution of higher education as defined in Section 316(b)(1) of the Act (20 U.S.C. 1059c(b)(1)).

(b) *Representation.* The offeror represents that it—

is  is not a Historically Black College or University;

is  is not a Minority Institution.

(End of provision)

[The next page is 52-149.]



may be expected to result in either an increase or decrease in the contract price and shall take appropriate action as the Contracting Officer directs. The contract price shall be equitably adjusted to cover the costs of action taken by the Contractor at the direction of the Contracting Officer, including any interest, penalty, and reasonable attorneys' fees.

(End of clause)

**52.229-7 Taxes—Fixed-Price Contracts with Foreign Governments.**

As prescribed in 29.402-1(b), insert the following clause:

TAXES—FIXED-PRICE CONTRACTS WITH FOREIGN GOVERNMENTS (JAN 1991)

(a) "Contract date," as used in this clause, means the date set for bid opening or, if this is a negotiated contract or a modification, the effective date of this contract or modification.

(b) The contract price, including the prices in any subcontracts under this contract, does not include any tax or duty that the Government of the United States and the Government of \_\_\_\_\_ [*insert name of the foreign government*] have agreed shall not apply to expenditures made by the United States in \_\_\_\_\_ [*insert name of country*], or any tax or duty not applicable to this contract or any subcontracts under this contract, pursuant to the laws of \_\_\_\_\_ [*insert name of country*]. If any such tax or duty has been included in the contract price, through error or otherwise, the contract price shall be correspondingly reduced.

(c) If, after the contract date, the Government of the United States and the Government of \_\_\_\_\_ [*insert name of the foreign government*] agree that any tax or duty included in the contract price shall not apply to expenditures by the United States in \_\_\_\_\_ [*insert name of country*], the contract price shall be reduced accordingly.

(d) No adjustment shall be made in the contract price under this clause unless the amount of the adjustment exceeds \$250.

(End of clause)

**52.229-8 Taxes—Foreign Cost-Reimbursement Contracts.**

As prescribed in 29.402-2(a), insert the following clause:

TAXES—FOREIGN COST-REIMBURSEMENT CONTRACTS (MAR 1990)

(a) Any tax or duty from which the United States Government is exempt by agreement with the Government of \_\_\_\_\_ [*insert name of the foreign government*], or from which the Contractor or any subcontractor under this contract

is exempt under the laws of \_\_\_\_\_ [*insert name of country*], shall not constitute an allowable cost under this contract.

(b) If the Contractor or subcontractor under this contract obtains a foreign tax credit that reduces its Federal income tax liability under the United States Internal Revenue Code (Title 26, U.S. Code) because of the payment of any tax or duty that was reimbursed under this contract, the amount of the reduction shall be paid or credited at the time of such offset to the Government of the United States as the Contracting Officer directs.

(End of clause)

**52.229-9 Taxes—Cost-Reimbursement Contracts with Foreign Governments.**

As prescribed in 29.402-2(b), insert the following clause:

TAXES—COST-REIMBURSEMENT CONTRACTS WITH FOREIGN GOVERNMENTS (MAR 1990)

(a) Any tax or duty from which the United States Government is exempt by agreement with the Government of \_\_\_\_\_ [*insert name of the foreign government*], or from which any subcontractor under this contract is exempt under the laws of \_\_\_\_\_ [*insert name of country*], shall not constitute an allowable cost under this contract.

(b) If any subcontractor obtains a foreign tax credit that reduces its Federal income tax liability under the United States Internal Revenue Code (Title 26, U.S. Code) because of the payment of any tax or duty that was reimbursed under this contract, the amount of the reduction shall be paid (not credited to the contract) to the Treasurer of the United States at the time the Federal income tax return is filed.

(End of clause)

**52.229-10 State of New Mexico Gross Receipts and Compensating Tax.**

As prescribed in 29.401-6(b), insert the following clause:

STATE OF NEW MEXICO GROSS RECEIPTS AND COMPENSATING TAX (OCT 1988)

(a) Within thirty (30) days after award of this contract, the Contractor shall advise the State of New Mexico of this contract by registering with the State of New Mexico, Taxation and Revenue Department, Revenue Division, pursuant to the Tax Administration Act of the State of New Mexico and shall identify the contract number.

(b) The Contractor shall pay the New Mexico gross receipts taxes, pursuant to the Gross Receipts and Compensating Tax Act of New Mexico, assessed against the contract fee and costs paid for performance of this contract, or of any part or portion thereof, within the State of New

52.230-1

Mexico. The allowability of any gross receipts taxes or local option taxes lawfully paid to the State of New Mexico by the Contractor or its subcontractors will be determined in accordance with the Allowable Cost and Payment clause of this contract except as provided in paragraph (d) of this clause.

(c) The Contractor shall submit applications for Nontaxable Transaction Certificates, Form CSR-3C, to the:

State of New Mexico Taxation and Revenue Dept.  
 Revenue Division  
 PO Box 630  
 Santa Fe, New Mexico 87509

When the Type 15 Nontaxable Transaction Certificate is issued by the Revenue Division, the Contractor shall use these certificates strictly in accordance with this contract, and the agreement between the (\*\_\_\_\_\_ ) and the New Mexico Taxation and Revenue Department.

(d) The Contractor shall provide Type 15 Nontaxable Transaction Certificates to each vendor in New Mexico selling tangible personal property to the Contractor for use in the performance of this contract. Failure to provide a Type 15 Nontaxable Transaction Certificate to vendors will result in the vendor's liability for the gross receipt taxes and those taxes, which are then passed on to the Contractor, shall not be reimbursable as an allowable cost by the Government.

(e) The Contractor shall pay the New Mexico compensating user tax for any tangible personal property which is purchased pursuant to a Nontaxable Transaction Certificate if such property is not used for Federal purposes.

(f) Out-of-state purchase of tangible personal property by the Contractor which would be otherwise subject to compensation tax shall be governed by the principles of this clause. Accordingly, compensating tax shall be due from the contractor only if such property is not used for Federal purposes.

(g) The (\*\_\_\_\_\_ ) may receive information regarding the Contractor from the Revenue Division of the New Mexico Taxation and Revenue Department and, at the discretion of the (\*\_\_\_\_\_ ), may participate in any matters or proceedings pertaining to this clause or the above-mentioned Agreement. This shall not preclude the Contractor from having its own representative nor does it obligate the (\*\_\_\_\_\_ ) to represent its Contractor.

(h) The Contractor agrees to insert the substance of this clause, including this paragraph (h), in each subcontract which meets the criteria in 29.401-6(b)(1) through (3) of the Federal Acquisition Regulation, 48 CFR Part 29.

(i) Paragraphs (a) through (h) of this clause shall be null and void should the Agreement referred to in paragraph (c) of this clause be terminated; provided, however, that such

termination shall not nullify obligations already incurred prior to the date of termination.

[\*Insert appropriate agency name in blanks.]

(End of clause)

**52.230-1 Cost Accounting Standards Notices and Certification.**

As prescribed in 30.201-3, insert the following provision:

**COST ACCOUNTING STANDARDS NOTICES AND CERTIFICATION  
 (JUNE 2000)**

Note: This notice does not apply to small businesses or foreign governments. This notice is in three parts, identified by Roman numerals I through III.

Offerors shall examine each part and provide the requested information in order to determine Cost Accounting Standards (CAS) requirements applicable to any resultant contract.

If the offeror is an educational institution, Part II does not apply unless the contemplated contract will be subject to full or modified CAS coverage pursuant to 48 CFR 9903.201-2(c)(5) or 9903.201-2(c)(6), respectively.

**I. DISCLOSURE STATEMENT—COST ACCOUNTING PRACTICES AND CERTIFICATION**

(a) Any contract in excess of \$500,000 resulting from this solicitation will be subject to the requirements of the Cost Accounting Standards Board (48 CFR Chapter 99), except for those contracts which are exempt as specified in 48 CFR 9903.201-1.

(b) Any offeror submitting a proposal which, if accepted, will result in a contract subject to the requirements of 48 CFR Chapter 99 must, as a condition of contracting, submit a Disclosure Statement as required by 48 CFR 9903.202. When required, the Disclosure Statement must be submitted as a part of the offeror's proposal under this solicitation unless the offeror has already submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this proposal. If an applicable Disclosure Statement has already been submitted, the offeror may satisfy the requirement for submission by providing the information requested in paragraph (c) of Part I of this provision.

CAUTION: In the absence of specific regulations or agreement, a practice disclosed in a Disclosure Statement shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed-to practice for pricing proposals or accumulating and reporting contract performance cost data.



(c) Check the appropriate box below:

(1) *Certificate of Concurrent Submission of Disclosure Statement.* The offeror hereby certifies that, as a part of the offer, copies of the Disclosure Statement have been submitted as follows:

(i) Original and one copy to the cognizant Administrative Contracting Officer (ACO) or cognizant Federal agency official authorized to act in that capacity (Federal official), as applicable; and

(ii) One copy to the cognizant Federal auditor.

(Disclosure must be on Form No. CASB DS-1 or CASB DS-2, as applicable. Forms may be obtained from the cognizant ACO or Federal official and/or from the loose-leaf version of the Federal Acquisition Regulation.)

Date of Disclosure Statement: \_\_\_\_\_

Name and Address of Cognizant ACO or Federal Official Where Filed: \_\_\_\_\_

The offeror further certifies that the practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement.

(2) *Certificate of Previously Submitted Disclosure Statement.* The offeror hereby certifies that the required Disclosure Statement was filed as follows:

Date of Disclosure Statement: \_\_\_\_\_

Name and Address of Cognizant ACO or Federal Official Where Filed: \_\_\_\_\_

The offeror further certifies that the practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the applicable Disclosure Statement.

(3) *Certificate of Monetary Exemption.* The offeror hereby certifies that the offeror, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards of negotiated prime contracts and subcontracts subject to CAS totaling \$50 million or more in the cost accounting period immediately preceding the period in which this proposal was submitted. The offeror further certifies that if such status changes before an award resulting from this proposal, the offeror will advise the Contracting Officer immediately.

(4) *Certificate of Interim Exemption.* The offeror hereby certifies that (i) the offeror first exceeded the monetary exemption for disclosure, as defined in (3) of this subsection, in the cost accounting period immediately preceding the period in which this offer was submitted and (ii) in accordance with 48 CFR 9903.202-1, the offeror is not yet required to submit a Disclosure Statement. The offeror further certifies that if an award resulting from this proposal has not been made within 90 days after the end of that

period, the offeror will immediately submit a revised certificate to the Contracting Officer, in the form specified under subparagraph (c)(1) or (c)(2) of Part I of this provision, as appropriate, to verify submission of a completed Disclosure Statement.

CAUTION: Offerors currently required to disclose because they were awarded a CAS-covered prime contract or subcontract of \$50 million or more in the current cost accounting period may not claim this exemption (4). Further, the exemption applies only in connection with proposals submitted before expiration of the 90-day period following the cost accounting period in which the monetary exemption was exceeded.

II. COST ACCOUNTING STANDARDS—ELIGIBILITY FOR MODIFIED CONTRACT COVERAGE

If the offeror is eligible to use the modified provisions of 48 CFR 9903.201-2(b) and elects to do so, the offeror shall indicate by checking the box below. Checking the box below shall mean that the resultant contract is subject to the Disclosure and Consistency of Cost Accounting Practices clause in lieu of the Cost Accounting Standards clause.

The offeror hereby claims an exemption from the Cost Accounting Standards clause under the provisions of 48 CFR 9903.201-2(b) and certifies that the offeror is eligible for use of the Disclosure and Consistency of Cost Accounting Practices clause because during the cost accounting period immediately preceding the period in which this proposal was submitted, the offeror received less than \$50 million in awards of CAS-covered prime contracts and subcontracts. The offeror further certifies that if such status changes before an award resulting from this proposal, the offeror will advise the Contracting Officer immediately.

CAUTION: An offeror may not claim the above eligibility for modified contract coverage if this proposal is expected to result in the award of a CAS-covered contract of \$50 million or more or if, during its current cost accounting period, the offeror has been awarded a single CAS-covered prime contract or subcontract of \$50 million or more.

III. ADDITIONAL COST ACCOUNTING STANDARDS APPLICABLE TO EXISTING CONTRACTS

The offeror shall indicate below whether award of the contemplated contract would, in accordance with subparagraph (a)(3) of the Cost Accounting Standards clause, require a change in established cost accounting practices affecting existing contracts and subcontracts.

YES  NO

(End of provision)

*Alternate I (Apr 1996).* As prescribed in 30.201-3(b), add the following subparagraph (c)(5) to Part I of the basic provision:

(5) *Certificate of Disclosure Statement Due Date by Educational Institution.* If the offeror is an educational institution that, under the transition provisions of 48 CFR 9903.202-1(f), is or will be required to submit a Disclosure Statement after receipt of this award, the offeror hereby certifies that (check one and complete):

(i) A Disclosure Statement Filing Due Date of \_\_\_\_\_ has been established with the cognizant Federal agency.

(ii) The Disclosure Statement will be submitted within the 6-month period ending \_\_\_\_\_ months after receipt of this award.

Name and Address of Cognizant ACO or Federal Official Where Disclosure Statement is to be Filed: \_\_\_\_\_

#### 52.230-2 Cost Accounting Standards.

As prescribed in 30.201-4(a), insert the following clause:

##### COST ACCOUNTING STANDARDS (APR 1998)

(a) Unless the contract is exempt under 48 CFR 9903.201-1 and 9903.201-2, the provisions of 48 CFR Part 9903 are incorporated herein by reference and the Contractor, in connection with this contract, shall—

(1) (*CAS-covered Contracts Only*) By submission of a Disclosure Statement, disclose in writing the Contractor's cost accounting practices as required by 48 CFR 9903.202-1 through 9903.202-5, including methods of distinguishing direct costs from indirect costs and the basis used for allocating indirect costs. The practices disclosed for this contract shall be the same as the practices currently disclosed and applied on all other contracts and subcontracts being performed by the Contractor and which contain a Cost Accounting Standards (CAS) clause. If the Contractor has notified the Contracting Officer that the Disclosure Statement contains trade secrets and commercial or financial information which is privileged and confidential, the Disclosure Statement shall be protected and shall not be released outside of the Government.

(2) Follow consistently the Contractor's cost accounting practices in accumulating and reporting contract performance cost data concerning this contract. If any change in cost accounting practices is made for the purposes

of any contract or subcontract subject to CAS requirements, the change must be applied prospectively to this contract and the Disclosure Statement must be amended accordingly. If the contract price or cost allowance of this contract is affected by such changes, adjustment shall be made in accordance with subparagraph (a)(4) or (a)(5) of this clause, as appropriate.

(3) Comply with all CAS, including any modifications and interpretations indicated thereto contained in 48 CFR Part 9904, in effect on the date of award of this contract or, if the Contractor has submitted cost or pricing data, on the date of final agreement on price as shown on the Contractor's signed certificate of current cost or pricing data. The Contractor shall also comply with any CAS (or modifications to CAS) which hereafter become applicable to a contract or subcontract of the Contractor. Such compliance shall be required prospectively from the date of applicability to such contract or subcontract.

(4)(i) Agree to an equitable adjustment as provided in the Changes clause of this contract if the contract cost is affected by a change which, pursuant to subparagraph (a)(3) of this clause, the Contractor is required to make to the Contractor's established cost accounting practices.

(ii) Negotiate with the Contracting Officer to determine the terms and conditions under which a change may be made to a cost accounting practice, other than a change made under other provisions of subparagraph (a)(4) of this clause; provided that no agreement may be made under this provision that will increase costs paid by the United States.

(iii) When the parties agree to a change to a cost accounting practice, other than a change under subdivision (a)(4)(i) of this clause, negotiate an equitable adjustment as provided in the Changes clause of this contract.

(5) Agree to an adjustment of the contract price or cost allowance, as appropriate, if the Contractor or a subcontractor fails to comply with an applicable Cost Accounting Standard, or to follow any cost accounting practice consistently and such failure results in any increased costs paid by the United States. Such adjustment shall provide for recovery of the increased costs to the United States, together with interest thereon computed at the annual rate established under section 6621 of the Internal Revenue Code of 1986 (26 U.S.C. 6621) for such period, from the time the payment by the United States was made to the time the adjustment is effected. In no case shall the Government recover costs greater than the increased cost to the Government, in the aggregate, on the relevant contracts sub-

**52.237-1 Site Visit.**

As prescribed in 37.110(a), insert the following provision:

SITE VISIT (APR 1984)

Offerors or quoters are urged and expected to inspect the site where services are to be performed and to satisfy themselves regarding all general and local conditions that may affect the cost of contract performance, to the extent that the information is reasonably obtainable. In no event shall failure to inspect the site constitute grounds for a claim after contract award.

(End of provision)

**52.237-2 Protection of Government Buildings, Equipment, and Vegetation.**

As prescribed in 37.110(b), insert the following clause in solicitations and contracts for services to be performed on Government installations, unless a construction contract is contemplated:

PROTECTION OF GOVERNMENT BUILDINGS, EQUIPMENT, AND VEGETATION (APR 1984)

The Contractor shall use reasonable care to avoid damaging existing buildings, equipment, and vegetation on the Government installation. If the Contractor's failure to use reasonable care causes damage to any of this property, the Contractor shall replace or repair the damage at no expense to the Government as the Contracting Officer directs. If the Contractor fails or refuses to make such repair or replacement, the Contractor shall be liable for the cost, which may be deducted from the contract price.

(End of clause)

**52.237-3 Continuity of Services.**

As prescribed in 37.110(c), insert the following clause:

CONTINUITY OF SERVICES (JAN 1991)

(a) The Contractor recognizes that the services under this contract are vital to the Government and must be continued without interruption and that, upon contract expiration, a successor, either the Government or another contractor, may continue them. The Contractor agrees to—

- (1) Furnish phase-in training; and
- (2) Exercise its best efforts and cooperation to effect an orderly and efficient transition to a successor.

(b) The Contractor shall, upon the Contracting Officer's written notice, (1) furnish phase-in, phase-out services for up to 90 days after this contract expires and (2) negotiate in good faith a plan with a successor to determine the nature

and extent of phase-in, phase-out services required. The plan shall specify a training program and a date for transferring responsibilities for each division of work described in the plan, and shall be subject to the Contracting Officer's approval. The Contractor shall provide sufficient experienced personnel during the phase-in, phase-out period to ensure that the services called for by this contract are maintained at the required level of proficiency.

(c) The Contractor shall allow as many personnel as practicable to remain on the job to help the successor maintain the continuity and consistency of the services required by this contract. The Contractor also shall disclose necessary personnel records and allow the successor to conduct on-site interviews with these employees. If selected employees are agreeable to the change, the Contractor shall release them at a mutually agreeable date and negotiate transfer of their earned fringe benefits to the successor.

(d) The Contractor shall be reimbursed for all reasonable phase-in, phase-out costs (*i.e.*, costs incurred within the agreed period after contract expiration that result from phase-in, phase-out operations) and a fee (profit) not to exceed a pro rata portion of the fee (profit) under this contract.

(End of clause)

**52.237-4 Payment by Government to Contractor.**

As prescribed in 37.304(a), insert the following clause in solicitations and contracts solely for dismantling, demolition, or removal of improvements whenever the contracting officer determines that the Government shall make payment to the contractor in addition to any title to property that the contractor may receive under the contract:

PAYMENT BY GOVERNMENT TO CONTRACTOR (APR 1984)

(a) In \_\_\_\_\_ [*insert "full" if Alternate I is used; otherwise insert "partial"*] consideration of the performance of the work called for in the Schedule, the Government will pay to the Contractor \_\_\_\_\_ [*fill in amount*].

(b) The Government shall make progress payments monthly as the work proceeds, or at more frequent intervals as determined by the Contracting Officer, on estimates approved by the Contracting Officer. Except as provided in paragraph (c) below, in making progress payments the Contracting Officer shall retain 10 percent of the estimated payment until final completion and acceptance of the contract work. However, if the Contracting Officer finds that satisfactory progress was achieved during any period for which a progress payment is to be made, the Contracting Officer may authorize such payment in full, without retaining a percentage. Also, on completion and acceptance of each unit or division for which the price is stated separately,

the Contracting Officer may authorize full payment for that unit or division without retaining a percentage.

(c) When the work is substantially completed, the Contracting Officer shall retain an amount considered adequate for the protection of the Government and, at the Contracting Officer's discretion, may release all or a portion of any excess amount.

(d) In further consideration of performance, the Contractor shall receive title to all property to be dismantled or demolished that is not specifically designated as being retained by the Government. The title shall vest in the Contractor immediately upon the Government's issuing the notice of award, or if a performance bond is to be furnished after award, upon the Government's issuance of a notice to proceed with the work. The Government shall not be responsible for the condition of, or any loss or damage to, the property. If the Contractor does not wish to remove from the site any of the property acquired, the Contracting Officer may, upon written request, grant the Contractor permission to leave the property on the premises. As a condition to the granting of this permission, the Contractor agrees to waive any right, title, claim, or interest in and to the property.

(e) Upon completion and acceptance of all work and receipt of a properly executed voucher, the Government shall make final payment of the amount due the Contractor under this contract. If requested, the Contractor shall release all claims against the Government arising under this contract, other than any claims the Contractor specifically excepts, in stated amounts, from operation of this release.

(End of clause)

*Alternate 1 (Apr 1984).* If the contracting officer determines that the Government shall retain all material resulting from the dismantling or demolition work, delete paragraph (d) from the basic clause and renumber the remaining paragraphs.

#### **52.237-5 Payment by Contractor to Government.**

As prescribed in 37.304(b), insert the following clause in solicitations and contracts for dismantling, demolition, or removal of improvements whenever the contractor is to receive title to dismantled or demolished property and a net amount of compensation is due to the Government, except if the contracting officer determines that it would be advantageous to the Government for the contractor to pay in increments and the Government to transfer title to the contractor for increments of property only upon receipt of those payments:

PAYMENT BY CONTRACTOR TO GOVERNMENT (APR 1984)

(a) The Contractor shall receive title to all property to be dismantled, demolished, or removed under this contract and

not specifically designated in the Schedule as being retained by the Government. The title shall vest in the Contractor immediately upon the Government's issuing the notice of award, or if a performance bond is to be furnished, upon the Government's issuing a notice to proceed with the work. The Government shall not be responsible for the condition of, or any loss or damage to, the property.

(b) The Contractor shall promptly remove from the site all property acquired by the Contractor. The Government shall not permit storage of property on the site beyond the completion date. If the Contractor does not wish to remove from the site any of the property acquired, the Contracting Officer may, upon written request, grant the Contractor permission to leave the property on the premises. As a condition of the granting of the permission, the Contractor agrees to waive any right, title, claim, or interest in and to the property.

(c) The Contractor shall perform the work called for under this contract and within \_\_\_\_\_ days of receipt of notice of award, unless otherwise provided in the Schedule and before proceeding with the work, shall pay \_\_\_\_\_ [fill in amount]. Checks shall be made payable to the office designated in the contract and shall be forwarded to the Contracting Officer.

(End of clause)

#### **52.237-6 Incremental Payment by Contractor to Government.**

As prescribed in 37.304(c), insert the following clause in solicitations and contracts for dismantling, demolition, or removal of improvements—

(a) If the Contractor is to receive title to dismantled or demolished property and a net amount of compensation is due the Government; and

(b) If the Contracting Officer determines that it would be advantageous to the Government for the Contractor to pay in increments, and for the Government to transfer title to the Contractor for increments of property, only upon receipt of those payments:

INCREMENTAL PAYMENT BY CONTRACTOR TO GOVERNMENT  
(APR 1984)

(a) The Contractor shall perform the work called for under this contract and within \_\_\_\_\_ days of receipt of notice of award, unless otherwise provided in the Schedule, and before proceeding with the work, shall pay \_\_\_\_\_ [fill in amount]. Thereafter, the Contractor shall make payment to the Government in the amount and frequency specified in the Schedule. Checks shall be made payable to the office designated in the contract and shall be forwarded to the Contracting Officer.

FAC 97-15 FEBRUARY 25, 2000

PROVISION OR CLAUSE	PRESCRIBED IN	P OR C	IBR	UCF	PRINCIPLE TYPE AND/OR PURPOSE OF CONTRACT																				
					FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	LMV	COM SVC	DDR	A&E	FAC	IND DEL	TRN	SAP	UTL SVC	CI		
Alternate I	25.1101 (b)(1)(ii)	C	Yes	I	A	A									A	A					A		A		A
Alternate II	25.1101 (b)(1)(iii)	C	Yes	I	A	A									A	A					A		A		A
52.225-4 Buy American Act—North American Free Trade Agreement—Israeli Trade Act—Balance of Payments Program Certificate.	25.1101 (b)(2)(i)	P	No	K	A	A									A	A					A		A		
Alternate I	25.1101 (b)(2)(ii)	P	No	K	A	A									A	A					A		A		
Alternate II	25.1101 (b)(2)(iii)	P	No	K	A	A									A	A					A		A		
52.225-5 Trade Agreements.	25.1101 (c)(1)	C	Yes	I	A	A															A		A		A
52.225-6 Trade Agreements Certificate.	25.1101 (c)(2)	P	No	K	A	A															A		A		
52.225-7 Waiver of Buy American Act for Civil Aircraft and Related Articles.	25.1101(d)	P	Yes	L	A	A	A	A													A		A		A
52.225-8 Duty-Free Entry.	25.1101(e)	C	Yes	I	A	A	A	A							A	A	A				A		A		A
52.225-9 Buy American Act—Balance of Payments Program—Construction Materials.	25.1102(a)	C	No												A	A									



PROVISION OR CLAUSE	PRESCRIBD IN	P or c	IBR	UCF	PRINCIPLE TYPE AND/OR PURPOSE OF CONTRACT																			
					FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	LMV	COM SVC	DDR	A&E	FAC	IND DEL	TRN	SAP	UTL SVC	CI	
52.225-15 Sanctioned European Union Country End Products.	25.1103(c)	C	Yes	I	A	A																A		
52.225-16 Sanctioned European Union Country Services.	25.1103(c)	C	Yes	I			R	R	A	A	A	A			A	A	A	A	A	R	A	A	A	
52.225-17 Evaluation of Foreign Currency Offers.	25.1103(d)	P	Yes	M	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.226-1 Utilization of Indian Organizations and Indian-Owned Economic Enterprises.	26.104	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	
52.226-2 Historically Black College or University and Minority Institution Representation.	26.304	P	No	K	A	A	A	A	A	A			A		A							A		
52.227-1 Authorization and Consent.	27.201-2(a)	C	Yes	I	A	A			A		A	A			A	A	A	A	A			O		
Alternate I	27.201-2(b)	C	Yes	I			A	A			A	A			A		A	A						

[The next page is Matrix 29.]





**FAC 97-18 FILING INSTRUCTIONS**

**NOTE: The following pages reflect final rule amendments that are effective on July 6, 2000.**

Remove Pages

25-17 thru 25-21

52-43 thru 52-44.2

52-147 thru 52-148.1

Insert Pages

25-17 thru 25-21

52-43 thru 52-44.2

52-147 thru 52-148.1



**Subpart 25.6—Trade Sanctions****25.600 Scope of subpart.**

This subpart implements sanctions imposed by the President pursuant to Section 305(g)(1) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(g)(1)), on European Union (EU) member states that discriminate against U.S. products or services (sanctioned EU member states). This subpart does not apply to contracts for supplies or services awarded and performed outside the United States, or to the Department of Defense. For thresholds unique to individual agencies, see agency regulations.

**25.601 Policy.**

(a) Except as provided in 25.602, agencies must not award contracts for—

(1) Sanctioned EU country end products with an estimated acquisition value less than \$177,000;

(2) Sanctioned EU country construction with an estimated acquisition value less than \$6,806,000; or

(3) Sanctioned EU country services as follows (Federal Service Code or Category from the Federal Procurement Data System Product/Service Code Manual is indicated in parentheses):

(i) Service contracts regardless of acquisition value for—

(A) All transportation services, including launching services (all Vcodes, J019, J998, J999, and K019);

(B) Dredging (Y216 and Z216);

(C) Management and operation of certain Government or privately owned facilities used for Government purposes, including federally funded research and development centers (all M codes);

(D) Development, production or coproduction of program material for broadcasting, such as motion pictures (T006 and T016);

(E) Research and development (all A codes);

(F) Airport concessions (S203);

(G) Legal services (R418);

(H) Hotel and restaurant services (S203);

(I) Placement and supply of personnel services (V241 and V251);

(J) Investigation and security services (S206, S211, and R423);

(K) Education and training services (all U codes and R419);

(L) Health and social services (all O and G codes);

(M) Recreational, cultural, and sporting services (G003); or

(N) Telecommunications services (encompassing only voice telephony, telex, radio telephony,

paging, and satellite services) (S1, D304, D305, D316, D317, and D399).

(ii) All other service contracts with an estimated acquisition value less than \$177,000.

(b) Determine the applicability of sanction thresholds in the manner provided at 25.403(b).

**25.602 Exceptions.**

(a) The sanctions in 25.601 do not apply to—

(1) Purchases at or below the simplified acquisition threshold awarded using simplified acquisition procedures;

(2) Total small business set-asides in accordance with 19.502-2;

(3) Contracts in support of U.S. national security interests; or

(4) Contracts for essential spare, repair, or replacement parts not otherwise available from nonsanctioned countries.

(b)(1) The head of the agency, without power of redelegation, may authorize the award of a contract or class of contracts for sanctioned EU country end products, services, and construction, the purchase of which is otherwise prohibited by 25.601(a), if the head of the agency determines that such action is necessary—

(i) In the public interest;

(ii) To avoid the restriction of competition in a manner that would limit the acquisition in question to, or would establish a preference for, the services, articles, materials, or supplies of a single manufacturer or supplier; or

(iii) Because there would be or are an insufficient number of potential or actual offerors to ensure the acquisition of services, articles, materials, or supplies of requisite quality at competitive prices.

(2) When the head of the agency makes a determination in accordance with paragraph (b)(1) of this section, the agency must notify the U.S. Trade Representative within 30 days after contract award.

**Subpart 25.7—Prohibited Sources****25.701 Restrictions.**

(a)(1) The Government generally does not acquire supplies or services that cannot be imported lawfully into the United States. Therefore, except as provided in paragraph (a)(2) of this section, even for overseas use, agencies and their contractors and subcontractors must not acquire any supplies or services originating from sources within, or that were located in or transported from or through—

(i) Cuba (31 CFR part 515);

(ii) Iran (31 CFR part 560);

(iii) Iraq (31 CFR part 575);

(iv) Libya (31 CFR part 550);

(v) North Korea (31 CFR part 500);  
 (vi) Sudan (31 CFR part 538);  
 (vii) Territory of Afghanistan controlled by the Taliban (Executive Order 13129 of July 4, 1999, Blocking Property and Prohibiting Transactions With the Taliban); or  
 (viii) Serbia, excluding the territory of Kosovo (Executive Order 13121 of April 30, 1999, Blocking Property of the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, and the Republic of Montenegro, and Prohibiting Trade Transactions Involving the Federal Republic of Yugoslavia (Serbia and Montenegro) in Response to the Situation in Kosovo).

(2)(i) Unless agency procedures require a higher level of approval, the contracting officer may, in unusual circumstances, acquire for use outside the United States supplies and services restricted in paragraph (a)(1) of this section. Examples of unusual circumstances are an emergency or when the supplies or services are not otherwise available and a substitute is not acceptable.

(ii) The contracting officer must provide documentation in the contract file whenever this exception is used.

(b) Agencies and their contractors and subcontractors must not acquire any supplies or services from entities controlled by the Government of Iraq or other specially designated nationals (31 CFR Chapter V, Appendix A).

#### **25.702 Source of further information.**

Refer questions concerning the restrictions in 25.701 to the—

Department of the Treasury  
 Office of Foreign Assets Control  
 Washington, DC 20220  
 (Telephone (202) 622-2520).

### **Subpart 25.8—Other International Agreements and Coordination**

#### **25.801 General.**

Treaties and agreements between the United States and foreign governments affect the evaluation of offers from foreign entities and the performance of contracts in foreign countries.

#### **25.802 Procedures.**

(a) When placing contracts with contractors located outside the United States, for performance outside the United States, contracting officers must—

(1) Determine the existence and applicability of any international agreements and ensure compliance with these agreements; and

(2) Conduct the necessary advance acquisition planning and coordination between the appropriate U.S. executive agencies and foreign interests as required by these agreements.

(b) The Department of State publishes many international agreements in the “United States Treaties and Other International Agreements” series. Copies of this publication normally are available in overseas legal offices and U.S. diplomatic missions.

(c) Contracting officers must award all contracts with Taiwanese firms or organizations through the American Institute of Taiwan (AIT). AIT is under contract to the Department of State.

### **Subpart 25.9—Customs and Duties**

#### **25.900 Scope of subpart.**

This subpart provides policies and procedures for exempting from import duties certain supplies purchased under Government contracts.

#### **25.901 Policy.**

United States laws impose duties on foreign supplies imported into the customs territory of the United States. Certain exemptions from these duties are available to Government agencies. Agencies must use these exemptions when the anticipated savings to appropriated funds will outweigh the administrative costs associated with processing required documentation.

#### **25.902 Procedures.**

For regulations governing importations and duties, see the Customs Regulations issued by the U.S. Customs Service, Department of the Treasury (19 CFR Chapter 1). Except as provided elsewhere in the Customs Regulations (see 19 CFR 10.100), all shipments of imported supplies purchased under Government contracts are subject to the usual Customs entry and examination requirements. Unless the agency obtains an exemption (see 25.903), those shipments are also subject to duty.

#### **25.903 Exempted supplies.**

(a) Subchapters VIII and X of Chapter 98 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202) list supplies for which exemptions from duty may be obtained when imported into the customs territory of the United States under a Government contract. For certain of these supplies, the contracting agency must certify to the Commissioner of Customs that they are for the purpose stated in the Harmonized Tariff Schedule (see 19 CFR 10.102-104, 10.114, and 10.121 and 15 CFR part 301 for requirements and formats).

(b) Supplies (excluding equipment) for Government-operated vessels or aircraft may be withdrawn from any customs-bonded warehouse, from continuous customs custody elsewhere than in a bonded warehouse, or from a foreign-trade zone, free of duty and internal revenue tax as provided in 19 U.S.C. 1309 and 1317. The contracting activity must cite this authority on the appropriate customs form when making purchases (see 19 CFR 10.59 - 10.65).

### **Subpart 25.10—Additional Foreign Acquisition Regulations**

#### **25.1001 Waiver of right to examination of records.**

(a) *Policy.* The clause at 52.215-2, Audit and Records—Negotiation, prescribed at 15.209(b), and paragraph (d) of the clause at 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items, prescribed at 12.301(b)(4), implement 10 U.S.C. 2313 and 41 U.S.C. 254d. The basic clauses authorize examination of records by the Comptroller General.

(1) Insert the appropriate basic clause, whenever possible, in negotiated contracts with foreign contractors.

(2) The contracting officer may use 52.215-2 with its Alternate III or 52.212-5 with its Alternate I after—

(i) Exhausting all reasonable efforts to include the basic clause;

(ii) Considering factors such as alternate sources of supply, additional cost, and time of delivery; and

(iii) The head of the agency has executed a determination and findings in accordance with paragraph (b) of this section, with the concurrence of the Comptroller General. However, concurrence of the Comptroller General is not required if the contractor is a foreign government or agency thereof or is precluded by the laws of the country involved from making its records available for examination.

(b) *Determination and findings.* The determination and findings must—

(1) Identify the contract and its purpose, and identify if the contract is with a foreign contractor or with a foreign government or an agency of a foreign government;

(2) Describe the efforts to include the basic clause;

(3) State the reasons for the contractor's refusal to include the basic clause;

(4) Describe the price and availability of the supplies or services from the United States and other sources; and

(5) Determine that it will best serve the interest of the United States to use the appropriate alternate clause in paragraph (a)(2) of this section.

#### **25.1002 Use of foreign currency.**

(a) Unless an international agreement or the Trade Agreements Act (see 25.408(a)(3)) requires a specific

currency, contracting officers must determine whether solicitations for contracts to be entered into and performed outside the United States will require submission of offers in U.S. currency or a specified foreign currency. In unusual circumstances, the contracting officer may permit submission of offers in other than a specified currency.

(b) To ensure a fair evaluation of offers, solicitations generally should require all offers to be priced in the same currency. However, if the solicitation permits submission of offers in other than a specified currency, the contracting officer must convert the offered prices to U.S. currency for evaluation purposes. The contracting officer must use the current market exchange rate from a commonly used source in effect as follows:

(1) For acquisitions conducted using sealed bidding procedures, on the date of bid opening.

(2) For acquisitions conducted using negotiation procedures—

(i) On the date specified for receipt of offers, if award is based on initial offers; otherwise

(ii) On the date specified for receipt of final proposal revisions.

(c) If a contract is priced in foreign currency, the agency must ensure that adequate funds are available to cover currency fluctuations to avoid a violation of the Anti-Deficiency Act (31 U.S.C. 1341, 1342, 1511-1519).

### **Subpart 25.11—Solicitation Provisions and Contract Clauses**

#### **25.1101 Acquisition of supplies.**

The following provisions and clauses apply to the acquisition of supplies and the acquisition of services involving the furnishing of supplies.

(a)(1) Insert the clause at 52.225-1, Buy American Act—Balance of Payments Program—Supplies, in solicitations and contracts with a value exceeding \$2,500 but not exceeding \$25,000; and in solicitations and contracts with a value exceeding \$25,000, if none of the clauses prescribed in paragraphs (b) and (c) of this section apply, except if—

(i) The solicitation is restricted to domestic end products in accordance with Subpart 6.3;

(ii) The acquisition is for supplies for use within the United States and an exception to the Buy American Act applies (*e.g.*, nonavailability or public interest); or

(iii) The acquisition is for supplies for use outside the United States and an exception to the Balance of Payments Program applies.

(2) Insert the provision at 52.225-2, Buy American Act—Balance of Payments Program Certificate, in solicitations containing the clause at 52.225-1.

(b)(1)(i) Insert the clause at 52.225-3, Buy American Act—North American Free Trade Agreement—Israeli

## 25.1102

Trade Act—Balance of Payments Program, in solicitations and contracts with a value exceeding \$25,000 but less than \$177,000, unless—

(A) The acquisition is for the acquisition of supplies, or for services involving the furnishing of supplies, for use outside the United States, and the value of the acquisition is less than the simplified acquisition threshold; or

(B) The acquisition is exempt from the North American Free Trade Agreement and the Israeli Trade Act (see 25.401). For acquisitions of agencies not subject to the Israeli Trade Act (see 25.406), see agency regulations.

(ii) If the acquisition value exceeds \$25,000 but is less than \$50,000, use the clause with its Alternate I.

(iii) If the acquisition value is \$50,000 or more but less than \$54,372, use the clause with its Alternate II.

(2)(i) Insert the provision at 52.225-4, Buy American Act—North American Free Trade Agreement—Israeli Trade Act—Balance of Payments Program Certificate, in solicitations containing the clause at 52.225-3.

(ii) If the acquisition value exceeds \$25,000 but is less than \$50,000, use the provision with its Alternate I.

(iii) If the acquisition value is \$50,000 or more but less than \$54,372, use the provision with its Alternate II.

(c)(1) Insert the clause at 52.225-5, Trade Agreements, in solicitations and contracts valued at \$177,000 or more, if the Trade Agreements Act applies (see 25.401 and 25.403) and the agency has determined that the restrictions of the Buy American Act or Balance of Payments Program are not applicable to U.S.-made end products, unless the acquisition is to be awarded and performed outside the United States in support of a contingency operation or a humanitarian or peacekeeping operation and does not exceed the increased simplified acquisition threshold of \$200,000. If the agency has not made such a determination, the contracting officer must follow agency procedures.

(2) Insert the provision at 52.225-6, Trade Agreements Certificate, in solicitations containing the clause at 52.225-5.

(d) Insert the provision at 52.225-7, Waiver of Buy American Act for Civil Aircraft and Related Articles, in solicitations for civil aircraft and related articles (see 25.407), if the acquisition value is less than \$177,000.

(e) Insert the clause at 52.225-8, Duty-Free Entry, in solicitations and contracts for supplies that may be imported into the United States and for which duty-free entry may be obtained in accordance with 25.903(a), if the value of the acquisition—

(1) Exceeds \$100,000; or

(2) Is \$100,000 or less, but the savings from waiving the duty is anticipated to be more than the administrative cost of waiving the duty. When used for acquisitions valued at \$100,000 or less, the contracting officer may modify

paragraphs (b)(1) and (i)(2) of the clause to reduce the dollar figure.

**25.1102 Acquisition of construction.**

(a) Insert the clause at 52.225-9, Buy American Act—Balance of Payments Program—Construction Materials, in solicitations and contracts for construction valued at less than \$6,806,000.

(1) List in paragraph (b)(2) of the clause all foreign construction material excepted from the requirements of the Buy American Act.

(2) If the head of the agency determines that a higher percentage is appropriate, substitute the higher evaluation percentage in paragraph (b)(3)(i) of the clause.

(b)(1) Insert the provision at 52.225-10, Notice of Buy American Act/Balance of Payments Program Requirement—Construction Materials, in solicitations containing the clause at 52.225-9.

(2) If insufficient time is available to process a determination regarding the inapplicability of the Buy American Act or Balance of Payments Program prior to receipt of offers, use the provision with its Alternate I.

(c) Insert the clause at 52.225-11, Buy American Act—Balance of Payments Program—Construction Materials under Trade Agreements, in solicitations and contracts valued at \$6,806,000 or more.

(1) List in paragraph (b)(3) of the clause all foreign construction material excepted from the requirements of the Buy American Act, other than designated country or NAFTA country construction material.

(2) If the head of the agency determines that a higher percentage is appropriate, substitute the higher evaluation percentage in paragraph (b)(4)(i) of the clause.

(3) For acquisitions valued at \$6,806,000 or more, but less than \$7,068,419, use the clause with its Alternate I.

(d)(1) Insert the provision at 52.225-12, Notice of Buy American Act/Balance of Payments Program Requirement—Construction Materials under Trade Agreements, in solicitations containing the clause at 52.225-11.

(2) If insufficient time is available to process a determination regarding the inapplicability of the Buy American Act or Balance of Payments Program before receipt of offers, use the provision with its Alternate I.

(3) For acquisitions valued at \$6,806,000 or more, but less than \$7,068,419, use the clause with its Alternate II.

**25.1103 Other provisions and clauses.**

(a) *Restrictions on certain foreign purchases.* Insert the clause at 52.225-13, Restrictions on Certain Foreign Purchases, in solicitations and contracts with a value exceeding \$2,500, unless an exception applies (see 25.701(a)(2)).

(b) *Translations.* Insert the clause at 52.225-14, Inconsistency Between English Version and Translation of Contract, in solicitations and contracts if anticipating translation into another language.

(c) *Sanctions.* (1) Except as provided in paragraph (c)(2) of this section, insert the clause at—

(i) 52.225-15, Sanctioned European Union Country End Products, in solicitations and contracts for supplies valued at less than \$177,000; or

(ii) 52.225-16, Sanctioned European Union Country Services, in solicitations and contracts for services—

(A) Listed in 25.601(a)(3)(i); or

(B) Valued at less than \$177,000.

(2) Do not insert the clauses in paragraph (c)(1) of this section in—

(i) Solicitations issued and contracts awarded by a contracting activity located outside of the United States,

provided the supplies will be used or the services will be performed outside of the United States;

(ii) Purchases at or below the simplified acquisition threshold awarded using simplified acquisition procedures;

(iii) Total small business set-asides;

(iv) Contracts in support of U.S. national security interests;

(v) Contracts for essential spare, repair, or replacement parts available only from sanctioned EU member states; or

(vi) Contracts for which the head of the agency has made a determination in accordance with 25.602(b).

(d) *Foreign currency offers.* Insert the provision at 52.225-17, Evaluation of Foreign Currency Offers, in solicitations that permit the use of other than a specified currency. Insert in the provision the source of the rate to be used in the evaluation of offers.

\* \* \* \* \*





Government upon acceptance, regardless of when or where the Government takes physical possession.

(o) *Warranty.* The Contractor warrants and implies that the items delivered hereunder are merchantable and fit for use for the particular purpose described in this contract.

(p) *Limitation of liability.* Except as otherwise provided by an express or implied warranty, the Contractor will not be liable to the Government for consequential damages resulting from any defect or deficiencies in accepted items.

(q) *Other compliances.* The Contractor shall comply with all applicable Federal, State and local laws, executive orders, rules and regulations applicable to its performance under this contract.

(r) *Compliance with laws unique to Government contracts.* The Contractor agrees to comply with 31 U.S.C. 1352 relating to limitations on the use of appropriated funds to influence certain Federal contracts; 18 U.S.C. 431 relating to officials not to benefit; 40 U.S.C. 327, *et seq.*, Contract Work Hours and Safety Standards Act; 41 U.S.C. 51-58, Anti-Kickback Act of 1986; 41 U.S.C. 265 and 10 U.S.C. 2409 relating to whistleblower protections; 49 U.S.C. 40118, Fly American; and 41 U.S.C. 423 relating to procurement integrity.

(s) *Order of precedence.* Any inconsistencies in this solicitation or contract shall be resolved by giving precedence in the following order:

- (1) The schedule of supplies/services.
- (2) The Assignments, Disputes, Payments, Invoice, Other Compliances, and Compliance with Laws Unique to Government Contracts paragraphs of this clause.
- (3) The clause at 52.212-5.
- (4) Addenda to this solicitation or contract, including any license agreements for computer software.
- (5) Solicitation provisions if this is a solicitation.
- (6) Other paragraphs of this clause.
- (7) The Standard Form 1449.
- (8) Other documents, exhibits, and attachments.
- (9) The specification.

(End of clause)

**52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.**

As prescribed in 12.301(b)(4), insert the following clause:

CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS—COMMERCIAL ITEMS (JULY 2000)

(a) The Contractor shall comply with the following FAR clauses, which are incorporated in this contract by reference, to implement provisions of law or executive orders applicable to acquisitions of commercial items:

- (1) 52.222-3, Convict Labor (E.O. 11755).
- (2) 52.233-3, Protest after Award (31 U.S.C. 3553).

(b) The Contractor shall comply with the FAR clauses in this paragraph (b) which the contracting officer has indicated as being incorporated in this contract by reference to implement provisions of law or executive orders applicable to acquisitions of commercial items or components:

[Contracting Officer shall check as appropriate.]

- \_\_\_ (1) 52.203-6, Restrictions on Subcontractor Sales to the Government, with Alternate I (41 U.S.C. 253g and 10 U.S.C. 2402).
- \_\_\_ (2) 52.219-3, Notice of Total HUBZone Small Business Set-Aside (Jan 1999).
- \_\_\_ (3) 52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Jan 1999) (if the offeror elects to waive the preference, it shall so indicate in its offer).
- \_\_\_ (4)(i) 52.219-5, Very Small Business Set-Aside (Pub. L. 103-403, section 304, Small Business Reauthorization and Amendments Act of 1994).
- \_\_\_ (ii) Alternate I to 52.219-5.
- \_\_\_ (iii) Alternate II to 52.219-5.
- \_\_\_ (5) 52.219-8, Utilization of Small Business Concerns (15 U.S.C. 637 (d)(2) and (3)).
- \_\_\_ (6) 52.219-9, Small Business Subcontracting Plan (15 U.S.C. 637(d)(4)).
- \_\_\_ (7) 52.219-14, Limitations on Subcontracting (15 U.S.C. 637(a)(14)).
- \_\_\_ (8)(i) 52.219-23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323) (if the offeror elects to waive the adjustment, it shall so indicate in its offer).
- \_\_\_ (ii) \_\_\_ Alternate I of 52.219-23.
- \_\_\_ (9) 52.219-25, Small Disadvantaged Business Participation Program—Disadvantaged Status and Reporting (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).
- \_\_\_ (10) 52.219-26, Small Disadvantaged Business Participation Program—Incentive Subcontracting (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).
- \_\_\_ (11) 52.222-21, Prohibition of Segregated Facilities (Feb 1999)
- \_\_\_ (12) 52.222-26, Equal Opportunity (E.O. 11246).
- \_\_\_ (13) 52.222-35, Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era (38 U.S.C. 4212).

- \_\_\_ (14) 52.222-36, Affirmative Action for Workers with Disabilities (29 U.S.C. 793).
- \_\_\_ (15) 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era (38 U.S.C. 4212).
- \_\_\_ (16) 52.225-1, Buy American Act—Balance of Payments Program—Supplies (41 U.S.C. 10a - 10d).
- \_\_\_ (17)(i) 52.225-3, Buy American Act—North American Free Trade Agreement—Israeli Trade Act—Balance of Payments Program (41 U.S.C. 10a - 10d, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note).
- \_\_\_ (ii) Alternate I of 52.225-3.
- \_\_\_ (iii) Alternate II of 52.225-3.
- \_\_\_ (18) 52.225-5, Trade Agreements (19 U.S.C. 2501, *et seq.*, 19 U.S.C. 3301 note).
- \_\_\_ (19) 52.225-13, Restriction on Certain Foreign Purchases (E.O. 12722, 12724, 13059, 13067, 13121, and 13129).
- \_\_\_ (20) 52.225-15, Sanctioned European Union Country End Products (E.O. 12849).
- \_\_\_ (21) 52.225-16, Sanctioned European Union Country Services (E.O. 12849).
- \_\_\_ (22) 52.232-33, Payment by Electronic Funds Transfer—Central Contractor Registration (31 U.S.C. 3332).
- \_\_\_ (23) 52.232-34, Payment by Electronic Funds Transfer—Other than Central Contractor Registration (31 U.S.C. 3332).
- \_\_\_ (24) 52.232-36, Payment by Third Party (31 U.S.C. 3332).
- \_\_\_ (25) 52.239-1, Privacy or Security Safeguards (5 U.S.C. 552a).
- \_\_\_ (26)(i) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (46 U.S.C. 1241).
- \_\_\_ (ii) Alternate I of 52.247-64.
- (c) The Contractor shall comply with the FAR clauses in this paragraph (c), applicable to commercial services, which the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or executive orders applicable to acquisitions of commercial items or components:
- [Contracting Officer check as appropriate.]
- \_\_\_ (1) 52.222-41, Service Contract Act of 1965, As Amended (41 U.S.C. 351, *et seq.*).
- \_\_\_ (2) 52.222-42, Statement of Equivalent Rates for Federal Hires (29 U.S.C. 206 and 41 U.S.C. 351, *et seq.*).
- \_\_\_ (3) 52.222-43, Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiple Year and Option Contracts) (29 U.S.C. 206 and 41 U.S.C. 351, *et seq.*).
- \_\_\_ (4) 52.222-44, Fair Labor Standards Act and Service Contract Act—Price Adjustment (29 U.S.C. 206 and 41 U.S.C. 351, *et seq.*).
- \_\_\_ (5) 52.222-47, SCA Minimum Wages and Fringe Benefits Applicable to Successor Contract Pursuant to Predecessor Contractor Collective Bargaining Agreement (CBA) (41 U.S.C. 351, *et seq.*).
- \_\_\_ (6) 52.222-50, Nondisplacement of Qualified Workers (Executive Order 12933).
- (d) *Comptroller General Examination of Record.* The Contractor shall comply with the provisions of this paragraph (d) if this contract was awarded using other than sealed bid, is in excess of the simplified acquisition threshold, and does not contain the clause at 52.215-2, Audit and Records—Negotiation.
- (1) The Comptroller General of the United States, or an authorized representative of the Comptroller General, shall have access to and right to examine any of the Contractor's directly pertinent records involving transactions related to this contract.
- (2) The Contractor shall make available at its offices at all reasonable times the records, materials, and other evidence for examination, audit, or reproduction, until 3 years after final payment under this contract or for any shorter period specified in FAR Subpart 4.7, Contractor Records Retention, of the other clauses of this contract. If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for 3 years after any resulting final termination settlement. Records relating to appeals under the disputes clause or to litigation or the settlement of claims arising under or relating to this contract shall be made available until such appeals, litigation, or claims are finally resolved.
- (3) As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form. This does not require the Contractor to create or maintain any record that the Contractor does not maintain in the ordinary course of business or pursuant to a provision of law.
- (e) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c) or (d) of this clause, the Contractor is not required to include any FAR clause, other than those listed below (and as may be required by an addenda to this paragraph to establish the reasonableness of prices under Part 15), in a subcontract for commercial items or commercial components—
- (1) 52.222-26, Equal Opportunity (E.O. 11246);
- (2) 52.222-35, Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era (38 U.S.C. 4212);
- (3) 52.222-36, Affirmative Action for Workers with Disabilities (29 U.S.C. 793); and

(4) 52.247-64, Preference for Privately-Owned U.S. Flag Commercial Vessels (46 U.S.C. 1241) (flow down not required for subcontracts awarded beginning May 1, 1996).

(End of clause)

*Alternate 1 (Feb 2000).* As prescribed in 12.301(b)(4), delete paragraph (d) from the basic clause, redesignate paragraph (e) as paragraph (d), and revise the reference to “paragraphs (a), (b), (c), or (d) of this clause” in the redesignated paragraph (d) to read “paragraphs (a), (b), and (c) of this clause”.

### 52.213-1 Fast Payment Procedure.

As prescribed in 13.404, insert the following clause:

#### FAST PAYMENT PROCEDURE (FEB 1998)

(a) *General.* The Government will pay invoices based on the Contractor's delivery to a post office or common carrier (or, if shipped by other means, to the point of first receipt by the Government).

(b) *Responsibility for supplies.* (1) Title to the supplies passes to the Government upon delivery to—

(i) A post office or common carrier for shipment to the specific destination; or

(ii) The point of first receipt by the Government, if shipment is by means other than Postal Service or common carrier.

(2) Notwithstanding any other provision of the contract, order, or blanket purchase agreement, the Contractor shall—

(i) Assume all responsibility and risk of loss for supplies not received at destination, damaged in transit, or not conforming to purchase requirements; and

(ii) Replace, repair, or correct those supplies promptly at the Contractor's expense, if instructed to do so by the Contracting Officer within 180 days from the date title to the supplies vests in the Government.

(c) *Preparation of invoice.* (1) Upon delivery to a post office or common carrier (or, if shipped by other means, the point of first receipt by the Government), the Contractor shall—

(i) Prepare an invoice as provided in this contract, order, or blanket purchase agreement; and

(ii) Display prominently on the invoice "FAST PAY."

(2) If the purchase price excludes the cost of transportation, the Contractor shall enter the prepaid shipping cost on the invoice as a separate item. The Contractor shall not include the cost of parcel post insurance. If transportation charges are stated separately on the invoice, the Contractor shall retain related paid freight

bills or other transportation billings paid separately for a period of 3 years and shall furnish the bills to the Government upon request.

(3) If this contract, order, or blanket purchase agreement requires the preparation of a receiving report, the Contractor shall prepare the receiving report on the prescribed form or, alternatively, shall include the following information on the invoice, in addition to that required in paragraph (c)(1) of this clause:

(i) A statement in prominent letters "NO RECEIVING REPORT PREPARED."

(ii) Shipment number.

(iii) Mode of shipment.

(iv) At line item level—

(A) National stock number and/or manufacturer's part number;

(B) Unit of measure;

(C) Ship-To Point;

(D) Mark-For Point, if in the contract; and

(E) FEDSTRIP/MILSTRIP document number, if in the contract.

(4) If this contract, order, or blanket purchase agreement does not require preparation of a receiving report on a prescribed form, the Contractor shall include on the invoice the following information at the line item level, in addition to that required in paragraph (c)(1) of this clause:

(i) Ship-To Point.

(ii) Mark-For Point.

(iii) FEDSTRIP/MILSTRIP document number, if in the contract.

(5) Where a receiving report is not required, the Contractor shall include a copy of the invoice in each shipment.

(d) *Certification of invoice.* The Contractor certifies by submitting an invoice to the Government that the supplies being billed to the Government have been shipped or delivered in accordance with shipping instructions issued by the ordering officer, in the quantities shown on the invoice, and that the supplies are in the quantity and of the quality designated by the contract, order, or blanket purchase agreement.

(e) *Fast pay container identification.* The Contractor shall mark all outer shipping containers "FAST PAY."

(End of clause)

### 52.213-2 Invoices.

As prescribed in 13.302-5(b), insert the following clause:

#### INVOICES (APR 1984)

The Contractor's invoices must be submitted before payment can be made. The Contractor will be paid on the basis of the invoice, which must state—

52.213-3

(a) The starting and ending dates of the subscription delivery; and

(b) Either that orders have been placed in effect for the addressees required, or that the orders will be placed in effect upon receipt of payment.

(End of clause)

**52.213-3 Notice to Supplier.**

As prescribed in 13.302-5(c), insert the following clause:

NOTICE TO SUPPLIER (APR 1984)

This is a firm order ONLY if your price does not exceed the maximum line item or total price in the Schedule. Submit invoices to the Contracting Officer. If you cannot perform in exact accordance with this order, WITHHOLD PERFORMANCE, and notify the Contracting Officer immediately, giving your quotation.

(End of clause)

**52.213-4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items).**

As prescribed in 13.302-5(d), insert the following clause:

TERMS AND CONDITIONS—SIMPLIFIED ACQUISITIONS (OTHER THAN COMMERCIAL ITEMS) (JULY 2000)

(a) The Contractor shall comply with the following Federal Acquisition Regulation (FAR) clauses that are incorporated by reference:

(1) The clauses listed below implement provisions of law or Executive order:

(i) 52.222-3, Convict Labor (AUG 1996) (E.O. 11755).

(ii) 52.225-13, Restrictions on Certain Foreign Purchases (July 2000) (E.O.'s 12722, 12724, 13059, 13067, 13121, and 13129).

(iii) 52.233-3, Protest After Award (AUG 1996) (31 U.S.C. 3553).

(2) Listed below are additional clauses that apply:

(i) 52.232-1, Payments (APR 1984).

(ii) 52.232-8, Discounts for Prompt Payment (MAY 1997).

(iii) 52.232-11, Extras (APR 1984).

(iv) 52.232-25, Prompt Payment (JUN 1997).

(v) 52.233-1, Disputes (DEC 1998).

(vi) 52.244-6, Subcontracts for Commercial Items and Commercial Components (OCT 1998).

(vii) 52.253-1, Computer Generated Forms (JAN 1991).

(b) The Contractor shall comply with the following FAR clauses, incorporated by reference, unless the circumstances do not apply:

(1) The clauses listed below implement provisions of law or Executive order:

(i) 52.222-20, Walsh-Healey Public Contracts Act (DEC 1996) (41 U.S.C. 35-45) (Applies to supply contracts over \$10,000 in the United States).

(ii) 52.222-26, Equal Opportunity (FEB 1999) (E.O. 11246) (Applies to contracts over \$10,000).

(iii) 52.222-35, Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era (APR 1998) (38 U.S.C. 4212) (Applies to contracts over \$10,000).

(iv) 52.222-36, Affirmative Action for Workers with Disabilities (JUN 1998) (29 U.S.C. 793) (Applies to contracts over \$10,000).

(v) 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era (JAN 1999) (38 U.S.C. 4212) (Applies to contracts over \$10,000).

(vi) 52.222-41, Service Contract Act of 1965, As Amended (MAY 1989) (41 U.S.C. 351, *et seq.*) (Applies to service contracts over \$2,500).

(vii) 52.223-5, Pollution Prevention and Right-to-Know Information (APR 1998) (E.O. 12856) (Applies to services performed on Federal facilities).

(viii) 52.225-1, Buy American Act—Balance of Payments Program—Supplies (FEB 2000) (41 U.S.C. 10a - 10d) (Applies to contracts for supplies, and to contracts for services involving the furnishing of supplies, for use within the United States if the value of the supply contract or supply portion of a service contract exceeds the micro-purchase threshold and the acquisition—

(A) Is set aside for small business concerns; or

(B) Cannot be set aside for small business concerns (see 19.502-2), and does not exceed \$25,000).

(ix) 52.232-33, Payment by Electronic Funds Transfer—Central Contractor Registration (May 1999). (Applies when the payment will be made by electronic funds transfer (EFT) and the payment office uses the Central Contractor Registration (CCR) database as its source of EFT information.)

(x) 52.232-34, Payment by Electronic Funds Transfer—Other than Central Contractor Registration (May 1999). (Applies when the payment will be made by EFT and the payment office does not use the CCR database as its source of EFT information.)

(xi) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (June 2000) (46 U.S.C. 1241). (Applies to supplies transported by ocean vessels.)

(2) Listed below are additional clauses that may apply:

(3) If the Government determines that a particular exception requested in accordance with paragraph (c) of FAR clause 52.225-11 does not apply, the Government will evaluate only those offers based on use of the equivalent domestic, designated country, or NAFTA country construction material, and the offeror shall be required to furnish such domestic, designated country, or NAFTA country construction material. An offer based on use of the foreign construction material for which an exception was requested—

(i) Will be rejected as nonresponsive if this acquisition is conducted by sealed bidding; or

(ii) May be accepted if revised during negotiations.

(End of provision)

*Alternate I (Feb 2000).* As prescribed in 25.1102(d)(2), substitute the following paragraph (b) for paragraph (b) of the basic provision:

(b) *Requests for determination of inapplicability.*

An offeror requesting a determination regarding the inapplicability of the Buy American Act or Balance of Payments Program shall submit the request with its offer, including the information and applicable supporting data required by paragraphs (c) and (d) of FAR clause 52.225-11.

*Alternate II (June 2000).* As prescribed in 25.1102(d)(3), substitute the following paragraphs (a) and (d) for paragraphs (a) and (d) of the basic provision:

(a) *Definitions.* “Construction material,” “designated country construction material,” “domestic construction material,” and “foreign construction material,” as used in this provision, are defined in the clause of this solicitation entitled “Buy American Act—Balance of Payments Program—Construction Materials under Trade Agreements” (Federal Acquisition Regulation (FAR) clause 52.225-11).

(d) *Alternate offers.* (1) When an offer includes foreign construction material, other than designated country construction material, that is not listed by the Government in this solicitation in paragraph (b)(3) of FAR clause 52.225-11, the offeror also may submit an alternate offer based on use of equivalent domestic or designated country construction material.

(2) If an alternate offer is submitted, the offeror shall submit a separate Standard Form 1442 for the alternate offer, and a separate price comparison table prepared in accordance with paragraphs (c) and (d) of FAR clause 52.225-11 for the offer that is based on the use of any foreign construction material for which the Government has not yet determined an exception applies.

(3) If the Government determines that a particular exception requested in accordance with paragraph (c) of FAR clause 52.225-11 does not apply, the Government will evaluate only those offers based on use of the equivalent domestic or designated country construction material, and the offeror shall be required to furnish such domestic or designated country construction material. An offer based on use of the foreign construction material for which an exception was requested—

(i) Will be rejected as nonresponsive if this acquisition is conducted by sealed bidding; or

(ii) May be accepted if revised during negotiations.

**52.225-13 Restrictions on Certain Foreign Purchases.**

As prescribed in 25.1103(a), insert the following clause:

**RESTRICTIONS ON CERTAIN FOREIGN PURCHASES (JULY 2000)**

(a) The Contractor shall not acquire, for use in the performance of this contract, any supplies or services originating from sources within, or that were located in or transported from or through, countries whose products are banned from importation into the United States under regulations of the Office of Foreign Assets Control, Department of the Treasury. Those countries are Cuba, Iran, Iraq, Libya, North Korea, Sudan, the territory of Afghanistan controlled by the Taliban, and Serbia (excluding the territory of Kosovo).

(b) The Contractor shall not acquire for use in the performance of this contract any supplies or services from entities controlled by the government of Iraq.

(c) The Contractor shall insert this clause, including this paragraph (c), in all subcontracts.

(End of clause)

**52.225-14 Inconsistency between English Version and Translation of Contract.**

As prescribed at 25.1103(b), insert the following clause:

**INCONSISTENCY BETWEEN ENGLISH VERSION AND TRANSLATION OF CONTRACT (FEB 2000)**

In the event of inconsistency between any terms of this contract and any translation into another language, the English language meaning shall control.

(End of clause)

**52.225-15 Sanctioned European Union Country End Products.**

As prescribed in 25.1103(c), insert the following clause:

**SANCTIONED EUROPEAN UNION COUNTRY END PRODUCTS (FEB 2000)**

(a) *Definitions.* As used in this clause—  
“Sanctioned European Union country end product” means an article that—

(1) Is wholly the growth, product, or manufacture of a sanctioned European Union (EU) member state; or

(2) In the case of an article that consists in whole or in part of materials from another country, has been substantially transformed in a sanctioned EU member state into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed. The term refers to a product offered for purchase under a supply contract, but for purposes of calculating the value of the end product includes services (except transportation services) incidental to the article, provided that the value of those incidental services does not exceed that of the article itself.

“Sanctioned European Union member state” means Austria, Belgium, Denmark, Finland, France, Ireland, Italy, Luxembourg, the Netherlands, Sweden, or the United Kingdom.

(b) The Contractor shall not deliver any sanctioned European Union country end products under this contract.

(End of clause)

#### **52.225-16 Sanctioned European Union Country Services.**

As prescribed in 25.1103(c), insert the following clause:

##### SANCTIONED EUROPEAN UNION COUNTRY SERVICES (FEB 2000)

(a) *Definition.* “Sanctioned European Union member state,” as used in this clause, means Austria, Belgium, Denmark, Finland, France, Ireland, Italy, Luxembourg, the Netherlands, Sweden, or the United Kingdom.

(b) The Contractor shall not perform services under this contract in a sanctioned European Union member state. This prohibition does not apply to subcontracts.

(End of clause)

#### **52.225-17 Evaluation of Foreign Currency Offers.**

As prescribed in 25.1103(d), insert the following provision:

##### EVALUATION OF FOREIGN CURRENCY OFFERS (FEB 2000)

If the Government receives offers in more than one currency, the Government will evaluate offers by converting the foreign currency to United States currency using [*Contracting Officer to insert source of rate*] in effect as follows:

(a) For acquisitions conducted using sealed bidding procedures, on the date of bid opening.

(b) For acquisitions conducted using negotiation procedures—

(1) On the date specified for receipt of offers, if award is based on initial offers; otherwise

(2) On the date specified for receipt of proposal revisions.

(End of provision)

#### **52.226-1 Utilization of Indian Organizations and Indian-Owned Economic Enterprises.**

As prescribed in 26.104, insert the following clause:

##### UTILIZATION OF INDIAN ORGANIZATIONS AND INDIAN-OWNED ECONOMIC ENTERPRISES (JUNE 2000)

(a) *Definitions.* As used in this clause:

“Indian” means any person who is a member of any Indian tribe, band, group, pueblo, or community that is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs (BIA) in accordance with 25 U.S.C. 1452(c) and any “Native” as defined in the Alaska Native Claims Settlement Act (43 U.S.C. 1601).

“Indian organization” means the governing body of any Indian tribe or entity established or recognized by the governing body of an Indian tribe for the purposes of 25 U.S.C., chapter 17.

“Indian-owned economic enterprise” means any Indian-owned (as determined by the Secretary of the Interior) commercial, industrial, or business activity established or organized for the purpose of profit, provided that Indian ownership constitutes not less than 51 percent of the enterprise.

“Indian tribe” means any Indian tribe, band, group, pueblo, or community, including native villages and native groups (including corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in the Alaska Native Claims Settlement Act, that is recognized by the Federal Government as eligible for services from BIA in accordance with 25 U.S.C. 1452(c).

“Interested party” means a prime contractor or an actual or prospective offeror whose direct economic interest would be affected by the award of a subcontract or by the failure to award a subcontract.

(b) The Contractor shall use its best efforts to give Indian organizations and Indian-owned economic enterprises (25 U.S.C. 1544) the maximum practicable opportunity to participate in the subcontracts it awards to the fullest extent consistent with efficient performance of its contract.

(1) The Contracting Officer and the Contractor, acting in good faith, may rely on the representation of an Indian

organization or Indian-owned economic enterprise as to its eligibility, unless an interested party challenges its status or the Contracting Officer has independent reason to question that status. In the event of a challenge to the representation of a subcontractor, the Contracting Officer will refer the matter to the—

U.S. Department of the Interior  
Bureau of Indian Affairs (BIA)  
Attn: Chief, Division of Contracting and  
Grants Administration  
1849 C Street, NW,  
MS-2626-MIB  
Washington, DC 20240-4000.

The BIA will determine the eligibility and notify the Contracting Officer. No incentive payment will be made within 50 working days of subcontract award or while a challenge is pending. If a subcontractor is determined to be an ineligible participant, no incentive payment will be made under the Indian Incentive Program.

(2) The Contractor may request an adjustment under the Indian Incentive Program to the following:

- (i) The estimated cost of a cost-type contract.
- (ii) The target cost of a cost-plus-incentive-fee prime contract.
- (iii) The target cost and ceiling price of a fixed-price incentive prime contract.
- (iv) The price of a firm-fixed-price prime contract.

(3) The amount of the adjustment to the prime contract is 5 percent of the estimated cost, target cost, or firm-fixed-price included in the subcontract initially awarded to the Indian organization or Indian-owned economic enterprise.

(4) The Contractor has the burden of proving the amount claimed and must assert its request for an adjustment prior to completion of contract performance.

(c) The Contracting Officer, subject to the terms and conditions of the contract and the availability of funds, will authorize an incentive payment of 5 percent of the amount paid to the subcontractor. The Contracting Officer will seek funding in accordance with agency procedures.

(End of clause)

#### **52.226-2 Historically Black College or University and Minority Institution Representation.**

As prescribed in 26.304, insert the following provision:

HISTORICALLY BLACK COLLEGE OR UNIVERSITY AND  
MINORITY INSTITUTION REPRESENTATION (MAY 1997)

(a) *Definitions.* As used in this provision—

“Historically Black College or University” means an institution determined by the Secretary of Education to meet the requirements of 34 CFR 608.2. For the Department of Defense, the National Aeronautics and Space Administration, and the Coast Guard, the term also includes any nonprofit research institution that was an integral part of such a college or university before November 14, 1986.

“Minority Institution” means an institution of higher education meeting the requirements of Section 1046(3) of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)) which, for the purpose of this provision, includes a Hispanic-serving institution of higher education as defined in Section 316(b)(1) of the Act (20 U.S.C. 1059c(b)(1)).

(b) *Representation.* The offeror represents that it—

is  is not a Historically Black College or University;

is  is not a Minority Institution.

(End of provision)

[The next page is 52-149.]





## FAC 97-18 FILING INSTRUCTIONS

**NOTE: The following pages reflect final rule amendments that are effective on August 7, 2000.**

### Remove Pages

1-1 thru 1-4  
1-7 thru 1-13

2-3 thru 2-5

4-1 thru 4-4  
4-7 and 4-8  
4-11 thru 4-13

7-1 and 7-2

8-3 and 8-4

11-1 and 11-2  
11-4.1

13-3 thru 13-6

23-1 thru 23-10

38-1

52-1 thru 52-4  
52-7 thru 52-12  
52-19 and 52-20  
52-29 and 52-30  
52-43 thru 52-44.4  
52-129 thru 52-132

Matrix 1 and Matrix 2  
Matrix 5 and Matrix 6  
Matrix 23 and Matrix 24

Index 1 thru 109

### Insert Pages

1-1 thru 1-4  
1-7 thru 1-13

2-3 thru 2-5

4-1 thru 4-4  
4-7 and 4-8  
4-11 thru 4-13

7-1 and 7-2

8-3 and 8-4

11-1 and 11-2  
11-4.1 and 11-4.2

13-3 thru 13-6

23-1 thru 23-9

38-1

52-1 thru 52-4  
52-7 thru 52-12  
52-19 thru 52-20.1  
52-29 and 52-30  
52-43 thru 52-44.4  
52-129 thru 52-132

Matrix 1 and Matrix 2  
Matrix 5 and Matrix 6  
Matrix 23 and Matrix 24

Index 1 thru 129



**PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM**

- Sec.*  
 1.000 Scope of part.
- Subpart 1.1—Purpose, Authority, Issuance**
- 1.101 Purpose.  
 1.102 Statement of guiding principles for the Federal Acquisition System.  
 1.102-1 Discussion.  
 1.102-2 Performance standards.  
 1.102-3 Acquisition Team.  
 1.102-4 Role of the Acquisition Team.  
 1.103 Authority.  
 1.104 Applicability.  
 1.105 Issuance.  
 1.105-1 Publication and code arrangement.  
 1.105-2 Arrangement of regulations.  
 1.105-3 Copies.  
 1.106 OMB Approval Under the Paperwork Reduction Act.  
 1.107 Certifications.  
 1.108 FAR conventions.

**Subpart 1.2—Administration**

- 1.201 Maintenance of the FAR.  
 1.201-1 The two councils.  
 1.201-2 FAR Secretariat.  
 1.202 Agency compliance with the FAR.

**Subpart 1.3—Agency Acquisition Regulations**

- 1.301 Policy.  
 1.302 Limitations.  
 1.303 Publication and codification.  
 1.304 Agency control and compliance procedures.

**Subpart 1.4—Deviations from the FAR**

- 1.400 Scope of subpart.  
 1.401 Definition.  
 1.402 Policy.  
 1.403 Individual deviations.  
 1.404 Class deviations.  
 1.405 Deviations pertaining to treaties and executive agreements.

**Subpart 1.5—Agency and Public Participation**

- 1.501 Solicitation of agency and public views.  
 1.501-1 Definition.  
 1.501-2 Opportunity for public comments.  
 1.501-3 Exceptions.  
 1.502 Unsolicited proposed revisions.  
 1.503 Public meetings.

**Subpart 1.6—Career Development, Contracting Authority, and Responsibilities**

- 1.601 General.  
 1.602 Contracting officers.

- 1.602-1 Authority.  
 1.602-2 Responsibilities.  
 1.602-3 Ratification of unauthorized commitments.  
 1.603 Selection, appointment, and termination of appointment.  
 1.603-1 General.  
 1.603-2 Selection.  
 1.603-3 Appointment.  
 1.603-4 Termination.

**Subpart 1.7—Determinations and Findings**

- 1.700 Scope of subpart.  
 1.701 Definition.  
 1.702 General.  
 1.703 Class determinations and findings.  
 1.704 Content.  
 1.705 Supersession and modification.  
 1.706 Expiration.  
 1.707 Signatory authority.

**1.000 Scope of part.**

This part sets forth basic policies and general information about the Federal Acquisition Regulations System including purpose, authority, applicability, issuance, arrangement, numbering, dissemination, implementation, supplementation, maintenance, administration, and deviation. Subparts 1.2, 1.3, and 1.4 prescribe administrative procedures for maintaining the FAR System.

**Subpart 1.1—Purpose, Authority, Issuance**

**1.101 Purpose.**

The Federal Acquisition Regulations System is established for the codification and publication of uniform policies and procedures for acquisition by all executive agencies. The Federal Acquisition Regulations System consists of the Federal Acquisition Regulation (FAR), which is the primary document, and agency acquisition regulations that implement or supplement the FAR. The FAR System does not include internal agency guidance of the type described in 1.301(a)(2).

**1.102 Statement of guiding principles for the Federal Acquisition System.**

(a) The vision for the Federal Acquisition System is to deliver on a timely basis the best value product or service to the customer, while maintaining the public's trust and fulfilling public policy objectives. Participants in the acquisition process should work together as a team and should be empowered to make decisions within their area of responsibility.

(b) The Federal Acquisition System will—

(1) Satisfy the customer in terms of cost, quality, and timeliness of the delivered product or service by, for example—

(i) Maximizing the use of commercial products and services;

(ii) Using contractors who have a track record of successful past performance or who demonstrate a current superior ability to perform; and

(iii) Promoting competition;

(2) Minimize administrative operating costs;

(3) Conduct business with integrity, fairness, and openness; and

(4) Fulfill public policy objectives.

(c) The Acquisition Team consists of all participants in Government acquisition including not only representatives of the technical, supply, and procurement communities but also the customers they serve, and the contractors who provide the products and services.

(d) The role of each member of the Acquisition Team is to exercise personal initiative and sound business judgment in providing the best value product or service to meet the customer's needs. In exercising initiative, Government members of the Acquisition Team may assume if a specific strategy, practice, policy or procedure is in the best interests of the Government and is not addressed in the FAR, nor prohibited by law (statute or case law), Executive order or other regulation, that the strategy, practice, policy or procedure is a permissible exercise of authority.

### 1.102-1 Discussion.

(a) *Introduction.* The statement of Guiding Principles for the Federal Acquisition System (System) represents a concise statement designed to be user-friendly for all participants in Government acquisition. The following discussion of the principles is provided in order to illuminate the meaning of the terms and phrases used. The framework for the System includes the Guiding Principles for the System and the supporting policies and procedures in the FAR.

(b) *Vision.* All participants in the System are responsible for making acquisition decisions that deliver the best value product or service to the customer. Best value must be viewed from a broad perspective and is achieved by balancing the many competing interests in the System. The result is a system which works better and costs less.

### 1.102-2 Performance standards.

(a) *Satisfy the customer in terms of cost, quality, and timeliness of the delivered product or service.*

(1) The principal customers for the product or service provided by the System are the users and line managers, acting on behalf of the American taxpayer.

(2) The System must be responsive and adaptive to customer needs, concerns, and feedback. Implementation of

acquisition policies and procedures, as well as consideration of timeliness, quality, and cost throughout the process, must take into account the perspective of the user of the product or service.

(3) When selecting contractors to provide products or perform services, the Government will use contractors who have a track record of successful past performance or who demonstrate a current superior ability to perform.

(4) The Government must not hesitate to communicate with the commercial sector as early as possible in the acquisition cycle to help the Government determine the capabilities available in the commercial marketplace. The Government will maximize its use of commercial products and services in meeting Government requirements.

(5) It is the policy of the System to promote competition in the acquisition process.

(6) The System must perform in a timely, high quality, and cost-effective manner.

(7) All members of the Team are required to employ planning as an integral part of the overall process of acquiring products or services. Although advance planning is required, each member of the Team must be flexible in order to accommodate changing or unforeseen mission needs. Planning is a tool for the accomplishment of tasks, and application of its discipline should be commensurate with the size and nature of a given task.

(b) *Minimize administrative operating costs.*

(1) In order to ensure that maximum efficiency is obtained, rules, regulations, and policies should be promulgated only when their benefits clearly exceed the costs of their development, implementation, administration, and enforcement. This applies to internal administrative processes, including reviews, and to rules and procedures applied to the contractor community.

(2) The System must provide uniformity where it contributes to efficiency or where fairness or predictability is essential. The System should also, however, encourage innovation, and local adaptation where uniformity is not essential.

(c) *Conduct business with integrity, fairness, and openness.*

(1) An essential consideration in every aspect of the System is maintaining the public's trust. Not only must the System have integrity, but the actions of each member of the Team must reflect integrity, fairness, and openness. The foundation of integrity within the System is a competent, experienced, and well-trained, professional workforce. Accordingly, each member of the Team is responsible and accountable for the wise use of public resources as well as acting in a manner which maintains the public's trust. Fairness and openness require open communication among team members, internal and external customers, and the public.

(2) To achieve efficient operations, the System must shift its focus from “risk avoidance” to one of “risk management.” The cost to the taxpayer of attempting to eliminate all risk is prohibitive. The Executive Branch will accept and manage the risk associated with empowering local procurement officials to take independent action based on their professional judgment.

(3) The Government shall exercise discretion, use sound business judgment, and comply with applicable laws and regulations in dealing with contractors and prospective contractors. All contractors and prospective contractors shall be treated fairly and impartially but need not be treated the same.

(d) *Fulfill public policy objectives.* The System must support the attainment of public policy goals adopted by the Congress and the President. In attaining these goals, and in its overall operations, the process shall ensure the efficient use of public resources.

#### **1.102-3 Acquisition Team.**

The purpose of defining the Federal Acquisition Team (Team) in the Guiding Principles is to ensure that participants in the System are identified beginning with the customer and ending with the contractor of the product or service. By identifying the team members in this manner, teamwork, unity of purpose, and open communication among the members of the Team in sharing the vision and achieving the goal of the System are encouraged. Individual team members will participate in the acquisition process at the appropriate time.

#### **1.102-4 Role of the Acquisition Team.**

(a) Government members of the Team must be empowered to make acquisition decisions within their areas of responsibility, including selection, negotiation, and administration of contracts consistent with the Guiding Principles. In particular, the contracting officer must have the authority to the maximum extent practicable and consistent with law, to determine the application of rules, regulations, and policies, on a specific contract.

(b) The authority to make decisions and the accountability for the decisions made will be delegated to the lowest level within the System, consistent with law.

(c) The Team must be prepared to perform the functions and duties assigned. The Government is committed to provide training, professional development, and other resources necessary for maintaining and improving the knowledge, skills, and abilities for all Government participants on the Team, both with regard to their particular area of responsibility within the System, and their respective role as a team member. The contractor community is encouraged to do likewise.

(d) The System will foster cooperative relationships between the Government and its contractors consistent with its overriding responsibility to the taxpayers.

(e) The FAR outlines procurement policies and procedures that are used by members of the Acquisition Team. If a policy or procedure, or a particular strategy or practice, is in the best interest of the Government and is not specifically addressed in the FAR, nor prohibited by law (statute or case law), Executive order or other regulation, Government members of the Team should not assume it is prohibited. Rather, absence of direction should be interpreted as permitting the Team to innovate and use sound business judgment that is otherwise consistent with law and within the limits of their authority. Contracting officers should take the lead in encouraging business process innovations and ensuring that business decisions are sound.

#### **1.103 Authority.**

(a) The development of the FAR System is in accordance with the requirements of the Office of Federal Procurement Policy Act of 1974 (Pub. L. 93-400), as amended by Pub. L. 96-83.

(b) The FAR is prepared, issued, and maintained, and the FAR System is prescribed jointly by the Secretary of Defense, the Administrator of General Services, and the Administrator, National Aeronautics and Space Administration, under their several statutory authorities.

#### **1.104 Applicability.**

The FAR applies to all acquisitions as defined in Part 2 of the FAR, except where expressly excluded.

#### **1.105 Issuance.**

##### **1.105-1 Publication and code arrangement.**

(a) The FAR is published in—

(1) The daily issue of the *Federal Register*;

(2) Cumulated form in the *Code of Federal Regulations* (CFR); and

(3) A separate loose-leaf edition.

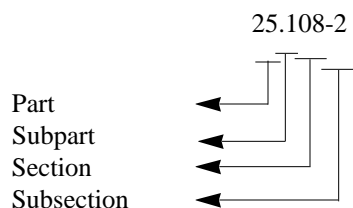
(b) The FAR is issued as Chapter 1 of Title 48, CFR. Subsequent chapters are reserved for agency acquisition regulations that implement or supplement the FAR (see Subpart 1.3). The CFR Staff will assign chapter numbers to requesting agencies.

(c) Each numbered unit or segment (*e.g.*, part, subpart, section, etc.) of an agency acquisition regulation that is codified in the CFR shall begin with the chapter number. However, the chapter number assigned to the FAR will not be included in the numbered units or segments of the FAR.

##### **1.105-2 Arrangement of regulations.**

(a) *General.* The FAR is divided into subchapters, parts (each of which covers a separate aspect of acquisition), subparts, sections, and subsections.

(b) *Numbering.* (1) The numbering system permits the discrete identification of every FAR paragraph. The digits to the left of the decimal point represent the part number. The numbers to the right of the decimal point and to the left of the dash represent, in order, the subpart (one or two digits), and the section (two digits). The number to the right of the dash represents the subsection. Subdivisions may be used at the section and subsection level to identify individual paragraphs. The following example illustrates the make-up of a FAR number citation (note that subchapters are not used with citations):



(2) Subdivisions below the section or subsection level consist of parenthetical alpha numerics using the following sequence:

(a)(1)(i)(A)(I)(i)

(c) *References and citations.* (1) Unless otherwise stated, cross-references indicate parts, subparts, sections, subsections, paragraphs, subparagraphs, or subdivisions of this regulation.

(2) This regulation may be referred to as the Federal Acquisition Regulation or the FAR.

(3) Using the FAR coverage at 9.106-4(d) as a typical illustration, reference to the—

(i) Part would be “FAR Part 9” outside the FAR and “Part 9” within the FAR.

(ii) Subpart would be “FAR Subpart 9.1” outside the FAR and “Subpart 9.1” within the FAR.

(iii) Section would be “FAR 9.106” outside the FAR and “9.106” within the FAR.

(iv) Subsection would be “FAR 9.106-4” outside the FAR and “9.106-4” within the FAR.

(v) Paragraph would be “FAR 9.106-4(d)” outside the FAR and “9.106-4(d)” within the FAR.

(4) Citations of authority (*e.g.*, statutes or Executive orders) in the FAR shall follow the *Federal Register* form guides.

**1.105-3 Copies.**

Copies of the FAR in *Federal Register*, loose-leaf, CD-ROM, and CFR form may be purchased from the—

Superintendent of Documents  
 Government Printing Office (GPO)  
 Washington, DC 20402.

**1.106 OMB approval under the Paperwork Reduction Act.**

The Paperwork Reduction Act of 1980 (Pub. L. 96-511) imposes a requirement on Federal agencies to obtain approval from the Office of Management and Budget (OMB) before collecting information from 10 or more members of the public. The information collection and recordkeeping requirements contained in this regulation have been approved by the OMB. The following OMB control numbers apply:

FAR segment	OMB Control Number
3.103	9000-0018
3.4	9000-0003
4.102	9000-0033
4.5	9000-0137
4.602	9000-0145
4.603	9000-0145
4.7	9000-0034
4.9	9000-0097
5.405	9000-0036
7.2	9000-0082
8.5	9000-0113
9.1	9000-0011
9.2	9000-0020
14.201	9000-0034
14.202-4	9000-0040
14.202-5	9000-0039
14.205	9000-0002
14.205-4(c)	9000-0037
14.214	9000-0105
14.407	9000-0038
14.5	9000-0041
15.2	9000-0037
15.209	9000-0034
15.4	9000-0013
15.404-1(f)	9000-0080
15.407-2	9000-0078
15.408	9000-0115
19.7	9000-0006
19.12	9000-0150
22.103	9000-0065
22.8	1215-0072
22.11	9000-0066
22.13	1215-0072
22.14	1215-0072
23.602	9000-0107
23.9	9000-0139
27.3	9000-0095
27.4	9000-0090
28.1	9000-0045
28.2	9000-0045
29.304	9000-0059
30.6	9000-0129

FAR segment	OMB Control Number	FAR segment	OMB Control Number
52.247-35	9000-0061	SF 1426	9000-0015
52.247-36	9000-0061	SF 1427	9000-0015
52.247-37	9000-0061	SF 1428	9000-0015
52.247-38	9000-0061	SF 1429	9000-0015
52.247-39	9000-0061	SF 1430	9000-0015
52.247-40	9000-0061	SF 1431	9000-0015
52.247-41	9000-0061	SF 1432	9000-0015
52.247-42	9000-0061	SF 1433	9000-0015
52.247-43	9000-0061	SF 1434	9000-0015
52.247-44	9000-0061	SF 1435	9000-0012
52.247-48	9000-0061	SF 1436	9000-0012
52.247-51	9000-0057	SF 1437	9000-0012
52.247-53	9000-0055	SF 1438	9000-0012
52.247-57	9000-0061	SF 1439	9000-0012
52.247-63	9000-0054	SF 1440	9000-0012
52.247-64	9000-0061	SF 1443	9000-0010
52.248-1	9000-0027	SF 1444	9000-0089
52.248-2	9000-0027	SF 1445	9000-0089
52.248-3	9000-0027	SF 1446	9000-0089
52.249-2	9000-0028	SF 1449	9000-0136
52.249-3	9000-0028	OF 312	9000-0150
52.249-5	9000-0028		
52.249-6	9000-0028		
52.249-11	9000-0028		
52.250-1	9000-0029		
53.236-1(a)	9000-0037		
SF 24	9000-0045		
SF 25	9000-0045		
SF 25-A	9000-0045		
SF 28	9000-0001		
SF 34	9000-0045		
SF 35	9000-0045		
SF 129	9000-0002		
SF 254	9000-0004		
SF 255	9000-0005		
SF 273	9000-0045		
SF 274	9000-0045		
SF 275	9000-0045		
SF 294	9000-0006		
SF 295	9000-0007		
SF 1403	9000-0011		
SF 1404	9000-0011		
SF 1405	9000-0011		
SF 1406	9000-0011		
SF 1407	9000-0011		
SF 1408	9000-0011		
SF 1413	9000-0014		
SF 1416	9000-0045		
SF 1417	9000-0037		
SF 1418	9000-0045		
SF 1423	9000-0015		
SF 1424	9000-0015		

**1.107 Certifications.**

In accordance with Section 29 of the Office of Federal Procurement Policy Act (41 U.S.C. 425), as amended by Section 4301 of the Clinger-Cohen Act of 1996 (Public Law 104-106), a new requirement for a certification by a contractor or offeror may not be included in this chapter unless—

(a) The certification requirement is specifically imposed by statute; or

(b) Written justification for such certification is provided to the Administrator for Federal Procurement Policy by the Federal Acquisition Regulatory Council, and the Administrator approves in writing the inclusion of such certification requirement.

**1.108 FAR conventions.**

The following conventions provide guidance for interpreting the FAR:

(a) *Words and terms.* Definitions in Part 2 apply to the entire regulation unless specifically defined in another part, subpart, section, provision, or clause. Words or terms defined in a specific part, subpart, section, provision, or clause have that meaning when used in that part, subpart, section, provision, or clause. Undefined words retain their common dictionary meaning.

(b) *Delegation of authority.* Each authority is delegable unless specifically stated otherwise (see 1.102-4(b)).

(c) *Dollar thresholds.* Unless otherwise specified, a specific dollar threshold for the purpose of applicability is the final anticipated dollar value of the action, including the dollar value of all options. If the action establishes a maxi-

imum quantity of supplies or services to be acquired or establishes a ceiling price or establishes the final price to be based on future events, the final anticipated dollar value must be the highest final priced alternative to the Government, including the dollar value of all options.

(d) *Application of FAR changes to solicitations and contracts.* Unless otherwise specified—

(1) FAR changes apply to solicitations issued on or after the effective date of the change;

(2) Contracting officers may, at their discretion, include the FAR changes in solicitations issued before the effective date, provided award of the resulting contract(s) occurs on or after the effective date; and

(3) Contracting officers may, at their discretion, include the changes in any existing contract with appropriate consideration.

(e) *Citations.* When the FAR cites a statute, Executive order, Office of Management and Budget circular, Office of Federal Procurement Policy policy letter, or relevant portion of the Code of Federal Regulations, the citation includes all applicable amendments, unless otherwise stated.

(f) *Imperative sentences.* When an imperative sentence directs action, the contracting officer is responsible for the action, unless another party is expressly cited.

## Subpart 1.2—Administration

### 1.201 Maintenance of the FAR.

#### 1.201-1 The two councils.

(a) Subject to the authorities discussed in 1.103, revisions to the FAR will be prepared and issued through the coordinated action of two councils, the Defense Acquisition Regulations Council (DAR Council) and the Civilian Agency Acquisition Council (CAA Council). Members of these councils shall—

(1) Represent their agencies on a full-time basis;

(2) Be selected for their superior qualifications in terms of acquisition experience and demonstrated professional expertise; and

(3) Be funded by their respective agencies.

(b) The chairperson of the CAA Council shall be the representative of the Administrator of General Services. The other members of this council shall be one each representative from the—

(1) Departments of Agriculture, Commerce, Energy, Health and Human Services, Interior, Labor, State, Transportation, and Treasury; and

(2) Environmental Protection Agency, Social Security Administration, Small Business Administration, and Department of Veterans Affairs.

(c) The Director of the DAR Council shall be the representative of the Secretary of Defense. The operation of the

DAR Council will be as prescribed by the Secretary of Defense. Membership shall include representatives of the military Departments, the Defense Logistics Agency, and the National Aeronautics and Space Administration.

(d) Responsibility for processing revisions to the FAR is apportioned by the two councils so that each council has cognizance over specified parts or subparts.

(e) Each council shall be responsible for—

(1) Agreeing on all revisions with the other council;

(2) Submitting to the FAR Secretariat (see 1.201-2) the information required under paragraphs 1.501-2(b) and (e) for publication in the *Federal Register* of a notice soliciting comments on a proposed revision to the FAR;

(3) Considering all comments received in response to notice of proposed revisions;

(4) Arranging for public meetings;

(5) Preparing any final revision in the appropriate FAR format and language; and

(6) Submitting any final revision to the FAR Secretariat for publication in the *Federal Register* and printing for distribution.

#### 1.201-2 FAR Secretariat.

(a) The General Services Administration is responsible for establishing and operating the FAR Secretariat to print, publish, and distribute the FAR through the *Code of Federal Regulations* system (including a loose-leaf edition with periodic updates).

(b) Additionally, the FAR Secretariat shall provide the two councils with centralized services for—

(1) Keeping a synopsis of current FAR cases and their status;

(2) Maintaining official files;

(3) Assisting parties interested in reviewing the files on completed cases; and

(4) Performing miscellaneous administrative tasks pertaining to the maintenance of the FAR.

#### 1.202 Agency compliance with the FAR.

Agency compliance with the FAR (see 1.304) is the responsibility of the Secretary of Defense (for the military departments and defense agencies), the Administrator of General Services (for civilian agencies other than NASA), and the Administrator of NASA (for NASA activities).

## Subpart 1.3—Agency Acquisition Regulations

### 1.301 Policy.

(a)(1) Subject to the authorities in paragraph (c) of this section and other statutory authority, an agency head may issue or authorize the issuance of agency acquisition regulations that implement or supplement the FAR and incorporate, together with the FAR, agency policies, proce-



dures, contract clauses, solicitation provisions, and forms that govern the contracting process or otherwise control the relationship between the agency, including any of its suborganizations, and contractors or prospective contractors.

(2) Subject to the authorities in paragraph (c) of this section and other statutory authority, an agency head may issue or authorize the issuance of internal agency guidance at any organizational level (*e.g.*, designations and delegations of authority, assignments of responsibilities, work-flow procedures, and internal reporting requirements).

(b) Agency heads shall establish procedures to ensure that agency acquisition regulations are published for comment in the *Federal Register* in conformance with the procedures in Subpart 1.5 and as required by section 22 of the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 418b), and other applicable statutes, when they have a significant effect beyond the internal operating procedures of the agency or have a significant cost or administrative impact on contractors or offerors. However, publication is not required for issuances that merely implement or supplement higher level issuances that have previously undergone the public comment process, unless such implementation or supplementation results in an additional significant cost or administrative impact on contractors or offerors or effect beyond the internal operating procedures of the issuing organization. Issuances under 1.301(a)(2) need not be publicized for public comment.

(c) When adopting acquisition regulations, agencies shall ensure that they comply with the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*) as implemented in 5 CFR 1320 (see 1.106) and the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*). Normally, when a law requires publication of a proposed regulation, the Regulatory Flexibility Act applies and agencies must prepare written analyses, or certifications as provided in the law.

(d) Agency acquisition regulations implementing or supplementing the FAR are, for—

(1) The military departments and defense agencies, issued subject to the authority of the Secretary of Defense;

(2) NASA activities, issued subject to the authorities of the Administrator of NASA; and

(3) The civilian agencies other than NASA, issued by the heads of those agencies subject to the overall authority of the Administrator of General Services or independent authority the agency may have.

### 1.302 Limitations.

Agency acquisition regulations shall be limited to—

(a) Those necessary to implement FAR policies and procedures within the agency; and

(b) Additional policies, procedures, solicitation provisions, or contract clauses that supplement the FAR to satisfy the specific needs of the agency.

### 1.303 Publication and codification.

(a) Agency-wide acquisition regulations shall be published in the *Federal Register* as required by law, shall be codified under an assigned chapter in Title 48, *Code of Federal Regulations*, and shall parallel the FAR in format, arrangement, and numbering system (but see 1.105-1(c)). Coverage in an agency acquisition regulation that implements a specific part, subpart, section, or subsection of the FAR shall be numbered and titled to correspond to the appropriate FAR number and title. Supplementary material for which there is no counterpart in the FAR shall be codified using chapter, part, subpart, section, or subsection numbers of 70 and up (*e.g.*, for the Department of Interior, whose assigned chapter number in Title 48 is 14, Part 1470, Subpart 1401.70, section 1401.370, or subsection 1401.301-70).

(b) Issuances under 1.301(a)(2) need not be published in the *Federal Register*.

### 1.304 Agency control and compliance procedures.

(a) Under the authorities of 1.301(d), agencies shall control and limit issuance of agency acquisition regulations and, in particular, local agency directives that restrain the flexibilities found in the FAR, and shall establish formal procedures for the review of these documents to assure compliance with this Part 1.

(b) Agency acquisition regulations shall not—

(1) Unnecessarily repeat, paraphrase, or otherwise restate material contained in the FAR or higher-level agency acquisition regulations; or

(2) Except as required by law or as provided in Subpart 1.4, conflict or be inconsistent with FAR content.

(c) Agencies shall evaluate all regulatory coverage in agency acquisition regulations to determine if it could apply to other agencies. Coverage that is not peculiar to one agency shall be recommended for inclusion in the FAR.

## Subpart 1.4—Deviations from the FAR

### 1.400 Scope of subpart.

This subpart prescribes the policies and procedures for authorizing deviations from the FAR. Exceptions pertaining to the use of forms prescribed by the FAR are covered in Part 53 rather than in this subpart.

### 1.401 Definition.

“Deviation” means any one or combination of the following:

(a) The issuance or use of a policy, procedure, solicitation provision (see definition in 52.101(a)), contract clause (see definition in 52.101(a)), method, or practice of conducting acquisition actions of any kind at any stage of the acquisition process that is inconsistent with the FAR.

(b) The omission of any solicitation provision or contract clause when its prescription requires its use.

(c) The use of any solicitation provision or contract clause with modified or alternate language that is not authorized by the FAR (see definitions of “modification” and “alternate” in 52.101(a)).

(d) The use of a solicitation provision or contract clause prescribed by the FAR on a “substantially as follows” or “substantially the same as” basis (see definitions in 52.101(a)), if such use is inconsistent with the intent, principle, or substance of the prescription or related coverage on the subject matter in the FAR.

(e) The authorization of lesser or greater limitations on the use of any solicitation provision, contract clause, policy, or procedure prescribed by the FAR.

(f) The issuance of policies or procedures that govern the contracting process or otherwise control contracting relationships that are not incorporated into agency acquisition regulations in accordance with 1.301(a).

#### **1.402 Policy.**

Unless precluded by law, executive order, or regulation, deviations from the FAR may be granted as specified in this subpart when necessary to meet the specific needs and requirements of each agency. The development and testing of new techniques and methods of acquisition should not be stifled simply because such action would require a FAR deviation. The fact that deviation authority is required should not, of itself, deter agencies in their development and testing of new techniques and acquisition methods. Refer to 31.101 for instructions concerning deviations pertaining to the subject matter of Part 31, Contract Cost Principles and Procedures. Deviations are not authorized with respect to 30.201-3 and 30.201-4, or the requirements of the Cost Accounting Standards Board (CASB) rules and regulations (48 CFR Chapter 99 (FAR Appendix)). Refer to 30.201-5 for instructions concerning waivers pertaining to Cost Accounting Standards.

#### **1.403 Individual deviations.**

Individual deviations affect only one contracting action, and, unless 1.405(e) is applicable, may be authorized by agency heads or their designees. The justification and agency approval shall be documented in the contract file.

#### **1.404 Class deviations.**

Class deviations affect more than one contracting action. When it is known that a class deviation will be required on a permanent basis, an agency should propose an appropriate FAR revision to cover the matter. For civilian agencies other than NASA, a copy of each approved class deviation shall be furnished to the FAR Secretariat.

(a) For civilian agencies except NASA, class deviations may be authorized by agency heads or their designees, unless 1.405(e) is applicable. Delegation of this authority shall not be made below the head of a contracting activity. Authorization of class deviations by agency officials is subject to the following limitations:

(1) An agency official who may authorize a class deviation, before doing so, shall consult with the chairperson of the Civilian Agency Acquisition Council (CAA Council), unless that agency official determines that urgency precludes such consultation.

(2) Recommended revisions to the FAR shall be transmitted to the FAR Secretariat by agency heads or their designees for authorizing class deviations.

(b) For DOD, class deviations shall be controlled, processed, and approved in accordance with the Defense FAR Supplement.

(c) For NASA, class deviations shall be controlled and approved by the Associate Administrator for Procurement. Deviations shall be processed in accordance with agency regulations.

#### **1.405 Deviations pertaining to treaties and executive agreements.**

(a) “Executive agreements,” as used in this section, means Government-to-Government agreements, including agreements with international organizations, to which the United States is a party.

(b) Any deviation from the FAR required to comply with a treaty to which the United States is a party is authorized, unless the deviation would be inconsistent with FAR coverage based on a law enacted after the execution of the treaty.

(c) Any deviation from the FAR required to comply with an executive agreement is authorized unless the deviation would be inconsistent with FAR coverage based on law.

(d) For civilian agencies other than NASA, a copy of the text deviation authorized under paragraph (b) or (c) of this section shall be transmitted to the FAR Secretariat through a central agency control point.

(e) For civilian agencies other than NASA, if a deviation required to comply with a treaty or an executive agreement is not authorized by paragraph (b) or (c) of this section, then the request for deviation shall be processed through the FAR Secretariat to the Civilian Agency Acquisition Council.

### **Subpart 1.5—Agency and Public Participation**

#### **1.501 Solicitation of agency and public views.**

##### **1.501-1 Definition.**

“Significant revisions,” as used in this subpart, means revisions that alter the substantive meaning of any coverage

in the FAR System having a significant cost or administrative impact on contractors or offerors, or significant effect beyond the internal operating procedures of the issuing agency. This expression, for example, does not include editorial, stylistic, or other revisions that have no impact on the basic meaning of the coverage being revised.

#### **1.501-2 Opportunity for public comments.**

(a) Views of agencies and nongovernmental parties or organizations will be considered in formulating acquisition policies and procedures.

(b) The opportunity to submit written comments on proposed significant revisions shall be provided by placing a notice in the *Federal Register*. Each of these notices shall include—

(1) The text of the revision or, if it is impracticable to publish the full text, a summary of the proposal;

(2) The address and telephone number of the individual from whom copies of the revision, in full text, can be requested and to whom comments thereon should be addressed; and

(3) When 1.501-3(b) is applicable, a statement that the revision is effective on a temporary basis pending completion of the public comment period.

(c) A minimum of 30 days and, normally, at least 60 days will be given for the receipt of comments.

#### **1.501-3 Exceptions.**

(a) Comments need not be solicited when the proposed coverage does not constitute a significant revision.

(b) Advance comments need not be solicited when urgent and compelling circumstances make solicitation of comments impracticable prior to the effective date of the coverage, such as when a new statute must be implemented in a relatively short period of time. In such case, the coverage shall be issued on a temporary basis and shall provide for at least a 30 day public comment period.

#### **1.502 Unsolicited proposed revisions.**

Consideration shall also be given to unsolicited recommendations for revisions that have been submitted in writing with sufficient data and rationale to permit their evaluation.

#### **1.503 Public meetings.**

Public meetings may be appropriate when a decision to adopt, amend, or delete FAR coverage is likely to benefit from significant additional views and discussion.

### **Subpart 1.6—Career Development, Contracting Authority, and Responsibilities**

#### **1.601 General.**

(a) Unless specifically prohibited by another provision of law, authority and responsibility to contract for authorized supplies and services are vested in the agency head. The agency head may establish contracting activities and delegate broad authority to manage the agency's contracting functions to heads of such contracting activities. Contracts may be entered into and signed on behalf of the Government only by contracting officers. In some agencies, a relatively small number of high level officials are designated contracting officers solely by virtue of their positions. Contracting officers below the level of a head of a contracting activity shall be selected and appointed under 1.603.

(b) Agency heads may mutually agree to—

(1) Assign contracting functions and responsibilities from one agency to another; and

(2) Create joint or combined offices to exercise acquisition functions and responsibilities.

#### **1.602 Contracting officers.**

##### **1.602-1 Authority.**

(a) Contracting officers have authority to enter into, administer, or terminate contracts and make related determinations and findings. Contracting officers may bind the Government only to the extent of the authority delegated to them. Contracting officers shall receive from the appointing authority (see 1.603-1) clear instructions in writing regarding the limits of their authority. Information on the limits of the contracting officers' authority shall be readily available to the public and agency personnel.

(b) No contract shall be entered into unless the contracting officer ensures that all requirements of law, executive orders, regulations, and all other applicable procedures, including clearances and approvals, have been met.

##### **1.602-2 Responsibilities.**

Contracting officers are responsible for ensuring performance of all necessary actions for effective contracting, ensuring compliance with the terms of the contract, and safeguarding the interests of the United States in its contractual relationships. In order to perform these responsibilities, contracting officers should be allowed wide latitude to exercise business judgment. Contracting officers shall—

(a) Ensure that the requirements of 1.602-1(b) have been met, and that sufficient funds are available for obligation;

(b) Ensure that contractors receive impartial, fair, and equitable treatment; and

(c) Request and consider the advice of specialists in audit, law, engineering, transportation, and other fields, as appropriate.

**1.602-3 Ratification of unauthorized commitments.***(a) Definitions.*

“Ratification,” as used in this subsection, means the act of approving an unauthorized commitment by an official who has the authority to do so.

“Unauthorized commitment,” as used in this subsection, means an agreement that is not binding solely because the Government representative who made it lacked the authority to enter into that agreement on behalf of the Government.

*(b) Policy.* (1) Agencies should take positive action to preclude, to the maximum extent possible, the need for ratification actions. Although procedures are provided in this section for use in those cases where the ratification of an unauthorized commitment is necessary, these procedures may not be used in a manner that encourages such commitments being made by Government personnel.

(2) Subject to the limitations in paragraph (c) of this subsection, the head of the contracting activity, unless a higher level official is designated by the agency, may ratify an unauthorized commitment.

(3) The ratification authority in subparagraph (b)(2) of this subsection may be delegated in accordance with agency procedures, but in no case shall the authority be delegated below the level of chief of the contracting office.

(4) Agencies should process unauthorized commitments using the ratification authority of this subsection instead of referring such actions to the General Accounting Office for resolution. (See 1.602-3(d).)

(5) Unauthorized commitments that would involve claims subject to resolution under the Contract Disputes Act of 1978 should be processed in accordance with Subpart 33.2, Disputes and Appeals.

*(c) Limitations.* The authority in subparagraph (b)(2) of this subsection may be exercised only when—

(1) Supplies or services have been provided to and accepted by the Government, or the Government otherwise has obtained or will obtain a benefit resulting from performance of the unauthorized commitment;

(2) The ratifying official has the authority to enter into a contractual commitment;

(3) The resulting contract would otherwise have been proper if made by an appropriate contracting officer;

(4) The contracting officer reviewing the unauthorized commitment determines the price to be fair and reasonable;

(5) The contracting officer recommends payment and legal counsel concurs in the recommendation, unless agency procedures expressly do not require such concurrence;

(6) Funds are available and were available at the time the unauthorized commitment was made; and

(7) The ratification is in accordance with any other limitations prescribed under agency procedures.

*(d) Nonratifiable commitments.* Cases that are not ratifiable under this subsection may be subject to resolution as

recommended by the General Accounting Office under its claim procedure (GAO Policy and Procedures Manual for Guidance of Federal Agencies, Title 4, Chapter 2), or as authorized by FAR Part 50. Legal advice should be obtained in these cases.

**1.603 Selection, appointment, and termination of appointment.****1.603-1 General.**

Subsection 414(4) of title 41, United States Code, requires agency heads to establish and maintain a procurement career management program and a system for the selection, appointment, and termination of appointment of contracting officers. Agency heads or their designees may select and appoint contracting officers and terminate their appointments. These selections and appointments shall be consistent with Office of Federal Procurement Policy's (OFPP) standards for skill-based training in performing contracting and purchasing duties as published in OFPP Policy Letter No. 92-3, Procurement Professionalism Program Policy—Training for Contracting Personnel, June 24, 1992.

**1.603-2 Selection.**

In selecting contracting officers, the appointing official shall consider the complexity and dollar value of the acquisitions to be assigned and the candidate's experience, training, education, business acumen, judgment, character, and reputation. Examples of selection criteria include—

(a) Experience in Government contracting and administration, commercial purchasing, or related fields;

(b) Education or special training in business administration, law, accounting, engineering, or related fields;

(c) Knowledge of acquisition policies and procedures, including this and other applicable regulations;

(d) Specialized knowledge in the particular assigned field of contracting; and

(e) Satisfactory completion of acquisition training courses.

**1.603-3 Appointment.**

(a) Contracting officers shall be appointed in writing on an SF 1402, Certificate of Appointment, which shall state any limitations on the scope of authority to be exercised, other than limitations contained in applicable law or regulation. Appointing officials shall maintain files containing copies of all appointments that have not been terminated.

(b) Agency heads are encouraged to delegate micro-purchase authority to individuals who are employees of an executive agency or members of the Armed Forces of the United States who will be using the supplies or services being purchased. Individuals delegated this authority are

not required to be appointed on an SF 1402, but shall be appointed in writing in accordance with agency procedures.

#### **1.603-4 Termination.**

Termination of a contracting officer appointment will be by letter, unless the Certificate of Appointment contains other provisions for automatic termination. Terminations may be for reasons such as reassignment, termination of employment, or unsatisfactory performance. No termination shall operate retroactively.

### **Subpart 1.7—Determinations and Findings**

#### **1.700 Scope of subpart.**

This subpart prescribes general policies and procedures for the use of determinations and findings (D&F's). Requirements for specific types of D&F's can be found with the appropriate subject matter.

#### **1.701 Definition.**

“Determination and Findings” means a special form of written approval by an authorized official that is required by statute or regulation as a prerequisite to taking certain contracting actions. The “determination” is a conclusion or decision supported by the “findings.” The findings are statements of fact or rationale essential to support the determination and must cover each requirement of the statute or regulation.

#### **1.702 General.**

(a) A D&F shall ordinarily be for an individual contract action. Unless otherwise prohibited, class D&F's may be executed for classes of contract actions (see 1.703). The approval granted by a D&F is restricted to the proposed contract action(s) reasonably described in that D&F. D&F's may provide for a reasonable degree of flexibility. Furthermore, in their application, reasonable variations in estimated quantities or prices are permitted, unless the D&F specifies otherwise.

(b) When an option is anticipated, the D&F shall state the approximate quantity to be awarded initially and the extent of the increase to be permitted by the option.

#### **1.703 Class determinations and findings.**

(a) A class D&F provides authority for a class of contracting actions. A class may consist of contracting actions for the same or related supplies or services or other contracting actions that require essentially identical justification.

(b) The findings in a class D&F shall fully support the proposed action either for the class as a whole or for each action. A class D&F shall be for a specified period, with the expiration date stated in the document.

(c) The contracting officer shall ensure that individual actions taken pursuant to the authority of a class D&F are within the scope of the D&F.

#### **1.704 Content.**

Each D&F shall set forth enough facts and circumstances to clearly and convincingly justify the specific determination made. As a minimum, each D&F shall include, in the prescribed agency format, the following information:

(a) Identification of the agency and of the contracting activity and specific identification of the document as a “Determination and Findings.”

(b) Nature and/or description of the action being approved.

(c) Citation of the appropriate statute and/or regulation upon which the D&F is based.

(d) Findings that detail the particular circumstances, facts, or reasoning essential to support the determination. Necessary supporting documentation shall be obtained from appropriate requirements and technical personnel.

(e) A determination, based on the findings, that the proposed action is justified under the applicable statute or regulation.

(f) Expiration date of the D&F, if required (see 1.706).

(g) The signature of the official authorized to sign the D&F (see 1.707) and the date signed.

#### **1.705 Supersession and modification.**

(a) If a D&F is superseded by another D&F, that action shall not render invalid any action taken under the original D&F prior to the date of its supersession.

(b) A modification of the D&F will not require cancellation of the solicitation if the D&F, as modified, supports the contracting action.

#### **1.706 Expiration.**

Expiration dates are required for class D&F's and are optional for individual D&F's. Authority to act under an individual D&F expires when it is exercised or on an expiration date specified in the document, whichever occurs first. Authority to act under a class D&F expires on the expiration date specified in the document. When a solicitation has been furnished to prospective offerors before the expiration date, the authority under the D&F will continue until award of the contract(s) resulting from the solicitation.

#### **1.707 Signatory authority.**

When a D&F is required, it shall be signed by the appropriate official in accordance with agency regulations. Authority to sign or delegate signature authority for the various D&F's is as shown in the applicable FAR part.

\* \* \*

\* \* \*



31 U.S.C. 6301, *et seq.* For discussion of various types of contracts, see Part 16.

“Contract administration office” means an office that performs—

(a) Assigned postaward functions related to the administration of contracts; and

(b) Assigned preaward functions.

“Contracting” means purchasing, renting, leasing, or otherwise obtaining supplies or services from nonfederal sources. Contracting includes description (but not determination) of supplies and services required, selection and solicitation of sources, preparation and award of contracts, and all phases of contract administration. It does not include making grants or cooperative agreements.

“Contracting activity” means an element of an agency designated by the agency head and delegated broad authority regarding acquisition functions.

“Contracting office” means an office that awards or executes a contract for supplies or services and performs postaward functions not assigned to a contract administration office.

“Contracting officer” means a person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings. The term includes certain authorized representatives of the contracting officer acting within the limits of their authority as delegated by the contracting officer. “Administrative contracting officer (ACO)” refers to a contracting officer who is administering contracts. “Termination contracting officer (TCO)” refers to a contracting officer who is settling terminated contracts. A single contracting officer may be responsible for duties in any or all of these areas. Reference in this regulation to administrative contracting officer or termination contracting officer does not—

(a) Require that a duty be performed at a particular office or activity; or

(b) Restrict in any way a contracting officer in the performance of any duty properly assigned.

“Day” means, unless otherwise specified, a calendar day.

“Delivery order” means an order for supplies placed against an established contract or with Government sources.

“Electronic commerce” means electronic techniques for accomplishing business transactions including electronic mail or messaging, World Wide Web technology, electronic bulletin boards, purchase cards, electronic funds transfer, and electronic data interchange.

“End product” means supplies delivered under a line item of a Government contract.

“Energy-efficient product” means a product in the upper 25 percent of efficiency for all similar products or, if there are applicable Federal appliance or equipment efficiency standards, a product that is at least 10 percent more efficient than the minimum Federal standard.

“Environmentally preferable” means products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service.

“Executive agency” means an executive department, a military department, or any independent establishment within the meaning of 5 U.S.C. 101, 102, and 104(1), respectively, and any wholly owned Government corporation within the meaning of 31 U.S.C. 9101.

“Facsimile” means electronic equipment that communicates and reproduces both printed and handwritten material. If used in conjunction with a reference to a document; *e.g.*, facsimile bid, the term refers to a document (in the example given, a bid) that has been transmitted to and received by the Government via facsimile.

“Federal Acquisition Computer Network (FACNET) Architecture” is a Governmentwide system that provides universal user access, employs nationally and internationally recognized data formats, and allows the electronic data interchange of acquisition information between the private sector and the Federal Government. FACNET qualifies as the single, Governmentwide point of entry pending designation by the Administrator of the Office of Federal Procurement Policy (OFPP).

“Federal agency” means any executive agency or any independent establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, the Architect of the Capitol, and any activities under the Architect’s direction).

“Head of the agency” (also called “agency head”) means the Secretary, Attorney General, Administrator, Governor, Chairperson, or other chief official of an executive agency, unless otherwise indicated, including any deputy or assistant chief official of an executive agency; and the term “authorized representative” means any person, persons, or board (other than the contracting officer) authorized to act for the head of the agency or Secretary.

“Head of the contracting activity” includes the official who has overall responsibility for managing the contracting activity.

“In writing” or “written” means any worded or numbered expression which can be read, reproduced, and later communicated, and includes electronically transmitted and stored information.

“Information technology” means any equipment, or interconnected system(s) or subsystem(s) of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, inter-

## 2.101

change, transmission, or reception of data or information by the agency.

(a) For purposes of this definition, equipment is used by an agency if the equipment is used by the agency directly or is used by a contractor under a contract with the agency which—

- (1) Requires the use of such equipment; or
- (2) Requires the use, to a significant extent, of such equipment in the performance of a service or the furnishing of a product.

(b) The term “information technology” includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

(c) The term “information technology” does not include—

- (1) Any equipment that is acquired by a contractor incidental to a contract; or
- (2) Any equipment that contains imbedded information technology that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. For example, HVAC (heating, ventilation, and air conditioning) equipment such as thermostats or temperature control devices, and medical equipment where information technology is integral to its operation, are not information technology.

“Major system” means that combination of elements that will function together to produce the capabilities required to fulfill a mission need. The elements may include hardware, equipment, software, or any combination thereof, but exclude construction or other improvements to real property. A system shall be considered a major system if—

(a) The Department of Defense is responsible for the system and the total expenditures for research, development, test, and evaluation for the system are estimated to be more than \$115,000,000 (based on fiscal year 1990 constant dollars) or the eventual total expenditure for the acquisition exceeds \$540,000,000 (based on fiscal year 1990 constant dollars);

(b) A civilian agency is responsible for the system and total expenditures for the system are estimated to exceed \$750,000 (based on fiscal year 1980 constant dollars) or the dollar threshold for a “major system” established by the agency pursuant to Office of Management and Budget Circular A-109, entitled “Major System Acquisitions,” whichever is greater; or

(c) The system is designated a “major system” by the head of the agency responsible for the system (10 U.S.C. 2302 and 41 U.S.C. 403).

“Market research” means collecting and analyzing information about capabilities within the market to satisfy agency needs.

“May” denotes the permissive. However, the words “no person may . . .” mean that no person is required, authorized, or permitted to do the act described.

“Micro-purchase” means an acquisition of supplies or services (except construction), the aggregate amount of which does not exceed \$2,500, except that in the case of construction, the limit is \$2,000.

“Micro-purchase threshold” means \$2,500.

“National defense” means any activity related to programs for military or atomic energy production or construction, military assistance to any foreign nation, stockpiling, or space.

“Nondevelopmental item” means—

(a) Any previously developed item of supply used exclusively for governmental purposes by a Federal agency, a State or local government, or a foreign government with which the United States has a mutual defense cooperation agreement;

(b) Any item described in paragraph (a) of this definition that requires only minor modification or modifications of a type customarily available in the commercial marketplace in order to meet the requirements of the procuring department or agency; or

(c) Any item of supply being produced that does not meet the requirements of paragraphs (a) or (b) solely because the item is not yet in use.

“Offer” means a response to a solicitation that, if accepted, would bind the offeror to perform the resultant contract. Responses to invitations for bids (sealed bidding) are offers called “bids” or “sealed bids;” responses to requests for proposals (negotiation) are offers called “proposals;” responses to requests for quotations (negotiation) are not offers and are called “quotes.” For unsolicited proposals, see Subpart 15.6.

“Pollution prevention” means any practice that—

(a)(1) Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and

(2) Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, and contaminants;

(b) Reduces or eliminates the creation of pollutants through increased efficiency in the use of raw materials, energy, water, or other resources; or

(c) Protects natural resources by conservation.

“Possessions” include the Virgin Islands, Johnston Island, American Samoa, Guam, Wake Island, Midway Island, and the Guano Islands, but does not include Puerto Rico, leased bases, or trust territories.



“Recovered material” means waste materials and by-products recovered or diverted from solid waste, but the term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process. For use in Subpart 11.3 for paper and paper products, see the definition at 11.301.

“Senior procurement executive” means the individual appointed pursuant to section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)) who is responsible for management direction of the acquisition system of the executive agency, including implementation of the unique acquisition policies, regulations, and standards of the executive agency.

“Shall” denotes the imperative.

“Signature” or “signed” means the discrete, verifiable symbol of an individual which, when affixed to a writing with the knowledge and consent of the individual, indicates a present intention to authenticate the writing. This includes electronic symbols.

“Simplified acquisition procedures” means the methods prescribed in Part 13 for making purchases of supplies or services.

“Simplified acquisition threshold” means \$100,000, except that in the case of any contract to be awarded and performed, or purchase to be made, outside the United States in support of a contingency operation (as defined in 10 U.S.C. 101(a)(13)) or a humanitarian or peacekeeping operation (as defined in 10 U.S.C. 2302(8) and 41 U.S.C. 259(d)), the term means \$200,000.

“Supplies” means all property except land or interest in land. It includes (but is not limited to) public works, buildings, and facilities; ships, floating equipment, and vessels of every character, type, and description, together with parts and accessories; aircraft and aircraft parts, accessories, and equipment; machine tools; and the alteration or installation of any of the foregoing.

“Task order” means an order for services placed against an established contract or with Government sources.

“United States”, when used in a geographic sense, means the 50 States and the District of Columbia, except as follows:

- (1) For use in Subpart 22.8, see the definition at 22.801.
- (2) For use in Subpart 22.10, see the definition at 22.1001.
- (3) For use in Part 25, see the definition at 25.003.
- (4) For use in Subpart 47.4, see the definition at 47.401.

“Virgin material” means—

- (a) Previously unused raw material, including previously unused copper, aluminum, lead, zinc, iron, other metal or metal ore; or
- (b) Any undeveloped resource that is, or with new technology will become, a source of raw materials.

“Waste reduction” means preventing or decreasing the amount of waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products.

**Subpart 2.2—Contract Clause**

**2.201 Contract clause.**

The contracting officer shall insert the clause at 52.202-1, Definitions, in solicitations and contracts except when the contract is not expected to exceed the simplified acquisition threshold. If the contract is for personal services, construction, architect-engineer services, or dismantling, demolition, or removal of improvements, the contracting officer shall use the clause with its Alternate I. Additional definitions may be included, provided they are consistent with the clause and the FAR.

\* \* \* \* \*



PART 4—ADMINISTRATIVE MATTERS

Sec.  
4.000 Scope of part.

**Subpart 4.1—Contract Execution**

4.101 Contracting officer's signature.  
4.102 Contractor's signature.  
4.103 Contract clause.

**Subpart 4.2—Contract Distribution**

4.201 Procedures.  
4.202 Agency distribution requirements.  
4.203 Taxpayer identification information.

**Subpart 4.3—Paper Documents**

4.300 Scope of subpart.  
4.301 Definition.  
4.302 Policy.  
4.303 Contract clause.

**Subpart 4.4—Safeguarding Classified Information Within Industry**

4.401 Definitions.  
4.402 General.  
4.403 Responsibilities of contracting officers.  
4.404 Contract clause.

**Subpart 4.5—Electronic Commerce in Contracting**

4.500 Scope of subpart.  
4.501 Definitions.  
4.502 Policy.

**Subpart 4.6—Contract Reporting**

4.600 Scope of subpart.  
4.601 Record requirements.  
4.602 Federal Procurement Data System.  
4.603 Solicitation provisions.

**Subpart 4.7—Contractor Records Retention**

4.700 Scope of subpart.  
4.701 Purpose.  
4.702 Applicability.  
4.703 Policy.  
4.704 Calculation of retention periods.  
4.705 Specific retention periods.  
4.705-1 Financial and cost accounting records.  
4.705-2 Construction contracts pay administration records.  
4.705-3 Acquisition and supply records.

**Subpart 4.8—Government Contract Files**

4.800 Scope of subpart.  
4.801 General.

4.802 Contract files.  
4.803 Contents of contract files.  
4.804 Closeout of contract files.  
4.804-1 Closeout by the office administering the contract.  
4.804-2 Closeout of the contracting office files if another office administers the contract.  
4.804-3 Closeout of paying office contract files.  
4.804-4 Physically completed contracts.  
4.804-5 Procedures for closing out contract files.  
4.805 Storage, handling, and disposal of contract files.

**Subpart 4.9—Taxpayer Identification Number Information**

4.900 Scope of subpart.  
4.901 Definitions.  
4.902 General.  
4.903 Reporting contract information to the IRS.  
4.904 Reporting payment information to the IRS.  
4.905 Solicitation provision.

**Subpart 4.10—Contract Line Items**

4.1001 Policy.

**4.000 Scope of part.**

This part prescribes policies and procedures relating to the administrative aspects of contract execution, contractor-submitted paper documents, distribution, reporting, retention, and files.

**Subpart 4.1—Contract Execution**

**4.101 Contracting officer's signature.**

Only contracting officers shall sign contracts on behalf of the United States. The contracting officer's name and official title shall be typed, stamped, or printed on the contract. The contracting officer normally signs the contract after it has been signed by the contractor. The contracting officer shall ensure that the signer(s) have authority to bind the contractor (see specific requirements in 4.102 of this subpart).

**4.102 Contractor's signature.**

(a) *Individuals.* A contract with an individual shall be signed by that individual. A contract with an individual doing business as a firm shall be signed by that individual, and the signature shall be followed by the individual's typed, stamped, or printed name and the words, "an individual doing business as \_\_\_\_\_" [*insert name of firm*].

(b) *Partnerships.* A contract with a partnership shall be signed in the partnership name. Before signing for the Government, the contracting officer shall obtain a list of all

**4.103**

partners and ensure that the individual(s) signing for the partnership have authority to bind the partnership.

(c) *Corporations.* A contract with a corporation shall be signed in the corporate name, followed by the word “by” and the signature and title of the person authorized to sign. The contracting officer shall ensure that the person signing for the corporation has authority to bind the corporation.

(d) *Joint venturers.* A contract with joint venturers may involve any combination of individuals, partnerships, or corporations. The contract shall be signed by each participant in the joint venture in the manner prescribed in paragraphs (a) through (c) of this section for each type of participant. When a corporation is participating, the contracting officer shall verify that the corporation is authorized to participate in the joint venture.

(e) *Agents.* When an agent is to sign the contract, other than as stated in paragraphs (a) through (d) of this section, the agent’s authorization to bind the principal must be established by evidence satisfactory to the contracting officer.

**4.103 Contract clause.**

The contracting officer shall insert the clause at 52.204-1, Approval of Contract, in solicitations and contracts if required by agency procedures.

**Subpart 4.2—Contract Distribution****4.201 Procedures.**

Contracting officers shall distribute copies of contracts or modifications within 10 working days after execution by all parties. As a minimum, the contracting officer shall—

(a) Distribute simultaneously one signed copy or reproduction of the signed contract to the contractor and the paying office;

(b) When a contract is assigned to another office for contract administration (see Subpart 42.2), provide to that office—

(1) One copy or reproduction of the signed contract and of each modification; and

(2) A copy of the contract distribution list, showing those offices that should receive copies of modifications, and any changes to the list as they occur;

(c) Distribute one copy to each accounting and finance office (funding office) whose funds are cited in the contract;

(d) When the contract is not assigned for administration but contains a Cost Accounting Standards clause, provide one copy of the contract to the cognizant administrative contracting officer and mark the copy “*For Cost Accounting Standards Administration Only*” (see 30.601(b));

(e) Provide one copy of each contract or modification that requires audit service to the appropriate field audit

office listed in the “Directory of Federal Contract Audit Offices” (copies of this directory can be ordered from the—

U.S. Government Printing Office  
Superintendent of Document  
Washington, DC 20402

referencing stock numbers 008-007-03189-9 and 008-007-03190-2 for Volumes I and II, respectively); and

(f) Provide copies of contracts and modifications to those organizations required to perform contract administration support functions (*e.g.*, when manufacturing is performed at multiple sites, the contract administration office cognizant of each location).

**4.202 Agency distribution requirements.**

Agencies shall limit additional distribution requirements to the minimum necessary for proper performance of essential functions. When contracts are assigned for administration to a contract administration office located in an agency different from that of the contracting office (see Part 42), the two agencies shall agree on any necessary distribution in addition to that prescribed in 4.201 above.

**4.203 Taxpayer identification information.**

(a) If the contractor has furnished a Taxpayer Identification Number (TIN) when completing the solicitation provision at 52.204-3, Taxpayer Identification, or paragraph (b) of the solicitation provision at 52.212-3, Offeror Representations and Certifications—Commercial Items, the contracting officer shall, unless otherwise provided in agency procedures, attach a copy of the completed solicitation provision as the last page of the copy of the contract sent to the payment office.

(b) If the TIN or type of organization is derived from a source other than the provision at 52.204-3 or 52.212-3(b), the contracting officer shall annotate the last page of the contract or order forwarded to the payment office to state the contractor’s TIN and type of organization, unless this information is otherwise provided to the payment office in accordance with agency procedures.

(c) If the contractor provides its TIN or type of organization to the contracting officer after award, the contracting officer shall forward the information to the payment office within 7 days of its receipt.

(d) *Federal Supply Schedule contracts.* Each contracting officer that places an order under a Federal Supply Schedule contract (see Subpart 8.4) shall provide the TIN and type of organization information to the payment office in accordance with paragraph (b) of this section.

(e) *Basic ordering agreements and indefinite-delivery contracts (other than Federal Supply Schedule contracts).*

(1) Each contracting officer that issues a basic ordering agreement or indefinite-delivery contract (other than a

Federal Supply Schedule contract) shall provide to contracting officers placing orders under the agreement or contract—

(i) A copy of the agreement or contract with a copy of the completed solicitation provision at 52.204-3 or 52.212-3(b) as the last page of the agreement or contract; or

(ii) The contractor's TIN and type of organization information.

(2) Each contracting officer that places an order under a basic ordering agreement or indefinite-delivery contract (other than a Federal Supply Schedule contract) shall provide the TIN and type of organization information to the payment office in accordance with paragraph (a) or (b) of this section.

### Subpart 4.3—Paper Documents

#### 4.300 Scope of subpart.

This subpart provides policies and procedures on contractor-submitted paper documents.

#### 4.301 Definition.

“Printed or copied double-sided,” as used in this subpart, means printing or reproducing a document so that information is on both sides of a sheet of paper.

#### 4.302 Policy.

When electronic commerce methods (see 4.502) are not being used, a contractor should submit paper documents to the Government relating to an acquisition printed or copied double-sided on recycled paper whenever practicable. If the contractor cannot print or copy double-sided, it should print or copy single-sided on recycled paper.

#### 4.303 Contract clause.

Insert the clause at 52.204-4, Printed or Copied Double-Sided on Recycled Paper, in solicitations and contracts that exceed the simplified acquisition threshold.

### Subpart 4.4—Safeguarding Classified Information Within Industry

#### 4.401 Definitions.

“Classified acquisition” means an acquisition that consists of one or more contracts in which offerors would be required to have access to classified information (Confidential, Secret, or Top Secret) to properly submit an offer or quotation, to understand the performance requirements of a classified contract under the acquisition, or to perform the contract.

“Classified contract” means any contract that requires, or will require, access to classified information (Confidential, Secret, or Top Secret) by the contractor or its employees in

the performance of the contract. A contract may be a classified contract even though the contract document is not classified.

“Classified information” means any information or material, regardless of its physical form or characteristics, that is owned by, produced by or for, or under the control of the United States Government, and determined pursuant to Executive Order 12356, April 2, 1982 (47 FR 14874, April 6, 1982) or prior orders to require protection against unauthorized disclosure, and is so designated.

#### 4.402 General.

(a) Executive Order 12829, January 6, 1993 (58 FR 3479, January 8, 1993), entitled “National Industrial Security Program” (NISP), establishes a program to safeguard Federal Government classified information that is released to contractors, licensees, and grantees of the United States Government. Executive Order 12829 amends Executive Order 10865, February 20, 1960 (25 FR 1583, February 25, 1960), entitled “Safeguarding Classified Information Within Industry,” as amended by Executive Order 10909, January 17, 1961 (26 FR 508, January 20, 1961).

(b) The National Industrial Security Program Operating Manual (NISPOM) incorporates the requirements of these Executive orders. The Secretary of Defense, in consultation with all affected agencies and with the concurrence of the Secretary of Energy, the Chairman of the Nuclear Regulatory Commission, and the Director of Central Intelligence, is responsible for issuance and maintenance of this Manual. The following DOD publications implement the program:

(1) National Industrial Security Program Operating Manual (NISPOM) (DOD 5220.22-M).

(2) Industrial Security Regulation (ISR) (DOD 5220.22-R).

(c) Procedures for the protection of information relating to foreign classified contracts awarded to U.S. industry, and instructions for the protection of U.S. information relating to classified contracts awarded to foreign firms, are prescribed in Chapter 10 of the NISPOM.

(d) Part 27—Patents, Data, and Copyrights, contains policy and procedures for safeguarding classified information in patent applications and patents.

#### 4.403 Responsibilities of contracting officers.

(a) *Presolicitation phase.* Contracting officers shall review all proposed solicitations to determine whether access to classified information may be required by offerors, or by a contractor during contract performance.

(1) If access to classified information of another agency may be required, the contracting officer shall—

(i) Determine if the agency is covered by the NISP; and

(ii) Follow that agency's procedures for determining the security clearances of firms to be solicited.

(2) If the classified information required is from the contracting officer's agency, the contracting officer shall follow agency procedures.

(b) *Solicitation phase.* Contracting officers shall—

(1) Ensure that the classified acquisition is conducted as required by the NISP or agency procedures, as appropriate; and

(2) Include—

(i) An appropriate Security Requirements clause in the solicitation (see 4.404); and

(ii) As appropriate, in solicitations and contracts when the contract may require access to classified information, a requirement for security safeguards in addition to those provided in the clause (52.204-2, Security Requirements).

(c) *Award phase.* Contracting officers shall inform contractors and subcontractors of the security classifications and requirements assigned to the various documents, materials, tasks, subcontracts, and components of the classified contract as follows:

(1) Agencies covered by the NISP shall use the Contract Security Classification Specification, DD Form 254. The contracting officer, or authorized representative, is the approving official for the form and shall ensure that it is prepared and distributed in accordance with the ISR.

(2) Contracting officers in agencies not covered by the NISP shall follow agency procedures.

#### 4.404 Contract clause.

(a) The contracting officer shall insert the clause at 52.204-2, Security Requirements, in solicitations and contracts when the contract may require access to classified information, unless the conditions specified in paragraph (d) below apply.

(b) If a cost contract (see 16.302) for research and development with an educational institution is contemplated, the contracting officer shall use the clause with its Alternate I.

(c) If a construction or architect-engineer contract where employee identification is required for security reasons is contemplated, the contracting officer shall use the clause with its Alternate II.

(d) If the contracting agency is not covered by the NISP and has prescribed a clause and alternates that are substantially the same as those at 52.204-2, the contracting officer shall use the agency-prescribed clause as required by agency procedures.

## Subpart 4.5—Electronic Commerce in Contracting

### 4.500 Scope of subpart.

This subpart provides policy and procedures for the establishment and use of electronic commerce in Federal acquisition as required by Section 30 of the Office of Federal Procurement Policy (OFPP) Act (41 U.S.C. 426).

### 4.501 Definitions.

“Electronic data interchange (EDI),” as used in this subpart, means a technique for electronically transferring and storing formatted information between computers utilizing established and published formats and codes, as authorized by the applicable Federal Information Processing Standards.

“Single, Governmentwide point of entry,” as used in this subpart, means the one point of entry to be designated by the Administrator of the OFPP that will allow the private sector to electronically access procurement opportunities Governmentwide.

### 4.502 Policy.

(a) The Federal Government shall use electronic commerce whenever practicable or cost-effective. The use of terms commonly associated with paper transactions (*e.g.*, “copy,” “document,” “page,” “printed,” “sealed envelope,” and “stamped”) shall not be interpreted to restrict the use of electronic commerce. Contracting officers may supplement electronic transactions by using other media to meet the requirements of any contract action governed by the FAR (*e.g.*, transmit hard copy of drawings).

(b) Agencies may exercise broad discretion in selecting the hardware and software that will be used in conducting electronic commerce. However, as required by Section 30 of the OFPP Act (41 U.S.C. 426), the head of each agency, after consulting with the Administrator of OFPP, shall ensure that systems, technologies, procedures, and processes used by the agency to conduct electronic commerce—

(1) Are implemented uniformly throughout the agency, to the maximum extent practicable;

(2) Are implemented only after considering the full or partial use of existing infrastructures, (*e.g.*, the Federal Acquisition Computer Network (FACNET));

(3) Facilitate access to Government acquisition opportunities by small business concerns, small disadvantaged business concerns, and women-owned small business concerns;

(2) The contractor or subcontractor maintains an effective indexing system to permit timely and convenient access to the imaged records.

(3) The contractor or subcontractor retains the original records for a minimum of one year after imaging to permit periodic validation of the imaging systems.

(d) If the information described in paragraph (a) of this section is maintained on a computer, contractors shall retain the computer data on a reliable medium for the time periods prescribed. Contractors may transfer computer data in machine readable form from one reliable computer medium to another. Contractors' computer data retention and transfer procedures shall maintain the integrity, reliability, and security of the original computer data. Contractors shall also retain an audit trail describing the data transfer. For the record retention time periods prescribed, contractors shall not destroy, discard, delete, or write over such computer data.

#### 4.704 Calculation of retention periods.

(a) The retention periods in 4.705 are calculated from the end of the contractor's fiscal year in which an entry is made charging or allocating a cost to a Government contract or subcontract. If a specific record contains a series of entries, the retention period is calculated from the end of the contractor's fiscal year in which the final entry is made. The contractor should cut off the records in annual blocks and retain them for block disposal under the prescribed retention periods.

(b) When records generated during a prior contract are relied upon by a contractor for cost or pricing data in negotiating a succeeding contract, the prescribed periods shall run from the date of the succeeding contract.

(c) If two or more of the record categories described in 4.705 are interfiled and screening for disposal is not practical, the contractor shall retain the entire record series for the longest period prescribed for any category of records.

#### 4.705 Specific retention periods.

The contractor shall retain the records identified in 4.705-1 through 4.705-3 for the periods designated, provided retention is required under 4.702. Records are identified in this subpart in terms of their purpose or use and not by specific name or form number. Although the descriptive identifications may not conform to normal contractor usage or filing practices, these identifications apply to all contractor records that come within the description.

##### 4.705-1 Financial and cost accounting records.

(a) Accounts receivable invoices, adjustments to the accounts, invoice registers, carrier freight bills, shipping orders, and other documents which detail the material or services billed on the related invoices: Retain 4 years.

(b) Material, work order, or service order files, consisting of purchase requisitions or purchase orders for material or services, or orders for transfer of material or supplies: Retain 4 years.

(c) Cash advance recapitulations, prepared as posting entries to accounts receivable ledgers for amounts of expense vouchers prepared for employees' travel and related expenses: Retain 4 years.

(d) Paid, canceled, and voided checks, other than those issued for the payment of salary and wages: Retain 4 years.

(e) Accounts payable records to support disbursements of funds for materials, equipment, supplies, and services, containing originals or copies of the following and related documents: remittance advices and statements, vendors' invoices, invoice audits and distribution slips, receiving and inspection reports or comparable certifications of receipt and inspection of material or services, and debit and credit memoranda: Retain 4 years.

(f) Labor cost distribution cards or equivalent documents: Retain 2 years.

(g) Petty cash records showing description of expenditures, to whom paid, name of person authorizing payment, and date, including copies of vouchers and other supporting documents: Retain 2 years.

##### 4.705-2 Construction contracts pay administration records.

(a) Payroll sheets, registers, or their equivalent, of salaries and wages paid to individual employees for each payroll period; change slips; and tax withholding statements: Retain 3 years after completion of contract, unless contract performance is the subject of enforcement action.

(b) Clock cards or other time and attendance cards: Retain 2 years.

(c) Paid checks, receipts for wages paid in cash, or other evidence of payments for services rendered by employees: Retain 2 years.

##### 4.705-3 Acquisition and supply records.

(a) Store requisitions for materials, supplies, equipment, and services: Retain 2 years.

(b) Work orders for maintenance and other services: Retain 4 years.

(c) Equipment records, consisting of equipment usage and status reports and equipment repair orders: Retain 4 years.

(d) Expendable property records, reflecting accountability for the receipt and use of material in the performance of a contract: Retain 4 years.

(e) Receiving and inspection report records, consisting of reports reflecting receipt and inspection of supplies, equipment, and materials: Retain 4 years.

(f) Purchase order files for supplies, equipment, material, or services used in the performance of a contract; supporting documentation and backup files including, but not limited to, invoices, and memoranda; *e.g.*, memoranda of negotiations showing the principal elements of subcontract price negotiations (see 52.244-2): Retain 4 years.

(g) Production records of quality control, reliability, and inspection: Retain 4 years.

### Subpart 4.8—Government Contract Files

#### 4.800 Scope of subpart.

This subpart prescribes requirements for establishing, maintaining, and disposing of contract files.

#### 4.801 General.

(a) The head of each office performing contracting, contract administration, or paying functions shall establish files containing the records of all contractual actions.

(b) The documentation in the files (see 4.803) shall be sufficient to constitute a complete history of the transaction for the purpose of—

(1) Providing a complete background as a basis for informed decisions at each step in the acquisition process;

(2) Supporting actions taken;

(3) Providing information for reviews and investigations; and

(4) Furnishing essential facts in the event of litigation or congressional inquiries.

(c) The files to be established include—

(1) A file for cancelled solicitations;

(2) A file for each contract; and

(3) A file such as a contractor general file, containing documents relating—for example—to—

(i) No specific contract;

(ii) More than one contract; or

(iii) The contractor in a general way (*e.g.*, contractor's management systems, past performance, or capabilities).

#### 4.802 Contract files.

(a) A contract file should generally consist of—

(1) The contracting office contract file, which shall document the basis for the acquisition and the award, the assignment of contract administration (including payment responsibilities), and any subsequent actions taken by the contracting office;

(2) The contract administration office contract file, which shall document actions reflecting the basis for and the performance of contract administration responsibilities; and

(3) The paying office contract file, which shall document actions prerequisite to, substantiating, and reflecting contract payments.

(b) Normally, each file should be kept separately; however, if appropriate, any or all of the files may be combined; *e.g.*, if all functions or any combination of the functions are performed by the same office.

(c) Files shall be maintained at organizational levels that shall ensure—

(1) Effective documentation of contract actions;

(2) Ready accessibility to principal users;

(3) Minimal establishment of duplicate and working files;

(4) The safeguarding of classified documents; and

(5) Conformance with agency regulations for file location and maintenance.

(d) If the contract files or file segments are decentralized (*e.g.*, by type or function) to various organizational elements or to other outside offices, responsibility for their maintenance shall be assigned. A central control and, if needed, a locator system should be established to ensure the ability to locate promptly any contract files.

(e) Contents of contract files that are contractor bid or proposal information or source selection information as defined in 3.104-3 shall be protected from disclosure to unauthorized persons (see 3.104-5).

(f) Agencies may retain contract files in any medium (paper, electronic, microfilm, etc.) or any combination of media, as long as the requirements of this subpart are satisfied.

#### 4.803 Contents of contract files.

The following are examples of the records normally contained, if applicable, in contract files:

(a) *Contracting office contract file.* (1) Purchase request, acquisition planning information, and other presolicitation documents.

(2) Justifications and approvals, determinations and findings, and associated documents.

(3) Evidence of availability of funds.

(4) Synopsis of proposed acquisition as published in the Commerce Business Daily or reference thereto.

(5) The list of sources solicited, and a list of any firms or persons whose requests for copies of the solicitation were denied, together with the reasons for denial.

(6) Set-aside decision.

(7) Government estimate of contract price.

(8) A copy of the solicitation and all amendments thereto.

(9) Security requirements and evidence of required clearances.

(10) A copy of each offer or quotation, the related abstract, and records of determinations concerning late



- (12) Contract audit is completed;
- (13) Contractor's closing statement is completed;
- (14) Contractor's final invoice has been submitted;

and

(15) Contract funds review is completed and excess funds deobligated.

(b) When the actions in paragraph (a) of this subsection have been verified, the contracting officer administering the contract must ensure that a contract completion statement, containing the following information, is prepared:

(1) Contract administration office name and address (if different from the contracting office).

(2) Contracting office name and address.

(3) Contract number.

(4) Last modification number.

(5) Last call or order number.

(6) Contractor name and address.

(7) Dollar amount of excess funds, if any.

(8) Voucher number and date, if final payment has been made.

(9) Invoice number and date, if the final approved invoice has been forwarded to a disbursing office of another agency or activity and the status of the payment is unknown.

(10) A statement that all required contract administration actions have been fully and satisfactorily accomplished.

(11) Name and signature of the contracting officer.

(12) Date.

(c) When the statement is completed, the contracting officer must ensure that—

(1) The signed original is placed in the contracting office contract file (or forwarded to the contracting office for placement in the files if the contract administration office is different from the contracting office); and

(2) A signed copy is placed in the appropriate contract administration file if administration is performed by a contract administration office.

#### **4.805 Storage, handling, and disposal of contract files.**

(a) Agencies must prescribe procedures for the handling, storing, and disposing of contract files. These procedures

must take into account documents held in all types of media, including microfilm and various electronic media. Agencies may change the original medium to facilitate storage as long as the requirements of Part 4, law, and other regulations are satisfied. The process used to create and store records must record and reproduce the original document, including signatures and other written and graphic images completely, accurately, and clearly. Data transfer, storage, and retrieval procedures must protect the original data from alteration. Unless law or other regulations require signed originals to be kept, they may be destroyed after the responsible agency official verifies that record copies on alternate media and copies reproduced from the record copy are accurate, complete, and clear representations of the originals. Agency procedures for contract file disposal must include provisions that the documents specified in paragraph (b) of this section may not be destroyed before the times indicated, and may be retained longer if the responsible agency official determines that the files have future value to the Government. When original documents have been converted to alternate media for storage, the requirements in paragraph (b) of this section also apply to the record copies in the alternate media.

(b) If administrative records are mixed with program records and cannot be economically segregated, the entire file should be kept for the period of time approved for the program records. Similarly, if documents described in the following table are part of a subject or case file that documents activities that are not described in the table, they should be treated in the same manner as the files of which they are a part. The retention periods for acquisitions at or below the simplified acquisition threshold also apply to acquisitions conducted prior to July 3, 1995, that used small purchase procedures. The retention periods for acquisitions above the simplified acquisition threshold also apply to acquisitions conducted prior to July 3, 1995, that used other than small purchase procedures.

DOCUMENT	RETENTION PERIOD
(1) Records pertaining to Contract Disputes Act actions.	6 years and 3 months after final action or decision for files created prior to October 1, 1979. 1 year after final action or decision for files created on or after October 1, 1979.
(2) Contracts (and related records or documents, including successful proposals) exceeding the simplified acquisition threshold for other than construction.	6 years and 3 months after final payment.
(3) Contracts (and related records or documents, including successful proposals) at or below the simplified acquisition threshold for other than construction.	3 years after final payment.
(4) Construction contracts:	
(i) Above \$2,000.	6 years and 3 months after final payment.
(ii) \$2,000 or less.	3 years after final payment.
(iii) Related records or documents, including successful proposals, except for contractor's payrolls (see (b)(4)(iv)).	Same as contract file.
(iv) Contractor's payrolls submitted in accordance with Department of Labor regulations, with related certifications, anti-kickback affidavits, and other related papers.	3 years after contract completion unless contract performance is the subject of an enforcement action on that date.
(5) Solicited and unsolicited unsuccessful offers, quotations, bids, and proposals:	
(i) Relating to contracts above the simplified acquisition threshold.	If filed separately from contract file, until contract is completed. Otherwise, the same as related contract file.
(ii) Relating to contracts at or below the simplified acquisition threshold.	1 year after date of award or until final payment, whichever is later.
(6) Files for canceled solicitations.	5 years after cancellation.
(7) Other copies of procurement file records used by component elements of a contracting office for administrative purposes.	Upon termination or completion.
(8) Documents pertaining generally to the contractor as described at 4.801(c)(3).	Until superseded or obsolete.

DOCUMENT	RETENTION PERIOD
(9) Data submitted to the Federal Procurement Data System (FPDS). Electronic data file maintained by fiscal year, containing unclassified records of all procurements other than simplified acquisitions, and information required under 4.601.	5 years after submittal to FPDS.
(10) Investigations, cases pending or in litigation (including protests), or similar matters.	Until final clearance or settlement, or, if related to a document identified in (b)(1) - (9), for the retention period specified for the related document, whichever is later.

**Subpart 4.9—Taxpayer Identification Number Information**

**4.900 Scope of subpart.**

This subpart provides policies and procedures for obtaining—

- (a) Taxpayer Identification Number (TIN) information that may be used for debt collection purposes; and
- (b) Contract information and payment information for submittal to the payment office for Internal Revenue Service (IRS) reporting purposes.

**4.901 Definitions.**

“Common parent,” as used in this subpart, means that corporate entity that owns or controls an affiliated group of corporations that files its Federal income tax returns on a consolidated basis, and of which the offeror is a member.

“Taxpayer Identification Number (TIN),” as used in this subpart, means the number required by the IRS to be used by the offeror in reporting income tax and other returns. The TIN may be either a Social Security Number or an Employer Identification Number.

**4.902 General.**

(a) *Debt collection.* 31 U.S.C. 7701(c) requires each contractor doing business with a Government agency to furnish its TIN to that agency. 31 U.S.C. 3325(d) requires the Government to include, with each certified voucher prepared by the Government payment office and submitted to a disbursing official, the TIN of the contractor receiving payment under the voucher. The TIN may be used by the Government to collect and report on any delinquent amounts arising out of the contractor's relationship with the Government.

(b) *Information reporting to the IRS.* The TIN is also required for Government reporting of certain contract information (see 4.903) and payment information (see 4.904) to the IRS.

#### **4.903 Reporting contract information to the IRS.**

(a) 26 U.S.C. 6050M, as implemented in 26 CFR, requires heads of Federal executive agencies to report certain information to the IRS.

(b)(1) The required information applies to contract modifications—

(i) Increasing the amount of a contract awarded before January 1, 1989, by \$50,000 or more; and

(ii) Entered into on or after April 1, 1990.

(2) The reporting requirement also applies to certain contracts and modifications thereto in excess of \$25,000 entered into on or after January 1, 1989.

(c) The information to report is—

- (1) Name, address, and TIN of the contractor;
- (2) Name and TIN of the common parent (if any);
- (3) Date of the contract action;
- (4) Amount obligated on the contract action; and
- (5) Estimated contract completion date.

(d) Transmit the information to the IRS through the Federal Procurement Data System (see Subpart 4.6 and implementing instructions).

#### **4.904 Reporting payment information to the IRS.**

26 U.S.C. 6041 and 6041A, as implemented in 26 CFR, in part, require payors, including Government agencies, to report to the IRS, on Form 1099, payments made to certain contractors. 26 U.S.C. 6109 requires a contractor to provide its TIN if a Form 1099 is required. The payment office is responsible for submitting reports to the IRS.

#### **4.905 Solicitation provision.**

The contracting officer shall insert the provision at 52.204-3, Taxpayer Identification, in solicitations that are not conducted under the procedures of Part 12, unless the TIN, type of organization, and common parent information for each offeror will be obtained from some other source (*e.g.*, centralized database) in accordance with agency procedures.

### **Subpart 4.10—Contract Line Items**

#### **4.1001 Policy.**

Contracts may identify the items or services to be acquired as separately identified line items. Contract line items should provide unit prices or lump sum prices for separately identifiable contract deliverables, and associated delivery schedules or performance periods. Line items may be further subdivided or stratified for administrative purposes (*e.g.*, to provide for traceable accounting classification citations).

\* \* \* \* \*



# FAC 97-15 DECEMBER 27, 1999

## PART 7—ACQUISITION PLANNING

Sec.  
7.000 Scope of part.

### Subpart 7.1—Acquisition Plans

7.101 Definitions.  
7.102 Policy.  
7.103 Agency-head responsibilities.  
7.104 General procedures.  
7.105 Contents of written acquisition plans.  
7.106 Additional requirements for major systems.  
7.107 Additional requirements for acquisitions involving bundling of contract requirements.

### Subpart 7.2—Planning for the Purchase of Supplies in Economic Quantities

7.200 Scope of subpart.  
7.201 [Reserved]  
7.202 Policy.  
7.203 Solicitation provision.  
7.204 Responsibilities of contracting officers.

### Subpart 7.3—Contractor Versus Government Performance

7.300 Scope of subpart.  
7.301 Policy.  
7.302 General.  
7.303 Determining availability of private commercial sources.  
7.304 Procedures.  
7.305 Solicitation provisions and contract clause.  
7.306 Evaluation.  
7.307 Appeals.

### Subpart 7.4—Equipment Lease or Purchase

7.400 Scope of subpart.  
7.401 Acquisition considerations.  
7.402 Acquisition methods.  
7.403 General Services Administration assistance.  
7.404 Contract clause.

### Subpart 7.5—Inherently Governmental Functions

7.500 Scope of subpart.  
7.501 Definition.  
7.502 Applicability.  
7.503 Policy.

### 7.000 Scope of part.

This part prescribes policies and procedures for—  
(a) Developing acquisition plans;  
(b) Determining whether to use commercial or Government resources for acquisition of supplies or services;  
(c) Deciding whether it is more economical to lease equipment rather than purchase it; and

(d) Determining whether functions are inherently governmental.

### Subpart 7.1—Acquisition Plans

#### 7.101 Definitions.

“Acquisition planning” means the process by which the efforts of all personnel responsible for an acquisition are coordinated and integrated through a comprehensive plan for fulfilling the agency need in a timely manner and at a reasonable cost. It includes developing the overall strategy for managing the acquisition.

“Acquisition streamlining,” as used in this subpart, means any effort that results in more efficient and effective use of resources to design and develop, or produce quality systems. This includes ensuring that only necessary and cost-effective requirements are included, at the most appropriate time in the acquisition cycle, in solicitations and resulting contracts for the design, development, and production of new systems, or for modifications to existing systems that involve redesign of systems or subsystems.

“Design-to-cost” is a concept that establishes cost elements as management goals to achieve the best balance between life-cycle cost, acceptable performance, and schedule. Under this concept, cost is a design constraint during the design and development phases and a management discipline throughout the acquisition and operation of the system or equipment.

“Life-cycle cost” means the total cost to the Government of acquiring, operating, supporting, and (if applicable) disposing of the items being acquired.

“Planner,” as used in this subpart, means the designated person or office responsible for developing and maintaining a written plan, or for the planning function in those acquisitions not requiring a written plan.

#### 7.102 Policy.

(a) Agencies shall perform acquisition planning and conduct market research (see Part 10) for all acquisitions in order to promote and provide for—

(1) Acquisition of commercial items or, to the extent that commercial items suitable to meet the agency's needs are not available, nondevelopmental items, to the maximum extent practicable (10 U.S.C. 2377 and 41 U.S.C. 251, *et seq.*); and

(2) Full and open competition (see Part 6) or, when full and open competition is not required in accordance with Part 6, to obtain competition to the maximum extent practicable, with due regard to the nature of the supplies or services to be acquired (10 U.S.C. 2301(a)(5) and 41 U.S.C. 253a(a)(1)).

(b) This planning shall integrate the efforts of all personnel responsible for significant aspects of the acquisition.

The purpose of this planning is to ensure that the Government meets its needs in the most effective, economical, and timely manner. Agencies that have a detailed acquisition planning system in place that generally meets the requirements of 7.104 and 7.105 need not revise their system to specifically meet all of these requirements.

### 7.103 Agency-head responsibilities.

The agency head or a designee shall prescribe procedures for—

(a) Promoting and providing for full and open competition (see Part 6) or, when full and open competition is not required in accordance with Part 6, for obtaining competition to the maximum extent practicable, with due regard to the nature of the supplies and services to be acquired (10 U.S.C. 2301(a)(5) and 41 U.S.C. 253a(a)(1)).

(b) Encouraging offerors to supply commercial items, or to the extent that commercial items suitable to meet the agency needs are not available, nondevelopmental items in response to agency solicitations (10 U.S.C. 2377 and 41 U.S.C. 251, *et seq.*); and

(c) Ensuring that acquisition planners address the requirement to specify needs, develop specifications, and to solicit offers in such a manner to promote and provide for full and open competition with due regard to the nature of the supplies and services to be acquired (10 U.S.C. 2305(a)(1)(A) and 41 U.S.C. 253a(a)(1)). (See Part 6 and 10.002.)

(d) Establishing criteria and thresholds at which increasingly greater detail and formality in the planning process is required as the acquisition becomes more complex and costly, specifying those cases in which a written plan shall be prepared.

(e) Writing plans either on a system basis or on an individual contract basis, depending upon the acquisition.

(f) Ensuring that the principles of this subpart are used, as appropriate, for those acquisitions that do not require a written plan as well as for those that do.

(g) Designating planners for acquisitions.

(h) Reviewing and approving acquisition plans and revisions to these plans.

(i) Establishing criteria and thresholds at which design-to-cost and life-cycle-cost techniques will be used.

(j) Establishing standard acquisition plan formats, if desired, suitable to agency needs; and

(k) Waiving requirements of detail and formality, as necessary, in planning for acquisitions having compressed delivery or performance schedules because of the urgency of the need.

(l) Assuring that the contracting officer, prior to contracting, reviews:

(1) The acquisition history of the supplies and services; and

(2) A description of the supplies, including, when necessary for adequate description, a picture, drawing, diagram, or other graphic representation.

(m) Ensuring that agency planners include use of the metric system of measurement in proposed acquisitions in accordance with 15 U.S.C. 205b (see 11.002(b)) and agency metric plans and guidelines.

(n) Ensuring that agency planners—

(1) Specify needs for printing and writing paper consistent with the minimum content standards specified in section 505 of Executive Order 13101 of September 14, 1998, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition (see 11.303); and

(2) Comply with the policy in 11.002(d) regarding procurement of products containing recovered materials, and environmentally preferable and energy-efficient products and services.

(o) Making a determination, prior to issuance of a solicitation for advisory and assistance services involving the analysis and evaluation of proposals submitted in response to a solicitation, that a sufficient number of covered personnel with the training and capability to perform an evaluation and analysis of proposals submitted in response to a solicitation are not readily available within the agency or from another Federal agency in accordance with the guidelines at 37.204.

(p) Ensuring that no purchase request is initiated or contract entered into that would result in the performance of an inherently governmental function by a contractor and that all contracts are adequately managed so as to ensure effective official control over contract performance.

(q) Ensuring that knowledge gained from prior acquisitions is used to further refine requirements and acquisition strategies. For services, greater use of performance-based contracting methods and, therefore, fixed-price contracts (see 37.602-5) should occur for follow-on acquisitions.

(r) Ensuring that acquisition planners, to the maximum extent practicable—

(1) Structure contract requirements to facilitate competition by and among small business concerns; and

(2) Avoid unnecessary and unjustified bundling that precludes small business participation as contractors (see 7.107) (15 U.S.C. 631(j)).

### 7.104 General procedures.

(a) Acquisition planning should begin as soon as the agency need is identified, preferably well in advance of the fiscal year in which contract award is necessary. In developing the plan, the planner shall form a team consisting of all those who will be responsible for significant aspects of the acquisition, such as contracting, fiscal, legal, and technical personnel. The planner should review previous plans for similar acquisitions and discuss them with the key personnel involved in those acquisitions. At key dates specified

Indefinite delivery contracts (including requirements contracts) are established with commercial firms to provide supplies and services at stated prices for given periods of time. Similar systems of schedule-type contracting are used for military items managed by the Department of Defense. These systems are not included in the Federal Supply Schedule program covered by this subpart.

(b) The GSA schedule contracting office issues publications, entitled Federal Supply Schedules, containing the information necessary for placing delivery orders with schedule contractors. Ordering offices issue delivery orders directly to the schedule contractors for the required supplies and services. Ordering offices may request copies of schedules by completing GSA Form 457, FSS Publications Mailing List Application, and mailing it to the—

GSA Centralized Mailing List Service (7CAFL)  
P.O. Box 6477  
Fort Worth, TX 76115.

Copies of GSA Form 457 also may be obtained from this address.

(c) GSA offers an on-line shopping service called “GSA Advantage!” that enables ordering offices to search product specific information (*i.e.*, national stock number, part number, common name), review delivery options, place orders directly with contractors (or ask GSA to place orders on the agency’s behalf), and pay contractors for orders using the Governmentwide commercial purchase card (or pay GSA). Ordering offices may access the “GSA Advantage!” shopping service by connecting to the Internet and using a web browser to connect to the Acquisition Reform Network (<http://www.arnet.gov>) or the GSA, Federal Supply Service (FSS) Home Page (<http://www.fss.gsa.gov>). For more information or assistance, contact GSA at Internet e-mail address: [gsa.advantage@gsa.gov](mailto:gsa.advantage@gsa.gov).

**8.402 Applicability.**

Procedures in this subpart apply to orders placed against Federal Supply Schedules. Occasionally, GSA may establish special ordering procedures. The affected Federal Supply Schedules will outline these procedures.

**8.403 [Reserved]**

**8.404 Using schedules.**

(a) *General.* Parts 13 and 19 do not apply to orders placed against Federal Supply Schedules, except for the provision at 13.303-2(c)(3). Orders placed against a Multiple Award Schedule (MAS), using the procedures in this subpart, are considered to be issued using full and open competition (see 6.102(d)(3)). Therefore, ordering offices need not seek further competition, synopsise the requirement, make a separate determination of fair and reasonable

pricing, or consider small business programs. GSA has already determined the prices of items under schedule contracts to be fair and reasonable. By placing an order against a schedule using the procedures in this section, the ordering office has concluded that the order represents the best value and results in the lowest overall cost alternative (considering price, special features, administrative costs, etc.) to meet the Government’s needs.

(b) *Ordering procedures for optional use schedules—(1) Orders at or below the micro-purchase threshold.* Place orders at or below the micro-purchase threshold with any Federal Supply Schedule contractor.

(2) *Orders exceeding the micro-purchase threshold but not exceeding the maximum order threshold.* Place orders with the schedule contractor that can provide the supply or service that represents the best value. Before placing an order, consider reasonably available information about the supply or service offered under MAS contracts by using the GSA Advantage! on-line shopping service, or by reviewing the catalogs or pricelists of at least three schedule contractors (see 8.404(b)(6)). Select the delivery and other options available under the schedule that meet the agency’s needs. When selecting the supply or service representing the best value, the ordering office may consider—

- (i) Special features of the supply or service required for effective program performance;
- (ii) Trade-in considerations;
- (iii) Probable life of the item selected as compared with that of a comparable item;
- (iv) Warranty considerations;
- (v) Maintenance availability;
- (vi) Past performance; and
- (vii) Environmental and energy efficiency considerations.

(3) *Orders exceeding the maximum order threshold.* Each schedule contract has an established maximum order threshold. This threshold represents the point where it is advantageous for the ordering office to seek a price reduction. In addition to following the procedures in paragraph (b)(2) of this section and before placing an order that exceeds the maximum order threshold—

- (i) Review additional schedule contractors’ catalogs or pricelists, or use the GSA Advantage! on-line shopping service;
- (ii) Based upon the initial evaluation, generally seek price reductions from the schedule contractor(s) appearing to provide the best value (considering price and other factors); and
- (iii) After seeking price reductions, place the order with the schedule contractor that provides the best value and results in the lowest overall cost alternative (see 8.404(a)). If further price reductions are not offered, an order may still

8.404-3

be placed, if the ordering office determines that it is appropriate.

(4) *Blanket purchase agreements (BPAs)*. Agencies may establish BPAs (see 13.303-2(c)(3)) when following the ordering procedures in this subpart. All schedule contracts contain BPA provisions. Ordering offices may use BPAs to establish accounts with contractors to fill recurring requirements. BPAs should address ordering frequency, invoicing, discounts, and delivery locations and times.

(5) *Price reductions*. In addition to the circumstances in paragraph (b)(3) of this section, there may be other reasons to request a price reduction. For example, seek a price reduction when the supply or service is available elsewhere at a lower price or when establishing a BPA to fill recurring requirements. The potential volume of orders under BPAs, regardless of the size of the individual order, offer the opportunity to secure greater discounts. Schedule contractors are not required to pass on to all schedule users a price reduction extended only to an individual agency for a specific order.

(6) *Small business*. When conducting evaluations and before placing an order, consider including, if available, one or more small, women-owned small, and/or small disadvantaged business schedule contractor(s). Orders placed against the schedules may be credited toward the ordering agency's small business goals. For orders exceeding the micro-purchase threshold, ordering offices should give preference to the items of small business concerns when two or more items at the same delivered price will satisfy the requirement.

(7) *Documentation*. Orders should be documented, at a minimum, by identifying the contractor the item was purchased from, the item purchased, and the amount paid. If an agency requirement in excess of the micro-purchase threshold is defined so as to require a particular brand name, product, or a feature of a product peculiar to one manufacturer, thereby precluding consideration of a product manufactured by another company, the ordering office shall include an explanation in the file as to why the particular brand name, product, or feature is essential to satisfy the agency's needs.

(c) *Ordering procedures for mandatory use schedules*.

(1) This paragraph (c) applies only to orders against schedule contracts with mandatory users. When ordering from multiple-award schedules, mandatory users shall also follow the procedures in paragraphs (a) and (b) of this section.

(2) In the case of mandatory schedules, ordering offices shall not solicit bids, proposals, quotations, or otherwise test the market solely for the purpose of seeking alternative sources to Federal Supply Schedules.

(3) Schedules identify executive agencies required to use them as mandatory sources of supply. The single-award schedule shall be used as a primary source and the multiple-award schedule as a secondary source. Mandatory use of schedules is not a requirement if—

- (i) The schedule contractor is unable to satisfy the ordering office's urgent delivery requirement;
- (ii) The order is below the minimum order thresholds;
- (iii) The order is above the maximum order limitation;
- (iv) The consignee is located outside the area of geographical coverage stated in the schedule; and
- (v) A lower price for an identical item (*i.e.*, same make and model) is available from another source.

(4) *Absence of follow-on award*. Ordering offices, after any consultation required by the schedule, are not required to forego or postpone their legitimate needs pending the award or renewal of any schedule contract.

**8.404-1—8.404-2 [Reserved]**

**8.404-3 Requests for waivers.**

(a) When an ordering office that is a mandatory user under a schedule determines that items available from the schedule will not meet its specific needs, but similar items from another source will, it shall submit a request for waiver to the—

Commissioner  
Federal Supply Service (F)  
GSA  
Washington, DC 20406

except as provided in paragraph (b) of this subsection. Requests shall contain the following information:

- (1) A complete description of the required items, whenever possible; *e.g.*, descriptive literature such as cuts, illustrations, drawings, and brochures that explain the characteristics and/or construction.
- (2) A comparison of prices and the technical differences between the requested item and the schedule item, identifying as a minimum the—
  - (i) Inadequacies of the schedule item to perform required functions; and
  - (ii) Technical, economic, or other advantages of the item requested.
- (3) Quantity required.
- (4) Estimated annual usage or a statement that the requirement is nonrecurrent or unpredictable.

(b) Ordering offices shall not initiate action to acquire similar items from nonschedule sources until a request for



PART 11—DESCRIBING AGENCY NEEDS

Sec.

- 11.000 Scope of part.
- 11.001 Definitions.
- 11.002 Policy.

**Subpart 11.1—Selecting and Developing Requirements Documents**

- 11.101 Order of precedence for requirements documents.
- 11.102 Standardization program.
- 11.103 Market acceptance.
- 11.104 Use of brand name or equal purchase descriptions.
- 11.105 Items peculiar to one manufacturer.
- 11.106 Purchase descriptions for service contracts.
- 11.107 Solicitation provision.

**Subpart 11.2—Using and Maintaining Requirements Documents**

- 11.201 Identification and availability of specifications.
- 11.202 Maintenance of standardization documents.
- 11.203 Customer satisfaction.
- 11.204 Solicitation provisions and contract clauses.

**Subpart 11.3—Acceptable Material**

- 11.301 Definitions.
- 11.302 Policy.
- 11.303 Special requirements for printing and writing paper.
- 11.304 Contract clause.

**Subpart 11.4—Delivery or Performance Schedules**

- 11.401 General.
- 11.402 Factors to consider in establishing schedules.
- 11.403 Supplies or services.
- 11.404 Contract clauses.

**Subpart 11.5—Liquidated Damages**

- 11.501 General.
- 11.502 Policy.
- 11.503 Procedures.
- 11.504 Contract clauses.

**Subpart 11.6—Priorities and Allocations**

- 11.600 Scope of subpart.
- 11.601 Definitions.
- 11.602 General.
- 11.603 Procedures.
- 11.604 Solicitation provision and contract clause.

**Subpart 11.7—Variation in Quantity**

- 11.701 Supply contracts.
- 11.702 Construction contracts.
- 11.703 Contract clauses.

**Subpart 11.8—Testing**

- 11.801 Preaward in-use evaluation.

**11.000 Scope of part.**

This part prescribes policies and procedures for describing agency needs.

**11.001 Definitions.**

As used in this part—

“Reconditioned” means restored to the original normal operating condition by readjustments and material replacement.

“Remanufactured” means factory rebuilt to original specifications.

**11.002 Policy.**

(a) In fulfilling requirements of 10 U.S.C. 2305(a)(1), 10 U.S.C. 2377, 41 U.S.C. 253a(a), and 41 U.S.C. 264b, agencies shall—

(1) Specify needs using market research in a manner designed to—

(i) Promote full and open competition (see Part 6), or maximum practicable competition when using simplified acquisition procedures, with due regard to the nature of the supplies or services to be acquired; and

(ii) Only include restrictive provisions or conditions to the extent necessary to satisfy the needs of the agency or as authorized by law.

(2) To the maximum extent practicable, ensure that acquisition officials—

(i) State requirements with respect to an acquisition of supplies or services in terms of—

(A) Functions to be performed;

(B) Performance required; or

(C) Essential physical characteristics;

(ii) Define requirements in terms that enable and encourage offerors to supply commercial items, or, to the extent that commercial items suitable to meet the agency's needs are not available, nondevelopmental items, in response to the agency solicitations;

(iii) Provide offerors of commercial items and nondevelopmental items an opportunity to compete in any acquisition to fill such requirements;

(iv) Require prime contractors and subcontractors at all tiers under the agency contracts to incorporate commercial items or nondevelopmental items as components of items supplied to the agency; and

(v) Modify requirements in appropriate cases to ensure that the requirements can be met by commercial items or, to the extent that commercial items suitable to meet the agency's needs are not available, nondevelopmental items.

(b) The Metric Conversion Act of 1975, as amended by the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 205a, *et seq.*), designates the metric system of measurement as the preferred system of weights and measures for United States trade and commerce, and it requires that each agency use the metric system of measurement in its acquisitions, except to the extent that such use is impracticable or is likely to cause significant inefficiencies or loss of markets to United States firms. Requiring activities are responsible for establishing guidance implementing this policy in formulating their requirements for acquisitions.

(c) To the extent practicable and consistent with Subpart 9.5, potential offerors should be given an opportunity to comment on agency requirements or to recommend application and tailoring of requirements documents and alternative approaches. Requiring agencies should apply specifications, standards, and related documents initially for guidance only, making final decisions on the application and tailoring of these documents as a product of the design and development process. Requiring agencies should not dictate detailed design solutions prematurely (see 7.101 and 7.105(a)(8)).

(d) The Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901, *et seq.*), Executive Order 12902 of March 8, 1994, Energy Efficiency and Water Conservation at Federal Facilities, and Executive Order 13101 of September 14, 1998, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition, establish requirements for the procurement of products containing recovered materials, and environmentally preferable and energy-efficient products and services. Executive agencies must consider use of recovered materials, environmentally preferable purchasing criteria developed by the EPA, and environmental objectives (see 23.703(b)) when—

- (1) Developing, reviewing, or revising Federal and military specifications, product descriptions (including commercial item descriptions), and standards;
- (2) Describing Government requirements for supplies and services; and
- (3) Developing source selection factors.

### **Subpart 11.1—Selecting and Developing Requirements Documents**

#### **11.101 Order of precedence for requirements documents.**

(a) Agencies may select from existing requirements documents, modify or combine existing requirements documents, or create new requirements documents to meet

agency needs, consistent with the following order of precedence:

- (1) Documents mandated for use by law.
- (2) Performance-oriented documents.
- (3) Detailed design-oriented documents.
- (4) Standards, specifications and related publications issued by the Government outside the Defense or Federal series for the non-repetitive acquisition of items.

(b) Agencies should prepare product descriptions to achieve maximum practicable use of recovered material, other materials that are environmentally preferable, and products that are energy-efficient (see Subparts 23.4 and 23.7).

(c) In accordance with OMB Circular A-119, “Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities,” agencies must use voluntary consensus standards, when they exist, in lieu of Government-unique standards, except where inconsistent with law or otherwise impractical. The private sector manages and administers voluntary consensus standards. Such standards are not mandated by law (*e.g.*, industry standards such as ISO 9000).

#### **11.102 Standardization program.**

Agencies shall select existing requirements documents or develop new requirements documents that meet the needs of the agency in accordance with the guidance contained in the Federal Standardization Manual, FSPM-0001, and, for DoD components, DoD 4120.3-M, Defense Standardization Program Policies and Procedures. The Federal Standardization Manual may be obtained from the General Services Administration (see address in 11.201(d)(1)). DoD 4120.3-M may be obtained from DoD (see address in 11.201(d)(2)).

#### **11.103 Market acceptance.**

(a) Section 8002(c) of Pub. L. 103-355 provides that, in accordance with agency procedures, the head of an agency may, under appropriate circumstances, require offerors to demonstrate that the items offered—

- (1) Have either—
  - (i) Achieved commercial market acceptance; or
  - (ii) Been satisfactorily supplied to an agency under current or recent contracts for the same or similar requirements; and
- (2) Otherwise meet the item description, specifications, or other criteria prescribed in the public notice and solicitation.

(b) Appropriate circumstances may, for example, include situations where the agency’s minimum need is for an item that has a demonstrated reliability, performance or product

of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, in solicitations that cite specifications that are not listed in the Index and are not furnished with the solicitation, but may be obtained from a designated source.

(d) The contracting officer shall insert a provision substantially the same as the provision at 52.211-4, Availability for Examination of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, in solicitations that cite specifications that are not listed in the Index and are available for examination at a specified location.

### Subpart 11.3—Acceptable Material

#### 11.301 Definitions.

As used in this subpart—

“Postconsumer material” means a material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item. Postconsumer material is a part of the broader category of “recovered material”. For paper and paper products, postconsumer material means “postconsumer fiber” defined by the U.S. Environmental Protection Agency (EPA) as—

(1) Paper, paperboard, and fibrous materials from retail stores, office buildings, homes, and so forth, after they have passed through their end-usage as a consumer item, including: used corrugated boxes; old newspapers; old magazines; mixed waste paper; tabulating cards; and used cordage; or

(2) All paper, paperboard, and fibrous materials that enter and are collected from municipal solid waste; but not

(3) Fiber derived from printers’ over-runs, converters’ scrap, and over-issue publications.

“Recovered material” for paper and paper products, is defined by EPA in its Comprehensive Procurement Guideline as “recovered fiber” and means the following materials:

(1) Postconsumer fiber.

(2) Manufacturing wastes such as—

(i) Dry paper and paperboard waste generated after completion of the papermaking process (that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets) including: envelope cuttings, bindery trimmings, and other paper and paperboard waste resulting from printing, cutting, forming, and other converting operations; bag, box, and carton manufacturing wastes; and butt rolls, mill wrappers, and rejected unused stock; and

(ii) Repulped finished paper and paperboard from obsolete inventories of paper and paperboard manufactur-

ers, merchants, wholesalers, dealers, printers, converters, or others.

#### 11.302 Policy.

(a) Agencies must not require virgin material or supplies composed of or manufactured using virgin material unless compelled by law or regulation or unless virgin material is vital for safety or meeting performance requirements of the contract.

(b)(1) When acquiring other than commercial items, agencies must require offerors to identify used, reconditioned, or remanufactured supplies; or unused former Government surplus property proposed for use under the contract. These supplies or property may not be used in contract performance unless authorized by the contracting officer.

(2) When acquiring commercial items, the contracting officer must consider the customary practices in the industry for the item being acquired. The contracting officer may require offerors to provide information on used, reconditioned, or remanufactured supplies, or unused former Government surplus property proposed for use under the contract. The request for the information must be included in the solicitation, and to the maximum extent practicable must be limited to information or standards consistent with normal commercial practices.

(c) When the contracting officer needs additional information to determine whether supplies meet minimum recovered material standards stated in the solicitation, the contracting officer may require offerors to submit additional information on the recycled content or related standards. The request for the information must be included in the solicitation. When acquiring commercial items, limit the information to the maximum extent practicable to that available under normal commercial practices.

#### 11.303 Special requirements for printing and writing paper.

(a) Section 505 of Executive Order 13101, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition, establishes minimum recovered material content standards for agency purchases of printing and writing paper. Section 505 requires that 100 percent of an agency’s purchases of printing and writing paper must meet or exceed one of the minimum content standards specified in paragraph (b) of this section.

(b) For high-speed copier paper, offset paper, forms bond, computer printout paper, carbonless paper, file folders, white wove envelopes, writing and office paper, book paper, cotton fiber paper, and cover stock, the minimum content standard must be no less than 30 percent postconsumer materials. If paper containing 30 percent postconsumer material is not reasonably available, does not

meet reasonable performance requirements, or is only available at an unreasonable price, then the agency must purchase paper containing no less than 20 percent postconsumer material.

**11.304 Contract clause.**

Insert the clause at 52.211-5, Material Requirements, in solicitations and contracts for supplies that are not commercial items.

**Subpart 11.4—Delivery or Performance Schedules**

**11.401 General.**

(a) The time of delivery or performance is an essential contract element and shall be clearly stated in solicitations. Contracting officers shall ensure that delivery or performance schedules are realistic and meet the requirements of the acquisition. Schedules that are unnecessarily short or difficult to attain—

- (1) Tend to restrict competition,
- (2) Are inconsistent with small business policies, and
- (3) May result in higher contract prices.

(b) Solicitations shall, except when clearly unnecessary, inform bidders or offerors of the basis on which their bids

by proceeding with the work to the point where substantial performance has occurred.

(c) If the Government issues an order resulting from a quotation, the Government may (by written notice to the supplier, at any time before acceptance occurs) withdraw, amend, or cancel its offer. (See 13.302-4 for procedures on termination or cancellation of purchase orders.)

### 13.005 Federal Acquisition Streamlining Act of 1994 list of inapplicable laws.

(a) The following laws are inapplicable to all contracts and subcontracts (if otherwise applicable to subcontracts) at or below the simplified acquisition threshold:

(1) 41 U.S.C. 57(a) and (b) (Anti-Kickback Act of 1986). (Only the requirement for the incorporation of the contractor procedures for the prevention and detection of violations, and the contractual requirement for contractor cooperation in investigations are inapplicable.)

(2) 40 U.S.C. 270a (Miller Act). (Although the Miller Act does not apply to contracts at or below the simplified acquisition threshold, alternative forms of payment protection for suppliers of labor and material (see 28.102) are still required if the contract exceeds \$25,000.)

(3) 40 U.S.C. 327 - 333 (Contract Work Hours and Safety Standards Act—Overtime Compensation).

(4) 41 U.S.C. 701(a)(1) (Section 5152 of the Drug-Free Workplace Act of 1988), except for individuals.

(5) 42 U.S.C. 6962 (Solid Waste Disposal Act). (The requirement to provide an estimate of recovered material utilized in contract performance does not apply unless the contract value exceeds \$100,000.)

(6) 10 U.S.C. 2306(b) and 41 U.S.C. 254(a) (Contract Clause Regarding Contingent Fees).

(7) 10 U.S.C. 2313 and 41 U.S.C. 254(c) (Authority to Examine Books and Records of Contractors).

(8) 10 U.S.C. 2402 and 41 U.S.C. 253g (Prohibition on Limiting Subcontractor Direct Sales to the United States).

(9) 15 U.S.C. 631 note (HUBZone Act of 1997), except for 15 U.S.C. 657a(b)(2)(B), which is optional for the agencies subject to the requirements of the Act.

(b) The Federal Acquisition Regulatory (FAR) Council will include any law enacted after October 13, 1994, that sets forth policies, procedures, requirements, or restrictions for the acquisition of property or services, on the list set forth in paragraph (a) of this section. The FAR Council may make exceptions when it determines in writing that it is in the best interest of the Government that the enactment should apply to contracts or subcontracts not greater than the simplified acquisition threshold.

(c) The provisions of paragraph (b) of this section do not apply to laws that—

(1) Provide for criminal or civil penalties; or

(2) Specifically state that notwithstanding the language of Section 4101, Public Law 103-355, the enactment will be applicable to contracts or subcontracts in amounts not greater than the simplified acquisition threshold.

(d) Any individual may petition the Administrator, Office of Federal Procurement Policy (OFPP), to include any applicable provision of law not included on the list set forth in paragraph (a) of this section unless the FAR Council has already determined in writing that the law is applicable. The Administrator, OFPP, will include the law on the list in paragraph (a) of this section unless the FAR Council makes a determination that it is applicable within 60 days of receiving the petition.

### 13.006 Inapplicable provisions and clauses.

While certain statutes still apply, pursuant to Public Law 103-355, the following provisions and clauses are inapplicable to contracts and subcontracts at or below the simplified acquisition threshold:

(a) 52.203-5, Covenant Against Contingent Fees.

(b) 52.203-6, Restrictions on Subcontractor Sales to the Government.

(c) 52.203-7, Anti-Kickback Procedures.

(d) 52.215-2, Audits and Records—Negotiation.

(e) 52.222-4, Contract Work Hours and Safety Standards Act—Overtime Compensation.

(f) 52.223-6, Drug-Free Workplace, except for individuals.

(g) 52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Products.

## Subpart 13.1—Procedures

### 13.101 General.

(a) In making purchases, contracting officers shall—

(1) Comply with the policy in 7.202 relating to economic purchase quantities, when practicable;

(2) Satisfy the procedures described in Subpart 19.6 with respect to Certificates of Competency before rejecting a quotation, oral or written, from a small business concern determined to be nonresponsible (see Subpart 9.1); and

(3) Provide for the inspection of supplies or services as prescribed in 46.404.

(b) In making purchases, contracting officers should—

(1) Include related items (such as small hardware items or spare parts for vehicles) in one solicitation and make award on an “all-or-none” or “multiple award” basis provided suppliers are so advised when quotations or offers are requested;

(2) Incorporate provisions and clauses by reference in solicitations and in awards under requests for quotations, provided the requirements in 52.102 are satisfied;

(3) Make maximum effort to obtain trade and prompt payment discounts (see 14.408-3). Prompt payment discounts shall not be considered in the evaluation of quotations; and

(4) Use bulk funding to the maximum extent practicable. Bulk funding is a system whereby the contracting officer receives authorization from a fiscal and accounting officer to obligate funds on purchase documents against a specified lump sum of funds reserved for the purpose for a specified period of time rather than obtaining individual obligational authority on each purchase document. Bulk funding is particularly appropriate if numerous purchases using the same type of funds are to be made during a given period.

### 13.102 Source list.

(a) Each contracting office should maintain a source list (or lists, if more convenient). A list of new supply sources may be obtained from the Procurement Marketing and Access Network (PRO-Net) of the Small Business Administration. The list should identify the status of each source (when the status is made known to the contracting office) in the following categories:

- (1) Small business.
- (2) Small disadvantaged business.
- (3) Women-owned small business.

(b) The status information may be used as the basis to ensure that small business concerns are provided the maximum practicable opportunities to respond to solicitations issued using simplified acquisition procedures.

### 13.103 Use of standing price quotations.

Authorized individuals do not have to obtain individual quotations for each purchase. Standing price quotations may be used if—

- (a) The pricing information is current; and
- (b) The Government obtains the benefit of maximum discounts before award.

### 13.104 Promoting competition.

The contracting officer shall promote competition to the maximum extent practicable to obtain supplies and services from the source whose offer is the most advantageous to the Government, considering the administrative cost of the purchase.

(a) The contracting officer shall not—

- (1) Solicit quotations based on personal preference; or
- (2) Restrict solicitation to suppliers of well-known and widely distributed makes or brands.

(b) If using simplified acquisition procedures and not using either FACNET or providing access to the notice of proposed contract action through the single, Governmentwide point of entry, maximum practicable competition ordinarily can be obtained by soliciting quotations or offers from sources within the local trade area. Unless the contract action requires

synopsis pursuant to 5.101 and an exception under 5.202 is not applicable, consider solicitation of at least three sources to promote competition to the maximum extent practicable. Whenever practicable, request quotations or offers from two sources not included in the previous solicitation.

### 13.105 Synopsis and posting requirements.

(a) The contracting officer shall comply with the public display and synopsis requirements of 5.101 and 5.203 unless—

(1)(i) FACNET is used for an acquisition at or below the simplified acquisition threshold; or

(ii) The single, Governmentwide point of entry is used at or below the simplified acquisition threshold for providing widespread public notice of acquisition opportunities and offerors are provided a means of responding to the solicitation electronically; or

(2) An exception in 5.202 applies.

(b) When acquiring commercial items, the contracting officer may use a combined synopsis/solicitation. In such cases, a separate solicitation is not required. The contracting officer must include enough information to permit suppliers to develop quotations or offers.

### 13.106 Soliciting competition, evaluation of quotations or offers, award and documentation.

#### 13.106-1 Soliciting competition.

(a) *Considerations.* In soliciting competition, the contracting officer shall consider the guidance in 13.104 and the following before requesting quotations or offers:

(1)(i) The nature of the article or service to be purchased and whether it is highly competitive and readily available in several makes or brands, or is relatively noncompetitive.

(ii) An electronic commerce method that employs widespread electronic public notice is not available; and

(iii) The urgency of the proposed purchase.

(iv) The dollar value of the proposed purchase.

(v) Past experience concerning specific dealers' prices.

(2) When soliciting quotations or offers, the contracting officer shall notify potential quoters or offerors of the basis on which award will be made (price alone or price and other factors, *e.g.*, past performance and quality). Contracting officers are encouraged to use best value. Solicitations are not required to state the relative importance assigned to each evaluation factor and subfactor, nor are they required to include subfactors.

(b) *Soliciting from a single source.* (1) For purchases not exceeding the simplified acquisition threshold, contracting officers may solicit from one source if the contracting officer determines that the circumstances of the contract

action deem only one source reasonably available (e.g., urgency, exclusive licensing agreements, or industrial mobilization).

(2) For sole source acquisitions of commercial items in excess of the simplified acquisition threshold conducted pursuant to Subpart 13.5, the requirements at 13.501(a) apply.

(c) *Soliciting orally.* (1) The contracting officer shall solicit quotations orally to the maximum extent practicable, if—

(i) The acquisition does not exceed the simplified acquisition threshold;

(ii) Oral solicitation is more efficient than soliciting through available electronic commerce alternatives; and

(iii) Notice is not required under 5.101.

(2) However, an oral solicitation may not be practicable for contract actions exceeding \$25,000 unless covered by an exception in 5.202.

(d) *Written solicitations.* If obtaining electronic or oral quotations is uneconomical or impracticable, the contracting officer should issue paper solicitations for contract actions likely to exceed \$25,000. The contracting officer shall issue a written solicitation for construction requirements exceeding \$2,000.

(e) *Use of options.* Options may be included in solicitations, provided the requirements of Subpart 17.2 are met and the aggregate value of the acquisition and all options does not exceed the dollar threshold for use of simplified acquisition procedures.

(f) *Inquiries.* An agency should respond to inquiries received through any medium (including FACNET) if doing so would not interfere with the efficient conduct of the acquisition. For an acquisition conducted through FACNET, an agency must respond to telephonic or facsimile inquiries only if it is unable to receive inquiries through FACNET.

**13.106-2 Evaluation of quotations or offers.**

(a) *General.* (1) The contracting officer shall evaluate quotations or offers—

(i) In an impartial manner; and

(ii) Inclusive of transportation charges from the shipping point of the supplier to the delivery destination.

(2) Quotations or offers shall be evaluated on the basis established in the solicitation.

(3) All quotations or offers shall be considered (see paragraph (b) of this subsection).

(b) *Evaluation procedures.* (1) The contracting officer has broad discretion in fashioning suitable evaluation procedures. The procedures prescribed in Parts 14 and 15 are not mandatory. At the contracting officer's discretion, one or more, but not necessarily all, of the evaluation procedures in Part 14 or 15 may be used.

(2) If using price and other factors, ensure that quotations or offers can be evaluated in an efficient and minimally burdensome fashion. Formal evaluation plans and establishing a competitive range, conducting discussions, and scoring quotations or offers are not required. Contracting offices may conduct comparative evaluations of offers. Evaluation of other factors, such as past performance—

(i) Does not require the creation or existence of a formal data base; and

(ii) May be based on information such as the contracting officer's knowledge of and previous experience with the supply or service being acquired, customer surveys, or other reasonable basis.

(3) For acquisitions conducted using FACNET or a method that permits electronic response to the solicitation, the contracting officer may—

(i) After preliminary consideration of all quotations or offers, identify from all quotations or offers received one that is suitable to the user, such as the lowest priced brand name product, and quickly screen all lower priced quotations or offers based on readily discernible value indicators, such as past performance, warranty conditions, and maintenance availability; or

(ii) Where an evaluation is based only on price and past performance, make an award based on whether the lowest priced of the quotations or offers having the highest past performance rating possible represents the best value when compared to any lower priced quotation or offer.

**13.106-3 Award and documentation.**

(a) *Basis for award.* Before making award, the contracting officer must determine that the proposed price is fair and reasonable.

(1) Whenever possible, base price reasonableness on competitive quotations or offers.

(2) If only one response is received, include a statement of price reasonableness in the contract file. The contracting officer may base the statement on—

(i) Market research;

(ii) Comparison of the proposed price with prices found reasonable on previous purchases;

(iii) Current price lists, catalogs, or advertisements.

However, inclusion of a price in a price list, catalog, or advertisement does not, in and of itself, establish fairness and reasonableness of the price;

(iv) A comparison with similar items in a related industry;

(v) The contracting officer's personal knowledge of the item being purchased;

(vi) Comparison to an independent Government estimate; or

(vii) Any other reasonable basis.

(3) Occasionally an item can be obtained only from a supplier that quotes a minimum order price or quantity that either unreasonably exceeds stated quantity requirements or results in an unreasonable price for the quantity required. In these instances, the contracting officer should inform the requiring activity of all facts regarding the quotation or offer and ask it to confirm or alter its requirement. The file shall be documented to support the final action taken.

(b) *File documentation and retention.* Keep documentation to a minimum. Purchasing offices shall retain data supporting purchases (paper or electronic) to the minimum extent and duration necessary for management review purposes (see Subpart 4.8). The following illustrate the extent to which quotation or offer information should be recorded:

(1) *Oral solicitations.* The contracting office should establish and maintain records of oral price quotations in order to reflect clearly the propriety of placing the order at the price paid with the supplier concerned. In most cases, this will consist merely of showing the names of the suppliers contacted and the prices and other terms and conditions quoted by each.

(2) *Written solicitations* (see 2.101). For acquisitions not exceeding the simplified acquisition threshold, limit written records of solicitations or offers to notes or abstracts to show prices, delivery, references to printed price lists used, the supplier or suppliers contacted, and other pertinent data.

(3) *Special situations.* Include additional statements—

(i) Explaining the absence of competition if only one source is solicited and the acquisition does not exceed the simplified acquisition threshold (does not apply to an acquisition of utility services available from only one source); or

(ii) Supporting the award decision if other than price-related factors were considered in selecting the supplier.

(c) *Notification.* For acquisitions that do not exceed the simplified acquisition threshold and for which automatic notification is not provided through FACNET or an electronic commerce method that employs widespread electronic public notice, notification to unsuccessful suppliers shall be given only if requested or required by 5.301.

(d) *Request for information.* If a supplier requests information on an award that was based on factors other than price alone, a brief explanation of the basis for the contract award decision shall be provided (see 15.503(b)(2)).

(e) *Taxpayer Identification Number.* If an oral solicitation is used, the contracting officer shall ensure that the copy of the award document sent to the payment office is annotated with the contractor's Taxpayer Identification Number (TIN) and type of organization (see 4.203), unless this information will be obtained from some other source

(e.g., centralized database). The contracting officer shall disclose to the contractor that the TIN may be used by the Government to collect and report on any delinquent amounts arising out of the contractor's relationship with the Government (31 U.S.C. 7701(c)(3)).

### Subpart 13.2—Actions At or Below the Micro-Purchase Threshold

#### 13.201 General.

(a) Agency heads are encouraged to delegate micro-purchase authority (see 1.603-3).

(b) The Governmentwide commercial purchase card shall be the preferred method to purchase and to pay for micro-purchases (see 2.101).

(c) Purchases at or below the micro-purchase threshold may be conducted using any of the methods described in Subpart 13.3, provided the purchaser is authorized and trained, pursuant to agency procedures, to use those methods.

(d) Micro-purchases do not require provisions or clauses, except as provided at 32.1110. This paragraph takes precedence over any other FAR requirement to the contrary, but does not prohibit the use of any clause.

(e) The requirements in Part 8 apply to purchases at or below the micro-purchase threshold.

(f) The procurement requirements in the Resource Conservation and Recovery Act (42 U.S.C. 6962) and Executive Order 13101 of September 14, 1998, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition, apply to purchases at or below the micro-purchase threshold (see Subpart 23.4).

#### 13.202 Purchase guidelines.

(a) *Solicitation, evaluation of quotations, and award.* (1) To the extent practicable, micro-purchases shall be distributed equitably among qualified suppliers.

(2) Micro-purchases may be awarded without soliciting competitive quotations if the contracting officer or individual appointed in accordance with 1.603-3(b) considers the price to be reasonable.

(3) The administrative cost of verifying the reasonableness of the price for purchases may more than offset potential savings from detecting instances of overpricing. Therefore, action to verify price reasonableness need only be taken if—

(i) The contracting officer or individual appointed in accordance with 1.603-3(b) suspects or has information to indicate that the price may not be reasonable (e.g., comparison to the previous price paid or personal knowledge of the supply or service); or

(ii) Purchasing a supply or service for which no comparable pricing information is readily available (e.g., a



# FAC 97-18 AUGUST 7, 2000

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

Sec.  
23.000 Scope of part.

### Subpart 23.1—[Reserved]

#### Subpart 23.2—Energy Conservation

23.201 Authorities.  
23.202 Definitions.  
23.203 Policy.

#### Subpart 23.3—Hazardous Material Identification and Material Safety Data

23.300 Scope of subpart.  
23.301 Definition.  
23.302 Policy.  
23.303 Contract clause.

#### Subpart 23.4—Use of Recovered Materials

23.400 Scope of subpart.  
23.401 Definition.  
23.402 Authorities.  
23.403 Policy.  
23.404 Agency affirmative procurement programs.  
23.405 Procedures.  
23.406 Solicitation provision and contract clause.

#### Subpart 23.5—Drug-Free Workplace

23.500 Scope of subpart.  
23.501 Applicability.  
23.502 Authority.  
23.503 Definitions.  
23.504 Policy.  
23.505 Contract clause.  
23.506 Suspension of payments, termination of contract, and debarment and suspension actions.

#### Subpart 23.6—Notice of Radioactive Material

23.601 Requirements.  
23.602 Contract clause.

#### Subpart 23.7—Contracting for Environmentally Preferable and Energy-Efficient Products and Services

23.700 Scope.  
23.701 Definition.  
23.702 Authorities.  
23.703 Policy.  
23.704 Application to Government-owned or -leased facilities.  
23.705 Contract clause.

#### Subpart 23.8—Ozone-Depleting Substances

23.800 Scope of subpart.  
23.801 Authorities.

23.802 Definition.  
23.803 Policy.  
23.804 Contract clauses.

#### Subpart 23.9—Toxic Chemical Release Reporting

23.901 Purpose.  
23.902 General.  
23.903 Applicability.  
23.904 Definition.  
23.905 Policy.  
23.906 Requirements.  
23.907 Solicitation provision and contract clause.

#### Subpart 23.10—Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements

23.1001 Purpose.  
23.1002 Applicability.  
23.1003 Definition.  
23.1004 Requirements.  
23.1005 Contract clause.

#### 23.000 Scope of part.

This part prescribes acquisition policies and procedures supporting the Government's program for ensuring a drug-free workplace and for protecting and improving the quality of the environment through pollution control, energy conservation, identification of hazardous material, and use of recovered materials.

### Subpart 23.1—[Reserved]

#### Subpart 23.2—Energy Conservation

##### 23.201 Authorities.

(a) Energy Policy and Conservation Act (42 U.S.C. 6361(a)(1)) and Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901, *et seq.*).

(b) National Energy Conservation Policy Act (42 U.S.C. 8253 and 8262g).

(c) Executive Order 11912, April 13, 1976.

(d) Executive Order 12759, Sections 3, 9, and 10, April 17, 1991.

(e) Executive Order 12902, March 8, 1994.

##### 23.202 Definitions.

“Consumer product” means any article (other than an automobile, as defined in section 501(1) of the Motor Vehicle Information and Cost Savings Act) that—

(a) Consumes energy; and

(b) Is distributed in commerce for personal use or consumption by individuals.

“Covered product” means a consumer product of one of the following types:

- (a) Central air conditioners.
- (b) Clothes dryers.
- (c) Clothes washers.
- (d) Dishwashers.
- (e) Freezers.
- (f) Furnaces.
- (g) Home heating equipment, not including furnaces.
- (h) Humidifiers and dehumidifiers.
- (i) Kitchen ranges and ovens.
- (j) Refrigerators and refrigerator-freezers.
- (k) Room air conditioners.
- (l) Television sets.
- (m) Water heaters.
- (n) Any other type of product that the Secretary of Energy classifies as a covered product under 42 U.S.C. 6292(b).

“Energy efficiency standard” means a performance standard that—

(a) Prescribes a minimum level of energy efficiency for a covered product, determined by test procedures prescribed under 42 U.S.C. 6293; and

(b) Includes any other requirements that the Secretary of Energy may prescribe under 42 U.S.C. 6295(c).

“Energy use and efficiency label” means a label provided by a manufacturer of a covered product under 42 U.S.C. 6296.

“Manufacture” means to manufacture, produce, assemble, or import.

“Manufacturer,” as used in this part, means any business that, or person who, manufactures a consumer product.

### **23.203 Policy.**

Agencies shall consider energy-efficiency in the procurement of products and services. Energy conservation and efficiency data shall be considered along with estimated cost and other relevant factors in the preparation of plans, drawings, specifications, and other product descriptions.

## **Subpart 23.3—Hazardous Material Identification and Material Safety Data**

### **23.300 Scope of subpart.**

This subpart prescribes policies and procedures for acquiring deliverable items, other than ammunition and explosives, that require the furnishing of data involving hazardous materials. Agencies may prescribe special procedures for ammunition and explosives.

### **23.301 Definition.**

“Hazardous material” is defined in the latest version of Federal Standard No. 313 (Federal Standards are sold to the public and Federal agencies through—

General Services Administration  
Specifications Unit (3FBP-W)  
7th & D Sts. SW  
Washington, DC 20407

### **23.302 Policy.**

(a) The Occupational Safety and Health Administration (OSHA) is responsible for issuing and administering regulations that require Government activities to apprise their employees of—

- (1) All hazards to which they may be exposed;
- (2) Relative symptoms and appropriate emergency treatment; and
- (3) Proper conditions and precautions for safe use and exposure.

(b) To accomplish this objective, it is necessary to obtain certain information relative to the hazards which may be introduced into the workplace by the supplies being acquired. Accordingly, offerors and contractors are required to submit hazardous materials data whenever the supplies being acquired are identified as hazardous materials. The latest version of Federal Standard No. 313 (Material Safety Data Sheet, Preparation and Submission of) includes criteria for identification of hazardous materials.

(c) Hazardous material data (Material Safety Data Sheets (MSDS)) are required—

(1) As specified in the latest version of Federal Standard No. 313 (including revisions adopted during the term of the contract);

(2) For any other material designated by a Government technical representative as potentially hazardous and requiring safety controls.

(d) MSDS's must be submitted—

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

(2) For agencies other than the Department of Defense, again by the contractor with the supplies at the time of delivery.

(e) The contracting officer shall provide a copy of all MSDS's received to the safety officer or other designated individual.

### **23.303 Contract clause.**

(a) The contracting officer shall insert the clause at 52.223-3, Hazardous Material Identification and Material Safety Data, in solicitations and contracts if the contract will require the delivery of hazardous materials as defined in 23.301.

(b) If the contract is awarded by an agency other than the Department of Defense, the contracting officer shall use the clause at 52.223-3 with its Alternate I.

**Subpart 23.4—Use of Recovered Materials****23.400 Scope of subpart.**

This subpart prescribes policies and procedures for acquiring Environmental Protection Agency (EPA)-designated products through affirmative procurement programs required by the Resource Conservation and Recovery Act of 1976 (RCRA) (42 U.S.C. 6962) and Executive Order 13101 of September 14, 1998, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition.

**23.401 Definition.**

“EPA-designated product,” as used in this subpart, means a product—

- (1) That is or can be made with recovered material;
- (2) That is listed by EPA in a procurement guideline (40 CFR part 247); and
- (3) For which EPA has provided purchasing recommendations in a related Recovered Materials Advisory Notice (RMAN).

**23.402 Authorities.**

(a) The Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. 6962, requires agencies responsible for drafting or reviewing specifications used in agency acquisitions to—

- (1) Eliminate from those specifications any requirement excluding the use of recovered materials or requiring products to be manufactured from virgin materials; and
- (2) Require, for EPA-designated products, using recovered materials to the maximum extent practicable without jeopardizing the intended end use of the item.

(b) RCRA also requires—

(1) EPA to prepare guidelines on the availability, sources, and potential uses of recovered materials and associated products, including solid waste management services; and

(2) Agencies to develop and implement affirmative procurement programs for EPA-designated products within 1 year after EPA’s designation.

(c) Executive Order 13101 requires that the agency head—

(1) Work to increase and expand markets for recovered materials through greater Government preference and demand for such products consistent with the demands of efficiency and cost-effectiveness; and

(2) Develop and implement affirmative procurement programs in accordance with direction in RCRA and the Executive order.

**23.403 Policy.**

Government policy on the use of recovered materials considers cost, availability of competition, and performance. The objective is to acquire competitively, in a cost-effective manner, products that meet reasonable performance requirements and that are composed of the highest percentage of recovered materials practicable.

**23.404 Agency affirmative procurement programs.**

(a) For EPA-designated products, an agency must establish an affirmative procurement program, if the agency’s purchases meet the threshold in 23.405(a). Technical or requirements personnel and procurement personnel are responsible for the preparation, implementation, and monitoring of affirmative procurement programs. Agency affirmative procurement programs must include—

- (1) A recovered materials preference program;
- (2) An agency promotion program;
- (3) A program for requiring reasonable estimates, certification, and verification of recovered material used in the performance of contracts; and
- (4) Annual review and monitoring of the effectiveness of the program.

(b) Agency affirmative procurement programs must require that 100 percent of purchases of EPA-designated products contain recovered material, unless the item cannot be acquired—

- (1) Competitively within a reasonable time frame;
- (2) Meeting appropriate performance standards; or
- (3) At a reasonable price.

(c) Agency affirmative procurement programs must provide guidance for purchases of EPA-designated products at or below the micro-purchase threshold.

**23.405 Procedures.**

(a) These procedures apply to all agency acquisitions of EPA-designated products, including micro-purchases, if—

- (1) The price of the product exceeds \$10,000; or
- (2) The aggregate amount paid for products, or for functionally equivalent products, in the preceding fiscal year was \$10,000 or more.

RCRA requires that an agency include micro-purchases in determining if the aggregate amount paid was \$10,000 or more. However, it is not recommended that an agency track micro-purchases unless it intends to claim an exemption from the requirement to establish an affirmative procurement program in the following fiscal year.

(b) Contracting officers should refer to EPA’s list of EPA-designated products (available via the Internet at <http://www.epa.gov/cpg/>) and to their agencies’ affirmative procurement programs when purchasing supplies that con-

tain recovered material or services that could include supplies that contain recovered material.

(c) The contracting officer must place in the contract file a written justification if an acquisition of EPA-designated products above the micro-purchase threshold does not contain recovered material. If the agency has designated an Environmental Executive, the contracting officer must give a copy of the written justification to that official. The contracting officer must base the justification on the inability to acquire the product—

- (1) Competitively within a reasonable period of time;
- (2) At reasonable prices; or
- (3) To reasonable performance standards in the specifications, provided a written determination by technical or requirements personnel of the performance standard's reasonableness is included with the justification. The technical and requirements personnel must base their determination on National Institute of Standards and Technology guidelines, if available.

(d) Agencies must establish procedures for consolidating and reporting contractor estimates required by the clause at 52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Products.

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

(a) Insert the provision at 52.223-4, Recovered Material Certification, in solicitations that are for, or specify the use of, recovered materials.

(b) Insert the clause at 52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Products, in solicitations and contracts exceeding \$100,000 that include the provision at 52.223-4. If technical personnel advise that estimates can be verified, use the clause with its Alternate I.

### **Subpart 23.5—Drug-Free Workplace**

#### **23.500 Scope of subpart.**

This subpart implements the Drug-Free Workplace Act of 1988 (Pub. L. 100-690).

#### **23.501 Applicability.**

This subpart applies to all contracts including contracts with 8(a) contractors under FAR Subpart 19.8 and modifications which require a justification and approval (see Subpart 6.3) except—

(a) Contracts at or below the simplified acquisition threshold; however, the requirements of this subpart shall apply to contracts of any value if the contract is awarded to an individual;

(b) Contracts for the acquisition of commercial items (see Part 12);

(c) Contracts or those parts of contracts that are to be performed outside of the United States, its territories, and its possessions;

(d) Contracts by law enforcement agencies, if the head of the law enforcement agency or designee involved determines that application of this subpart would be inappropriate in connection with the law enforcement agency's undercover operations; or

(e) Where application would be inconsistent with the international obligations of the United States or with the laws and regulations of a foreign country.

#### **23.502 Authority.**

Drug-Free Workplace Act of 1988 (Pub. L. 100-690).

#### **23.503 Definitions.**

“Controlled substance,” as used in this subpart, means a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined in regulation at 21 CFR 1308.11—1308.15.

“Conviction” means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

“Criminal drug statute” means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.

“Drug-free workplace” means the site(s) for the performance of work done by the contractor in connection with a specific contract at which employees of the contractor are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.

“Employee” means an employee of a contractor directly engaged in the performance of work under a Government contract. “Directly engaged” is defined to include all direct cost employees and any other contract employee who has other than a minimal impact or involvement in contract performance.

“Individual” means an offeror/contractor that has no more than one employee including the offeror/contractor.

#### **23.504 Policy.**

(a) No offeror other than an individual shall be considered a responsible source (see 9.104-1(g) and 19.602-1(a)(2)(i)) for a contract that exceeds the simplified acquisition threshold, unless it agrees that it will provide a drug-free workplace by—

- (1) Publishing a statement notifying its employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the contractor's workplace, and specifying the actions that

will be taken against employees for violations of such prohibition;

(2) Establishing an ongoing drug-free awareness program to inform its employees about—

(i) The dangers of drug abuse in the workplace;

(ii) The contractor's policy of maintaining a drug-free workplace;

(iii) Any available drug counseling, rehabilitation, and employee assistance programs; and

(iv) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(3) Providing all employees engaged in performance of the contract with a copy of the statement required by subparagraph (a)(1) of this section;

(4) Notifying all employees in writing in the statement required by subparagraph (a)(1) of this section, that as a condition of employment on a covered contract, the employee will—

(i) Abide by the terms of the statement; and

(ii) Notify the employer in writing of the employee's conviction under a criminal drug statute for a violation occurring in the workplace no later than 5 days after such conviction;

(5) Notifying the contracting officer in writing within 10 days after receiving notice under subdivision (a)(4)(ii) of this section, from an employee or otherwise receiving actual notice of such conviction. The notice shall include the position title of the employee;

(6) Within 30 days after receiving notice under subparagraph (a)(4) of this section of a conviction, taking one of the following actions with respect to any employee who is convicted of a drug abuse violation occurring in the workplace:

(i) Taking appropriate personnel action against such employee, up to and including termination; or

(ii) Requiring such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

(7) Making a good faith effort to maintain a drug-free workplace through implementation of subparagraphs (a)(1) through (a)(6) of this section.

(b) No individual shall be awarded a contract of any dollar value unless that individual agrees not to engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance while performing the contract.

(c) For a contract of 30 days or more performance duration, the contractor shall comply with the provisions of paragraph (a) of this section within 30 days after contract award, unless the contracting officer agrees in writing that circumstances warrant a longer period of time to comply.

Before granting such an extension, the contracting officer shall consider such factors as the number of contractor employees at the worksite, whether the contractor has or must develop a drug-free workplace program, and the number of contractor worksites. For contracts of less than 30 days performance duration, the contractor shall comply with the provisions of paragraph (a) of this section as soon as possible, but in any case, by a date prior to when performance is expected to be completed.

### **23.505 Contract clause.**

(a) Contracting officers shall insert the clause at 52.223-6, Drug-Free Workplace, except as provided in paragraph (b) of this section, in solicitations and contracts—

(1) Of any dollar value if the contract is expected to be awarded to an individual; or

(2) Expected to exceed the simplified acquisition threshold if the contract is expected to be awarded to other than an individual.

(b) Contracting officers shall not insert the clause at 52.223-6, Drug-Free Workplace, in solicitations and contracts, if—

(1) The resultant contract is to be performed entirely outside of the United States, its territories, and its possessions;

(2) The resultant contract is for law enforcement agencies, and the head of the law enforcement agency or designee involved determines that application of the requirements of this subpart would be inappropriate in connection with the law enforcement agency's undercover operations; or

(3) Inclusion of these requirements would be inconsistent with the international obligations of the United States or with the laws and regulations of a foreign country.

### **23.506 Suspension of payments, termination of contract, and debarment and suspension actions.**

(a) After determining in writing that adequate evidence to suspect any of the causes at paragraph (d) of this section exists, the contracting officer may suspend contract payments in accordance with the procedures at 32.503-6(a)(1).

(b) After determining in writing that any of the causes at paragraph (d) of this section exist, the contracting officer may terminate the contract for default.

(c) Upon initiating action under paragraph (a) or (b) of this section, the contracting officer shall refer the case to the agency suspension and debarment official, in accordance with agency procedures, pursuant to Subpart 9.4.

(d) The specific causes for suspension of contract payments, termination of a contract for default, or suspension and debarment are—

(1) The contractor has failed to comply with the requirements of the clause at 52.223-6, Drug-Free Workplace; or

(2) The number of contractor employees convicted of violations of criminal drug statutes occurring in the workplace indicates that the contractor has failed to make a good faith effort to provide a drug-free workplace.

(e) A determination under this section to suspend contract payments, terminate a contract for default, or debar or suspend a contractor may be waived by the agency head for a particular contract, in accordance with agency procedures, only if such waiver is necessary to prevent a severe disruption of the agency operation to the detriment of the Federal Government or the general public (see Subpart 9.4). The waiver authority of the agency head cannot be delegated.

### Subpart 23.6—Notice of Radioactive Material

#### 23.601 Requirements.

(a) The clause at 52.223-7, Notice of Radioactive Materials, requires the contractor to notify the contracting officer prior to delivery of radioactive material.

(b) Upon receipt of the notice, the contracting officer shall notify receiving activities so that appropriate safeguards can be taken.

(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.

(d) The contracting officer is required to specify in the clause at 52.223-7, the number of days in advance of delivery that the contractor will provide notification. The determination of the number of days should be done in coordination with the installation/facility radiation protection officer (RPO). The RPO is responsible for insuring the proper license, authorization or permit is obtained prior to receipt of the radioactive material.

#### 23.602 Contract clause.

The contracting officer shall insert the clause at 52.223-7, Notice of Radioactive Materials, in solicitations and contracts for supplies which are, or which contain— (a) radioactive material requiring specific licensing under regulations issued pursuant to the Atomic Energy Act of 1954; or (b) radioactive material not requiring specific licensing in which the specific activity is greater than 0.002 microcuries per gram or the activity per item equals or exceeds 0.01 microcuries. Such supplies include, but are not limited to, aircraft, ammunition, missiles, vehicles, electronic tubes, instrument panel gauges, compasses and identification markers.

### Subpart 23.7—Contracting for Environmentally Preferable and Energy-Efficient Products and Services

#### 23.700 Scope.

This subpart prescribes policies for obtaining environmentally preferable and energy-efficient products and services.

#### 23.701 Definition.

“Biobased product,” as used in this subpart, means a commercial or industrial product (other than food or feed) that utilizes biological products or renewable domestic agricultural (plant, animal, and marine) or forestry materials.

#### 23.702 Authorities.

(a) Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901, *et seq.*).

(b) National Energy Conservation Policy Act (42 U.S.C. 8262g).

(c) Pollution Prevention Act of 1990 (42 U.S.C. 13101, *et seq.*).

(d) Executive Order 12856, of August 3, 1993, Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements.

(e) Executive Order 12902, of March 8, 1994, Energy Efficiency and Water Conservation at Federal Facilities.

(f) Executive Order 13101 of September 14, 1998, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition.

#### 23.703 Policy.

Agencies must—

(a) Implement cost-effective contracting preference programs favoring the acquisition of environmentally preferable and energy-efficient products and services; and

(b) Employ acquisition strategies that affirmatively implement the following environmental objectives:

(1) Maximize the utilization of environmentally preferable products and services (based on EPA-issued guidance).

(2) Maximize the utilization of energy-efficient products.

(3) Eliminate or reduce the generation of hazardous waste and the need for special material processing (including special handling, storage, treatment, and disposal).

(4) Promote the use of nonhazardous and recovered materials.

(5) Realize life-cycle cost savings.

(6) Promote cost-effective waste reduction when creating plans, drawings, specifications, standards, and other

product descriptions authorizing material substitutions, extensions of shelf-life, and process improvements.

(7) Consider the use of biobased products.

#### **23.704 Application to Government-owned or -leased facilities.**

Executive Order 13101, Section 701, requires that contracts for contractor operation of a Government-owned or -leased facility and contracts for support services at a Government-owned or -operated facility include provisions that obligate the contractor to comply with the requirements of the order. Compliance includes developing programs to promote and implement cost-effective waste reduction and affirmative procurement programs required by 42 U.S.C. 6962 for all products designated in EPA's Comprehensive Procurement Guideline (40 CFR part 247).

#### **23.705 Contract clause.**

Insert the clause at 52.223-10, Waste Reduction Program, in all solicitations and contracts for contractor operation of Government-owned or -leased facilities and all solicitations and contracts for support services at Government-owned or -operated facilities.

### **Subpart 23.8—Ozone-Depleting Substances**

#### **23.800 Scope of subpart.**

This subpart sets forth policies and procedures for the acquisition of items which contain, use, or are manufactured with ozone-depleting substances.

#### **23.801 Authorities.**

- (a) Title VI of the Clean Air Act (42 U.S.C. 7671, *et seq.*).
- (b) Executive Order 12843, April 21, 1993.
- (c) Environmental Protection Agency (EPA) regulations, Protection of Stratospheric Ozone (40 CFR Part 82).

#### **23.802 Definition.**

“Ozone-depleting substance” means—

- (a) Any substance designated as Class I by EPA (40 CFR Part 82), including but not limited to chlorofluorocarbons, halons, carbon tetrachloride, and methyl chloroform; or
- (b) Any substance designated as Class II by EPA (40 CFR Part 82), including but not limited to hydrochlorofluorocarbons.

#### **23.803 Policy.**

(a) It is the policy of the Federal Government that Federal agencies—

(1) Implement cost-effective programs to minimize the procurement of materials and substances that contribute to the depletion of stratospheric ozone; and

(2) Give preference to the procurement of alternative chemicals, products, and manufacturing processes that reduce overall risks to human health and the environment by lessening the depletion of ozone in the upper atmosphere.

(b) In preparing specifications and purchase descriptions, and in the acquisition of supplies and services, agencies shall ensure that acquisitions—

(1) Comply with the requirements of Title VI of the Clean Air Act, Executive Order 12843, and 40 CFR 82.84(a)(2), (3), (4), and (5); and

(2) Substitute safe alternatives to ozone-depleting substances, as identified under 42 U.S.C. 7671k, to the maximum extent practicable, as provided in 40 CFR 82.84(a)(1), except in the case of Class I substances being used for specified essential uses, as identified under 40 CFR 82.4(r).

#### **23.804 Contract clauses.**

Except for contracts to be performed outside the United States, its possessions, and Puerto Rico, the contracting officer shall insert the clause at:

(a) 52.223-11, Ozone-Depleting Substances, in solicitations and contracts for ozone-depleting substances or for supplies that may contain or be manufactured with ozone-depleting substances.

(b) 52.223-12, Refrigeration Equipment and Air Conditioners, in solicitations and contracts for services when the contract includes the maintenance, repair, or disposal of any equipment or appliance using ozone-depleting substances as a refrigerant, such as air conditioners, including motor vehicles, refrigerators, chillers, or freezers.

### **Subpart 23.9—Toxic Chemical Release Reporting**

#### **23.901 Purpose.**

This subpart implements the requirements of Executive Order (E.O.) 12969 of August 8, 1995, Federal Acquisition and Community Right-To-Know. (See also EPA Notice, “Guidance Implementing Executive Order 12969” (60 FR 50738, September 29, 1995).)

#### **23.902 General.**

(a) The Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and the Pollution Prevention Act of 1990 (PPA) established programs to protect public health and the environment by providing the public with important information on the toxic chemicals being released

by manufacturing facilities into the air, land, and water in its communities.

(b) Under EPCRA section 313 (42 U.S.C. 11023), and PPA section 6607 (42 U.S.C. 13106), the owner or operator of certain manufacturing facilities is required to submit annual reports on toxic chemical releases and waste management activities to the Environmental Protection Agency (EPA) and the States.

### 23.903 Applicability.

(a) This subpart applies to all competitive contracts expected to exceed \$100,000 (including all options) and competitive 8(a) contracts.

(b) This subpart does not apply to—

(1) Acquisitions of commercial items as defined in Part 2; or

(2) Contractor facilities located outside the United States. (The United States, as used in this subpart, includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession over which the United States has jurisdiction.)

### 23.904 Definition.

“Toxic chemicals” means reportable chemicals currently listed and added pursuant to EPCRA sections 313(c), (d) and (e), except for those chemicals deleted by EPA using the statutory criteria of EPCRA, sections 313(d) and (e).

### 23.905 Policy.

(a) It is the policy of the Government to purchase supplies and services that have been produced with a minimum adverse impact on community health and the environment.

(b) Federal agencies, to the greatest extent practicable, shall contract with companies that report in a public manner on toxic chemicals released to the environment.

### 23.906 Requirements.

(a) E.O. 12969 requires that solicitations for competitive contracts expected to exceed \$100,000 (including all options) include, to the maximum extent practicable, as an award eligibility criterion, a certification by the offeror that, if awarded a contract, either—

(1) As the owner or operator of facilities to be used in the performance of the contract that are subject to Form R filing and reporting requirements, the offeror will file, and will continue to file throughout the life of the contract, for such facilities, the Toxic Chemical Release Inventory Form (Form R) as described in EPCRA sections 313(a) and (g) and PPA section 6607; or

(2) Facilities to be used in the performance of the contract are exempt from Form R filing and reporting requirements because the facilities—

(i) Do not manufacture, process, or otherwise use any toxic chemicals listed under section 313(c) of EPCRA, 42 U.S.C. 11023(c);

(ii) Do not have 10 or more full-time employees as specified in section 313(b)(1)(A) of EPCRA, 42 U.S.C. 11023(b)(1)(A);

(iii) Do not meet the reporting thresholds of toxic chemicals established under section 313(f) of EPCRA, 42 U.S.C. 11023(f) (including the alternate thresholds at 40 CFR 372.27, provided an appropriate certification form has been filed with EPA);

(iv) Do not fall within Standard Industrial Classification Code (SIC) designations 20 through 39 as set forth in 19.102; or

(v) Are not located within any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, or any other territory or possession over which the United States has jurisdiction.

(b) A determination that it is not practicable to include the solicitation provision at 52.223-13, Certification of Toxic Chemical Release Reporting, in a solicitation or class of solicitations shall be approved by a procurement official at a level no lower than the head of the contracting activity. Prior to making such a determination for a solicitation or class of solicitations with an estimated value in excess of \$500,000 (including all options), the agency shall consult with the Environmental Protection Agency, Director, Environmental Assistance Division, Office of Pollution Prevention and Toxic Substances (Mail Code 7408), Washington, DC 20460.

(c) Award shall not be made to offerors who do not certify in accordance with paragraph (a) of this section when the provision at 52.223-13, Certification of Toxic Chemical Release Reporting, is included in the solicitation. If facilities to be used by the offeror in the performance of the contract are not subject to Form R filing and reporting requirements and the offeror fails to check the appropriate box(es) in 52.223-13, Certification of Toxic Chemical Release Reporting, such failure shall be considered a minor informality or irregularity.

(d) The contracting officer shall cooperate with EPA representatives and provide such advice and assistance as may be required to aid EPA in the performance of its responsibilities under E.O. 12969.

(e) EPA, upon determining that a contractor is not filing the necessary forms or is filing incomplete information, may recommend to the head of the contracting activity that



the contract be terminated for convenience. The head of the contracting activity shall consider the EPA recommendation and determine if termination or some other action is appropriate.

**23.907 Solicitation provision and contract clause.**

Except for acquisitions of commercial items as defined in Part 2, the contracting officer shall—

(a) Insert the provision at 52.223-13, Certification of Toxic Chemical Release Reporting, in all solicitations for competitive contracts expected to exceed \$100,000 (including all options) and competitive 8(a) contracts, unless it has been determined in accordance with 23.906(b) that to do so is not practicable; and

(b) When the solicitation contains the provision at 52.223-13, Certification of Toxic Chemical Release Reporting, insert the clause at 52.223-14, Toxic Chemical Release Reporting, in the resulting contract, if the contract is expected to exceed \$100,000 (including all options).

**Subpart 23.10—Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements**

**23.1001 Purpose.**

This subpart implements requirements of Executive Order (E.O.) 12856 of August 3, 1993, Federal Compliance with Right-To-Know Laws and Pollution Prevention Requirements.

**23.1002 Applicability.**

The requirements of this subpart apply to facilities owned or operated by a Federal agency except those facilities located outside the several states of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

**23.1003 Definition.**

“Federal agency,” as used in this subpart, means an executive agency (see 2.101).

**23.1004 Requirements.**

(a) E.O. 12856 requires Federal facilities to comply with the provisions of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA)(42 U.S.C. 11001-11050) and the Pollution Prevention Act of 1990 (PPA)(42 U.S.C. 13101-13109).

(b) Pursuant to Section 1-104 of E.O. 12856, and any agency implementing procedures, every new contract that provides for performance on a Federal facility shall require the contractor to provide information necessary for the Federal agency to comply with the emergency planning and toxic release reporting requirements of EPCRA and PPA, and other agency obligations under E.O. 12856.

**23.1005 Contract clause.**

The contracting officer shall insert the clause at 52.223-5, Pollution Prevention and Right-to-Know Information, in all solicitations and contracts that provide for performance, in whole or in part, on a Federal facility.

\* \* \* \* \*



PART 38—FEDERAL SUPPLY SCHEDULE CONTRACTING

Sec.

38.000 Scope of part.

**Subpart 38.1—Federal Supply Schedule Program**

38.101 General.

**Subpart 38.2—Establishing and Administering Federal Supply Schedules**

38.201 Coordination requirements.

**38.000 Scope of part.**

This part prescribes policies and procedures for contracting for supplies and services under the Federal Supply Schedule program, which is directed and managed by the General Services Administration (see Subpart 8.4, Federal Supply Schedules, for additional information). The Department of Defense uses a similar system of schedule contracting for military items that are also not a part of the Federal Supply Schedule program.

**Subpart 38.1—Federal Supply Schedule Program**

**38.101 General.**

(a) The Federal Supply Schedule program, pursuant to 41 U.S.C. 259(b)(3)(A), provides Federal agencies with a simplified process of acquiring commonly used supplies and services in varying quantities while obtaining volume discounts. Indefinite-delivery contracts (including requirements contracts) are awarded using competitive procedures to commercial firms. The firms provide supplies and services at stated prices for given periods of time, for delivery within a stated geographic area such as the 48 contiguous states, the District of Columbia, Alaska, Hawaii, and overseas. The schedule contracting office issues Federal Supply Schedules that contain information needed for placing orders.

(b) Each schedule identifies agencies that are required to use the contracts as primary sources of supply.

(c) Federal agencies not identified in the schedules as mandatory users may issue orders under the schedules. Contractors are encouraged to accept the orders.

(d) Although GSA awards most Federal Supply Schedule contracts, it may authorize other agencies to award schedule contracts and publish schedules. For example, the Department of Veterans Affairs awards schedule contracts for certain medical and nonperishable subsistence items.

(e) When establishing Federal Supply Schedules, GSA, or an agency delegated that authority, is responsible for complying with all applicable statutory and regulatory requirements (e.g., Parts 5, 6, and 19). The requirements of Parts 5, 6, and 19 apply at the acquisition planning stage prior to issuing the schedule solicitation and do not apply to orders and BPAs placed under resulting schedule contracts (see 8.404).

**Subpart 38.2—Establishing and Administering Federal Supply Schedules**

**38.201 Coordination requirements.**

(a) Subject to interagency agreements, contracting officers having responsibility for awarding Federal Supply Schedule contracts shall coordinate and obtain approval of the General Services Administration's Federal Supply Service (FSS) before—

- (1) Establishing new schedules;
- (2) Discontinuing existing schedules;
- (3) Changing the scope of agency or geographical coverage of existing schedules; or
- (4) Adding or deleting special item numbers, national stock numbers, or revising their description.

(b) Requests should be forwarded to the:

General Services Administration  
Federal Supply Service  
Office of Acquisition (FC)  
Washington DC 20406.

\* \* \* \* \*



# FAC 97-18 AUGUST 7, 2000

## PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

<p><i>Sec.</i></p> <p>52.000 Scope of part.</p> <p><b>Subpart 52.1—Instructions for Using Provisions and Clauses</b></p> <p>52.100 Scope of subpart.</p> <p>52.101 Using Part 52.</p> <p>52.102 Incorporating provisions and clauses.</p> <p>52.103 Identification of provisions and clauses.</p> <p>52.104 Procedures for modifying and completing provisions and clauses.</p> <p>52.105 Procedures for using alternates.</p> <p>52.106 [Reserved]</p> <p>52.107 Provisions and clauses prescribed in Subpart 52.1.</p> <p><b>Subpart 52.2—Text of Provisions and Clauses</b></p> <p>52.200 Scope of subpart.</p> <p>52.201 [Reserved]</p> <p>52.202-1 Definitions.</p> <p>52.203-1 [Reserved]</p> <p>52.203-2 Certificate of Independent Price Determination.</p> <p>52.203-3 Gratuities.</p> <p>52.203-4 [Reserved]</p> <p>52.203-5 Covenant Against Contingent Fees.</p> <p>52.203-6 Restrictions on Subcontractor Sales to the Government.</p> <p>52.203-7 Anti-Kickback Procedures.</p> <p>52.203-8 Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity.</p> <p>52.203-9 [Reserved]</p> <p>52.203-10 Price or Fee Adjustment for Illegal or Improper Activity.</p> <p>52.203-11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions.</p> <p>52.203-12 Limitation on Payments to Influence Certain Federal Transactions.</p> <p>52.204-1 Approval of Contract.</p> <p>52.204-2 Security Requirements.</p> <p>52.204-3 Taxpayer Identification.</p> <p>52.204-4 Printed or Copied Double-Sided on Recycled Paper.</p> <p>52.204-5 Women-Owned Business (Other Than Small Business).</p> <p>52.204-6 Data Universal Numbering System (DUNS) Number.</p> <p>52.205—52.206 [Reserved]</p> <p>52.207-1 Notice of Cost Comparison (Sealed-Bid).</p> <p>52.207-2 Notice of Cost Comparison (Negotiated).</p> <p>52.207-3 Right of First Refusal of Employment.</p> <p>52.207-4 Economic Purchase Quantity—Supplies.</p> <p>52.207-5 Option to Purchase Equipment.</p> <p>52.208-1—52.208-3 [Reserved]</p> <p>52.208-4 Vehicle Lease Payments.</p> <p>52.208-5 Condition of Leased Vehicles.</p> <p>52.208-6 Marking of Leased Vehicles.</p> <p>52.208-7 Tagging of Leased Vehicles.</p> <p>52.208-8 Helium Requirement Forecast and Required Sources for Helium.</p> <p>52.208-9 Contractor Use of Mandatory Sources of Supply.</p> <p>52.209-1 Qualification Requirements.</p>	<p>52.209-2 [Reserved]</p> <p>52.209-3 First Article Approval—Contractor Testing.</p> <p>52.209-4 First Article Approval—Government Testing.</p> <p>52.209-5 Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters.</p> <p>52.209-6 Protecting the Government's Interest when Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment.</p> <p>52.210 [Reserved]</p> <p>52.211-1 Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29.</p> <p>52.211-2 Availability of Specifications Listed in the DoD Index of Specifications and Standards (DoDISS) and Descriptions Listed in the Acquisition Management Systems and Data Requirements Control List, DoD 5010.12-L.</p> <p>52.211-3 Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions.</p> <p>52.211-4 Availability for Examination of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions.</p> <p>52.211-5 Material Requirements.</p> <p>52.211-6 Brand Name or Equal.</p> <p>52.211-7 Alternatives to Government-Unique Standards.</p> <p>52.211-8 Time of Delivery.</p> <p>52.211-9 Desired and Required Time of Delivery.</p> <p>52.211-10 Commencement, Prosecution, and Completion of Work.</p> <p>52.211-11 Liquidated Damages—Supplies, Services, or Research and Development.</p> <p>52.211-12 Liquidated Damages—Construction.</p> <p>52.211-13 Time Extensions.</p> <p>52.211-14 Notice of Priority Rating for National Defense Use.</p> <p>52.211-15 Defense Priority and Allocation Requirements.</p> <p>52.211-16 Variation in Quantity.</p> <p>52.211-17 Delivery of Excess Quantities.</p> <p>52.211-18 Variation in Estimated Quantity.</p> <p>52.212-1 Instructions to Offerors—Commercial Items.</p> <p>52.212-2 Evaluation—Commercial Items.</p> <p>52.212-3 Offeror Representations and Certifications—Commercial Items.</p> <p>52.212-4 Contract Terms and Conditions—Commercial Items.</p> <p>52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.</p> <p>52.213-1 Fast Payment Procedure.</p> <p>52.213-2 Invoices.</p> <p>52.213-3 Notice to Supplier.</p> <p>52.213-4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items).</p> <p>52.214-1 Solicitation Definitions—Sealed Bidding.</p> <p>52.214-2 [Reserved]</p> <p>52.214-3 Amendments to Invitations for Bids.</p> <p>52.214-4 False Statements in Bids.</p>
--	--

# FAC 97-14 NOVEMBER 23, 1999

## FEDERAL ACQUISITION REGULATION

- 
- |  |  |
|--|--|
| <p>52.214-5 Submission of Bids.</p> <p>52.214-6 Explanation to Prospective Bidders.</p> <p>52.214-7 Late Submissions, Modifications, and Withdrawals of Bids.</p> <p>52.214-8 [Reserved]</p> <p>52.214-9 Failure to Submit Bid.</p> <p>52.214-10 Contract Award—Sealed Bidding.</p> <p>52.214-11 [Reserved]</p> <p>52.214-12 Preparation of Bids.</p> <p>52.214-13 Telegraphic Bids.</p> <p>52.214-14 Place of Performance—Sealed Bidding.</p> <p>52.214-15 Period for Acceptance of Bids.</p> <p>52.214-16 Minimum Bid Acceptance Period.</p> <p>52.214-17 [Reserved]</p> <p>52.214-18 Preparation of Bids—Construction.</p> <p>52.214-19 Contract Award—Sealed Bidding—Construction.</p> <p>52.214-20 Bid Samples.</p> <p>52.214-21 Descriptive Literature.</p> <p>52.214-22 Evaluation of Bids for Multiple Awards.</p> <p>52.214-23 Late Submissions, Modifications, Revisions, and Withdrawals of Technical Proposals under Two-Step Sealed Bidding.</p> <p>52.214-24 Multiple Technical Proposals.</p> <p>52.214-25 Step Two of Two-Step Sealed Bidding.</p> <p>52.214-26 Audit and Records—Sealed Bidding.</p> <p>52.214-27 Price Reduction for Defective Cost or Pricing Data—Modifications—Sealed Bidding.</p> <p>52.214-28 Subcontractor Cost or Pricing Data—Modifications—Sealed Bidding.</p> <p>52.214-29 Order of Precedence—Sealed Bidding.</p> <p>52.214-30 Annual Representations and Certifications—Sealed Bidding.</p> <p>52.214-31 Facsimile Bids.</p> <p>52.214-32—52.214-33 [Reserved]</p> <p>52.214-34 Submission of Offers in the English Language.</p> <p>52.214-35 Submission of Offers in U.S. Currency.</p> <p>52.215-1 Instructions to Offerors—Competitive Acquisition.</p> <p>52.215-2 Audit and Records—Negotiation.</p> <p>52.215-3 Request for Information or Solicitation for Planning Purposes.</p> <p>52.215-4 [Reserved]</p> <p>52.215-5 Facsimile Proposals.</p> <p>52.215-6 Place of Performance.</p> <p>52.215-7 Annual Representations and Certifications—Negotiation.</p> <p>52.215-8 Order of Precedence—Uniform Contract Format.</p> <p>52.215-9 Changes or Additions to Make-or-Buy Program.</p> <p>52.215-10 Price Reduction for Defective Cost or Pricing Data.</p> <p>52.215-11 Price Reduction for Defective Cost or Pricing Data—Modifications.</p> <p>52.215-12 Subcontractor Cost or Pricing Data.</p> <p>52.215-13 Subcontractor Cost or Pricing Data—Modifications.</p> <p>52.215-14 Integrity of Unit Prices.</p> <p>52.215-15 Pension Adjustments and Asset Reversions.</p> <p>52.215-16 Facilities Capital Cost of Money.</p> <p>52.215-17 Waiver of Facilities Capital Cost of Money.</p> | <p>52.215-18 Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other Than Pensions.</p> <p>52.215-19 Notification of Ownership Changes.</p> <p>52.215-20 Requirements for Cost or Pricing Data or Information Other Than Cost or Pricing Data.</p> <p>52.215-21 Requirements for Cost or Pricing Data or Information Other Than Cost or Pricing Data—Modifications.</p> <p>52.216-1 Type of Contract.</p> <p>52.216-2 Economic Price Adjustment—Standard Supplies.</p> <p>52.216-3 Economic Price Adjustment—Semistandard Supplies.</p> <p>52.216-4 Economic Price Adjustment—Labor and Material.</p> <p>52.216-5 Price Redetermination—Prospective.</p> <p>52.216-6 Price Redetermination—Retroactive.</p> <p>52.216-7 Allowable Cost and Payment.</p> <p>52.216-8 Fixed Fee.</p> <p>52.216-9 Fixed Fee—Construction.</p> <p>52.216-10 Incentive Fee.</p> <p>52.216-11 Cost Contract—No Fee.</p> <p>52.216-12 Cost-Sharing Contract—No Fee.</p> <p>52.216-13 Allowable Cost and Payment—Facilities.</p> <p>52.216-14 Allowable Cost and Payment—Facilities Use.</p> <p>52.216-15 Predetermined Indirect Cost Rates.</p> <p>52.216-16 Incentive Price Revision—Firm Target.</p> <p>52.216-17 Incentive Price Revision—Successive Targets.</p> <p>52.216-18 Ordering.</p> <p>52.216-19 Order Limitations.</p> <p>52.216-20 Definite Quantity.</p> <p>52.216-21 Requirements.</p> <p>52.216-22 Indefinite Quantity.</p> <p>52.216-23 Execution and Commencement of Work.</p> <p>52.216-24 Limitation of Government Liability.</p> <p>52.216-25 Contract Definitization.</p> <p>52.216-26 Payments of Allowable Costs Before Definitization.</p> <p>52.216-27 Single or Multiple Awards.</p> <p>52.216-28 Multiple Awards for Advisory and Assistance Services.</p> <p>52.217-1 [Reserved]</p> <p>52.217-2 Cancellation Under Multi-year Contracts.</p> <p>52.217-3 Evaluation Exclusive of Options.</p> <p>52.217-4 Evaluation of Options Exercised at Time of Contract Award.</p> <p>52.217-5 Evaluation of Options.</p> <p>52.217-6 Option for Increased Quantity.</p> <p>52.217-7 Option for Increased Quantity—Separately Priced Line Item.</p> <p>52.217-8 Option to Extend Services.</p> <p>52.217-9 Option to Extend the Term of the Contract.</p> <p>52.218 [Reserved]</p> <p>52.219-1 Small Business Program Representations.</p> <p>52.219-2 Equal Low Bids.</p> <p>52.219-3 Notice of Total HUBZone Set-Aside.</p> <p>52.219-4 Notice of Price Evaluation Preference for HUBZone Small Business Concerns.</p> <p>52.219-5 Very Small Business Set-Aside.</p> <p>52.219-6 Notice of Total Small Business Set-Aside.</p> |
|--|--|

## FAC 97-18 AUGUST 7, 2000

### PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

---

- 52.219-7 Notice of Partial Small Business Set-Aside.  
52.219-8 Utilization of Small Business Concerns.  
52.219-9 Small Business Subcontracting Plan.  
52.219-10 Incentive Subcontracting Program.  
52.219-11 Special 8(a) Contract Conditions.  
52.219-12 Special 8(a) Subcontract Conditions.  
52.219-13 [Reserved]  
52.219-14 Limitations on Subcontracting.  
52.219-15 [Reserved]  
52.219-16 Liquidated Damages—Subcontracting Plan.  
52.219-17 Section 8(a) Award.  
52.219-18 Notification of Competition Limited to Eligible 8(a) Concerns.  
52.219-19 Small Business Concern Representation for the Small Business Competitiveness Demonstration Program.  
52.219-20 Notice of Emerging Small Business Set-Aside.  
52.219-21 Small Business Size Representation for Targeted Industry Categories under the Small Business Competitiveness Demonstration Program.  
52.219-22 Small Disadvantaged Business Status.  
52.219-23 Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns.  
52.219-24 Small Disadvantaged Business Participation Program—Targets.  
52.219-25 Small Disadvantaged Business Participation Program—Disadvantaged Status and Reporting.  
52.219-26 Small Disadvantaged Business Participation Program—Incentive Subcontracting.  
52.220—52.221 [Reserved]  
52.222-1 Notice to the Government of Labor Disputes.  
52.222-2 Payment for Overtime Premiums.  
52.222-3 Convict Labor.  
52.222-4 Contract Work Hours and Safety Standards Act—Overtime Compensation.  
52.222-5 [Reserved]  
52.222-6 Davis-Bacon Act.  
52.222-7 Withholding of Funds.  
52.222-8 Payrolls and Basic Records.  
52.222-9 Apprentices and Trainees.  
52.222-10 Compliance with Copeland Act Requirements.  
52.222-11 Subcontracts (Labor Standards).  
52.222-12 Contract Termination—Debarment.  
52.222-13 Compliance with Davis-Bacon and Related Act Regulations.  
52.222-14 Disputes Concerning Labor Standards.  
52.222-15 Certification of Eligibility.  
52.222-16 Approval of Wage Rates.  
52.222-17 Labor Standards for Construction Work—Facilities Contracts.  
52.222-18—52.222-19 [Reserved]  
52.222-20 Walsh-Healey Public Contracts Act.  
52.222-21 Prohibition of Segregated Facilities.  
52.222-22 Previous Contracts and Compliance Reports.  
52.222-23 Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity for Construction.  
52.222-24 Preaward On-Site Equal Opportunity Compliance Evaluation.  
52.222-25 Affirmative Action Compliance.  
52.222-26 Equal Opportunity.  
52.222-27 Affirmative Action Compliance Requirements for Construction.  
52.222-28 [Reserved]  
52.222-29 Notification of Visa Denial.  
52.222-30—52.222-34 [Reserved]  
52.222-35 Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era.  
52.222-36 Affirmative Action for Workers with Disabilities.  
52.222-37 Employment Reports on Disabled Veterans and Veterans of the Vietnam Era.  
52.222-38—52.222-40 [Reserved]  
52.222-41 Service Contract Act of 1965, as Amended.  
52.222-42 Statement of Equivalent Rates for Federal Hires.  
52.222-43 Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiple Year and Option Contracts).  
52.222-44 Fair Labor Standards Act and Service Contract Act—Price Adjustment.  
52.222-45 [Reserved]  
52.222-46 Evaluation of Compensation for Professional Employees.  
52.222-47 SCAMinimum Wages and Fringe Benefits Applicable to Successor Contract Pursuant to Predecessor Contractor Collective Bargaining Agreements (CBA).  
52.222-48 Exemption from Application of Service Contract Act Provisions for Contracts for Maintenance, Calibration, and/or Repair of Certain Information Technology, Scientific and Medical and/or Office and Business Equipment—Contractor Certification.  
52.222-49 Service Contract Act—Place of Performance Unknown.  
52.222-50 Nondisplacement of Qualified Workers.  
52.223-1—52.223-2 [Reserved]  
52.223-3 Hazardous Material Identification and Material Safety Data.  
52.223-4 Recovered Material Certification.  
52.223-5 Pollution Prevention and Right-to-Know Information.  
52.223-6 Drug-Free Workplace.  
52.223-7 Notice of Radioactive Materials.  
52.223-8 [Reserved]  
52.223-9 Estimate of Percentage of Recovered Material Content for EPA-Designated Products.  
52.223-10 Waste Reduction Program.  
52.223-11 Ozone-Depleting Substances.  
52.223-12 Refrigeration Equipment and Air Conditioners.  
52.223-13 Certification of Toxic Chemical Release Reporting.  
52.223-14 Toxic Chemical Release Reporting.  
52.224-1 Privacy Act Notification.  
52.224-2 Privacy Act.  
52.225-1 Buy American Act—Balance of Payments Program—Supplies.  
52.225-2 Buy American Act—Balance of Payments Program Certificate.

<p>52.225-3 Buy American Act—North American Free Trade Agreement—Israeli Trade Act—Balance of Payments Program.</p> <p>52.225-4 Buy American Act—North American Free Trade Agreement—Israeli Trade Act—Balance of Payments Program Certificate.</p> <p>52.225-5 Trade Agreements.</p> <p>52.225-6 Trade Agreements Certificate.</p> <p>52.225-7 Waiver of Buy American Act for Civil Aircraft and Related Articles.</p> <p>52.225-8 Duty-Free Entry.</p> <p>52.225-9 Buy American Act—Balance of Payments Program—Construction Materials.</p> <p>52.225-10 Notice of Buy American Act/Balance of Payments Program Requirement—Construction Materials.</p> <p>52.225-11 Buy American Act—Balance of Payments Program—Construction Materials under Trade Agreements.</p> <p>52.225-12 Notice of Buy American Act/Balance of Payments Program Requirement—Construction Materials under Trade Agreements.</p> <p>52.225-13 Restrictions on Certain Foreign Purchases.</p> <p>52.225-14 Inconsistency between English Version and Translation of Contract.</p> <p>52.225-15 Sanctioned European Union Country End Products.</p> <p>52.225-16 Sanctioned European Union Country Services.</p> <p>52.225-17 Evaluation of Foreign Currency Offers.</p> <p>52.226-1 Utilization of Indian Organizations and Indian-Owned Economic Enterprises.</p> <p>52.226-2 Historically Black College or University and Minority Institution Representation.</p> <p>52.227-1 Authorization and Consent.</p> <p>52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement.</p> <p>52.227-3 Patent Indemnity.</p> <p>52.227-4 Patent Indemnity—Construction Contracts.</p> <p>52.227-5 Waiver of Indemnity.</p> <p>52.227-6 Royalty Information.</p> <p>52.227-7 Patents—Notice of Government Licensee.</p> <p>52.227-8 [Reserved]</p> <p>52.227-9 Refund of Royalties.</p> <p>52.227-10 Filing of Patent Applications—Classified Subject Matter.</p> <p>52.227-11 Patent Rights—Retention by the Contractor (Short Form).</p> <p>52.227-12 Patent Rights—Retention by the Contractor (Long Form).</p> <p>52.227-13 Patent Rights—Acquisition by the Government.</p> <p>52.227-14 Rights in Data—General.</p> <p>52.227-15 Representation of Limited Rights Data and Restricted Computer Software.</p> <p>52.227-16 Additional Data Requirements.</p> <p>52.227-17 Rights in Data—Special Works.</p> <p>52.227-18 Rights in Data—Existing Works.</p> <p>52.227-19 Commercial Computer Software—Restricted Rights.</p> <p>52.227-20 Rights in Data—SBIR Program.</p>	<p>52.227-21 Technical Data Declaration, Revision, and Withholding of Payment—Major Systems.</p> <p>52.227-22 Major System—Minimum Rights.</p> <p>52.227-23 Rights to Proposal Data (Technical).</p> <p>52.228-1 Bid Guarantee.</p> <p>52.228-2 Additional Bond Security.</p> <p>52.228-3 Workers' Compensation Insurance (Defense Base Act).</p> <p>52.228-4 Workers' Compensation and War-Hazard Insurance Overseas.</p> <p>52.228-5 Insurance—Work on a Government Installation.</p> <p>52.228-6 [Reserved]</p> <p>52.228-7 Insurance—Liability to Third Persons.</p> <p>52.228-8 Liability and Insurance—Leased Motor Vehicles.</p> <p>52.228-9 Cargo Insurance.</p> <p>52.228-10 Vehicular and General Public Liability Insurance.</p> <p>52.228-11 Pledges of Assets.</p> <p>52.228-12 Prospective Subcontractor Requests for Bonds.</p> <p>52.228-13 Alternative Payment Protections.</p> <p>52.228-14 Irrevocable Letter of Credit.</p> <p>52.228-15 Performance and Payment Bonds—Construction.</p> <p>52.228-16 Performance and Payment Bonds—Other Than Construction.</p> <p>52.229-1 State and Local Taxes.</p> <p>52.229-2 North Carolina State and Local Sales and Use Tax.</p> <p>52.229-3 Federal, State, and Local Taxes.</p> <p>52.229-4 Federal, State, and Local Taxes (Noncompetitive Contract).</p> <p>52.229-5 Taxes—Contracts Performed in U.S. Possessions or Puerto Rico.</p> <p>52.229-6 Taxes—Foreign Fixed-Price Contracts.</p> <p>52.229-7 Taxes—Fixed-Price Contracts with Foreign Governments.</p> <p>52.229-8 Taxes—Foreign Cost-Reimbursement Contracts.</p> <p>52.229-9 Taxes—Cost-Reimbursement Contracts with Foreign Governments.</p> <p>52.229-10 State of New Mexico Gross Receipts and Compensating Tax.</p> <p>52.230-1 Cost Accounting Standards Notices and Certification.</p> <p>52.230-2 Cost Accounting Standards.</p> <p>52.230-3 Disclosure and Consistency of Cost Accounting Practices.</p> <p>52.230-4 Consistency in Cost Accounting Practices.</p> <p>52.230-5 Cost Accounting Standards—Educational Institution.</p> <p>52.230-6 Administration of Cost Accounting Standards.</p> <p>52.231 [Reserved]</p> <p>52.232-1 Payments.</p> <p>52.232-2 Payments under Fixed-Price Research and Development Contracts.</p> <p>52.232-3 Payments under Personal Services Contracts.</p> <p>52.232-4 Payments under Transportation Contracts and Transportation-Related Services Contracts.</p> <p>52.232-5 Payments under Fixed-Price Construction Contracts.</p> <p>52.232-6 Payment under Communication Service Contracts with Common Carriers.</p> <p>52.232-7 Payments under Time-and-Materials and Labor-Hour Contracts.</p> <p>52.232-8 Discounts for Prompt Payment.</p>
--	--



- 52.247-35 F.o.b. Destination, within Consignee's Premises.
- 52.247-36 F.a.s. Vessel, Port of Shipment.
- 52.247-37 F.o.b. Vessel, Port of Shipment.
- 52.247-38 F.o.b. Inland Carrier, Point of Exportation.
- 52.247-39 F.o.b. Inland Point, Country of Importation.
- 52.247-40 Ex Dock, Pier, or Warehouse, Port of Importation.
- 52.247-41 C. & f. Destination.
- 52.247-42 C.i.f. Destination.
- 52.247-43 F.o.b. Designated Air Carrier's Terminal, Point of Exportation.
- 52.247-44 F.o.b. Designated Air Carrier's Terminal, Point of Importation.
- 52.247-45 F.o.b. Origin and/or F.o.b. Destination Evaluation.
- 52.247-46 Shipping Point(s) Used in Evaluation of F.o.b. Origin Offers.
- 52.247-47 Evaluation—F.o.b. Origin.
- 52.247-48 F.o.b. Destination—Evidence of Shipment.
- 52.247-49 Destination Unknown.
- 52.247-50 No Evaluation of Transportation Costs.
- 52.247-51 Evaluation of Export Offers.
- 52.247-52 Clearance and Documentation Requirements—Shipments to DOD Air or Water Terminal Transshipment Points.
- 52.247-53 Freight Classification Description.
- 52.247-54 [Reserved]
- 52.247-55 F.o.b. Point for Delivery of Government-Furnished Property.
- 52.247-56 Transit Arrangements.
- 52.247-57 Transportation Transit Privilege Credits.
- 52.247-58 Loading, Blocking, and Bracing of Freight Car Shipments.
- 52.247-59 F.o.b. Origin—Carload and Truckload Shipments.
- 52.247-60 Guaranteed Shipping Characteristics.
- 52.247-61 F.o.b. Origin—Minimum Size of Shipments.
- 52.247-62 Specific Quantities Unknown.
- 52.247-63 Preference for U.S.-Flag Air Carriers.
- 52.247-64 Preference for Privately Owned U.S.-Flag Commercial Vessels.
- 52.247-65 F.o.b. Origin, Prepaid Freight—Small Package Shipments.
- 52.247-66 Returnable Cylinders.
- 52.247-67 Submission of Commercial Transportation Bills to the General Services Administration for Audit.
- 52.248-1 Value Engineering.
- 52.248-2 Value Engineering—Architect-Engineer.
- 52.248-3 Value Engineering—Construction.
- 52.249-1 Termination for Convenience of the Government (Fixed-Price) (Short Form).
- 52.249-2 Termination for Convenience of the Government (Fixed-Price).
- 52.249-3 Termination for Convenience of the Government (Dismantling, Demolition, or Removal of Improvements).
- 52.249-4 Termination for Convenience of the Government (Services) (Short Form).
- 52.249-5 Termination for Convenience of the Government (Educational and Other Nonprofit Institutions).
- 52.249-6 Termination (Cost-Reimbursement).
- 52.249-7 Termination (Fixed-Price Architect-Engineer).
- 52.249-8 Default (Fixed-Price Supply and Service).
- 52.249-9 Default (Fixed-Price Research and Development).
- 52.249-10 Default (Fixed-Price Construction).
- 52.249-11 Termination of Work (Consolidated Facilities or Facilities Acquisition).
- 52.249-12 Termination (Personal Services).
- 52.249-13 Failure to Perform.
- 52.249-14 Excusable Delays.
- 52.250-1 Indemnification Under Public Law 85-804.
- 52.251-1 Government Supply Sources.
- 52.251-2 Interagency Fleet Management System Vehicles and Related Services.
- 52.252-1 Solicitation Provisions Incorporated by Reference.
- 52.252-2 Clauses Incorporated by Reference.
- 52.252-3 Alterations in Solicitation.
- 52.252-4 Alterations in Contract.
- 52.252-5 Authorized Deviations in Provisions.
- 52.252-6 Authorized Deviations in Clauses.
- 52.253-1 Computer Generated Forms.

**Subpart 52.3—Provision and Clause Matrix**

- 52.300 Scope of subpart.
- 52.301 Solicitation provisions and contract clauses (Matrix).

**52.000 Scope of part.**

This part—

- (a) Gives instructions for using provisions and clauses in solicitations and/or contracts;
- (b) Sets forth the solicitation provisions and contract clauses prescribed by this regulation; and
- (c) Presents a matrix listing the FAR provisions and clauses applicable to each principal contract type and/or purpose (*e.g.*, fixed-price supply, cost-reimbursement research and development).

**Subpart 52.1—Instructions for Using Provisions and Clauses****52.100 Scope of subpart.**

This subpart (a) gives instructions for using Part 52, including the explanation and use of provision and clause numbers, prescriptions, prefaces, and the matrix; (b) prescribes procedures for incorporating, identifying, and modifying provisions and clauses in solicitations and contracts, and for using alternates; and (c) describes the derivation of FAR provisions and clauses.

**52.101 Using Part 52.**

(a) *Definitions.*

“Alternate” means a substantive variation of a basic provision or clause prescribed for use in a defined circumstance. It (1) adds wording to, (2) deletes wording

from, or (3) substitutes specified wording for a portion of the basic provision or clause. The alternate version of a provision or clause is the basic provision or clause as changed by the addition, deletion, or substitution (see 52.105(a)).

“Contract clause” or “clause” means a term or condition used in contracts or in both solicitations and contracts, and applying after contract award or both before and after award.

“Modification,” as used in this subpart, means a minor change in the details of a provision or clause that is specifically authorized by the FAR and does not alter the substance of the provision or clause (see 52.104).

“Solicitation provision” or “provision” means a term or condition used only in solicitations and applying only before contract award.

“Substantially as follows” or “substantially the same as,” when used in the prescription of a provision or clause, means that authorization is granted to prepare and utilize a variation of that provision or clause to accommodate requirements that are peculiar to an individual acquisition. Any variation must include the salient features of the FAR provision or clause, and must be consistent with the intent, principle, and substance of the FAR provision or clause or related coverage of the subject matter.

(b) *Numbering*—(1) *FAR provisions and clauses*. Subpart 52.2 sets forth the text of all FAR provisions and clauses, each in its own separate subsection. The subpart is arranged by subject matter, in the same order as, and keyed to, the parts of the FAR. Each FAR provision or clause is uniquely identified. All FAR provision and clause numbers begin with “52.2,” since the text of all FAR provisions and clauses appear in Subpart 52.2. The next two digits of the provision or clause number correspond to the number of the FAR subject part in which the provision or clause is prescribed. The FAR provision or clause number is then completed by a hyphen and a sequential number assigned

within each section of Subpart 52.2. The following example illustrates the makeup of the FAR provision or clause number (see Figure 1 below).

(2)(i) *Provisions or clauses that supplement the FAR*.

Provisions or clauses that supplement the FAR are—

(A) Prescribed and included in authorized agency acquisition regulations issued within an agency to satisfy the specific needs of the agency as a whole;

(B) Prescribed and included in a regulation issued by a suborganization of an agency to satisfy the needs of that particular suborganization; or

(C) Developed for use at a suborganizational level of an agency, not meant for repetitive use, but intended to meet the needs of an individual acquisition and, thus, impractical to include in either an agency or suborganization acquisition regulation. (See 1.301(c).)

(ii) Supplemental provisions or clauses published in agency acquisition regulations shall be in full text and the prescription for the use of each shall be included. Supplemental provisions or clauses published in agency acquisition regulations shall be numbered in the same manner in which FAR provisions and clauses are numbered except that—

(A) If it is included in an agency acquisition regulation that is published in the *Federal Register* and is codified in Title 48, *Code of Federal Regulations* (48 CFR), the number shall be preceded by the chapter number within 48 CFR assigned by the CFR staff; and

(B) The sequential number shall be “70” or a higher number (see 1.303).

(iii) The sequential number at the end of the number of a provision or clause that supplements the FAR, like its counterpart at the end of any FAR provision or clause number, indicates the subsection location of the provision or clause in Subpart 52.2 of the agency acquisition regulation

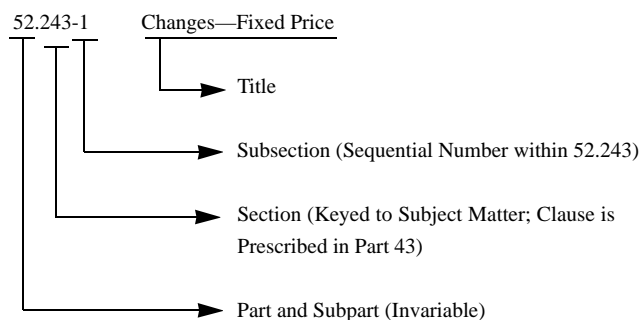


Figure 1

that contains its full text. If, for example, an agency acquisition regulation contains only one provision followed by only one clause supplementing the FAR in its section 52.236 (Construction and Architect-Engineer Contracts), then the sequential numbers would be “70” for the provision and “71” for the clause.

(c) *Prescriptions.* Each provision or clause in Subpart 52.2 is prescribed at that place in the FAR text where the subject matter of the provision or clause receives its primary treatment. The prescription includes all conditions, requirements, and instructions for using the provision or clause and its alternates, if any. The provision or clause may be referred to in other FAR locations.

(d) *Introductory text.* Within Subpart 52.2, the introductory text of each provision or clause includes a cross-reference to the location in the FAR subject text that prescribes its use.

(e) *Matrix.* (1) The matrix in Subpart 52.3 contains a column for each principal type and/or purpose of contract (*e.g.*, fixed-price supply, cost reimbursement research and development). The matrix lists the—

- (i) Required solicitation provisions;
- (ii) Required-when-applicable solicitation provisions;
- (iii) Optional solicitation provisions;
- (iv) Required contract clauses;
- (v) Required-when-applicable contract clauses; and
- (vi) Optional contract clauses.

(2) For each provision or clause listed, the matrix provides information on—

- (i) Whether incorporation by reference is or is not authorized (see 52.102);
- (ii) The section of the Uniform Contract Format (UCF) in which it is to be located, if it is used in an acquisition that is subject to the UCF;
- (iii) Its number;
- (iv) The citation of the FAR text that prescribes its use; and
- (v) Its title.

(3) Since the matrix does not provide sufficient information to determine the applicability of a provision or clause in the “required-when-applicable” and “optional” categories, contracting officers shall refer to the FAR text (cited in the matrix) that prescribes its use.

(4) The FAR matrix may be reproduced at agency levels, and at subordinate levels, for the purpose of supplementing it with agency-developed provisions and clauses. The resulting consolidated matrices may be included in agency acquisition regulations.

(f) *Dates.* Since they are subject to revision from time to time, all provisions, clauses, and alternates are dated; *e.g.*, (Dec 1983). To avoid questions concerning which version of any provision, clause, or alternate is operative in any

given solicitation or contract, its date shall be included whether it is incorporated by reference or in full text.

### 52.102 Incorporating provisions and clauses.

(a) Provisions and clauses should be incorporated by reference to the maximum practical extent, rather than being incorporated in full text, even if they—

- (1) Are used with one or more alternates or on an optional basis;
- (2) Are prescribed on a “substantially as follows” or “substantially the same as” basis, provided they are used verbatim;
- (3) Require modification or the insertion by the Government of fill-in material (see 52.104); or
- (4) Require completion by the offeror or prospective contractor. This instruction also applies to provisions completed as annual representations and certifications.

(b) Except for provisions and clauses prescribed in 52.107, any provision or clause that can be accessed electronically by the offeror or prospective contractor may be incorporated by reference in solicitations and/or contracts. However, the contracting officer, upon request, shall provide the full text of any provision or clause incorporated by reference.

(c) Agency approved provisions and clauses prescribed in agency acquisition regulations, and provisions and clauses not authorized by Subpart 52.3 to be incorporated by reference, need not be incorporated in full text, provided the contracting officer includes in the solicitation and contract a statement that—

- (1) Identifies all provisions and clauses that require completion by the offeror or prospective contractor;
- (2) Specifies that the provisions and clauses must be completed by the offeror or prospective contractor and must be submitted with the quotation or offer; and
- (3) Identifies to the offeror or prospective contractor at least one electronic address where the full text may be accessed.

(d) An agency may develop a group listing of provisions and clauses that apply to a specific category of contracts. An agency group listing may be incorporated by reference in solicitations and/or contracts in lieu of citing the provisions and clauses individually, provided the group listing is made available electronically to offerors and prospective contractors.

(e) A provision or clause that is not available electronically to offerors and prospective contractors shall be incorporated in solicitations and/or contracts in full text if it is—

- (1) A FAR provision or clause that otherwise is not authorized to be incorporated by reference (see Subpart 52.3); or

## 52.103

(2) A provision or clause prescribed for use in an agency acquisition regulation.

(f) Provisions or clauses may not be incorporated by reference by being listed in the—

(1) Provision at 52.252-3, Alterations in Solicitations;

or

(2) Clause at 52.252-4, Alterations in Contract.

**52.103 Identification of provisions and clauses.**

(a) Whenever any FAR provision or clause is used without deviation in a solicitation or contract, whether it is incorporated by reference or in full text, it shall be identified by number, title, and date. This identification shall also be used if the FAR provision or clause is used with an authorized deviation, except that the contracting officer shall then insert “(DEVIATION)” after the date. Solicited firms and contractors will be advised of the meaning of this insertion through the use of the (1) provision at 52.252-5, Authorized Deviations in Provisions, or (2) clause at 52.252-6, Authorized Deviations in Clauses. The above mentioned provision and clause are prescribed in 52.107(e) and (f).

(b) Any provision or clause that supplements the FAR whether it is incorporated by reference or in full text shall be clearly identified by number, title, date, and name of the regulation. When a supplemental provision or clause is used with an authorized deviation, insert “(DEVIATION)” after the name of the regulation.

(c) A provision or clause of the type described in 52.101(b)(2)(i)(C) shall be identified by the title, date, and the name of the agency or suborganization within the agency that developed it.

(d) Except for provisions or clauses covered by 52.103(c), the following hypothetical examples illustrate how a provision or clause that supplements the FAR shall be identified when it is incorporated in solicitations and/or contracts by reference or in full text:

(1) If Part 14 (Sealed Bidding) of the X Agency Acquisition Regulation, published in the *Federal Register* and codified as Chapter 99 in 48 CFR, prescribes the use of a provision entitled “Bid Envelopes,” dated October 1983, and that provision is sequentially the first provision or clause appearing in Section 52.214 of the X Agency Acquisition Regulation, then the identification of that provision shall be “9952.214-70—Bid Envelopes (Oct 1983).”

(2) Assume that Y, a major organizational element of the X Agency, is authorized to issue the Y Acquisition Regulation, which is not published in the *Federal Register* and codified in 48 CFR. If Part 36 (Construction and Architect-Engineer Contracts) of the Y Acquisition Regulation prescribes the use of a clause entitled “Refrigerated Display Cases,” dated March 1983, pertaining to a specialized type of construction work, and that clause is sequentially the second provision or clause appear-

ing in Section 52.236 of the Y Acquisition Regulation, then the identification of that clause shall be “52.236-71—Refrigerated Display Cases (Mar 1983)—Y Acquisition Regulation.”

**52.104 Procedures for modifying and completing provisions and clauses.**

(a) The contracting officer must not modify provisions and clauses unless the FAR authorizes their modification. For example—

(1) “The contracting officer may use a period shorter than 60 days (but not less than 30 days) in paragraph (x) of the clause”; or

(2) “The contracting officer may substitute the words ‘task order’ for the word ‘Schedule’ wherever that word appears in the clause.”

(b) When modifying provisions or clauses incorporated by reference, insert the changed wording directly below the title of the provision or clause identifying to the lowest level necessary (*e.g.*, paragraph, sentence, word), to clearly indicate what is being modified.

(c) When modifying provisions or clauses incorporated in full text, modify the language directly by substituting the changed wording as permitted.

(d) When completing blanks in provisions or clauses incorporated by reference, insert the fill-in information directly below the title of the provision or clause identifying to the lowest level necessary to clearly indicate the blanks being filled in.

(e) When completing blanks in provisions or clauses incorporated in full text, insert the fill-in information in the blanks of the provision or clause.

**52.105 Procedures for using alternates.**

(a) The FAR accommodates a major variation in a provision or clause by use of an alternate. The FAR prescribes alternates to a given provision or clause in the FAR subject text where the provision or clause is prescribed. The alternates to each provision or clause are titled “Alternate I,” “Alternate II,” “Alternate III,” etc.

(b) When an alternate is used, its date shall be cited along with the date of the basic provision or clause; *e.g.*, 52.209-3 First Article Approval—Contractor Testing (Oct 1983)—Alternate I (Dec 1983).

(c) Under certain circumstances, a provision or clause may be used with two or more alternates. In these circumstances, each of the applicable alternates shall be cited, whether incorporated by reference or in full text; *e.g.*, 52.209-3 First Article Approval—Contractor Testing (Oct 1983)—Alternate I (Dec 1983) and Alternate II (Feb 1984). However, under no circumstances may an alternate to a specific provision or clause be applied to any other provision or clause.

**52.106 [Reserved]**

**52.107 Provisions and clauses prescribed in Subpart 52.1.**

(a) The contracting officer shall insert the provision at 52.252-1, Solicitation Provisions Incorporated by Reference, in solicitations in order to incorporate provisions by reference.

(b) The contracting officer shall insert the clause at 52.252-2, Clauses Incorporated by Reference, in solicitations and contracts in order to incorporate clauses by reference.

(c) The contracting officer shall insert the provision at 52.252-3, Alterations in Solicitation, in solicitations in order to revise or supplement, as necessary, other parts of the solicitation that apply to the solicitation phase only, except for any provision authorized for use with a deviation.

(d) The contracting officer shall insert the clause at 52.252-4, Alterations in Contract, in solicitations and contracts in order to revise or supplement, as necessary, other parts of the contract, or parts of the solicitations that apply to the contract phase, except for any clause authorized for use with a deviation.

(e) The contracting officer shall insert the provision at 52.252-5, Authorized Deviations in Provisions, in solicitations that include any FAR or supplemental provision with an authorized deviation. Whenever any FAR or supplemental provision is used with an authorized deviation, the contracting officer shall identify it by the same number, title, and date assigned to the provision when it is used without deviation, include regulation name for any supplemental provision, except that the contracting officer shall insert “(DEVIATION)” after the date of the provision.

(f) The contracting officer shall insert the clause at 52.252-6, Authorized Deviations in Clauses, in solicitations and contracts that include any FAR or supplemental clause with an authorized deviation. Whenever any FAR or supplemental clause is used with an authorized deviation, the contracting officer shall identify it by the same number, title, and date assigned to the clause when it is used without deviation, include regulation name for any supplemental clause, except that the contracting officer shall insert “(DEVIATION)” after the date of the clause.

**Subpart 52.2—Text of Provisions and Clauses**

**52.200 Scope of subpart.**

This subpart sets forth the text of all FAR provisions and clauses (see 52.101(b)(1)) and gives a cross-reference to the location in the FAR that prescribes the provision or clause.

**52.201 [Reserved]**

**52.202-1 Definitions.**

As prescribed in Subpart 2.2, insert the following clause:

DEFINITIONS (OCT 1995)

(a) “Head of the agency” (also called “agency head”) or “Secretary” means the Secretary (or Attorney General, Administrator, Governor, Chairperson, or other chief official, as appropriate) of the agency, including any deputy or assistant chief official of the agency; and the term “authorized representative” means any person, persons, or board (other than the Contracting Officer) authorized to act for the head of the agency or Secretary.

(b) “Commercial component” means any component that is a commercial item.

(c) “Commercial item” means—

(1) Any item, other than real property, that is of a type customarily used for nongovernmental purposes and that—

(i) Has been sold, leased, or licensed to the general public; or

(ii) Has been offered for sale, lease, or license to the general public;

(2) Any item that evolved from an item described in paragraph (c)(1) of this clause through advances in technology or performance and that is not yet available in the commercial marketplace, but will be available in the commercial marketplace in time to satisfy the delivery requirements under a Government solicitation;

(3) Any item that would satisfy a criterion expressed in paragraphs (c)(1) or (c)(2) of this clause, but for—

(i) Modifications of a type customarily available in the commercial marketplace; or

(ii) Minor modifications of a type not customarily available in the commercial marketplace made to meet Federal Government requirements. “Minor” modifications means modifications that do not significantly alter the nongovernmental function or essential physical characteristics of an item or component, or change the purpose of a process. Factors to be considered in determining whether a modification is minor include the value and size of the modification and the comparative value and size of the final product. Dollar values and percentages may be used as guideposts, but are not conclusive evidence that a modification is minor;

(4) Any combination of items meeting the requirements of paragraphs (c)(1), (2), (3), or (5) of this clause that are of a type customarily combined and sold in combination to the general public;

(5) Installation services, maintenance services, repair services, training services, and other services if such services are procured for support of an item referred to in paragraphs (c)(1), (2), (3), or (4) of this clause, and if the source of such services—

(i) Offers such services to the general public and the Federal Government contemporaneously and under similar terms and conditions; and

(ii) Offers to use the same work force for providing the Federal Government with such services as the source uses for providing such services to the general public;

(6) Services of a type offered and sold competitively in substantial quantities in the commercial marketplace based on established catalog or market prices for specific tasks performed under standard commercial terms and conditions. This does not include services that are sold based on hourly rates without an established catalog or market price for a specific service performed;

(7) Any item, combination of items, or service referred to in subparagraphs (c)(1) through (c)(6), notwithstanding the fact that the item, combination of items, or service is transferred between or among separate divisions, subsidiaries, or affiliates of a Contractor; or

(8) A nondevelopmental item, if the procuring agency determines the item was developed exclusively at private expense and sold in substantial quantities, on a competitive basis, to multiple State and local Governments.

(d) “Component” means any item supplied to the Federal Government as part of an end item or of another component.

(e) “Nondevelopmental item” means—

(1) Any previously developed item of supply used exclusively for governmental purposes by a Federal agency, a State or local government, or a foreign government with which the United States has a mutual defense cooperation agreement;

(2) Any item described in paragraph (e)(1) of this definition that requires only minor modification or modifications of a type customarily available in the commercial marketplace in order to meet the requirements of the procuring department or agency; or

(3) Any item of supply being produced that does not meet the requirements of paragraph (e)(1) or (e)(2) solely because the item is not yet in use.

(f) “Contracting Officer” means a person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings. The term includes certain authorized representatives of the Contracting Officer acting within the limits of their authority as delegated by the Contracting Officer.

(g) Except as otherwise provided in this contract, the term “subcontracts” includes, but is not limited to, purchase

orders and changes and modifications to purchase orders under this contract.

(End of clause)

*Alternate I (Apr 1984).* If the contract is for personal services; construction; architect-engineer services; or dismantling, demolition, or removal of improvements, delete paragraph (c) of the basic clause.

#### 52.203-1 [Reserved]

#### 52.203-2 Certificate of Independent Price Determination.

As prescribed in 3.103-1, insert the following provision. If the solicitation is a Request for Quotations, the terms “Quotation” and “Quoter” may be substituted for “Offer” and “Offeror.”

##### CERTIFICATE OF INDEPENDENT PRICE DETERMINATION (APR 1985)

(a) The offeror certifies that—

(1) The prices in this offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other offeror or competitor relating to—

(i) Those prices;

(ii) The intention to submit an offer; or

(iii) The methods or factors used to calculate the prices offered.

(2) The prices in this offer have not been and will not be knowingly disclosed by the offeror, directly or indirectly, to any other offeror or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law; and

(3) No attempt has been made or will be made by the offeror to induce any other concern to submit or not to submit an offer for the purpose of restricting competition.

(b) Each signature on the offer is considered to be a certification by the signatory that the signatory—

(1) Is the person in the offeror’s organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) of this provision; or

(2)(i) Has been authorized, in writing, to act as agent for the following principals in certifying that those princi-

**52.204-1 Approval of Contract.**

As prescribed in 4.103, insert the following clause:

APPROVAL OF CONTRACT (DEC 1989)

This contract is subject to the written approval of [identify title of designated agency official here] and shall not be binding until so approved.

(End of clause)

**52.204-2 Security Requirements.**

As prescribed in 4.404(a), insert the following clause:

SECURITY REQUIREMENTS (AUG 1996)

(a) This clause applies to the extent that this contract involves access to information classified “Confidential,” “Secret,” or “Top Secret.”

(b) The Contractor shall comply with—

(1) The Security Agreement (DD Form 441), including the *National Industrial Security Program Operating Manual* (DOD 5220.22-M); and

(2) Any revisions to that manual, notice of which has been furnished to the Contractor.

(c) If, subsequent to the date of this contract, the security classification or security requirements under this contract are changed by the Government and if the changes cause an increase or decrease in security costs or otherwise affect any other term or condition of this contract, the contract shall be subject to an equitable adjustment as if the changes were directed under the Changes clause of this contract.

(d) The Contractor agrees to insert terms that conform substantially to the language of this clause, including this paragraph (d) but excluding any reference to the Changes clause of this contract, in all subcontracts under this contract that involve access to classified information.

(End of clause)

*Alternate I (Apr 1984).* If a cost contract for research and development with an educational institution is contemplated, add the following paragraphs (e), (f), and (g) to the basic clause:

(e) If a change in security requirements, as provided in paragraphs (b) and (c), results (1) in a change in the security classification of this contract or any of its elements from an unclassified status or a lower classification to a higher classification, or (2) in more restrictive area controls than previously required, the Contractor shall exert every reasonable effort compatible with the Contractor’s established policies to continue the performance of work under the contract in compliance with the change in security classification or requirements. If, despite reasonable efforts, the Contractor determines that the continuation of work

under this contract is not practicable because of the change in security classification or requirements, the Contractor shall notify the Contracting Officer in writing. Until resolution of the problem is made by the Contracting Officer, the Contractor shall continue safeguarding all classified material as required by this contract.

(f) After receiving the written notification, the Contracting Officer shall explore the circumstances surrounding the proposed change in security classification or requirements, and shall endeavor to work out a mutually satisfactory method whereby the Contractor can continue performance of the work under this contract.

(g) If, 15 days after receipt by the Contracting Officer of the notification of the Contractor’s stated inability to proceed, (1) the application to this contract of the change in security classification or requirements has not been withdrawn, or (2) a mutually satisfactory method for continuing performance of work under this contract has not been agreed upon, the Contractor may request the Contracting Officer to terminate the contract in whole or in part. The Contracting Officer shall terminate the contract in whole or in part, as may be appropriate, and the termination shall be deemed a termination under the terms of the Termination for the Convenience of the Government clause.

*Alternate II (APR 1984).* If employee identification is required for security or other reasons in a construction contract or architect-engineer contract, add the following paragraph (e) to the basic clause:

(e) The Contractor shall be responsible for furnishing to each employee and for requiring each employee engaged on the work to display such identification as may be approved and directed by the Contracting Officer. All prescribed identification shall immediately be delivered to the Contracting Officer, for cancellation upon the release of any employee. When required by the Contracting Officer, the Contractor shall obtain and submit fingerprints of all persons employed or to be employed on the project.

**52.204-3 Taxpayer Identification.**

As prescribed in 4.905, insert the following provision:

TAXPAYER IDENTIFICATION (OCT 1998)

(a) *Definitions.*

“Common parent,” as used in this provision, means that corporate entity that owns or controls an affiliated group of corporations that files its Federal income tax returns on a consolidated basis, and of which the offeror is a member.

“Taxpayer Identification Number (TIN),” as used in this provision, means the number required by the Internal Revenue Service (IRS) to be used by the offeror in reporting income tax and other returns. The TIN may be either a Social Security Number or an Employer Identification Number.

(b) All offerors must submit the information required in paragraphs (d) through (f) of this provision to comply with debt collection requirements of 31 U.S.C. 7701(c) and 3325(d), reporting requirements of 26 U.S.C. 6041, 6041A, and 6050M, and implementing regulations issued by the IRS. If the resulting contract is subject to the payment reporting requirements described in Federal Acquisition Regulation (FAR) 4.904, the failure or refusal by the offeror to furnish the information may result in a 31 percent reduction of payments otherwise due under the contract.

(c) The TIN may be used by the Government to collect and report on any delinquent amounts arising out of the offeror's relationship with the Government (31 U.S.C. 7701(c)(3)). If the resulting contract is subject to the payment reporting requirements described in FAR 4.904, the TIN provided hereunder may be matched with IRS records to verify the accuracy of the offeror's TIN.

(d) *Taxpayer Identification Number (TIN).*

- TIN: \_\_\_\_\_.
- TIN has been applied for.
- TIN is not required because:

Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the United States and does not have an office or place of business or a fiscal paying agent in the United States;

Offeror is an agency or instrumentality of a foreign government;

Offeror is an agency or instrumentality of the Federal Government.

(e) *Type of organization.*

- Sole proprietorship;
- Partnership;
- Corporate entity (not tax-exempt);
- Corporate entity (tax-exempt);
- Government entity (Federal, State, or local);
- Foreign government;
- International organization per 26 CFR 1.6049-4;
- Other \_\_\_\_\_.

(f) *Common parent.*

Offeror is not owned or controlled by a common parent as defined in paragraph (a) of this provision.

Name and TIN of common parent:

Name \_\_\_\_\_

TIN \_\_\_\_\_

(End of provision)

PRINTED OR COPIED DOUBLE-SIDED ON RECYCLED PAPER  
(AUG 2000)

(a) *Definitions.* As used in this clause—

“Postconsumer material” means a material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item. Postconsumer material is a part of the broader category of “recovered material.” For paper and paper products, postconsumer material means “postconsumer fiber” defined by the U.S. Environmental Protection Agency (EPA) as—

(1) Paper, paperboard, and fibrous materials from retail stores, office buildings, homes, and so forth, after they have passed through their end-usage as a consumer item, including: used corrugated boxes; old newspapers; old magazines; mixed waste paper; tabulating cards; and used cordage; or

(2) All paper, paperboard, and fibrous materials that enter and are collected from municipal solid waste; but not

(3) Fiber derived from printers' over-runs, converters' scrap, and over-issue publications.

“Printed or copied double-sided” means printing or reproducing a document so that information is on both sides of a sheet of paper.

“Recovered material,” for paper and paper products, is defined by EPA in its Comprehensive Procurement Guideline as “recovered fiber” and means the following materials:

(1) Postconsumer fiber; and

(2) Manufacturing wastes such as—

(i) Dry paper and paperboard waste generated after completion of the papermaking process (that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets) including: envelope cuttings, bindery trimmings, and other paper and paperboard waste resulting from printing, cutting, forming, and other converting operations; bag, box, and carton manufacturing wastes; and butt rolls, mill wrappers, and rejected unused stock; and

(ii) Repulped finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others.

(b) In accordance with Section 101 of Executive Order 13101 of September 14, 1998, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition, the Contractor is encouraged to submit paper documents, such as offers, letters, or reports, that are printed or copied double-sided on recycled paper that meet minimum content standards specified in Section 505 of Executive Order 13101, when not using electronic com-

**52.204-4 Printed or Copied Double-Sided on Recycled Paper.**

As prescribed in 4.303, insert the following clause:



# FAC 97-18 AUGUST 7, 2000

merce methods to submit information or data to the Government.

(c) If the Contractor cannot purchase high-speed copier paper, offset paper, forms bond, computer printout paper, carbonless paper, file folders, white wove envelopes, writing and office paper, book paper, cotton fiber paper, and cover stock meeting the 30 percent postconsumer material standard for use in submitting paper documents to the Government, it should use paper containing no less than 20 percent postconsumer material. This lesser standard should be used only when paper meeting the 30 percent postconsumer material standard is not obtainable at a reasonable price or does not meet reasonable performance standards.

(End of clause)

## 52.204-5 Women-Owned Business (Other Than Small Business).

As prescribed in 4.603(b), insert the following provision:

WOMEN-OWNED BUSINESS (OTHER THAN SMALL BUSINESS)  
(MAY 1999)

(a) *Definition.* “Women-owned business concern,” as used in this provision, means a concern that is at least 51

percent owned by one or more women; or in the case of any publicly owned business, at least 51 percent of its stock is owned by one or more women; and whose management and daily business operations are controlled by one or more women.

(b) *Representation.* [Complete only if the offeror is a women-owned business concern and has not represented itself as a small business concern in paragraph (b)(1) of FAR 52.219-1, *Small Business Program Representations, of this solicitation.*] The offeror represents that it  is a women-owned business concern.

(End of provision)

## 52.204-6 Data Universal Numbering System (DUNS) Number.

As prescribed in 4.603(a), insert the following provision:

DATA UNIVERSAL NUMBERING SYSTEM (DUNS) NUMBER  
(JUNE 1999)

(a) The offeror shall enter, in the block with its name and address on the cover page of its offer, the annotation “DUNS” followed by the DUNS number that identifies the offeror’s name and address exactly as stated in the offer.

[The next page is 52-21.]



(3) The compelling reason(s) for doing business with the subcontractor notwithstanding its inclusion on the List of Parties Excluded From Federal Procurement and Nonprocurement Programs.

(4) The systems and procedures the Contractor has established to ensure that it is fully protecting the Government's interests when dealing with such subcontractor in view of the specific basis for the party's debarment, suspension, or proposed debarment.

(End of clause)

**52.210 [Reserved]**

**52.211-1 Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29.**

As prescribed in 11.204(a), insert the following provision:

AVAILABILITY OF SPECIFICATIONS LISTED IN THE GSA INDEX OF FEDERAL SPECIFICATIONS, STANDARDS AND COMMERCIAL ITEM DESCRIPTIONS, FPMR PART 101-29 (AUG 1998)

(a) The GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29, and copies of specifications, standards, and commercial item descriptions cited in this solicitation may be obtained for a fee by submitting a request to—

GSA Federal Supply Service  
 Specifications Section, Suite 8100  
 470 East L'Enfant Plaza, SW  
 Washington, DC 20407

Telephone (202) 619-8925  
 Facsimile (202) 619-8978.

(b) If the General Services Administration, Department of Agriculture, or Department of Veterans Affairs issued this solicitation, a single copy of specifications, standards, and commercial item descriptions cited in this solicitation may be obtained free of charge by submitting a request to the addressee in paragraph (a) of this provision. Additional copies will be issued for a fee.

(End of provision)

**52.211-2 Availability of Specifications Listed in the DoD Index of Specifications and Standards (DoDISS) and Descriptions Listed in the Acquisition Management Systems and Data Requirements Control List, DoD 5010.12-L.**

As prescribed in 11.204(b), insert the following provision:

AVAILABILITY OF SPECIFICATIONS LISTED IN THE DoD INDEX OF SPECIFICATIONS AND STANDARDS (DoDISS) AND DESCRIPTIONS LISTED IN THE ACQUISITION MANAGEMENT SYSTEMS AND DATA REQUIREMENTS CONTROL LIST, DoD 5010.12-L (DEC 1999)

Copies of specifications, standards, and data item descriptions cited in this solicitation may be obtained—

(a) From the ASSIST database via the Internet at <http://assist.daps.mil>; or

(b) By submitting a request to the—

Department of Defense Single Stock Point (DoDSSP)  
 Building 4, Section D  
 700 Robbins Avenue  
 Philadelphia, PA 19111-5094  
 Telephone (215) 697-2667/2179  
 Facsimile (215) 697-1462.

(End of provision)

**52.211-3 Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions.**

As prescribed in 11.204(c), insert a provision substantially the same as the following:

AVAILABILITY OF SPECIFICATIONS NOT LISTED IN THE GSA INDEX OF FEDERAL SPECIFICATIONS, STANDARDS AND COMMERCIAL ITEM DESCRIPTIONS (JUNE 1988)

The specifications cited in this solicitation may be obtained from:

(Activity) \_\_\_\_\_

(Complete address) \_\_\_\_\_

(Telephone number) \_\_\_\_\_

(Person to be contacted) \_\_\_\_\_

The request should identify the solicitation number and the specification requested by date, title, and number, as cited in the solicitation.

(End of provision)

**52.211-4 Availability for Examination of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions.**

As prescribed in 11.204(d), insert a provision substantially the same as the following:

AVAILABILITY FOR EXAMINATION OF SPECIFICATIONS NOT LISTED IN THE GSA INDEX OF FEDERAL SPECIFICATIONS, STANDARDS AND COMMERCIAL ITEM DESCRIPTIONS (JUNE 1988)

(Activity) \_\_\_\_\_  
 (Complete address) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 (Telephone number) \_\_\_\_\_  
 (Person to be contacted) \_\_\_\_\_  
 (Time(s) for viewing) \_\_\_\_\_

(End of provision)

**52.211-5 Material Requirements.**

As prescribed in 11.304, insert the following clause:

MATERIAL REQUIREMENTS (AUG 2000)

(a) *Definitions.*

As used in this clause—

“New” means composed of previously unused components, whether manufactured from virgin material, recovered material in the form of raw material, or materials and by-products generated from, and reused within, an original manufacturing process; *provided* that the supplies meet contract requirements, including but not limited to, performance, reliability, and life expectancy.

“Reconditioned” means restored to the original normal operating condition by readjustments and material replacement.

“Recovered material” means waste materials and by-products recovered or diverted from solid waste, but the term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process.

“Remanufactured” means factory rebuilt to original specifications.

“Virgin material” means—

(1) Previously unused raw material, including previously unused copper, aluminum, lead, zinc, iron, other metal or metal ore; or

(2) Any undeveloped resource that is, or with new technology will become, a source of raw materials.

(b) Unless this contract otherwise requires virgin material or supplies composed of or manufactured from virgin material, the Contractor shall provide supplies that are new, reconditioned, or remanufactured, as defined in this clause.

(c) A proposal to provide unused former Government surplus property shall include a complete description of the material, the quantity, the name of the Government agency from which acquired, and the date of acquisition.

(d) A proposal to provide used, reconditioned, or remanufactured supplies shall include a detailed description of such supplies and shall be submitted to the Contracting Officer for approval.

(e) Used, reconditioned, or remanufactured supplies, or unused former Government surplus property, may be used in contract performance if the Contractor has proposed the use of such supplies, and the Contracting Officer has authorized their use.

(End of clause)

**52.211-6 Brand Name or Equal.**

As prescribed in 11.107(a), insert the following provision:

BRAND NAME OR EQUAL (AUG 1999)

(a) If an item in this solicitation is identified as “brand name or equal,” the purchase description reflects the characteristics and level of quality that will satisfy the Government’s needs. The salient physical, functional, or performance characteristics that “equal” products must meet are specified in the solicitation.

(b) To be considered for award, offers of “equal” products, including “equal” products of the brand name manufacturer, must—

(1) Meet the salient physical, functional, or performance characteristic specified in this solicitation;

(2) Clearly identify the item by—

(i) Brand name, if any; and

(ii) Make or model number;

(3) Include descriptive literature such as illustrations, drawings, or a clear reference to previously furnished descriptive data or information available to the Contracting Officer; and

(4) Clearly describe any modifications the offeror plans to make in a product to make it conform to the solicitation requirements. Mark any descriptive material to clearly show the modifications.

(c) The Contracting Officer will evaluate “equal” products on the basis of information furnished by the offeror or identified in the offer and reasonably available to the Contracting Officer. The Contracting Officer is not responsible for locating or obtaining any information not identified in the offer.

(d) Unless the offeror clearly indicates in its offer that the product being offered is an “equal” product, the offeror shall provide the brand name product referenced in the solicitation.

(End of provision)

**52.211-7 Alternatives to Government-Unique Standards.**

As prescribed in 11.107(b), insert the following provision:

ALTERNATIVES TO GOVERNMENT-UNIQUE STANDARDS  
 (NOV 1999)

Government upon acceptance, regardless of when or where the Government takes physical possession.

(o) *Warranty.* The Contractor warrants and implies that the items delivered hereunder are merchantable and fit for use for the particular purpose described in this contract.

(p) *Limitation of liability.* Except as otherwise provided by an express or implied warranty, the Contractor will not be liable to the Government for consequential damages resulting from any defect or deficiencies in accepted items.

(q) *Other compliances.* The Contractor shall comply with all applicable Federal, State and local laws, executive orders, rules and regulations applicable to its performance under this contract.

(r) *Compliance with laws unique to Government contracts.* The Contractor agrees to comply with 31 U.S.C. 1352 relating to limitations on the use of appropriated funds to influence certain Federal contracts; 18 U.S.C. 431 relating to officials not to benefit; 40 U.S.C. 327, *et seq.*, Contract Work Hours and Safety Standards Act; 41 U.S.C. 51-58, Anti-Kickback Act of 1986; 41 U.S.C. 265 and 10 U.S.C. 2409 relating to whistleblower protections; 49 U.S.C. 40118, Fly American; and 41 U.S.C. 423 relating to procurement integrity.

(s) *Order of precedence.* Any inconsistencies in this solicitation or contract shall be resolved by giving precedence in the following order:

- (1) The schedule of supplies/services.
- (2) The Assignments, Disputes, Payments, Invoice, Other Compliances, and Compliance with Laws Unique to Government Contracts paragraphs of this clause.
- (3) The clause at 52.212-5.
- (4) Addenda to this solicitation or contract, including any license agreements for computer software.
- (5) Solicitation provisions if this is a solicitation.
- (6) Other paragraphs of this clause.
- (7) The Standard Form 1449.
- (8) Other documents, exhibits, and attachments.
- (9) The specification.

(End of clause)

**52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.**

As prescribed in 12.301(b)(4), insert the following clause:

CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS—COMMERCIAL ITEMS (AUG 2000)

(a) The Contractor shall comply with the following FAR clauses, which are incorporated in this contract by reference, to implement provisions of law or executive orders applicable to acquisitions of commercial items:

- (1) 52.222-3, Convict Labor (E.O. 11755).
- (2) 52.233-3, Protest after Award (31 U.S.C. 3553).

(b) The Contractor shall comply with the FAR clauses in this paragraph (b) which the contracting officer has indicated as being incorporated in this contract by reference to implement provisions of law or executive orders applicable to acquisitions of commercial items or components:

[Contracting Officer shall check as appropriate.]

- \_\_\_ (1) 52.203-6, Restrictions on Subcontractor Sales to the Government, with Alternate I (41 U.S.C. 253g and 10 U.S.C. 2402).
- \_\_\_ (2) 52.219-3, Notice of Total HUBZone Small Business Set-Aside (Jan 1999).
- \_\_\_ (3) 52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Jan 1999) (if the offeror elects to waive the preference, it shall so indicate in its offer).
- \_\_\_ (4)(i) 52.219-5, Very Small Business Set-Aside (Pub. L. 103-403, section 304, Small Business Reauthorization and Amendments Act of 1994).
- \_\_\_ (ii) Alternate I to 52.219-5.
- \_\_\_ (iii) Alternate II to 52.219-5.
- \_\_\_ (5) 52.219-8, Utilization of Small Business Concerns (15 U.S.C. 637 (d)(2) and (3)).
- \_\_\_ (6) 52.219-9, Small Business Subcontracting Plan (15 U.S.C. 637(d)(4)).
- \_\_\_ (7) 52.219-14, Limitations on Subcontracting (15 U.S.C. 637(a)(14)).
- \_\_\_ (8)(i) 52.219-23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323) (if the offeror elects to waive the adjustment, it shall so indicate in its offer).
- \_\_\_ (ii) \_\_\_ Alternate I of 52.219-23.
- \_\_\_ (9) 52.219-25, Small Disadvantaged Business Participation Program—Disadvantaged Status and Reporting (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).
- \_\_\_ (10) 52.219-26, Small Disadvantaged Business Participation Program—Incentive Subcontracting (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).
- \_\_\_ (11) 52.222-21, Prohibition of Segregated Facilities (Feb 1999)
- \_\_\_ (12) 52.222-26, Equal Opportunity (E.O. 11246).
- \_\_\_ (13) 52.222-35, Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era (38 U.S.C. 4212).

- \_\_\_ (14) 52.222-36, Affirmative Action for Workers with Disabilities (29 U.S.C. 793).
  - \_\_\_ (15) 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era (38 U.S.C. 4212).
  - \_\_\_ (16)(i) 52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Products (42 U.S.C. 6962(c)(3)(A)(ii)).
  - \_\_\_ (ii) Alternate I of 52.223-9 (42 U.S.C. 6962(i)(2)(C)).
  - \_\_\_ (17) 52.225-1, Buy American Act—Balance of Payments Program—Supplies (41 U.S.C. 10a - 10d).
  - \_\_\_ (18)(i) 52.225-3, Buy American Act—North American Free Trade Agreement—Israeli Trade Act—Balance of Payments Program (41 U.S.C. 10a - 10d, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note).
  - \_\_\_ (ii) Alternate I of 52.225-3.
  - \_\_\_ (iii) Alternate II of 52.225-3.
  - \_\_\_ (19) 52.225-5, Trade Agreements (19 U.S.C. 2501, *et seq.*, 19 U.S.C. 3301 note).
  - \_\_\_ (20) 52.225-13, Restriction on Certain Foreign Purchases (E.O. 12722, 12724, 13059, 13067, 13121, and 13129).
  - \_\_\_ (21) 52.225-15, Sanctioned European Union Country End Products (E.O. 12849).
  - \_\_\_ (22) 52.225-16, Sanctioned European Union Country Services (E.O. 12849).
  - \_\_\_ (23) 52.232-33, Payment by Electronic Funds Transfer—Central Contractor Registration (31 U.S.C. 3332).
  - \_\_\_ (24) 52.232-34, Payment by Electronic Funds Transfer—Other than Central Contractor Registration (31 U.S.C. 3332).
  - \_\_\_ (25) 52.232-36, Payment by Third Party (31 U.S.C. 3332).
  - \_\_\_ (26) 52.239-1, Privacy or Security Safeguards (5 U.S.C. 552a).
  - \_\_\_ (27)(i) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (46 U.S.C. 1241).
  - \_\_\_ (ii) Alternate I of 52.247-64.
- (c) The Contractor shall comply with the FAR clauses in this paragraph (c), applicable to commercial services, which the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or executive orders applicable to acquisitions of commercial items or components:
- [Contracting Officer check as appropriate.]
- \_\_\_ (1) 52.222-41, Service Contract Act of 1965, As Amended (41 U.S.C. 351, *et seq.*).

- \_\_\_ (2) 52.222-42, Statement of Equivalent Rates for Federal Hires (29 U.S.C. 206 and 41 U.S.C. 351, *et seq.*).
- \_\_\_ (3) 52.222-43, Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiple Year and Option Contracts) (29 U.S.C. 206 and 41 U.S.C. 351, *et seq.*).
- \_\_\_ (4) 52.222-44, Fair Labor Standards Act and Service Contract Act—Price Adjustment (29 U.S.C. 206 and 41 U.S.C. 351, *et seq.*).
- \_\_\_ (5) 52.222-47, SCA Minimum Wages and Fringe Benefits Applicable to Successor Contract Pursuant to Predecessor Contractor Collective Bargaining Agreement (CBA) (41 U.S.C. 351, *et seq.*).
- \_\_\_ (6) 52.222-50, Nondisplacement of Qualified Workers (Executive Order 12933).

(d) *Comptroller General Examination of Record.* The Contractor shall comply with the provisions of this paragraph (d) if this contract was awarded using other than sealed bid, is in excess of the simplified acquisition threshold, and does not contain the clause at 52.215-2, Audit and Records—Negotiation.

(1) The Comptroller General of the United States, or an authorized representative of the Comptroller General, shall have access to and right to examine any of the Contractor's directly pertinent records involving transactions related to this contract.

(2) The Contractor shall make available at its offices at all reasonable times the records, materials, and other evidence for examination, audit, or reproduction, until 3 years after final payment under this contract or for any shorter period specified in FAR Subpart 4.7, Contractor Records Retention, of the other clauses of this contract. If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for 3 years after any resulting final termination settlement. Records relating to appeals under the disputes clause or to litigation or the settlement of claims arising under or relating to this contract shall be made available until such appeals, litigation, or claims are finally resolved.

(3) As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form. This does not require the Contractor to create or maintain any record that the Contractor does not maintain in the ordinary course of business or pursuant to a provision of law.

(e) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c) or (d) of this clause, the Contractor is not required to include any FAR clause, other than those listed below (and as may be required by an addenda to this paragraph to establish the reasonableness of prices under Part 15), in a subcontract for commercial items or commercial components—

- (1) 52.222-26, Equal Opportunity (E.O. 11246);
- (2) 52.222-35, Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era (38 U.S.C. 4212);
- (3) 52.222-36, Affirmative Action for Workers with Disabilities (29 U.S.C. 793); and
- (4) 52.247-64, Preference for Privately-Owned U.S. Flag Commercial Vessels (46 U.S.C. 1241) (flow down not required for subcontracts awarded beginning May 1, 1996).

(End of clause)

*Alternate I (Feb 2000).* As prescribed in 12.301(b)(4), delete paragraph (d) from the basic clause, redesignate paragraph (e) as paragraph (d), and revise the reference to “paragraphs (a), (b), (c), or (d) of this clause” in the redesignated paragraph (d) to read “paragraphs (a), (b), and (c) of this clause”.

#### **52.213-1 Fast Payment Procedure.**

As prescribed in 13.404, insert the following clause:

##### FAST PAYMENT PROCEDURE (FEB 1998)

(a) *General.* The Government will pay invoices based on the Contractor's delivery to a post office or common carrier (or, if shipped by other means, to the point of first receipt by the Government).

(b) *Responsibility for supplies.* (1) Title to the supplies passes to the Government upon delivery to—

(i) A post office or common carrier for shipment to the specific destination; or

(ii) The point of first receipt by the Government, if shipment is by means other than Postal Service or common carrier.

(2) Notwithstanding any other provision of the contract, order, or blanket purchase agreement, the Contractor shall—

(i) Assume all responsibility and risk of loss for supplies not received at destination, damaged in transit, or not conforming to purchase requirements; and

(ii) Replace, repair, or correct those supplies promptly at the Contractor's expense, if instructed to do so by the Contracting Officer within 180 days from the date title to the supplies vests in the Government.

(c) *Preparation of invoice.* (1) Upon delivery to a post office or common carrier (or, if shipped by other means, the point of first receipt by the Government), the Contractor shall—

(i) Prepare an invoice as provided in this contract, order, or blanket purchase agreement; and

(ii) Display prominently on the invoice "FAST PAY."

(2) If the purchase price excludes the cost of transportation, the Contractor shall enter the prepaid shipping cost on the invoice as a separate item. The Contractor shall not include the cost of parcel post insurance. If transportation charges are stated separately on the invoice, the Contractor shall retain related paid freight bills or other transportation billings paid separately for a period of 3 years and shall furnish the bills to the Government upon request.

(3) If this contract, order, or blanket purchase agreement requires the preparation of a receiving report, the Contractor shall prepare the receiving report on the prescribed form or, alternatively, shall include the following information on the invoice, in addition to that required in paragraph (c)(1) of this clause:

(i) A statement in prominent letters "NO RECEIVING REPORT PREPARED."

(ii) Shipment number.

(iii) Mode of shipment.

(iv) At line item level—

(A) National stock number and/or manufacturer's part number;

(B) Unit of measure;

(C) Ship-To Point;

(D) Mark-For Point, if in the contract; and

(E) FEDSTRIP/MILSTRIP document number, if in the contract.

(4) If this contract, order, or blanket purchase agreement does not require preparation of a receiving report on a prescribed form, the Contractor shall include on the invoice the following information at the line item level, in addition to that required in paragraph (c)(1) of this clause:

(i) Ship-To Point.

(ii) Mark-For Point.

(iii) FEDSTRIP/MILSTRIP document number, if in the contract.

(5) Where a receiving report is not required, the Contractor shall include a copy of the invoice in each shipment.

(d) *Certification of invoice.* The Contractor certifies by submitting an invoice to the Government that the supplies being billed to the Government have been shipped or delivered in accordance with shipping instructions issued by the ordering officer, in the quantities shown on the invoice, and that the supplies are in the quantity and of the quality designated by the contract, order, or blanket purchase agreement.

(e) *Fast pay container identification.* The Contractor shall mark all outer shipping containers "FAST PAY."

(End of clause)

**52.213-2 Invoices.**

As prescribed in 13.302-5(b), insert the following clause:

## INVOICES (APR 1984)

The Contractor's invoices must be submitted before payment can be made. The Contractor will be paid on the basis of the invoice, which must state—

(a) The starting and ending dates of the subscription delivery; and

(b) Either that orders have been placed in effect for the addressees required, or that the orders will be placed in effect upon receipt of payment.

(End of clause)

**52.213-3 Notice to Supplier.**

As prescribed in 13.302-5(c), insert the following clause:

## NOTICE TO SUPPLIER (APR 1984)

This is a firm order ONLY if your price does not exceed the maximum line item or total price in the Schedule. Submit invoices to the Contracting Officer. If you cannot perform in exact accordance with this order, WITHHOLD PERFORMANCE, and notify the Contracting Officer immediately, giving your quotation.

(End of clause)

**52.213-4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items).**

As prescribed in 13.302-5(d), insert the following clause:

## TERMS AND CONDITIONS—SIMPLIFIED ACQUISITIONS (OTHER THAN COMMERCIAL ITEMS) (JULY 2000)

(a) The Contractor shall comply with the following Federal Acquisition Regulation (FAR) clauses that are incorporated by reference:

(1) The clauses listed below implement provisions of law or Executive order:

(i) 52.222-3, Convict Labor (AUG 1996) (E.O. 11755).

(ii) 52.225-13, Restrictions on Certain Foreign Purchases (July 2000) (E.O.'s 12722, 12724, 13059, 13067, 13121, and 13129).

(iii) 52.233-3, Protest After Award (AUG 1996) (31 U.S.C. 3553).

(2) Listed below are additional clauses that apply:

(i) 52.232-1, Payments (APR 1984).

(ii) 52.232-8, Discounts for Prompt Payment (MAY 1997).

(iii) 52.232-11, Extras (APR 1984).

(iv) 52.232-25, Prompt Payment (JUN 1997).

(v) 52.233-1, Disputes (DEC 1998).

(vi) 52.244-6, Subcontracts for Commercial Items and Commercial Components (OCT 1998).

(vii) 52.253-1, Computer Generated Forms (JAN 1991).

(b) The Contractor shall comply with the following FAR clauses, incorporated by reference, unless the circumstances do not apply:

(1) The clauses listed below implement provisions of law or Executive order:

(i) 52.222-20, Walsh-Healey Public Contracts Act (DEC 1996) (41 U.S.C. 35-45) (Applies to supply contracts over \$10,000 in the United States).

(ii) 52.222-26, Equal Opportunity (FEB 1999) (E.O. 11246) (Applies to contracts over \$10,000).

(iii) 52.222-35, Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era (APR 1998) (38 U.S.C. 4212) (Applies to contracts over \$10,000).

(iv) 52.222-36, Affirmative Action for Workers with Disabilities (JUN 1998) (29 U.S.C. 793) (Applies to contracts over \$10,000).

(v) 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era (JAN 1999) (38 U.S.C. 4212) (Applies to contracts over \$10,000).

(vi) 52.222-41, Service Contract Act of 1965, As Amended (MAY 1989) (41 U.S.C. 351, *et seq.*) (Applies to service contracts over \$2,500).

(vii) 52.223-5, Pollution Prevention and Right-to-Know Information (APR 1998) (E.O. 12856) (Applies to services performed on Federal facilities).

(viii) 52.225-1, Buy American Act—Balance of Payments Program—Supplies (FEB 2000) (41 U.S.C. 10a - 10d) (Applies to contracts for supplies, and to contracts for services involving the furnishing of supplies, for use within the United States if the value of the supply contract or supply portion of a service contract exceeds the micro-purchase threshold and the acquisition—

(A) Is set aside for small business concerns; or

(B) Cannot be set aside for small business concerns (see 19.502-2), and does not exceed \$25,000).

(ix) 52.232-33, Payment by Electronic Funds Transfer—Central Contractor Registration (May 1999). (Applies when the payment will be made by electronic funds transfer (EFT) and the payment office uses the Central Contractor Registration (CCR) database as its source of EFT information.)

(x) 52.232-34, Payment by Electronic Funds Transfer—Other than Central Contractor Registration (May 1999). (Applies when the payment will be made by EFT and the payment office does not use the CCR database as its source of EFT information.)



(xi) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (June 2000) (46 U.S.C. 1241). (Applies to supplies transported by ocean vessels.)

(2) Listed below are additional clauses that may apply:

(i) 52.209-6, Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (JULY 1995) (Applies to contracts over \$25,000).

(ii) 52.211-17, Delivery of Excess Quantities (SEPT 1989) (Applies to fixed-price supplies).

(iii) 52.247-29, F.o.b. Origin (JUN 1988) (Applies to supplies if delivery is f.o.b. origin).

(iv) 52.247-34, F.o.b. Destination (NOV 1991) (Applies to supplies if delivery is f.o.b. destination).

(c) FAR 52.252-2, *Clauses Incorporated by Reference* (FEB 1998). This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this/these address(es):

---

[Insert one or more Internet addresses]

(d) *Inspection/Acceptance*. The Contractor shall tender for acceptance only those items that conform to the requirements of this contract. The Government reserves the right to inspect or test any supplies or services that have been tendered for acceptance. The Government may require repair or replacement of nonconforming supplies or reperformance of nonconforming services at no increase in contract price. The Government must exercise its postacceptance rights—

(1) Within a reasonable period of time after the defect was discovered or should have been discovered; and

(2) Before any substantial change occurs in the condition of the item, unless the change is due to the defect in the item.

(e) *Excusable delays*. The Contractor shall be liable for default unless nonperformance is caused by an occurrence beyond the reasonable control of the Contractor and without its fault or negligence, such as acts of God or the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, unusually severe weather, and delays of common carriers. The Contractor shall notify the Contracting Officer in writing as soon as it is reasonably possible after the commencement of any excusable delay, setting forth the full particulars in connection therewith, shall remedy such occurrence with all reasonable dispatch, and shall promptly give written

notice to the Contracting Officer of the cessation of such occurrence.

(f) *Termination for the Government's convenience*. The Government reserves the right to terminate this contract, or any part hereof, for its sole convenience. In the event of such termination, the Contractor shall immediately stop all work hereunder and shall immediately cause any and all of its suppliers and subcontractors to cease work. Subject to the terms of this contract, the Contractor shall be paid a percentage of the contract price reflecting the percentage of the work performed prior to the notice of termination, plus reasonable charges that the Contractor can demonstrate to the satisfaction of the Government, using its standard record keeping system, have resulted from the termination. The Contractor shall not be required to comply with the cost accounting standards or contract cost principles for this purpose. This paragraph does not give the Government any right to audit the Contractor's records. The Contractor shall not be paid for any work performed or costs incurred that reasonably could have been avoided.

(g) *Termination for cause*. The Government may terminate this contract, or any part hereof, for cause in the event of any default by the Contractor, or if the Contractor fails to comply with any contract terms and conditions, or fails to provide the Government, upon request, with adequate assurances of future performance. In the event of termination for cause, the Government shall not be liable to the Contractor for any amount for supplies or services not accepted, and the Contractor shall be liable to the Government for any and all rights and remedies provided by law. If it is determined that the Government improperly terminated this contract for default, such termination shall be deemed a termination for convenience.

(h) *Warranty*. The Contractor warrants and implies that the items delivered hereunder are merchantable and fit for use for the particular purpose described in this contract.

(End of clause)

#### 52.214-1 Solicitation Definitions—Sealed Bidding.

As prescribed in 14.201-6(b)(1), insert the following provision:

SOLICITATION DEFINITIONS—SEALED BIDDING (JUL 1987)

“Government” means United States Government.

“Offer” means “bid” in sealed bidding.

“Solicitation” means an invitation for bids in sealed bidding.

(End of provision)

**52.214-2 [Reserved]**

The Government must receive the acknowledgment by the time and at the place specified for receipt of bids.

(End of provision)

**52.214-3 Amendments to Invitations for Bids.**

As prescribed in 14.201-6(b)(3), insert the following provision:

AMENDMENTS TO INVITATIONS FOR BIDS (DEC 1989)

(a) If this solicitation is amended, then all terms and conditions which are not modified remain unchanged.

(b) Bidders shall acknowledge receipt of any amendment to this solicitation (1) by signing and returning the amendment, (2) by identifying the amendment number and date in the space provided for this purpose on the form for submitting a bid, (3) by letter or telegram, or (4) by facsimile, if facsimile bids are authorized in the solicitation.

**52.214-4 False Statements in Bids.**

As prescribed in 14.201-6(b)(4), insert the following provision in all invitations for bids:

FALSE STATEMENTS IN BIDS (APR 1984)

Bidders must provide full, accurate, and complete information as required by this solicitation and its attachments. The penalty for making false statements in bids is prescribed in 18 U.S.C. 1001.

(End of provision)

[The next page is 52-45.]

provided in Executive Order 12933, the regulations of the Secretary of Labor at 29 CFR Part 9, and relevant orders of the Secretary of Labor, or as otherwise provided by law.

(h) The Contractor is advised that the Contracting Officer shall withhold or cause to be withheld from the Contractor, under this or any other Government contract with the Contractor, such sums as an authorized official of the Department of Labor requests, upon a determination by the Administrator of the Wage and Hour Division, the Administrative Law Judge, or the Administrative Review Board, that the Contractor failed to comply with the terms of this clause, and that wages lost as a result of the violations are due to employees or that other monetary relief is appropriate.

(i) The Contractor shall cooperate in any investigation by the contracting agency or the Department of Labor into possible violations of the provisions of this clause and shall make records requested by such official(s) available for inspection, copying, or transcription upon request.

(j) Disputes concerning the requirements of this clause shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR part 9. Disputes concerning the requirements of this clause include disputes between or among any of the following: The Contractor, the contracting agency, the U.S. Department of Labor, and the employees under the contract or its predecessor contract.

(End of clause)

**52.223-1—52.223-2 [Reserved]**

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

As prescribed in 23.303, insert the following clause:

HAZARDOUS MATERIAL IDENTIFICATION AND MATERIAL SAFETY DATA (JAN 1997)

(a) "Hazardous material," as used in this clause, includes any material defined as hazardous under the latest version of Federal Standard No. 313 (including revisions adopted during the term of the contract).

(b) The offeror must list any hazardous material, as defined in paragraph (a) of this clause, to be delivered under this contract. The hazardous material shall be properly identified and include any applicable identification number, such as National Stock Number or Special Item Number. This information shall also be included on the Material Safety Data Sheet submitted under this contract.

MATERIAL (If none, insert "None")	IDENTIFICATION NO.
_____	_____
_____	_____
_____	_____

(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.

(d) The apparently successful offeror agrees to submit, for each item as required prior to award, a Material Safety Data Sheet, meeting the requirements of 29 CFR 1910.1200(g) and the latest version of Federal Standard No. 313, for all hazardous material identified in paragraph (b) of this clause. Data shall be submitted in accordance with Federal Standard No. 313, whether or not the apparently successful offeror is the actual manufacturer of these items. Failure to submit the Material Safety Data Sheet prior to award may result in the apparently successful offeror being considered nonresponsible and ineligible for award.

(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.

(f) Neither the requirements of this clause nor any act or failure to act by the Government shall relieve the Contractor of any responsibility or liability for the safety of Government, Contractor, or subcontractor personnel or property.

(g) Nothing contained in this clause shall relieve the Contractor from complying with applicable Federal, State, and local laws, codes, ordinances, and regulations (including the obtaining of licenses and permits) in connection with hazardous material.

(h) The Government's rights in data furnished under this contract with respect to hazardous material are as follows:

(1) To use, duplicate and disclose any data to which this clause is applicable. The purposes of this right are to—

(i) Apprise personnel of the hazards to which they may be exposed in using, handling, packaging, transporting, or disposing of hazardous materials;

(ii) Obtain medical treatment for those affected by the material; and

(iii) Have others use, duplicate, and disclose the data for the Government for these purposes.

(2) To use, duplicate, and disclose data furnished under this clause, in accordance with subparagraph (h)(1) of this clause, in precedence over any other clause of this contract providing for rights in data.

52.223-4

(3) The Government is not precluded from using similar or identical data acquired from other sources.

(End of clause)

*Alternate I (July 1995).* If the contract is awarded by an agency other than the Department of Defense, add the following paragraph (i) to the basic clause:

(i) Except as provided in paragraph (i)(2), the Contractor shall prepare and submit a sufficient number of Material Safety Data Sheets (MSDS's), meeting the requirements of 29 CFR 1910.1200(g) and the latest version of Federal Standard No. 313, for all hazardous materials identified in paragraph (b) of this clause.

(1) For items shipped to consignees, the Contractor shall include a copy of the MSDS's with the packing list or other suitable shipping document which accompanies each shipment. Alternatively, the Contractor is permitted to transmit MSDS's to consignees in advance of receipt of shipments by consignees, if authorized in writing by the Contracting Officer.

(2) For items shipped to consignees identified by mailing address as agency depots, distribution centers or customer supply centers, the Contractor shall provide one copy of the MSDS's in or on each shipping container. If affixed to the outside of each container, the MSDS's must be placed in a weather resistant envelope.

**52.223-4 Recovered Material Certification.**

As prescribed in 23.406(a), insert the following provision:

RECOVERED MATERIAL CERTIFICATION (OCT 1997)

As required by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6962(c)(3)(A)(i)), the offeror certifies, by signing this offer, that the percentage of recovered materials to be used in the performance of the contract will be at least the amount required by the applicable contract specifications.

(End of provision)

**52.223-5 Pollution Prevention and Right-to-Know Information.**

As prescribed in 23.1005, insert the following clause:

POLLUTION PREVENTION AND RIGHT-TO-KNOW INFORMATION (APR 1998)

(a) Executive Order 12856 of August 3, 1993, requires Federal facilities to comply with the provisions of the

Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. 11001-11050) and the Pollution Prevention Act of 1990 (PPA) (42 U.S.C. 13101-13109).

(b) The Contractor shall provide all information needed by the Federal facility to comply with the emergency planning reporting requirements of Section 302 of EPCRA; the emergency notice requirements of Section 304 of EPCRA; the list of Material Safety Data Sheets required by Section 311 of EPCRA; the emergency and hazardous chemical inventory forms of Section 312 of EPCRA; the toxic chemical release inventory of Section 313 of EPCRA, which includes the reduction and recycling information required by Section 6607 of PPA; and the toxic chemical reduction goals requirements of Section 3-302 of Executive Order 12856.

(End of clause)

**52.223-6 Drug-Free Workplace.**

As prescribed in 23.505, insert the following clause:

DRUG-FREE WORKPLACE (JAN 1997)

(a) *Definitions.* As used in this clause—

“Controlled substance” means a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined in regulation at 21 CFR 1308.11 - 1308.15.

“Conviction” means a finding of guilt (including a plea of *nolo contendere*) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

“Criminal drug statute” means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.

“Drug-free workplace” means the site(s) for the performance of work done by the Contractor in connection with a specific contract at which employees of the Contractor are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.

“Employee” means an employee of a Contractor directly engaged in the performance of work under a Government contract. “Directly engaged” is defined to include all direct cost employees and any other Contractor employee who has other than a minimal impact or involvement in contract performance.

“Individual” means an offeror/contractor that has no more than one employee including the offeror/contractor.

(b) The Contractor, if other than an individual, shall— within 30 days after award (unless a longer period is agreed to in writing for contracts of 30 days or more performance

duration), or as soon as possible for contracts of less than 30 days performance duration—

(1) Publish a statement notifying its employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

(2) Establish an ongoing drug-free awareness program to inform such employees about—

(i) The dangers of drug abuse in the workplace;

(ii) The Contractor's policy of maintaining a drug-free workplace;

(iii) Any available drug counseling, rehabilitation, and employee assistance programs; and

(iv) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(3) Provide all employees engaged in performance of the contract with a copy of the statement required by subparagraph (b)(1) of this clause;

(4) Notify such employees in writing in the statement required by subparagraph (b)(1) of this clause that, as a condition of continued employment on this contract, the employee will—

(i) Abide by the terms of the statement; and

(ii) Notify the employer in writing of the employee's conviction under a criminal drug statute for a violation occurring in the workplace no later than 5 days after such conviction;

(5) Notify the Contracting Officer in writing within 10 days after receiving notice under subdivision (b)(4)(ii) of this clause, from an employee or otherwise receiving actual notice of such conviction. The notice shall include the position title of the employee;

(6) Within 30 days after receiving notice under subdivision (b)(4)(ii) of this clause of a conviction, take one of the following actions with respect to any employee who is convicted of a drug abuse violation occurring in the workplace:

(i) Taking appropriate personnel action against such employee, up to and including termination; or

(ii) Require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency; and

(7) Make a good faith effort to maintain a drug-free workplace through implementation of subparagraphs (b)(1) through (b)(6) of this clause.

(c) The Contractor, if an individual, agrees by award of the contract or acceptance of a purchase order, not to engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance while performing this contract.

(d) In addition to other remedies available to the Government, the Contractor's failure to comply with the requirements of paragraph (b) or (c) of this clause may, pursuant to FAR 23.506, render the Contractor subject to suspension of contract payments, termination of the contract or default, and suspension or debarment.

(End of clause)

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

As prescribed in 23.602, insert the following clause:

##### NOTICE OF RADIOACTIVE MATERIALS (JAN 1997)

(a) The Contractor shall notify the Contracting Officer or designee, in writing, \_\_\_\_\_\* days prior to the delivery of, or prior to completion of any servicing required by this contract of, items containing either (1) radioactive material requiring specific licensing under the regulations issued pursuant to the Atomic Energy Act of 1954, as amended, as set forth in Title 10 of the Code of Federal Regulations, in effect on the date of this contract, or (2) other radioactive material not requiring specific licensing in which the specific activity is greater than 0.002 microcuries per gram or the activity per item equals or exceeds 0.01 microcuries. Such notice shall specify the part or parts of the items which contain radioactive materials, a description of the materials, the name and activity of the isotope, the manufacturer of the materials, and any other information known to the Contractor which will put users of the items on notice as to the hazards involved (OMB No. 9000-0107).

\* The Contracting Officer shall insert the number of days required in advance of delivery of the item or completion of the servicing to assure that required licenses are obtained and appropriate personnel are notified to institute any necessary safety and health precautions. See FAR 23.601(d).

(b) If there has been no change affecting the quantity of activity, or the characteristics and composition of the radioactive material from deliveries under this contract or prior contracts, the Contractor may request that the Contracting Officer or designee waive the notice requirement in paragraph (a) of this clause. Any such request shall—

(1) Be submitted in writing;

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

(3) Cite the contract number on which the prior notification was submitted and the contracting office to which it was submitted.

(c) All items, parts, or subassemblies which contain radioactive materials in which the specific activity is greater than 0.002 microcuries per gram or activity per item equals

or exceeds 0.01 microcuries, and all containers in which such items, parts or subassemblies are delivered to the Government shall be clearly marked and labeled as required by the latest revision of MIL-STD 129 in effect on the date of the contract.

(d) This clause, including this paragraph (d), shall be inserted in all subcontracts for radioactive materials meeting the criteria in paragraph (a) of this clause.

(End of clause)

**52.223-8 [Reserved]**

**52.223-9 Estimate of Percentage of Recovered Material Content for EPA-Designated Products.**

As prescribed in 23.406(b), insert the following clause:

ESTIMATE OF PERCENTAGE OF RECOVERED MATERIAL CONTENT FOR EPA-DESIGNATED PRODUCTS (AUG 2000)

(a) *Definitions.* As used in this clause—

“Postconsumer material” means a material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item. Postconsumer material is a part of the broader category of “recovered material.”

“Recovered material” means waste materials and by-products recovered or diverted from solid waste, but the term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process.

(b) The Contractor, on completion of this contract, shall—

(1) Estimate the percentage of the total recovered material used in contract performance, including, if applicable, the percentage of postconsumer material content; and

(2) Submit this estimate to \_\_\_\_\_

[Contracting Officer complete in accordance with agency procedures].

(End of clause)

*Alternate I (Aug 2000).* As prescribed in 23.406(b), redesignate paragraph (b) of the basic clause as paragraph (c) and add the following paragraph (b) to the basic clause:

(b) The Contractor shall execute the following certification required by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6962(i)(2)(C)):

**CERTIFICATION**

I, \_\_\_\_\_ (name of certifier), am an officer or

employee responsible for the performance of this contract and hereby certify that the percentage of recovered material content for EPA-designated products met the applicable contract specifications.

\_\_\_\_\_  
[Signature of the Officer or Employee]

\_\_\_\_\_  
[Typed Name of the Officer or Employee]

\_\_\_\_\_  
[Title]

\_\_\_\_\_  
[Name of Company, Firm, or Organization]

\_\_\_\_\_  
[Date]

(End of certification)

**52.223-10 Waste Reduction Program.**

As prescribed in 23.705, insert the following clause:

WASTE REDUCTION PROGRAM (AUG 2000)

(a) *Definitions.* As used in this clause—

“Recycling” means the series of activities, including collection, separation, and processing, by which products or other materials are recovered from the solid waste stream for use in the form of raw materials in the manufacture of products other than fuel for producing heat or power by combustion.

“Waste prevention” means any change in the design, manufacturing, purchase, or use of materials or products (including packaging) to reduce their amount or toxicity before they are discarded. Waste prevention also refers to the reuse of products or materials.

“Waste reduction” means preventing or decreasing the amount of waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products.

(b) Consistent with the requirements of Section 701 of Executive Order 13101, the Contractor shall establish a program to promote cost-effective waste reduction in all operations and facilities covered by this contract. The Contractor's programs shall comply with applicable Federal, State, and local requirements, specifically including Section 6002 of the Resource Conservation and Recovery Act (42 U.S.C. 6962, *et seq.*) and implementing regulations (40 CFR part 247).

(End of clause)

FAC 97-09 OCTOBER 30, 1998

52.301 Solicitation provisions and contract clauses (Matrix).

Key:

Type of Contract:

- P or C = Provision or Clause
- IBR = Is Incorporation by Reference Authorized? (See FAR 52.102)
- UCF = Uniform Contract Format Section, when Applicable
- FP SUP = Fixed-Price Supply
- CR SUP = Cost-Reimbursement Supply
- FP R&D = Fixed-Price Research & Development
- CR R&D = Cost Reimbursement Research & Development
- FP SVC = Fixed-Price Service
- CR SVC = Cost Reimbursement Service
- FP CON = Fixed-Price Construction
- CR CON = Cost Reimbursement Construction
- T&M LH = Time & Material/Labor Hours
- LMV = Leasing of Motor Vehicles

- COM SVC = Communication Services
- DDR = Dismantling, Demolition, or Removal of Improvements
- A&E = Architect-Engineering
- FAC = Facilities
- IND DEL = Indefinite Delivery
- TRN = Transportation
- SAP = Simplified Acquisition Procedures (excluding micro-purchase)
- UTL SVC = Utility Services
- CI = Commercial Items

Contract Purpose:

- R = Required
- A = Required when Applicable
- O = Optional
- = Revision

PROVISION OR CLAUSE	PRESCRIBED IN	PRINCIPLE TYPE AND/OR PURPOSE OF CONTRACT																					
		P OR C	IBR	UCF	FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	LMV	COM SVC	DDR	A&E	FAC	IND DEL	TRN	SAP	UTL SVC	CI
52.202-1 Definitions.	2.201	C	Yes	I	R	R	A	R	R	R		R	R	R	R		R	R	R	R		R	
Alternate I	2.201	C	Yes	I						R						R	R						
52.203-2 Certificate of Independent Price Determination.	3.103-1	P	No	K	A		A		A		A		A	A	A	A	A	A	A	A		A	
52.203-3 Gratuities.	3.202	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	
52.203-5 Covenant Against Contingent Fees.	3.404	C	Yes	I	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R		R	
52.203-6 Restrictions on Subcontractor Sales to the Government.	3.503-2	C	Yes	I	R	R			R	R												R	
Alternate I	3.503-2	C	Yes																				R

FAC 97-18 AUGUST 7, 2000

PROVISION OR CLAUSE	PRESCRIBED IN	P OR C	IBR	UCF	PRINCIPLE TYPE AND/OR PURPOSE OF CONTRACT																		
					FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	LMV	COM SVC	DDR	A&E	FAC	IND DEL	TRN	SAP	UTL SVC	CI
52.203-7 Anti-Kickback Procedures.	3.502-3	C	Yes	I	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
52.203-8 Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity.	3.104-9(a)	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.203-10 Price or Fee Adjustment for Illegal or Improper Activity.	3.104-9(b)	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.203-11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions.	3.808(a)	P	Yes	K	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.203-12 Limitation on Payments to Influence Certain Federal Transactions.	3.808(b)	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.204-1 Approval of Contract.	4.103	C	No	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.204-2 Security Requirements.	4.404(a)	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Alternate I	4.404(b)	C	Yes	I					A														
Alternate II	4.404(c)	C	Yes	I						A	A						A	A					
52.204-3 Taxpayer Identification.	4.905	P	No	K	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.204-4 Printed or Copied Double-Sided on Recycled Paper.	4.303	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A



FAC 97-18 AUGUST 7, 2000

PROVISION OR CLAUSE	PRESCRIBED IN	P O R C	IBR	UCF	PRINCIPLE TYPE AND/OR PURPOSE OF CONTRACT																		
					FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	LMV	COM SVC	DDR	A&E	FAC	IND DEL	TRN	SAP	UTL SVC	CI
52.211-1 Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29.	11.204(a)	P	No	L	A	A	A	A	A	A	A	A			A	A			A	A		A	
52.211-2 Availability of Specifications Listed in the DoD Index of Specifications and Standards (DoDISS) and Descriptions Listed in the Acquisition Management Systems and Data Requirements Control List, DoD 5010.12-L.	11.204(b)	P	No	L	A	A	A	A	A	A	A	A			A	A			A	A		A	
52.211-3 Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions.	11.204(c)	P	No	L	A	A	A	A	A	A	A	A			A	A			A	A		A	
52.211-4 Availability for Examination of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Index Descriptions.	11.204(d)	P	No	L	A	A	A	A	A	A	A	A			A	A			A	A	A	A	
52.211-5 Material Requirements.	11.304	C	Yes	I	R	R																A	
52.211-6 Brand Name or Equal.	11.107(a)	P	Yes	L	A	A								A								A	
52.211-7 Alternatives to Government-Unique Standards.	11.107(b)	P	Yes	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

FAC 97-05 JUNE 22, 1998

PROVISION OR CLAUSE	PRESCRIBED IN	P O C	IBR	UCF	PRINCIPLE TYPE AND/OR PURPOSE OF CONTRACT																		
					FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	LMV	COM SVC	DDR	A&E	FAC	IND DEL	TRN	SAP	UTL SVC	CI
52.211-8 Time of Delivery.	11.404(a)(2)	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
Alternate I	11.404(a)(2)	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
Alternate II	11.404(a)(2)	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
Alternate III	11.404(a)(2)	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
52.211-9 Desired and Required Time of Delivery.	11.404(a)(3)	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
Alternate I	11.404(a)(3)	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
Alternate II	11.404(a)(3)	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
Alternate III	11.404(a)(3)	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
52.211-10 Commencement, Prosecution, and Completion of Work.	11.404(b)	C	Yes									R											
Alternate I	11.404(b)	C	Yes									R											
52.211-11 Liquidated Damages—Supplies, Services, or Research and Development.	11.504(a)	C	Yes	F	O		O		O						O							O	O
52.211-12 Liquidated Damages—Construction.	11.504(b)	C	Yes									O	O									O	
Alternate I	11.504(b)	C	Yes									O	O									O	
52.211-13 Time Extensions.	11.504(c)	C	Yes									A	A									A	
52.211-14 Notice of Priority Rating for National Defense Use.	11.604(a)	P	Yes	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

FAC 97-18 AUGUST 7, 2000

PROVISION OR CLAUSE	PRESCRIBED IN	P OR C	IBR	UCF	PRINCIPLE TYPE AND/OR PURPOSE OF CONTRACT																		
					FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	LMV	COM SVC	DDR	A&E	FAC	IND DEL	TRN	SAP	UTL SVC	CI
52.222-47 SCA Minimum Wages and Fringe Benefits Applicable to Successor Contract Pursuant to Predecessor Contractor Collective Bargaining Agreements (CBA).	22.1006(d) 22.1012-3 (d)(1)	C	Yes	I						A	A			A		A	A				A	A	
52.222-48 Exemption from Application of Service Contract Act Provisions for Contracts for Maintenance, Calibration, and/or Repair of Certain Information Technology, Scientific and Medical and/or Office and Business Equipment— Contractor Certification.	22.1006 (e)(1)	C	Yes	I						A	A			A								A	
52.222-49 Service Contract Act— Place of Performance Unknown.	22.1006(f) 22.1009-4(c)	C	Yes	I						A	A			A		A	A				A	A	
52.222-50 Nondisplacement of Qualified Workers.	22.1208(a)	C	Yes							A	A												
52.223-3 Hazardous Material Identification and Material Safety Data.	23.303	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Alternate I	23.303(b)	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.223-4 Recovered Material Certification.	23.406(a)	P	Yes	K	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A
52.223-5 Pollution Prevention and Right-to-Know Information.	23.1005	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.223-6 Drug-Free Workplace.	23.505	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

FAC 97-18 AUGUST 7, 2000

PROVISION OR CLAUSE	PRESCRIBED IN	PRINCIPLE TYPE AND/OR PURPOSE OF CONTRACT																					
		P OR C	IBR	UCF	FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	LMV	COM SVC	DDR	A&E	FAC	IND DEL	TRN	SAP	UTL SVC	CI
52.223-7 Notice of Radioactive Materials.	23.602	C	No	I	A	A	A	A	A	A	A	A	A			A		A	A			A	
52.223-9 Estimate of Percentage of Recovered Material Content for EPA Designated Products.	23.406(b)	C	No	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Alternate I	23.406(b)	C	No	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.223-10 Waste Reduction Program.	23.705	C	Yes	I					A	A						A		A					
52.223-11 Ozone-Depleting Substances.	23.804(a)	C	No	I	A	A													A		A		
52.223-12 Refrigeration Equipment and Air Conditioners.	23.804(b)	C	Yes	I					A	A			A			A			A		A		
52.223-13 Certification of Toxic Chemical Release Reporting.	23.907(a)	P	No	K	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
52.223-14 Toxic Chemical Release Reporting.	23.907(b)	C	Yes	I	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
52.224-1 Privacy Act Notification.	24.104(a)	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.224-2 Privacy Act.	24.104(b)	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
52.225-1 Buy American Act—Balance of Payments Program—Supplies.	25.1101 (a)(1)	C	Yes	I	A	A	A	A	A	A			A	A	A					A		A	A
52.225-2 Buy American Act—Balance of Payments Program Certificate.	25.1101 (a)(2)	P	No	K	A	A	A	A	A	A			A	A	A					A		A	
52.225-3 Buy American Act—North American Free Trade Agreement—Israeli Trade Act—Balance of Payments Program.	25.1101 (b)(1)(i)	C	Yes	I	A	A							A	A						A		A	A

# INDEX

FAR Subjects:	Context Preceding the Keyword	Keyword, and Context Following the Keyword	FAR Reference
	Section	<b>8(a) Award.</b>	52.219-17
	Section	<b>8(a) competition.</b>	6.204
	Notification of Competition Limited to Eligible	<b>8(a) Concerns.</b>	52.219-18
	Special	<b>8(a) Contract Conditions.</b>	52.219-11
	Pricing the	<b>8(a) contract.</b>	19.806
	Contracting with the Small Business Administration (The	<b>8(a) Program)</b>	19.8
	Selecting acquisitions for the	<b>8(a) program.</b>	19.803
	Selecting concerns for the	<b>8(a) program.</b>	19.802
	Special	<b>8(a) Subcontract Conditions.</b>	52.219-12
	Competitive	<b>8(a).</b>	19.805
	Destruction or	<b>abandonment.</b>	45.611
	Sureties and Other Security for Bonds:	<b>Acceptability of assets.</b>	28.203-2
	Sureties and Other Security for Bonds:	<b>Acceptability of corporate sureties.</b>	28.202
	Sureties and Other Security for Bonds:	<b>Acceptability of individual sureties.</b>	28.203
	Definition:	<b>Acceptable Material</b>	11.3
		<b>Acceptance</b>	46.101 52.246-17 52.246-18 52.246-19 52.246-20
	Criteria for	<b>acceptance and negotiation of an unsolicited proposal.</b>	15.607
	Period for	<b>Acceptance of Bids.</b>	52.214-15
	Solicitation and	<b>acceptance of gratuities by Government personnel.</b>	3.101-2
	Sureties and Other Security for Bonds	<b>Acceptance of real property.</b>	28.203-3
	Definition:	<b>Acceptance period</b>	52.214-16
	Minimum Bid	<b>Acceptance Period.</b>	52.214-16
	Federal Supply Schedules: Inspection and	<b>acceptance.</b>	8.405-3
	Quality Assurance: Place of	<b>acceptance.</b>	46.503
	Quality Assurance: Responsibility for	<b>acceptance.</b>	46.502
	Selecting and Developing Requirements Documents: Market	<b>acceptance.</b>	11.103
	Small Business Programs: Evaluation, offering, and	<b>acceptance.</b>	19.804
	Unique Requirements Regarding Terms and Conditions for Commercial Items:	<b>Acceptance.</b>	12.402
		<b>Accessorial Services—Moving Contracts.</b>	52.247-13
	Definition:	<b>Accessory item</b>	45.501
	Construction and Architect-Engineer Contracts:	<b>Accident prevention.</b>	36.513 52.236-13
		<b>Accountable Facilities (Nonprofit Educational Institutions).</b>	52.245-13
		<b>Accounting for contractor inventory.</b>	45.615
		<b>Accounting for unallowable costs.</b>	31.201-6
	Availability of	<b>accounting guide.</b>	31.002

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Schedule of	<b>accounting information.</b>	49.602-3
	Financial and cost	<b>accounting records.</b>	4.705-1
	Initiation of progress payments and review of	<b>accounting system.</b>	32.503-3
	Change Order	<b>Accounting.</b>	52.243-6
	Definition:	<b>Accrual of a claim</b>	33.201
	Definition:	<b>Accrued benefit cost method</b>	31.001
	Definition:	<b>Accumulating costs</b>	31.001
		<b>Acquiring special test equipment.</b>	45.307-2
		<b>Acquiring Utility Services.</b>	41.2
	Definition:	<b>Acquisition</b>	2.101
	Foreign	<b>Acquisition</b>	Part 25
	Major System	<b>Acquisition</b>	Part 34
		<b>Acquisition and supply records.</b>	4.705-3
	Patent Rights—	<b>Acquisition by the Government.</b>	52.227-13
	Equipment Lease or Purchase:	<b>Acquisition considerations.</b>	7.401
	Delay of	<b>acquisition dates over 60 days.</b>	22.1014
	Announcements of long-range	<b>acquisition estimates.</b>	5.404-2
	Required Sources of Supplies and Services:	<b>Acquisition from Federal Prison Industries, Inc.</b>	8.6
	Required Sources of Supplies and Services:	<b>Acquisition from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled</b>	8.7
	Exchange of	<b>acquisition information.</b>	5.405
	Sealed Bidding: Release of	<b>acquisition information.</b>	14.211
	Availability of Specifications Listed in the DoD Index of Specifications and Standards (DoDISS) and Descriptions Listed in the	<b>Acquisition Management Systems and Data Requirements Control List, DoD 5010.12-L.</b>	52.211-2
	Simplified	<b>Acquisition Methods.</b>	13.3
		<b>Acquisition methods.</b>	7.402
	Special Requirements for the	<b>Acquisition of Commercial Items</b>	12.2
		<b>Acquisition of Commercial Items</b>	Part 12
	Forms:	<b>Acquisition of commercial items.</b>	53.212
		<b>Acquisition of data.</b>	27.406
		<b>Acquisition of Helium</b>	8.5
		<b>Acquisition of Information Technology</b>	Part 39
	Required Sources of Supplies and Services:	<b>Acquisition of Printing and Related Supplies</b>	8.8
		<b>Acquisition of Utility Services</b>	Part 41
	Definition:	<b>Acquisition planning</b>	7.101
		<b>Acquisition Planning</b>	Part 7
	Contents of written	<b>acquisition plans.</b>	7.105
	Simplified	<b>acquisition procedures (SF's 18, 30, 44, 1165, 1449, OF's 336, 347, 348).</b>	53.213
	Agency	<b>Acquisition Regulations</b>	1.3
	Federal	<b>Acquisition Regulations System</b>	Part 1
	Special	<b>acquisition requirements.</b>	37.114
	Definition:	<b>Acquisition savings</b>	48.001
			52.248-1
	Sharing	<b>acquisition savings.</b>	48.104-2

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Major System Acquisition:	<b>Acquisition strategy.</b>	34.004
	Definition:	<b>Acquisition streamlining</b>	7.101
	Statement of guiding principles for the Federal	<b>Acquisition System.</b>	1.102
	Guiding principles for the	<b>Acquisition Team.</b>	1.102-3
	Role of the	<b>Acquisition Team.</b>	1.102-4
	Termination of Work (Consolidated Facilities or Facilities	<b>Acquisition).</b>	52.249-11
	Government Property—Facilities	<b>Acquisition.</b>	52.245-10
	Insufficient causes for not setting aside an	<b>acquisition.</b>	19.502-5
	Application of Labor Laws to Government	<b>Acquisitions</b>	Part 22
	Terms and Conditions—Simplified	<b>Acquisitions (Other Than Commercial Items).</b>	52.213-4
	Application of labor laws to Government	<b>acquisitions (SF's 99, 308, 1093, 1413, 1444, 1445, 1446, WH-347).</b>	53.222
	Government contract quality assurance for	<b>acquisitions at or below the simplified acquisition threshold.</b>	46.404
	Setting aside a class of	<b>acquisitions for small business.</b>	19.503
	Selecting	<b>acquisitions for the 8(a) program.</b>	19.803
	Additional requirements for	<b>acquisitions involving bundling of contract requirements.</b>	7.107
	Contractor Qualifications:	<b>Acquisitions subject to qualification requirements.</b>	9.206
	Encouraging small business participation in	<b>acquisitions.</b>	19.202-1
	Repetitive	<b>acquisitions.</b>	19.804-4
	Requirements for setting aside	<b>acquisitions.</b>	19.502-1
	Setting aside	<b>acquisitions.</b>	19.502
	Cancellation, Rescission, and Recovery of Funds for Illegal or Improper	<b>Activity.</b>	52.203-8
	Definition:	<b>Actual cash value</b>	31.001
	Definition:	<b>Actual costs</b>	31.001
	Definition:	<b>Actuarial accrued liability</b>	31.001
	Definition:	<b>Actuarial assumption</b>	31.001
	Definition:	<b>Actuarial gain and loss</b>	31.001
	Definition:	<b>Actuarial valuation</b>	31.001
	Definition:	<b>Actuarial cost method</b>	31.001
	Contract Work Hours and Safety Standards	<b>Act—Overtime Compensation.</b>	52.222-4
	Service Contract	<b>Act—Place of Performance Unknown.</b>	52.222-49
	Fair Labor Standards Act and Service Contract	<b>Act—Price Adjustment (Multiple Year and Option Contracts).</b>	52.222-43
	Fair Labor Standards Act and Service Contract	<b>Act—Price Adjustment.</b>	52.222-44
		<b>Additional Foreign Acquisition Regulations</b>	25.10
	Definition:	<b>Adequate evidence</b>	9.403
		<b>Adjustment for loss.</b>	49.203
		<b>Adjustment of fee.</b>	49.305
		<b>Adjustment of indirect costs.</b>	49.303-4
	Establishing and	<b>Administering Federal Supply Schedules</b>	38.2
	Closeout by the office	<b>administering the contract.</b>	4.804-1
	Closeout of the contracting office files if another office	<b>administers the contract.</b>	4.804-2
	Cost Accounting Standards	<b>Administration</b>	Part 30
	Federal Acquisition Regulations System:	<b>Administration</b>	1.2
	Contract	<b>Administration and Audit Services</b>	Part 42
		<b>Administration and payment of commercial financing payments.</b>	32.207

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Administration and payment of performance-based payments.</b>	32.1007
		<b>Administration of Cost Accounting Standards.</b>	52.230-6
		<b>Administration of progress payments.</b>	32.503-5
First Article Testing and Approval:	Government	<b>administration procedures.</b>	9.307
	Contract	<b>administration responsibilities.</b>	42.201
	Contract	<b>Administration Services</b>	42.2
	Contract	<b>administration services directory.</b>	42.203
	Assignment of contract	<b>administration.</b>	42.202
Bonds and Other Financial Protections:		<b>Administration.</b>	28.106
	Change Orders	<b>Administration.</b>	43.204
	Contract pricing and	<b>administration.</b>	22.101-2
	Definition:	<b>Administrative change</b>	43.101
Definition:	Contracting officer/	<b>Administrative contracting officer (ACO)</b>	2.101
Service Contract Act of 1965, As Amended:		<b>Administrative limitations, variations, tolerances, and exemptions.</b>	22.1003-4
		<b>Administrative Matters</b>	Part 4 53.204
Criminal and civil penalties, and further		<b>administrative remedies.</b>	3.104-11
	Definition:	<b>Administrator, or Administrator, Wage and Hour Division</b>	22.001
		<b>Advance agreements.</b>	31.109
Traffic and Transportation Management:		<b>Advance notice.</b>	42.1406-1
	Distribution of	<b>advance notices and solicitations.</b>	36.211
	Transportation:	<b>Advance Notification by the Government.</b>	52.247-24
	Consent to Subcontracts:	<b>Advance notification requirements.</b>	44.201-2
Consent to Subcontracts:	Consent and	<b>advance notification requirements.</b>	44.201
	Clauses for contracting in	<b>advance of funds.</b>	32.705-1
	Contract Financing:	<b>Advance Payments for Non-Commercial Items.</b>	32.4 52.232-12
	Definition:	<b>Advertisement</b>	5.501
	Paid	<b>Advertisements</b>	5.5 53.205-1
	Use of	<b>advertising agencies.</b>	5.504
Contracts with Commercial Organizations:	Public relations and	<b>advertising costs.</b>	31.205-1
	Definition:	<b>Advertising material</b>	15.601
	Definition:	<b>Advisory and assistance services</b>	2.101
		<b>Advisory and Assistance Services</b>	37.2
	Multiple Awards for	<b>Advisory and Assistance Services.</b>	52.216-28
Solicitation and Receipt of Proposals and Information:		<b>Advisory multi-step process.</b>	15.202
	Competition	<b>Advocates</b>	6.5
	Definition:	<b>Affiliates</b>	2.101 9.403
		<b>Affirmative Action Compliance Requirements for Construction.</b>	22.804-2 52.222-25 52.222-27
		<b>Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era.</b>	52.222-35



<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Affirmative Action for Workers with Disabilities.</b>	52.222-36
	Definition:	<b>Affirmative action program</b>	22.801
	Agency	<b>affirmative procurement programs.</b>	23.404
	Definition:	<b>After-imposed tax</b>	52.229-4 52.229-6
	Definition:	<b>After-relieved tax</b>	52.229-4 52.229-6
	Definition:	<b>Agency</b>	3.801 9.403 24.101 52.203-12
	Federal Acquisition Regulations System:	<b>Agency Acquisition Regulations</b>	1.3
		<b>Agency affirmative procurement programs.</b>	23.404
	Federal Acquisition Regulations System:	<b>Agency and Public Participation</b>	1.5
	Federal Acquisition Regulations System: Solicitation of	<b>agency and public views.</b>	1.501
	Federal Acquisition Regulations System:	<b>Agency compliance with the FAR.</b>	1.202
	Federal Acquisition Regulations System:	<b>Agency control and compliance procedures.</b>	1.304
		<b>Agency distribution requirements.</b>	4.202
	Definition:	<b>Agency ethics official</b>	3.104-3
	Contracting with the Small Business Administration (The 8(a) Program):	<b>Agency evaluation.</b>	19.804-1
		<b>Agency forms.</b>	53.303
	Definition:	<b>Agency head (see "head of the agency")</b>	2.101 52.202-1
	Definition:	<b>Agency labor advisor</b>	22.1001
	Market research and description of	<b>agency need.</b>	12.202
	Describing	<b>Agency Needs</b>	Part 11
	Contracting with the Small Business Administration (The 8(a) Program):	<b>Agency offering.</b>	19.804-2
		<b>Agency regulations.</b>	3.101-3
	Reporting, Redistribution, and Disposal of Contractor Inventory:	<b>Agency screening.</b>	45.608-3
	Acquisition Plans:	<b>Agency-head responsibilities.</b>	7.103
	Definition:	<b>Agency-peculiar property</b>	45.301
		<b>Agreed Weight—General Freight.</b>	52.247-9
		<b>Agreement for special bank account.</b>	32.411
		<b>Agreement on Trade in Civil Aircraft.</b>	25.407
	Novation and Change-of-Name Agreements:	<b>Agreement to recognize contractor's change of name.</b>	42.1205
	Memorandum of pricing	<b>agreement with refund.</b>	32.609
	Contract Not Affected by Oral	<b>Agreement.</b>	52.247-27
	International	<b>agreement.</b>	6.302-4
	Use of patented technology under the North American Free Trade	<b>Agreement.</b>	27.208
	Forms for Settlement of Terminated Contracts: Settlement	<b>agreement. (SF 30)</b>	49.602-5
	Foreign License and Technical Assistance	<b>Agreements</b>	27.6
	Forward Pricing Rate	<b>Agreements</b>	42.17
	Novation and Change-of-Name	<b>Agreements</b>	42.12
	Delivery orders and orders under basic ordering	<b>agreements (OF 347).</b>	53.216-1

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Novation and change-of-name	<b>agreements (SF 30).</b>	53.242-1
	Air transport	<b>agreements between the United States and foreign governments.</b>	47.403-2
	Availability of term contracts and basic ordering	<b>agreements for transportation or for transportation-related services.</b>	47.205
	Acquiring Utility Services: Interagency	<b>agreements.</b>	41.206
	Advance	<b>agreements.</b>	31.109
	Applicability of novation	<b>agreements.</b>	42.1204
	Basic ordering	<b>agreements.</b>	16.703
	Contract Administration and Audit Services: Interagency	<b>agreements.</b>	42.002
	Disabled Veterans and Veterans of the Vietnam Era: Collective bargaining	<b>agreements.</b>	22.1305
	Employment of Workers with Disabilities: Collective bargaining	<b>agreements.</b>	22.1405
	Formats for termination for convenience settlement	<b>agreements.</b>	49.603
	Forward pricing rate	<b>agreements.</b>	15.407-3
	Processing	<b>agreements.</b>	42.1203
	Responsibility for executing	<b>agreements.</b>	42.1202
	Settlement	<b>agreements.</b>	49.109
	Sponsoring	<b>agreements.</b>	35.017-1
	Surety-takeover	<b>agreements.</b>	49.404
	F.o.b. Designated	<b>Air Carrier's Terminal, Point of Exportation.</b>	52.247-43
	F.o.b. Designated	<b>Air Carrier's Terminal, Point of Importation.</b>	52.247-44
	Refrigeration Equipment and	<b>Air Conditioners.</b>	52.223-12
	Definition:	<b>Air freight forwarder</b>	47.401
		<b>Air freight forwarders.</b>	47.404
	Clearance and Documentation Requirements—Shipments to DOD	<b>Air or Water Terminal Transshipment Points.</b>	52.247-52
	Air Transportation By U.S.-Flag Carriers:	<b>Air transport agreements between the United States and foreign governments.</b>	47.403-2
		<b>Air Transportation by U.S.-Flag Carriers</b>	47.4
	Costs of	<b>alcoholic beverages.</b>	31.205-51
	Definition:	<b>All applicable Federal, State, and local taxes and duties</b>	52.229-4
	Definition:	<b>All applicable taxes and duties</b>	52.229-6
	Definition:	<b>All employment openings</b>	52.222-35
	Sealed Bidding:	<b>All or none qualifications.</b>	14.404-5
	Determining	<b>allocability.</b>	31.201-4
	Definition:	<b>Allocate</b>	31.001
	Definition:	<b>Allocation</b>	8.701
	Acquisition from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled:	<b>Allocation process.</b>	8.705-3
	Defense Priority and	<b>Allocation Requirements.</b>	52.211-15
	Describing Agency Needs: Priorities and	<b>Allocations</b>	11.6
	Exceptions to general rules on	<b>allowability and allocability.</b>	31.106-2
	Determining	<b>allowability.</b>	31.201-2
	Cost Reimbursement Contracts:	<b>Allowable Cost and Payment.</b>	52.216-7
	Cost Reimbursement Contracts:	<b>Allowable Cost and Payment—Facilities Use.</b>	52.216-14
	Cost Reimbursement Contracts:	<b>Allowable Cost and Payment—Facilities.</b>	52.216-13
	Payments of	<b>Allowable Costs Before Definitization.</b>	52.216-26

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Alterations in Contract.</b>	52.252-4
		<b>Alterations in Solicitation.</b>	52.252-3
	Definition:	<b>Alternate</b>	52.101(a)
	Procedures for using	<b>alternates.</b>	52.105
	Definition:	<b>Alternative dispute resolution (ADR)</b>	33.201
		<b>Alternative dispute resolution (ADR).</b>	33.214
	Performance and payment bonds and	<b>alternative payment protections for construction contracts.</b>	28.102
		<b>Alternative Payment Protections.</b>	52.228-13
	Establishing or maintaining	<b>alternative sources.</b>	6.202
		<b>Alternatives in lieu of corporate or individual sureties.</b>	28.204
		<b>Alternatives to Government-Unique Standards.</b>	52.211-7
	Contracting by Negotiation:	<b>Amending the solicitation.</b>	15.206
		<b>Amendments without consideration.</b>	50.302-1
	Contract modifications (options, extensions, changes in scope) and	<b>anniversary dates.</b>	22.1008-6
		<b>Announcement of contract awards.</b>	5.303
		<b>Announcements of long-range acquisition estimates.</b>	5.404-2
	Contracting by Negotiation:	<b>Annual Representations and Certifications—Negotiation.</b>	52.215-7
		<b>Anti-Kickback Procedures.</b>	52.203-7
	Reports of Suspected	<b>Antitrust Violations.</b>	3.3
	Contractor Versus Government Performance:	<b>Appeals.</b>	7.307
	Protests, Disputes, and	<b>Appeals.</b>	Part 33
	SBA	<b>appeals.</b>	19.810
	Wage determination	<b>appeals.</b>	22.404-11
		<b>Applicability of certain laws to Executive agency contracts for the acquisition of commercial items.</b>	12.503
		<b>Applicability of Certain Laws to the Acquisition of Commercial Items</b>	12.5
		<b>Application of Labor Laws to Government Acquisitions</b>	Part 22
		<b>Application of labor laws to Government acquisitions (SF's 99, 308, 1093, 1413, 1444, 1445, 1446, WH-347).</b>	53.222
	Incentive Contracts:	<b>Application of predetermined, formula-type incentives.</b>	16.402
	Definition:	<b>Applied research</b>	35.001
	Selection, appointment, and termination of	<b>appointment.</b>	1.603
	Definition:	<b>Apprentice</b>	22.401
		<b>Apprentices and trainees.</b>	22.406-4 52.222-9
	Definition:	<b>Approval</b>	9.301
	First Article Testing and	<b>Approval</b>	9.3
		<b>Approval of Contract.</b>	52.204-1
		<b>Approval of progress payment requests.</b>	32.503-4
		<b>Approval of the justification.</b>	6.304
		<b>Approval of Wage Rates.</b>	52.222-16
	Contractors' Purchasing Systems Reviews: Disclosure of	<b>approval status.</b>	44.306
	OMB	<b>Approval under the Paperwork Reduction Act.</b>	1.106

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
Contractors' Purchasing Systems Reviews:	Granting, withholding, or withdrawing	<b>approval.</b>	44.305
	Basic Labor Policies	<b>Approvals.</b>	22.103-4
	Definition:	<b>Approved purchasing system</b>	44.101 52.244-2
	Definition:	<b>Approving authority</b>	50.001
Contract Cost Principles and Procedures:	Responsibility of the Construction and	<b>Architect-Engineer Contractor.</b>	52.236-23
		<b>architect-engineer contracts.</b>	31.105 31.201-7
	Work oversight in	<b>architect-engineer contracts.</b>	36.609-3 52.236-24
	Definition:	<b>Architect-engineer services</b>	36.102
		<b>Architect-Engineer Services</b>	36.6
		<b>Architect-engineer services (SF's 252, 254, 255, 1421).</b>	53.236-2
Standard and Optional Forms for Contracting for Construction,		<b>Architect-Engineer Services, and Dismantling, Demolition, or Removal of Improvements</b>	36.7
	Contracts for construction work or	<b>architect-engineer services.</b>	27.304-3
	Forms for use in contracting for	<b>architect-engineer services.</b>	36.702
	Subcontractors and Outside Associates and Consultants	<b>Architect-Engineer Services.</b>	52.244-4
	Government cost estimate for	<b>architect-engineer work.</b>	36.605
	Termination (Fixed-Price	<b>Architect-Engineer).</b>	52.249-7
	Value Engineering—	<b>Architect-Engineer.</b>	52.248-2
	Definition:	<b>Areawide contract</b>	41.101
	Federal Acquisition Regulations System:	<b>Arrangement of regulations.</b>	1.105-2
Federal Acquisition Regulations System:	Publication and code	<b>arrangement.</b>	1.105-1
	Government Property Furnished	<b>As Is.</b>	52.245-19
	Providing Government production and research property	<b>as is.</b>	45.308
	Definition:	<b>As-built drawings</b>	36.102
	Loan Guarantees for Defense Production:	<b>Asset formula.</b>	32.304-3
	Pension Adjustments and	<b>Asset Reversions.</b>	52.215-15
		<b>Asset valuations resulting from business combinations.</b>	31.205-52
Gains and losses on disposition or impairment of depreciable property or other capital		<b>assets.</b>	31.205-16
	Pledges of	<b>Assets.</b>	52.228-11
Sureties and Other Security for Bonds:	Acceptability of	<b>assets.</b>	28.203-2
Sureties and Other Security for Bonds:	Substitution of	<b>assets.</b>	28.203-4
	Extent of	<b>assignee's protection.</b>	32.804
Corporate Administrative Contracting Officer:		<b>Assignment and location.</b>	42.602
	Definition:	<b>Assignment of claims</b>	32.801
		<b>Assignment of claims under contracts.</b>	32.304-5
		<b>Assignment of claims.</b>	32.1105
		<b>Assignment of contract audit services.</b>	42.102
	Production Surveillance and Reporting:	<b>Assignment of criticality designator.</b>	42.1105
		<b>Assignment of rights under subcontracts.</b>	49.108-8

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Single-agency	<b>assignments of Government contract quality assurance.</b>	46.408
	Notice and	<b>Assistance Regarding Patent and Copyright Infringement.</b>	52.227-2
	Furnishing	<b>assistance to contractors.</b>	51.104
	General Services Administration	<b>assistance.</b>	7.403
	Patents: Notice and	<b>assistance.</b>	27.202
	Subcontractors and Outside	<b>Associates and Consultants (Architect-Engineer Services).</b>	52.244-4
	Definition:	<b>Attorney-in-fact</b>	28.001
	Contracting by Negotiation:	<b>Audit and Records—Negotiation.</b>	52.215-2
	Sealed Bidding:	<b>Audit and Records—Sealed Bidding.</b>	52.214-26
		<b>Audit of prime contract settlement proposals and subcontract settlements.</b>	49.107
		<b>Audit of property control system.</b>	45.511
		<b>Audit of settlement proposal.</b>	49.303-3
	Contract	<b>audit responsibilities.</b>	42.101
	Contract	<b>Audit Services</b>	42.1
	Contract Administration and	<b>Audit Services</b>	Part 42
	Contract	<b>audit services directory.</b>	42.103
	Assignment of contract	<b>audit services.</b>	42.102
	Submission of Commercial Transportation Bills to the General Services Administration for	<b>Audit.</b>	52.247-67
	Indirect Cost Rates:	<b>Auditor determination procedure.</b>	42.705-2
	Permits, Contracting	<b>Authorities, or Franchises, authority and responsibilities (SF 1402).</b>	52.247-2 53.201-1
		<b>Authority for use of warranties.</b>	46.704
	Contract Modifications:	<b>Authority to issue change orders.</b>	43.202
	Career Development, Contracting	<b>Authority, and Responsibilities</b>	1.6
	Purpose,	<b>Authority, Issuance</b>	1.1
	Federal Acquisition Regulations System:	<b>Authority.</b>	1.103 1.602-1
	Signatory	<b>authority.</b>	1.707
	Statutory and delegated	<b>authority.</b>	41.103
	Definition:	<b>Authorization</b>	41.101
		<b>Authorization and consent.</b>	27.201 27.201-2 52.227-1
		<b>Authorization for subcontract settlements without approval or ratification.</b>	49.108-4
		<b>Authorization to use Government supply sources.</b>	51.102
	Advance Payments for Non-Commercial Items: Findings, determination, and	<b>authorization.</b>	32.410
		<b>Authorized Deviations in Clauses.</b>	52.252-6
		<b>Authorized Deviations in Provisions.</b>	52.252-5
	Definition:	<b>Authorized individual</b>	13.001
	Definition:	<b>Authorized official of an agency</b>	3.901
	Definition:	<b>Authorized official of the Department of Justice</b>	3.901
		<b>Authorized or required by statute.</b>	6.302-5

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Definition:	<b>Authorized program</b>	11.601
	Definition: Head of the agency/	<b>Authorized representative</b>	2.101
	Contractor Use and Rental of Government Property:	<b>Authorizing use of Government production and research property.</b>	45.402
	Definition:	<b>Auxiliary item</b>	45.501
		<b>Availability and unavailability of U.S.-flag air carrier service.</b>	47.403-1
		<b>Availability and use of utility services.</b>	36.514
		<b>Availability for Examination of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions.</b>	52.211-4
		<b>Availability of Funds for the Next Fiscal Year.</b>	52.232-19
	Contract Modifications:	<b>Availability of funds.</b>	43.105 52.232-18
	Contracts conditioned upon	<b>availability of funds.</b>	32.703-2
	Determining	<b>availability of private commercial sources.</b>	7.303
	Notice of	<b>Availability of Progress Payments Exclusively for Small Business Concerns.</b>	52.232-14
	Publicizing Contract Actions:	<b>Availability of solicitations.</b>	5.102
		<b>Availability of Specifications Listed in the DoD Index of Specifications and Standards (DoDISS) and Descriptions Listed in the Acquisition Management Systems and Data Requirements Control List, DoD 5010.12-L.</b>	52.211-2
		<b>Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR 101-29.</b>	52.211-1
		<b>Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions.</b>	52.211-3
	Identification and	<b>availability of specifications.</b>	11.201
		<b>Availability of term contracts and basic ordering agreements for transportation or for transportation-related services.</b>	47.205
	Other Than Full and Open Competition:	<b>Availability of the justification.</b>	6.305
	Soliciting competition, evaluation of quotations or offers,	<b>award and documentation.</b>	13.106
	Sealed Bidding:	<b>Award of classified contracts.</b>	14.409-2
	Opening of Bids and	<b>Award of Contract</b>	14.4
	Sealed Bidding:	<b>Award of unclassified contracts.</b>	14.409-1
	Contracting by Negotiation:	<b>Award to successful offeror.</b>	15.504
	Contracting by Negotiation: Preaward,	<b>Award, and Postaward Notifications, Protests, and Mistakes</b>	15.5
	Special Contracting Methods:	<b>Award, renewal, and extension.</b>	17.605
	Incentive Contracts: Cost-plus-	<b>award-fee contracts.</b>	16.405-2
	Acquisition of Commercial Items: Procedures for solicitation, evaluation, and	<b>award.</b>	12.203
	Construction and Architect-Engineer Contracts: Notice of	<b>award.</b>	36.213-4
	Contracting by Negotiation: Protests against	<b>award.</b>	15.507
	Evaluation for	<b>award.</b>	35.008
	Opportunity for qualification before	<b>award.</b>	9.205
	Sealed Bidding:	<b>Award.</b>	14.408
	Sealed Bidding: Documentation of	<b>award.</b>	14.408-7
	Sealed Bidding: Other mistakes disclosed before	<b>award.</b>	14.407-3
	Sealed Bidding: Protests against	<b>award.</b>	14.408-8

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Section 8(a)	<b>Award.</b>	52.219-17
	Service Contract Act of 1965, As Amended: Notice of	<b>award.</b>	22.1017
	Small Business Programs:	<b>Awarding the contract.</b>	19.602-4
	Multiple	<b>Awards for Advisory and Assistance Services.</b>	52.216-28
		<b>Awards involving subcontracting plans.</b>	19.705-5
	HUBZone sole source	<b>awards.</b>	19.1306
	Preparation and transmittal of synopses of	<b>awards.</b>	5.302
	Recognition of judgments and arbitration	<b>awards.</b>	49.108-5
	Sealed Bidding: Mistakes after	<b>awards.</b>	14.407-4
	Single or Multiple	<b>Awards.</b>	52.216-27
		<b>Bad debts.</b>	31.205-3
		<b>Balance of Payments Program</b>	25.3
	Buy American Act/	<b>Balance of Payments Program.</b>	25.504-1
	Certified or cashier's checks.	<b>bank drafts, money orders, or currency.</b>	28.204-2
		<b>Bankruptcy</b>	42.9
	Types of Contracts:	<b>Basic Agreements.</b>	16.7 16.702
	Management of Government Property in the Possession of Contractors:	<b>Basic information.</b>	45.505-1
		<b>Basic Labor Policies</b>	22.1
	Delivery orders and orders under	<b>basic ordering agreements (OF 347).</b>	53.216-1
	Availability of term contracts and	<b>basic ordering agreements for transportation or for transportation-related services.</b>	47.205
		<b>Basic ordering agreements.</b>	16.703 19.804-5
	Definition:	<b>Basic research</b>	35.001
	Definition:	<b>Best practices</b>	37.501
	Definition:	<b>Best value</b>	2.101
	Contracting by Negotiation:	<b>Best value continuum.</b>	15.101
	Minimum	<b>Bid Acceptance Period.</b>	52.214-16
	Independent research and development and	<b>bid and proposal costs.</b>	31.205-18
	Sealed Bidding:	<b>Bid envelopes.</b>	14.202-3
	Definition:	<b>Bid guarantee</b>	28.001
	Noncompliance with	<b>bid guarantee requirements.</b>	28.101-4
		<b>Bid guarantees.</b>	52.228-1
	Disclosure, protection, and marking of contractor	<b>bid or proposal information and source selection information.</b>	3.104-5
	Definition:	<b>Bid sample</b>	14.202-4(a)
	Sealed Bidding:	<b>Bid samples.</b>	14.202-4 52.214-20
	Sealed Bidding:	<b>Bid submission.</b>	14.302
	Sealed Bidding: Receipt of an unreadable electronic	<b>bid.</b>	14.406
	Sealed Bidding: Failure to Submit	<b>Bid.</b>	52.214-9
	Sealed Bidding: Notice to	<b>bidders of rejection of all bids.</b>	14.404-3
	Sealed Bidding: Explanation to Prospective	<b>Bidders.</b>	52.214-6
	Sealed Bidding: Information to	<b>bidders.</b>	14.409

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Sealed Bidding: Transmittal to prospective	<b>bidders.</b>	14.203-1
	Sealed Bidding: Responsible	<b>bidder—reasonableness of price.</b>	14.408-2
	Sealed Bidding:	<b>Bidding time.</b>	14.202-1
	Sealed Bidding: Elements of sealed	<b>bidding.</b>	14.101
	Sealed Bidding: Step Two of Two-Step Sealed	<b>Bidding.</b>	52.214-25
	Sealed Bidding: Sealed	<b>bidding.</b>	Part 14 53.214
	Sealed Bidding: Submission of	<b>Bids</b>	14.3
	Sealed Bidding: Evaluation of	<b>Bids for Multiple Awards.</b>	52.214-22
	Sealed Bidding: Telegraphic	<b>bids.</b>	14.202-2 52.214-13
	Sealed Bidding: Classified	<b>bids.</b>	14.402-2
	Sealed Bidding: Facsimile	<b>bids.</b>	14.202-7 52.214-31
	Sealed Bidding: Methods of soliciting	<b>bids.</b>	14.203
	Sealed Bidding: Minor informalities or irregularities in	<b>bids.</b>	14.405
	Sealed Bidding: Mistakes in	<b>bids.</b>	14.407
	Sealed Bidding: Modification or withdrawal of	<b>bids.</b>	14.303
	Sealed Bidding: Notice to bidders of rejection of all	<b>bids.</b>	14.404-3
	Sealed Bidding: Opening of	<b>bids.</b>	14.402
	Sealed Bidding: Period for Acceptance of	<b>Bids.</b>	52.214-15
	Sealed Bidding: Preparation of	<b>Bids.</b>	52.214-12
	Sealed Bidding: Preparation of invitations for	<b>bids.</b>	14.201
	Sealed Bidding: Receipt and safeguarding of	<b>bids.</b>	14.401
	Sealed Bidding: Recording of	<b>bids.</b>	14.403
	Sealed Bidding: Records of invitations for bids and records of	<b>bids.</b>	14.204
	Sealed Bidding: Rejection of	<b>bids.</b>	14.404
	Sealed Bidding: Rejection of individual	<b>bids.</b>	14.404-2
	Sealed Bidding: Responsiveness of	<b>bids.</b>	14.301
	Sealed Bidding: Submission of	<b>Bids.</b>	52.214-5
	Sealed Bidding: Unclassified	<b>bids.</b>	14.402-1
	Sealed Bidding: Electronic	<b>bids.</b>	14.202-8
	Sealed Bidding: Equal low	<b>bids.</b>	14.408-6 19.202-3 52.219-2
	Sealed Bidding: False Statements in	<b>Bids.</b>	52.214-4
	Sealed Bidding: Final review of invitations for	<b>bids.</b>	14.202-6
	Sealed Bidding: General rules for solicitation of	<b>bids.</b>	14.202
	Special Aspects of Contracting for Construction: Invitations for	<b>bids.</b>	36.213-3
	Sealed Bidding: Preparation of	<b>Bids—Construction.</b>	52.214-18
	Commercial	<b>Bill of Lading Notations.</b>	52.247-1
	Transportation (U.S. Government	<b>Bill of Lading).</b>	53.247
	Annotation and distribution of shipping and	<b>billing documents.</b>	47.207-9
	Definition:	<b>Billing rate</b>	42.701



<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Indirect Cost Rates:	<b>Billing rates.</b>	42.704
	F.o.b. Origin—Government	<b>Bills of Lading or Indicia Mail.</b>	52.242-11
	F.o.b. Origin—Government	<b>Bills of Lading or Prepaid Postage.</b>	52.242-10
	Submission of Commercial Transportation	<b>Bills to the General Services Administration for Audit.</b>	52.247-67
	Definition:	<b>Biobased product</b>	23.701
	Historically	<b>Black Colleges and Universities and Minority Institutions</b>	26-3
		<b>Blanket purchase agreements (BPAs).</b>	13.303
	Surveys of nonprofit agencies serving people who are	<b>blind or have other severe disabilities under the Javits-Wagner-O'Day (JWOD) Program.</b>	9.107
	Acquisition from Nonprofit Agencies Employing People Who Are	<b>Blind or Severely Disabled</b>	8.7
	Loading,	<b>Blocking, and Bracing of Freight Car Shipments.</b>	52.247-58
	Definition:	<b>Bona fide agency</b>	3.401
	Definition:	<b>Bona fide employee</b>	3.401
	Definition:	<b>Bond</b>	28.001
	Additional	<b>bond and security.</b>	28.106-3
	Additional	<b>Bond Security.</b>	52.228-2
		<b>Bonding costs.</b>	31.205-4
	Sureties and Other Security for	<b>Bonds</b>	28.2
	Performance and payment	<b>bonds and alternative payment protections for construction contracts.</b>	28.102
		<b>Bonds and bond-related forms.</b>	28.106-1
		<b>Bonds and insurance.</b>	Part 28 53.228
		<b>Bonds and Other Financial Protections</b>	28.1
	Performance and payment	<b>bonds for other than construction contracts.</b>	28.103
	United States	<b>bonds or notes.</b>	28.204-1
	Dismantling, Demolition or Removal of Improvements:	<b>Bonds or other security.</b>	37.302
	Advance payment	<b>bonds.</b>	28.105-1
	Annual performance	<b>bonds.</b>	28.104
	Other types of	<b>bonds.</b>	28.105
	Patent infringement	<b>bonds.</b>	28.105-2
	Payment	<b>bonds.</b>	28.103-3
	Performance	<b>bonds.</b>	28.103-2
	Prospective Subcontractor Requests for	<b>Bonds.</b>	52.228-12
	Substitution of surety	<b>bonds.</b>	28.106-2
	Definition:	<b>Borrower</b>	32.301
	Loan Guarantees for Defense Production: Other	<b>borrowing.</b>	32.304-8
	Simplified Acquisition Methods: Blanket purchase agreements—	<b>BPAs.</b>	13.303
	Loading, Blocking, and	<b>Bracing of Freight Car Shipments.</b>	52.247-58
	Selecting and Developing Requirements Documents: Use of	<b>brand name or equal purchase descriptions.</b>	11.104
		<b>Brand Name or Equal.</b>	52-211-6
	Definition:	<b>Broad agency announcement</b>	35.001
	Definition:	<b>Building service contract</b>	22.1202
	Definition:	<b>Building, or work</b>	22.401
	Definition:	<b>Bundled contract</b>	2.101

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Definition:	<b>Bundling</b>	2.101
	Additional requirements for acquisitions involving	<b>bundling of contract requirements.</b>	7.107
	Definition:	<b>Bureau helium distributor</b>	8.501 52.208-8
	Definition:	<b>Bureau of Land Management</b>	8.501 52.208-8
	Other Improper	<b>Business Practices</b>	3.5
	Improper	<b>Business Practices and Personal Conflicts of Interest</b>	Part 3
	Definition:	<b>Business unit</b>	31.001
	Trade,	<b>business, technical, and professional activity costs.</b>	31.205-43
	Waiver of	<b>Buy American Act for Civil Aircraft and Related Articles.</b>	52.225-7
		<b>Buy American Act/Balance of Payments Program.</b>	25.504-1
		<b>Buy American Act—Balance of Payments Program—Construction Materials Under Trade Agreements.</b>	52.225-11
		<b>Buy American Act—Balance of Payments Program—Construction Materials.</b>	52.225-9
		<b>Buy American Act—Balance of Payments Program—Supplies.</b>	52.225-1
		<b>Buy American Act—Construction Materials</b>	25.2
		<b>Buy American Act—North American Free Trade Agreement—Israeli Trade Act—Balance of Payments Program.</b>	52.225-3
		<b>Buy American Act—Supplies</b>	25.1
	Definition:	<b>Buying-in</b>	3.501-1
	Improper Business Practices and Personal Conflicts of Interest:	<b>Buying-in.</b>	3.501
	Transportation in Supply Contracts:	<b>C. &amp; F. destination.</b>	47.303-13 52.247-41
	Transportation in Supply Contracts:	<b>C.i.f. destination.</b>	47.303-14 52.247-42
		<b>Calculating the period of compensation prohibition.</b>	3.104-8
		<b>Calculation of retention periods.</b>	4.704
	Definition:	<b>Canadian end product</b>	25.003 52.225-3, Alt I and II
	Definition:	<b>Cancellation</b>	17.103 52.217-2
	Definition:	<b>Cancellation ceiling</b>	17.103
	Definition:	<b>Cancellation charge</b>	17.103
		<b>Cancellation of invitations after opening.</b>	14.404-1
		<b>Cancellation of invitations before opening.</b>	14.209
	Notice of	<b>cancellation or change.</b>	28.302
		<b>Cancellation Under Multiyear Contracts.</b>	52.217-2
		<b>Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity.</b>	52.203-8
		<b>Capability to Perform a Contract for the Relocation of a Federal Office.</b>	52.247-3
		<b>Capital Credits.</b>	52.241-13
	Management of Government Property in the Possession of Contractors:	<b>Care, maintenance, and use.</b>	45.509

FAR Subjects:	Context Preceding the Keyword	Keyword, and Context Following the Keyword	FAR Reference
		<b>Career Development, Contracting Authority, and Responsibilities</b>	1.6
		<b>Cargo Insurance.</b>	52.228-9
	Definition:	<b>Caribbean Basin country</b>	25.003 52.225-5
	Definition:	<b>Caribbean Basin country end product</b>	25.003 52.225-5
		<b>Caribbean Basin Trade Initiative.</b>	25.404
	F.o.b. Origin—	<b>Carload and Truckload Shipments.</b>	52.247-59
	Definition:	<b>Carrier, or commercial carrier</b>	47.001
	F.o.b. Inland	<b>Carrier, Point of Exportation.</b>	52.247-38
	Preference for U.S.-Flag Air	<b>Carriers.</b>	52.247-63
		<b>CAS Administration</b>	30.6
		<b>CAS applicability.</b>	30.201-1
	Types of	<b>CAS coverage.</b>	30.201-2
		<b>CAS Program Requirements</b>	30.2
	Noncompliance with	<b>CAS requirements.</b>	30.602-2
	Certified or	<b>cashier's checks, bank drafts, money orders, or currency.</b>	28.204-2
	Items priced at or based on	<b>catalog or market prices.</b>	46.804
	Definition:	<b>Central nonprofit agency</b>	8.701
	Issuing or denying a	<b>Certificate of Competency (COC).</b>	19.602-2
	Small business	<b>Certificate of Competency.</b>	37.108
	Acceptance:	<b>Certificate of conformance.</b>	46.504 46.315
		<b>Certificate of Conformance.</b>	52.246-15
		<b>Certificate of Current Cost or Pricing Data.</b>	15.406-2
	Loan Guarantees for Defense Production:	<b>Certificate of eligibility.</b>	32.304-2
		<b>Certificate of Independent Price Determination.</b>	52.203-2
	Indirect Cost Rates:	<b>Certificate of indirect costs.</b>	42.703-2
		<b>Certificates of Competency and Determinations of Responsibility</b>	19.6
		<b>Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions.</b>	52.203-11
		<b>Certification and disclosure.</b>	3.803
		<b>Certification of Eligibility.</b>	52.222-15
		<b>Certification of Final Indirect Costs.</b>	52.242-4
		<b>Certification of Toxic Chemical Release Reporting.</b>	52.223-13
		<b>Certification regarding debarment, suspension, proposed debarment, and other responsibility matters.</b>	9.408 52.209-5
	Cost Accounting Standards Notices and	<b>Certification.</b>	52.230-1
	Evaluating the	<b>certification.</b>	3.103-2
	Protests, Disputes, and Appeals: Contractor	<b>certification.</b>	33.207
	Recovered Material	<b>Certification.</b>	52.223-4
	Federal Acquisition Regulations System:	<b>Certifications.</b>	1.107
	Sealed Bidding: Annual submission of representations and	<b>certifications.</b>	14.213
	The need for further	<b>certifications.</b>	3.103-3

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Offeror Representations and	<b>Certifications—Commercial Items.</b>	52.212-3
		<b>Certified or cashier's checks, bank drafts, money orders, or currency.</b>	28.204-2
		<b>Change in Class of Service.</b>	52.241-4
		<b>Change in Rates or Terms and Conditions of Service for Regulated Services.</b>	52.241-7
		<b>Change in Rates or Terms and Conditions of Service for Unregulated Services.</b>	52.241-8
	Agreement to recognize contractor's	<b>change of name.</b>	42.1205
	Definition:	<b>Change order</b>	43.101
		<b>Change order accounting procedures.</b>	43.203
		<b>Change Order Accounting.</b>	52.243-6
		<b>Change Orders</b>	43.2
	Authority to issue	<b>change orders.</b>	43.202
	Processing value engineering	<b>change proposals.</b>	48.103
	Definition:	<b>Change-of-name agreement</b>	42.1201
	Novation and	<b>Change-of-Name Agreements</b>	42.12
	Novation and	<b>change-of-name agreements (SF 30).</b>	53.242-1
	Required Sources of Supplies and Services:	<b>Change-of-name and successor in interest procedures.</b>	8.716
		<b>Changes and Changed Conditions.</b>	52.243-5
	Contract modifications (options, extensions,	<b>changes in scope) and anniversary dates.</b>	22.1008-6
	Contract Modifications:	<b>Changes.</b>	52.243-4
	Notification of	<b>Changes.</b>	52.243-7
	Notification of contract	<b>changes.</b>	43.104
	Unsettled contract	<b>changes.</b>	49.114
		<b>Changes—Cost-Reimbursement.</b>	52.243-2
		<b>Changes—Fixed-Price.</b>	52.243-1
		<b>Changes—Time-and-Materials or Labor-Hours.</b>	52.243-3
	Connection	<b>Charge.</b>	52.241-9
	Nonrefundable, Nonrecurring Service	<b>Charge.</b>	52.241-12
	Contracts for transportation or related services	<b>Charges.</b>	52.247-17
	Use and	<b>Charges.</b>	52.245-9
	Compliance	<b>checking.</b>	22.406-7
	Certified or cashier's	<b>checks, bank drafts, money orders, or currency.</b>	28.204-2
	Definition:	<b>Child care services</b>	37.101
		<b>Circumstances permitting other than full and open competition.</b>	6.302
		<b>Citation of Government rate tenders.</b>	47.104-5
	Definition:	<b>Civil aircraft and related articles</b>	25.003 52.225-7
	Definition:	<b>Civil judgment</b>	9.403
	Criminal and	<b>civil penalties, and further administrative remedies.</b>	3.104-11
		<b>Civil penalties.</b>	3.807
	Definition:	<b>Claim</b>	33.201 52.233-1
	Initiation of a	<b>claim.</b>	33.206
	Assignment of	<b>claims.</b>	52.232-23
	Interest on	<b>claims.</b>	33.208

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Suspected fraudulent	<b>claims.</b>	33.209
	Federal Acquisition Regulations System:	<b>Class determinations and findings.</b>	1.703
		<b>Class deviations.</b>	1.404
	Change in	<b>Class of Service.</b>	52.241-4
	Determining standard industrial	<b>classification codes and size standards.</b>	19.303
	Freight	<b>Classification Description.</b>	52.247-53
	Wage Rates: Additional	<b>classifications.</b>	22.406-3
	Definition:	<b>Classified acquisition</b>	4.401
	Sealed Bidding:	<b>Classified bids.</b>	14.402-2
	Definition:	<b>Classified contract</b>	4.401
	Patents:	<b>Classified contracts.</b>	27.207
	Sealed Bidding: Award of	<b>classified contracts.</b>	14.409-2
	Definition:	<b>Classified information</b>	4.401
	Safeguarding	<b>Classified Information Within Industry</b>	4.4
	Safeguarding	<b>classified information within industry (DD Form 254, DD Form 441).</b>	53.204-1
	Filing of Patent Applications—	<b>Classified Subject Matter.</b>	52.227-10
	Patents:	<b>Clause for classified contracts.</b>	27.207-2
		<b>Clause for construction contracts and for dismantling, demolition, and removal of improvements contracts.</b>	27.203-5
	Patents:	<b>Clause for Government waiver of indemnity.</b>	27.203-6
	Provision and	<b>Clause Matrix.</b>	52.3
	Patents:	<b>Clause on notice and assistance.</b>	27.202-2
	Basic rights in data	<b>clause.</b>	27.404
		<b>Clauses and Forms</b>	Subchapter H
		<b>Clauses for contracting in advance of funds.</b>	32.705-1
	Patents:	<b>Clauses for negotiated contracts (excluding construction).</b>	27.203-4
	Contract	<b>clauses for non-commercial purchases.</b>	32.111
	Patents:	<b>Clauses for sealed bid contracts (excluding construction).</b>	27.203-2
	Tailoring of provisions and	<b>clauses for the acquisition of commercial items.</b>	12.302
		<b>Clauses Incorporated by Reference.</b>	52.252-2
	Patents:	<b>Clauses on authorization and consent.</b>	27.201-2
	Administration of patent rights	<b>clauses.</b>	27.305
	Authorized Deviations in	<b>Clauses.</b>	52.252-6
	Federal Acquisition Regulations System: Identification of provisions and	<b>clauses.</b>	52.103
	Solicitation Provisions and Contract	<b>Clauses.</b>	Part 52
		<b>Cleaning up.</b>	36.512 52.236-12
		<b>Clearance and Documentation Requirements—Shipments to DOD Air or Water Terminal Transshipment Points.</b>	52.247-52
	Contract finance office	<b>clearance.</b>	32.502-2
	Acquisition from Federal Prison Industries, Inc.:	<b>Clearances.</b>	8.605
		<b>Closeout by the office administering the contract.</b>	4.804-1
		<b>Closeout of contract files.</b>	4.804

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Closeout of paying office contract files.</b>	4.804-3
		<b>Closeout of the contracting office files if another office administers the contract.</b>	4.804-2
	Procedures for	<b>closing out contract files.</b>	4.804-5
	Publication and	<b>code arrangement.</b>	1.105-1
Federal Acquisition Regulations System:	Publication and	<b>codification.</b>	1.303
	Responsibilities of the	<b>cognizant administrative contracting officer.</b>	19.706
	Definition:	<b>Cognizant Federal agency</b>	42.001
Contract Administration and Audit Services:		<b>Cognizant Federal agency.</b>	42.003
	Definition:	<b>Collateral costs</b>	48.001 52.248-3
	Definition:	<b>Collateral savings</b>	48.001 52.248-1 52.248-3
	Value Engineering: Sharing	<b>collateral savings.</b>	48.104-3
	Other	<b>collateral security.</b>	32.304-6
	Deferment of	<b>collection.</b>	32.613
		<b>Collective bargaining agreement (CBA)</b>	22.1305 22.1405
	Response to late submission of Notice—no	<b>collective bargaining agreement.</b>	22.1012-4
	Response to late submission of Notice—with	<b>collective bargaining agreement.</b>	22.1012-5
	Response to timely submission of Notice—no	<b>collective bargaining agreement.</b>	22.1012-2
	Response to timely submission of Notice—with	<b>collective bargaining agreement.</b>	22.1012-3
	Section 4(c) successorship with incumbent contractor	<b>collective bargaining agreement.</b>	22.1008-3
SCA Minimum Wages and Fringe Benefits Applicable to Successor Contract Pursuant to Predecessor Contractor		<b>Collective Bargaining Agreements (CBA).</b>	52.222-47
	Wage determinations based on	<b>collective bargaining agreements.</b>	22.1002-3
	Historically Black	<b>Colleges and Universities and Minority Institutions.</b>	26-3
	Execution and	<b>Commencement of Work.</b>	52.216-23
	Opportunity for public	<b>comments.</b>	1.501-2
	Electronic	<b>Commerce in Contracting</b>	4.5
	Definition:	<b>Commercial advance payment</b>	32.202-2
		<b>Commercial Bill of Lading Notations.</b>	52.247-1
	Contractor-prepaid	<b>commercial bills of lading, small package shipments.</b>	47.303-17
	Definition:	<b>Commercial component</b>	2.101 52.202-1
	Subcontracts for Commercial Items and	<b>Commercial Components.</b>	52.244-6
		<b>Commercial Computer Software—Restricted Rights.</b>	52.227-19
	Procedures for contracting officer-specified	<b>commercial contract financing.</b>	32.204
	Procedures for offeror-proposed	<b>commercial contract financing.</b>	32.205
	Administration and payment of	<b>commercial financing payments.</b>	32.207
	Definition:	<b>Commercial interim payment</b>	32.202-2
	Definition:	<b>Commercial item</b>	2.101 52.219-9

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Definition:	<b>Commercial item offer</b>	15.601
		<b>Commercial Item Purchase Financing</b>	32.2
	Types of payments for	<b>commercial item purchases.</b>	32.202-2
	Test Program for Certain	<b>Commercial Items</b>	13.5
	Subcontracts for	<b>Commercial Items and Commercial Components.</b>	44.4 52.244-6
	Terms and Conditions—Simplified Acquisitions (Other Than	<b>Commercial Items).</b>	52.213-4
	Acquisition of	<b>Commercial Items.</b>	Part 12 53.212
	Forms:		
	Contracts with	<b>Commercial Organizations.</b>	31.2
	Definition:	<b>Commercial plan</b>	19.701 52.219-9
	Other	<b>commercial practices.</b>	12.213
	Governmentwide	<b>commercial purchase card.</b>	13.301
	Determining availability of private	<b>commercial sources.</b>	7.303
	Submission of	<b>Commercial Transportation Bills to the General Services Administration for Audit.</b>	52.247-67
	Contracting Authority: Ratification of unauthorized	<b>commitments.</b>	1.602-3
	Definition:	<b>Committee</b>	8.701
	Transportation in Supply Contracts:	<b>Commodity description and freight classification.</b>	47.305-9
	Definition:	<b>Common carrier</b>	47.001
	Definition:	<b>Common item</b>	45.601
	Reporting, Redistribution, and Disposal of Contractor Inventory:	<b>Common items.</b>	45.606-2
	Definition:	<b>Common parent</b>	4.901 52.204-3
	Payment under	<b>Communication Service Contracts with Common Carriers.</b>	52.232-6
		<b>Communications with the central nonprofit agencies and the Committee.</b>	8.714
	Other Than Full and Open Competition: Unusual and	<b>compelling urgency.</b>	6.302-2
	Definition:	<b>Compensated personal absence</b>	31.001
	Definition:	<b>Compensation</b>	3.104-3
	Overseas workers'	<b>compensation and war hazard insurance.</b>	28.305
	Workers'	<b>Compensation and War-Hazard Insurance Overseas.</b>	52.228-4
		<b>Compensation for personal services.</b>	31.205-6
	Evaluation of	<b>Compensation for Professional Employees.</b>	52.222-46
	Workers'	<b>Compensation Insurance (Defense Base Act).</b>	52.228-3
	Calculating the period of	<b>compensation prohibition.</b>	3.104-8
	Certificates of	<b>Competency and Determinations of Responsibility</b>	19.6
	Competition Requirements:	<b>Competition Advocates</b>	6.5
		<b>Competition and Acquisition Planning</b>	Subchapter B
		<b>Competition in service contracting.</b>	37.105
		<b>Competition in Subcontracting.</b>	52.244-5
	Notification of	<b>Competition Limited to Eligible 8(a) Concerns.</b>	52.219-18
		<b>Competition Requirements</b>	Part 6
	Competition Requirements: Section 8(a)	<b>competition.</b>	6.204

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Promoting	<b>competition.</b>	13.104
	Small Business Programs: Preparing	<b>Competitive 8(a) Contracts.</b>	19.811-2
	Small Business Programs:	<b>Competitive 8(a) Negotiations.</b>	19.808-2
		<b>Competitive 8(a).</b>	19.805
	Instructions to Offerors—	<b>Competitive Acquisition.</b>	52.215-1
	Government Property:	<b>Competitive Advantage</b>	45.2
		<b>Competitive contracts.</b>	29.401-3
	Competition Requirements: Use of	<b>competitive procedures.</b>	6.102
	Competition Requirements: Sealed Bidding and	<b>Competitive Proposals</b>	6.4
	Disabled Veterans and Veterans of the Vietnam Era:	<b>Complaint procedures.</b>	22.1306
	Employment of Workers with Disabilities:	<b>Complaint procedures.</b>	22.1406
	Equal Employment Opportunity:	<b>Complaints.</b>	22.808
	Nondiscrimination Because of Age: Handling	<b>complaints.</b>	22.902
	Procedures for investigating	<b>complaints.</b>	3.905
	Whistleblower Protections for Contractor Employee: Procedures for filing	<b>complaints.</b>	3.904
	Physically	<b>completed contracts.</b>	4.804-4
	Termination for Default:	<b>Completion by another contractor.</b>	49.405
	Commencement, Prosecution, and	<b>Completion of Work.</b>	52.211-10
	Inventories upon termination or	<b>completion.</b>	45.508-1
	Use and Possession Prior to	<b>Completion.</b>	52.236-11
	Warranty of Supplies of a	<b>Complex Nature.</b>	52.246-18
	Labor Standards for Contracts Involving Construction:	<b>Compliance checking.</b>	22.406-7
	Definition:	<b>Compliance evaluation</b>	22.801
	Federal Acquisition Regulations System: Agency control and	<b>compliance procedures.</b>	1.304
	Electric Service Territory	<b>Compliance Representation.</b>	52.241-1
		<b>Compliance with Copeland Act Requirements.</b>	52.222-10
		<b>Compliance with Davis-Bacon and Related Act Regulations.</b>	52.222-13
	Acquisition from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled:	<b>Compliance with orders.</b>	8.705-4
	Federal	<b>Compliance with Right-to-Know Laws and Pollution Prevention Requirements</b>	23.10
	Federal Acquisition Regulations System: Agency	<b>compliance with the FAR.</b>	1.202
	Affirmative Action	<b>Compliance.</b>	52.222-25
	Year 2000	<b>compliance.</b>	39.106
	Definition:	<b>Component</b>	2.101 52.202-1 52.225-1 52.225-3 52.225-9 52.225-11
	Contract Debts:	<b>Compromise actions.</b>	32.616
		<b>Computer Generated Forms.</b>	52.253-1
		<b>Computer generation.</b>	53.105



<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Definition:	<b>Computer software</b>	27.401 52.227-14 52.227-20
Representation of Limited Rights Data and Restricted		<b>Computer Software.</b>	52.227-15
Special Requirements for the Acquisition of Commercial Items:		<b>Computer software.</b>	12.212
	Commercial	<b>Computer Software—Restricted Rights.</b>	52.227-19
	Indirect Cost Rates:	<b>Computing interest.</b>	42.709-4
	Definition:	<b>Concern</b>	19.001
	Definition:	<b>Conditional acceptance</b>	46.101
	Site Investigation and	<b>Conditions Affecting the Work.</b>	52.236-3
	Change in Rates or Terms and	<b>Conditions of Service for Regulated Services.</b>	52.241-7
	Change in Rates or Terms and	<b>Conditions of Service for Unregulated Services.</b>	52.241-8
	Differing Site	<b>Conditions.</b>	52.236-2
	Familiarization with	<b>Conditions.</b>	52.247-5
	Fraud or other criminal	<b>conduct.</b>	49.106
	Standards of	<b>conduct.</b>	3.101
	Preconstruction	<b>conference.</b>	36.522 52.236-26
	Sealed Bidding: Pre-bid	<b>conference.</b>	14.207
	Postaward	<b>conferences.</b>	42.503
	Postaward subcontractor	<b>conferences.</b>	42.505
Cost Accounting Standards Administration: Privileged and		<b>confidential information.</b>	30.202-4
Improper Business Practices and Personal		<b>Conflicts of Interest</b>	Part 3
	Organizational and Consultant	<b>Conflicts of Interest</b>	9.5
	Quality Assurance: Certificate of	<b>conformance.</b>	46.504 52.246-15
	Requests from Members of	<b>Congress.</b>	5.403
	Multi-Year Contracting:	<b>Congressional notification.</b>	17.108
	Definition:	<b>Connection charge</b>	41.101
		<b>Connection Charge.</b>	52.241-9
	Consent to Subcontracts:	<b>Consent and advance notification requirements.</b>	44.201
		<b>Consent limitations.</b>	44.203
	Definition:	<b>Consent of surety</b>	28.001
		<b>Consent of surety.</b>	28.106-5
		<b>Consent requirements.</b>	44.201-1
	Definition:	<b>Consent to subcontract</b>	44.101 52.244-2
		<b>Consent to Subcontracts</b>	44.2
	Authorization and	<b>consent.</b>	27.201
	Environment,	<b>Conservation, Occupational Safety, and Drug-Free Workplace</b>	Part 23
		<b>Consideration for contract financing.</b>	32.005
	Acquisition	<b>considerations.</b>	7.401
	Subcontracting Policies and Procedures:	<b>Considerations.</b>	44.202-2
	F.o.b. Destination, within	<b>Consignee's Premises.</b>	52.247-35

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Consistency in Cost Accounting Practices.</b>	52.230-4
	Disclosure and	<b>Consistency of Cost Accounting Practices.</b>	52.230-3
	Termination of Work	<b>Consolidated Facilities or Facilities Acquisition.</b>	52.249-11
	Government Property	<b>Consolidated Facilities.</b>	52.245-7
	Definition:	<b>Construction</b>	2.101
	Labor Standards for Contracts Involving	<b>Construction</b>	22.4
	Special Aspects of Contracting for	<b>Construction</b>	36.2
		<b>Construction and architect-engineer contracts.</b>	31.105
	Special	<b>construction and printing.</b>	53.106
	Disposition of disputes concerning	<b>construction contract labor standards enforcement.</b>	22.406-10
	Special procedures for price negotiation in	<b>construction contracting.</b>	36.214
	Special procedures for sealed bidding in	<b>construction contracting.</b>	36.213
	Clause for	<b>construction contracts and for dismantling, demolition, and removal of improvements contracts.</b>	27.203-5
		<b>Construction contracts pay administration records.</b>	4.705-2
		<b>Construction contracts performed in North Carolina.</b>	29.401-2
		<b>Construction contracts with architect-engineer firms.</b>	36.209
	Concurrent performance of firm-fixed-price and other types of	<b>construction contracts.</b>	36.208
	Patent Indemnity—	<b>Construction Contracts.</b>	52.227-4
	Payments under Fixed-Price	<b>Construction Contracts.</b>	52.232-5
	Performance and payment bonds and alternative payment protections for	<b>construction contracts.</b>	28.102
	Performance and payment bonds for other than	<b>construction contracts.</b>	28.103
	Pricing fixed-price	<b>construction contracts.</b>	36.207
	Progress payments under	<b>construction contracts.</b>	32.103
	Prompt Payment for	<b>Construction Contracts.</b>	52.232-27
	Schedules for	<b>construction contracts.</b>	36.515
	Schedules for	<b>Construction Contracts.</b>	52.236-15
	Value Engineering: Clause for	<b>construction contracts.</b>	48.202
	Work oversight in cost-reimbursement	<b>construction contracts.</b>	36.518
	Work Oversight in Cost-Reimbursement	<b>Construction Contracts.</b>	52.236-18
		<b>Construction contracts.</b>	11.702
	Government estimate of	<b>construction costs.</b>	36.203
	Definition:	<b>Construction material</b>	25.003 52.225-9 52.225-11
	Standard and optional forms for use in contracting for	<b>construction or dismantling, demolition, or removal of improvements.</b>	36.701
	Disclosure of the magnitude of	<b>construction projects.</b>	36.204
	Termination of Contracts: Cleanup of	<b>construction site.</b>	49.105-4
	Contracts for	<b>construction work or architect-engineer services.</b>	27.304-3
	Labor standards for	<b>construction work performed under facilities contracts.</b>	22.405
	Labor Standards for	<b>Construction Work—Facilities Contracts.</b>	52.222-17
	Default (Fixed-Price)	<b>Construction).</b>	52.249-10
	Standard and Optional Forms for Contracting for	<b>Construction, Architect-Engineer Services, and Dismantling, Demolition, or Removal of</b>	36.7
	Affirmative Action Compliance Requirements for	<b>Construction.</b>	52.222-27

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Contract Award—Sealed Bidding—	<b>Construction.</b>	52.214-19
	Equal Employment Opportunity:	<b>Construction.</b>	22.804-2
	Fixed Fee—	<b>Construction.</b>	52.216-9
	Inspection of	<b>Construction.</b>	52.246-12
	Liquidated Damages—	<b>Construction.</b>	52.211-12
	Performance and Payment Bonds—	<b>Construction.</b>	52.228-15
	Preparation of Bids—	<b>Construction.</b>	52.214-18
	Preparation of Proposals—	<b>Construction.</b>	52.236-28
	Site Visit	<b>Construction.</b>	52.236-27
	Special procedure for cost-reimbursement contracts for	<b>construction.</b>	36.215
	Specifications and drawings for	<b>construction.</b>	36.521 52.236-21
	Value Engineering—	<b>Construction.</b>	52.248-3
	Warranty of	<b>Construction.</b>	52.246-21
	Organizational and	<b>Consultant Conflicts of Interest</b>	9.5
	Subcontractors and Outside Associates and	<b>Consultants (Architect-Engineer Services).</b>	52.244-4
	Definition:	<b>Consumer product</b>	23.202
		<b>Contents of contract files.</b>	4.803
		<b>Contents of written acquisition plans.</b>	7.105
	Definition:	<b>Continental United States</b>	47.001
	Contracts with Commercial Organizations:	<b>Contingencies.</b>	31.205-7
	Definition:	<b>Contingent fee</b>	3.401
		<b>Contingent Fees</b>	3.4
	Covenant Against	<b>Contingent Fees.</b>	52.203-5
	Definition:	<b>Continued portion of the contract</b>	49.001
		<b>Continuity of Services.</b>	52.237-3
	Definition:	<b>Contract</b>	2.101 3.104-3
	Opening of Bids and Award of	<b>Contract</b>	14.4
	Definition:	<b>Contract action</b>	32.001
	Synopses of Proposed	<b>Contract Actions</b>	5.2
	Publicizing	<b>contract actions.</b>	Part 5 53.205
		<b>Contract adjustment boards.</b>	50.202
	Types of	<b>contract adjustment.</b>	50.302
		<b>Contract adjustment.</b>	50.303
		<b>Contract administration functions.</b>	42.302
	Definition:	<b>Contract administration office</b>	2.101
		<b>Contract administration office responsibilities.</b>	46.104
	Evaluation of	<b>contract administration offices.</b>	42.403
		<b>Contract administration responsibilities.</b>	42.201
		<b>Contract Administration Services</b>	42.2
		<b>Contract administration services directory.</b>	42.203
	Assignment of	<b>contract administration.</b>	42.202

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
Contracting with the Small Business Administration (The 8(a) Program):		<b>Contract administration.</b>	19.812
	Prescription of Forms:	<b>Contract administration.</b>	53.242
		<b>Contract audit responsibilities.</b>	42.101
		<b>Contract Audit Services</b>	42.1
		<b>Contract audit services directory.</b>	42.103
	Assignment of	<b>contract audit services.</b>	42.102
	Evaluation of Options Exercised at Time of	<b>Contract Award.</b>	52.217-4
	Announcement of	<b>contract awards.</b>	5.303
	Sealed Bidding:	<b>Contract Award—Sealed Bidding.</b>	52.214-10
	Sealed Bidding:	<b>Contract Award—Sealed Bidding—Construction.</b>	52.214-19
	Definition:	<b>Contract carrier</b>	47.001
	Notification of	<b>contract changes.</b>	43.104
		<b>Contract clause for definitions.</b>	2.201
		<b>Contract clause for fast payment procedure.</b>	13.404
		<b>Contract clause for insurance of leased motor vehicles.</b>	28.312
		<b>Contract clause for work on a Government installation.</b>	28.310
	Definition:	<b>Contract clause, or clause</b>	52.101(a)
	Solicitation Provisions and	<b>Contract Clauses</b>	Part 52
		<b>Contract clauses for insurance of transportation or transportation-related services.</b>	28.313
		<b>Contract clauses for non-commercial purchases.</b>	32.111
	Solicitation provisions and	<b>contract clauses for the acquisition of commercial items.</b>	12.301
		<b>Contract clauses for workers' compensation insurance.</b>	28.309
	Special 8(a)	<b>Contract Conditions.</b>	52.219-11
	Contract Administration and Audit Services:	<b>Contract correspondence.</b>	42.401
		<b>Contract Cost Principles and Procedures</b>	Part 31
	Definition:	<b>Contract date</b>	52.229-4 52.229-6 52.229-7
		<b>Contract Debts</b>	32.6
		<b>Contract Definitization.</b>	52.216-25
		<b>Contract Disputes Act of 1978.</b>	33.202
		<b>Contract Distribution</b>	4.2
		<b>Contract Execution</b>	4.1
	Government	<b>Contract Files</b>	4.8
	Closeout of	<b>contract files.</b>	4.804
	Closeout of paying office	<b>contract files.</b>	4.804-3
	Contents of	<b>contract files.</b>	4.803
	Procedures for closing out	<b>contract files.</b>	4.804-5
	Storage, handling, and disposal of	<b>contract files.</b>	4.805
		<b>Contract files.</b>	4.802
		<b>Contract financing (SF 1443).</b>	53.232
	Description of	<b>contract financing methods.</b>	32.102
	Need for	<b>contract financing not a deterrent.</b>	32.107

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Definition:	<b>Contract financing payment</b>	32.902
		<b>Contract financing payments.</b>	32.906
	Determining	<b>contract financing terms.</b>	32.203
	Consideration for	<b>contract financing.</b>	32.005
	Customary	<b>contract financing.</b>	32.113
	Procedures for offeror-proposed commercial	<b>contract financing.</b>	32.205
	Providing	<b>contract financing.</b>	32.104
	Unusual	<b>contract financing.</b>	32.114
	Uses of	<b>contract financing.</b>	32.105
		<b>Contract financing.</b>	12.210
	Capability to Perform a	<b>Contract for the Relocation of a Federal Office.</b>	52.247-3
	Acquisition of Commercial Items:	<b>Contract format.</b>	12.303
	Contracting by Negotiation:	<b>Contract format.</b>	15.204
Contracting by Negotiation:	Order of Precedence—Uniform	<b>Contract Format.</b>	52.215-8
	Sealed Bidding: Simplified	<b>contract format.</b>	14.201-9
		<b>Contract funding requirements.</b>	32.703
	Reporting	<b>contract information to the IRS.</b>	4.903
	Disposition of disputes concerning construction	<b>contract labor standards enforcement.</b>	22.406-10
		<b>Contract Line Items</b>	4.10
		<b>Contract Management</b>	Subchapter G
	Definition:	<b>Contract modification</b>	43.101
		<b>Contract Modifications</b>	Part 43
		<b>Contract modifications (options, extensions, changes in scope) and anniversary dates.</b>	22.1008-6
		<b>Contract Modifications (SF 30).</b>	53.243
		<b>Contract negotiation.</b>	19.808
		<b>Contract Not Affected by Oral Agreement.</b>	52.247-27
	Reduction or suspension of	<b>contract payments upon finding of fraud.</b>	32.006
	Withholding from or suspension of	<b>contract payments.</b>	22.406-9
	Withholding of	<b>contract payments.</b>	22.1022
		<b>Contract performance in foreign countries.</b>	32.004
	Definition:	<b>Contract price</b>	52.228-15 52.228-16
	Contracting by Negotiation:	<b>Contract Pricing</b>	15.4
	Basic Labor Policies:	<b>Contract pricing and administration.</b>	22.101-2
		<b>Contract Purpose (Nonprofit Educational Institutions).</b>	52.245-12
	SCA Minimum Wages and Fringe Benefits Applicable to Successor	<b>Contract Pursuant to Predecessor Contractor Collective Bargaining Agreements (CBA).</b>	52.222-47
	Acquisition of Commercial Items:	<b>Contract quality assurance.</b>	12.208
	Single-agency assignments of Government	<b>contract quality assurance.</b>	46.408
	Higher-level	<b>contract quality requirement.</b>	46.202-4 46.311 52.246-11
	Definition:	<b>Contract quality requirements</b>	46.101

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Contract Quality Requirements</b>	46.2
	Criteria for use of	<b>contract quality requirements.</b>	46.203
		<b>Contract Reporting.</b>	4.6 53.204-2
	Extraordinary Contractual Actions:	<b>Contract requirements.</b>	50.307
	Leasing Motor Vehicles:	<b>Contract requirements.</b>	8.1103
		<b>Contract surety bonds and loan guarantees.</b>	32.304-7
		<b>Contract Termination Clauses</b>	49.5
		<b>Contract Termination Forms and Formats</b>	49.6
		<b>Contract terminations.</b>	22.406-11
		<b>Contract Termination—Debarment.</b>	52.222-12
		<b>Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.</b>	52.212-5
		<b>Contract Terms and Conditions—Commercial Items.</b>	52.212-4
	Acquisition of Commercial Items:	<b>Contract type.</b>	12.207
	Contracting methods and	<b>contract type.</b>	35.006
	Service Contracting:	<b>Contract type.</b>	37.602-4
	Types of Contracts: Negotiating	<b>contract type.</b>	16.103
	Selecting	<b>Contract Types</b>	16.1
		<b>Contract Work Hours and Safety Standards Act.</b>	22.3 22.403-3
		<b>Contract Work Hours and Safety Standards Act—Overtime Compensation.</b>	52.222-4
	Suspension of payments, termination of	<b>contract, and debarment and suspension actions.</b>	23.506
	Alterations in	<b>Contract.</b>	52.252-4
	Approval of	<b>Contract.</b>	52.204-1
	Awarding the	<b>contract.</b>	19.602-4
	Closeout by the office administering the	<b>contract.</b>	4.804-1
	Closeout of the contracting office files if another office administers the	<b>contract.</b>	4.804-2
	Scope and Duration of	<b>Contract.</b>	52.241-3
	Type of	<b>Contract.</b>	52.216-1
	Definition:	<b>Contracting</b>	2.101
	Electronic Commerce in	<b>Contracting</b>	4.5
	Federal Supply Schedule	<b>Contracting</b>	Part 38
	Research and Development	<b>Contracting</b>	Part 35
	Service	<b>Contracting</b>	Part 37
	Research and development	<b>contracting (SF 298).</b>	53.235
	Definition:	<b>Contracting action</b>	5.001
	Definition:	<b>Contracting activity</b>	2.101
		<b>Contracting authority and responsibilities (SF 1402).</b>	53.201-1
	Federal Acquisition Regulations System: Career Development,	<b>Contracting Authority, and Responsibilities</b>	1.6
		<b>Contracting by negotiation agency procedures.</b>	15.606
	Construction and Architect-Engineer Contracts:	<b>Contracting by negotiation.</b>	36.520 53.215
	Special Aspects of	<b>Contracting for Construction</b>	36.2

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Standard and Optional Forms for	<b>Contracting for Construction, Architect-Engineer Services, and Dismantling, Demolition, or Removal of Improvements</b>	36.7
		<b>Contracting for Environmentally Preferable and Energy-Efficient Products and Services</b>	23.7
	Clauses for	<b>contracting in advance of funds.</b>	32.705-1
	Special	<b>Contracting Methods</b>	Part 17
		<b>Contracting methods and contract type.</b>	35.006
		<b>Contracting Methods and Contract Types</b>	Subchapter C
	Definition:	<b>Contracting office</b>	2.101 48.001 52.248-1
	Closeout of the	<b>contracting office files if another office administers the contract.</b>	4.804-2
		<b>Contracting office responsibilities.</b>	46.103
	Corporate Administrative	<b>Contracting Officer</b>	42.6
	Definition:	<b>Contracting officer</b>	2.101 52.202-1 52.243-7
		<b>Contracting officer action.</b>	32.409
	Indirect Cost Rates:	<b>Contracting officer determination procedure.</b>	42.705-1
	Acquisition Planning:	<b>Contracting officer responsibilities.</b>	7.204
	Improper Business Practices and Personal Conflicts of Interest:	<b>Contracting officer responsibilities.</b>	3.603
	Organizational and Consultant Conflicts of Interest:	<b>Contracting officer responsibilities.</b>	9.504
	Service Contracting:	<b>Contracting officer responsibilities.</b>	37.103 37.205 37.402
	Transportation:	<b>Contracting officer responsibilities.</b>	47.301-1
	Responsibilities of the	<b>contracting officer under the subcontracting assistance program.</b>	19.705
		<b>Contracting officer's authority.</b>	33.210
		<b>Contracting officer's decision.</b>	33.211
		<b>Contracting officer's duties upon appeal.</b>	33.212
		<b>Contracting officer's evaluation.</b>	44.202
		<b>Contracting officer's signature.</b>	4.101
	Procedures for	<b>contracting officer-specified commercial contract financing.</b>	32.204
	Memorandum by the	<b>contracting officer.</b>	49.402-5
	Postaward responsibilities of the	<b>contracting officer.</b>	19.705-6
	Federal Acquisition Regulations System:	<b>Contracting officers.</b>	1.602
	Architect-Engineer Services: Applicable	<b>contracting procedures.</b>	36.601-3
		<b>Contracting with individual pool members.</b>	9.703
		<b>Contracting with pools.</b>	9.702
		<b>Contracting with the Small Business Administration (The 8(a) Program)</b>	19.8
	Construction and Architect-Engineer Contracts: Methods of	<b>contracting.</b>	36.103
	Modular	<b>contracting.</b>	39.103
	Special procedures for price negotiation in construction	<b>contracting.</b>	36.214
	Special procedures for sealed bidding in construction	<b>contracting.</b>	36.213

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Definition:	<b>Contractor</b>	22.1001 44.101 9.403 52.222-41
	Simplified Acquisition Methods: Obtaining	<b>contractor acceptance and modifying purchase orders.</b>	13.302-3
	Definition:	<b>Contractor bid or proposal information</b>	3.104-3
	Disclosure, protection, and marking of	<b>contractor bid or proposal information and source selection information.</b>	3.104-5
	Contract Adjustments:	<b>Contractor certification.</b>	50.303-2
	Exemption from Application of Service Contract Act Provisions for Contracts for Maintenance, Calibration, and/or Repair of Certain Information Technology, Scientific and Medical, and/or Office and Business Equipment—	<b>Contractor Certification.</b>	52.222-48
	Protests, Disputes, and Appeals:	<b>Contractor certification.</b>	33.207
	SCA Minimum Wages and Fringe Benefits Applicable to Successor Contract Pursuant to Predecessor	<b>Contractor Collective Bargaining Agreements (CBA).</b>	52.222-47
	Whistleblower Protections for	<b>Contractor Employees</b>	3.9
		<b>Contractor Gratuities to Government Personnel</b>	3.2
		<b>Contractor inspection requirements.</b>	46.301 52.246-1
	Definition:	<b>Contractor inventory</b>	45.601
	Reporting, Redistribution, and Disposal of Contractor Inventory:	<b>Contractor inventory in foreign countries.</b>	45.610-4
	Accounting for	<b>contractor inventory.</b>	45.615
	Restrictions on purchase or retention of	<b>contractor inventory.</b>	45.604
	Screening of	<b>contractor inventory.</b>	45.608
		<b>Contractor Liability for Loss of and/or Damage to Freight other than Household Goods.</b>	52.247-22
		<b>Contractor Liability for Loss of and/or Damage to Household Goods.</b>	52.247-23
		<b>Contractor Liability for Loss of or Damage to Property of the Government</b>	46.8
		<b>Contractor Liability for Personal Injury and/or Property Damage.</b>	52.247-21
		<b>Contractor Performance Information</b>	42.15
	Evaluation of	<b>contractor performance.</b>	36.201
	Definition:	<b>Contractor purchasing system review (CPSR)</b>	44.101
		<b>Contractor Qualifications</b>	Part 9
	Forms:	<b>Contractor qualifications.</b>	53.209
		<b>Contractor Records Retention</b>	4.7
		<b>Contractor requests.</b>	50.303-1
		<b>Contractor responsibilities.</b>	46.105 47.207-5
		<b>Contractor Responsibility for Loading and Unloading.</b>	52.247-15
		<b>Contractor Responsibility for Receipt of Shipment.</b>	52.247-14
		<b>Contractor Responsibility for Returning Undelivered Freight.</b>	52.247-16
		<b>Contractor responsibility.</b>	45.502
	Definition:	<b>Contractor team arrangement</b>	9.601
	Contractor Qualifications:	<b>Contractor Team Arrangements</b>	9.6



FAR Subjects:	Context Preceding the Keyword	Keyword, and Context Following the Keyword	FAR Reference
	First Article Approval—	<b>Contractor Testing.</b>	52.209-3
	Incremental Payment by	<b>Contractor to Government.</b>	52.237-6
	Payment by	<b>Contractor to Government.</b>	52.237-5
		<b>Contractor Use and Rental of Government Property</b>	45.4
		<b>Contractor Use of Government Supply Sources</b>	51.1
		<b>Contractor use of Government supply sources (OF 347).</b>	53.251
		<b>Contractor use of Government-owned and -operated test facilities.</b>	45.302-4
		<b>Contractor Use of Interagency Fleet Management System (IFMS) Vehicles</b>	51.2
		<b>Contractor Versus Government Performance</b>	7.3
	Agreement to recognize	<b>contractor's change of name.</b>	42.1205
		<b>Contractor's commercial items.</b>	31.106-3
	Definition:	<b>Contractor's development and implementation costs</b>	48.001 52.248-1 52.248-3
		<b>Contractor's Facilities.</b>	52.241-5
	F.o.b. origin,	<b>contractor's facility.</b>	47.303-2 52.247-30
		<b>Contractor's Invoices.</b>	52.247-28
		<b>Contractor's liability.</b>	45.504
		<b>Contractor's maintenance program.</b>	45.509-1
	Definition:	<b>Contractor's managerial personnel</b>	52.245-5 52.245-8 52.246-3 52.246-6 52.246-8 52.246-10
	Definition:	<b>Contractor's principal officials</b>	52.250-1
		<b>Contractor's signature.</b>	4.102
	Definition:	<b>Contractor-acquired property</b>	45.101
		<b>Contractor-acquired property.</b>	45.605
		<b>Contractor-prepaid commercial bills of lading, small package shipments.</b>	47.303-17
	Completion by another	<b>contractor.</b>	49.405
	Ethics advisory opinions regarding prohibitions on a former official's acceptance of compensation from a	<b>contractor.</b>	3.104-7
	Follow-up by	<b>contractor.</b>	27.305-2
	Government reliance on inspection by	<b>contractor.</b>	46.202-2
	Patent indemnification of Government by	<b>contractor.</b>	27.203
	Payment by Government to	<b>Contractor.</b>	52.237-4
	Performance of work by the	<b>contractor.</b>	36.501 52.236-1
	Responsibility of the Architect-Engineer	<b>Contractor.</b>	52.236-23
	Superintendence by the	<b>contractor.</b>	36.506 52.236-6
	Responsible Prospective	<b>Contractors</b>	9.1

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Use of Government Sources by	<b>Contractors</b>	Part 51
	Protecting the Government's Interest when Subcontracting with	<b>Contractors Debarred, Suspended, or Proposed for Debarment.</b>	52.209-6
	Review and correction of	<b>contractors' property control systems.</b>	45.104
		<b>Contractors' Purchasing Systems Reviews</b>	44.3
	Furnishing assistance to	<b>contractors.</b>	51.104
	Loading responsibilities of	<b>contractors.</b>	47.305-15
	Responsible Prospective	<b>Contractors.</b>	9.1 53.209-1
	Incentive	<b>Contracts</b>	16.4
	Indefinite-Delivery	<b>Contracts</b>	16.5
	Management Oversight of Service	<b>Contracts</b>	37.5
	Voiding and Rescinding	<b>Contracts</b>	3.7
	Clauses for negotiated	<b>contracts (excluding construction).</b>	27.203-4
	Clauses for sealed bid	<b>contracts (excluding construction).</b>	27.203-2
	Negotiated	<b>contracts (excluding construction).</b>	27.203-3
	Research and development	<b>contracts (short form).</b>	46.309
	Previous	<b>Contracts and Compliance Reports.</b>	52.222-22
	Clause for construction	<b>contracts and for dismantling, demolition, and removal of improvements contracts.</b>	27.203-5
	Payments under Transportation	<b>Contracts and Transportation-Related Services Contracts.</b>	52.232-4
	Award of classified	<b>contracts by sealed bidding.</b>	14.409-2
	Award of unclassified	<b>contracts by sealed bidding.</b>	14.409-1
		<b>Contracts conditioned upon availability of funds.</b>	32.703-2
	Service Contract Act of 1965, As Amended: Some examples of	<b>contracts covered.</b>	22.1003-5
		<b>Contracts crossing fiscal years.</b>	32.703-3
		<b>Contracts for commercial items.</b>	46.202-1
		<b>Contracts for construction work or architect-engineer services.</b>	27.304-3
	Special procedure for cost-reimbursement	<b>contracts for construction.</b>	36.215
		<b>Contracts for dismantling, demolition, or removal of improvements.</b>	46.313
	Indefinite-delivery	<b>contracts for leased equipment.</b>	29.401-1
	Exemption from Application of Service Contract Act Provisions for	<b>Contracts for Maintenance, Calibration, and/or Repair of Certain Information Technology, Scientific and Medical, and/or Office and Business Equipment—Contractor Certification.</b>	52.222-48
	Nonpayment of subcontractors under	<b>contracts for noncommercial items.</b>	32.112
	Selecting	<b>contracts for postaward orientation.</b>	42.502
		<b>Contracts for research with educational institutions and nonprofit organizations.</b>	35.015
	Applicability of certain laws to Executive agency	<b>contracts for the acquisition of commercial items.</b>	12.503
		<b>Contracts for Transportation or for Transportation-Related Services</b>	47.2
	Short selection process for	<b>contracts not to exceed the simplified acquisition threshold.</b>	36.602-5
	Construction	<b>contracts performed in North Carolina.</b>	29.401-2
	Taxes—	<b>Contracts Performed in U.S. Possessions or Puerto Rico.</b>	52.229-5
		<b>Contracts performed in U.S. possessions or Puerto Rico.</b>	29.401-5
		<b>Contracts placed by or for other Government agencies.</b>	27.304-2

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Contracts with commercial organizations.</b>	31.103 31.2
	Payment under Communication Service	<b>Contracts with Common Carriers.</b>	52.232-6
	Fixed-price	<b>contracts with economic price adjustment.</b>	16.203
		<b>Contracts with educational institutions.</b>	31.104 31.3
		<b>Contracts with foreign governments or international organizations.</b>	45.405
	Taxes—Cost-Reimbursement	<b>Contracts with Foreign Governments.</b>	52.229-9
	Taxes—Fixed-Price	<b>Contracts with Foreign Governments.</b>	52.229-7
		<b>Contracts with Government Employees or Organizations Owned or Controlled by Them</b>	3.6
		<b>Contracts with nonprofit organizations.</b>	31.108 31.7
	Fixed-price	<b>contracts with prospective price redetermination.</b>	16.205
	Fixed-ceiling-price	<b>contracts with retroactive price redetermination.</b>	16.206
		<b>Contracts with State, local, and federally recognized Indian tribal governments.</b>	31.107 31.6
	Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiple Year and Option	<b>Contracts).</b>	52.222-43
	Government Property (Cost-Reimbursement, Time-and-Material, or Labor-Hour	<b>Contracts).</b>	52.245-5
	Government Property (Fixed-Price	<b>Contracts).</b>	52.245-2
	Liability for Government Property (Demolition Services	<b>Contracts).</b>	52.245-6
	Accessorial Services—Moving	<b>Contracts.</b>	52.247-13
	Applying Pub. L. 85-804 to advance payments under sealed bid	<b>contracts.</b>	32.405
	Assignment of claims under	<b>contracts.</b>	32.304-5
	Cancellation Under Multi-year	<b>Contracts.</b>	52.217-2
	Competitive	<b>contracts.</b>	29.401-3
	Concept exploration	<b>contracts.</b>	34.005-3
	Construction	<b>contracts.</b>	11.702 46.312 49.305-2
	Construction and architect-engineer	<b>contracts.</b>	31.105 53.236 31.201-7 Part 36
	Continuation of current	<b>contracts.</b>	9.405-1
	Cost	<b>contracts.</b>	16.302
	Cost-plus-award-fee	<b>contracts.</b>	16.305 16.405-2
	Cost-plus-fixed-fee	<b>contracts.</b>	16.306
	Cost-plus-incentive-fee	<b>contracts.</b>	16.304 16.405-1

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Cost-reimbursement	<b>contracts.</b>	16.3 45.605-3 47.104-3
	Cost-reimbursement incentive	<b>contracts.</b>	16.405
	Cost-sharing	<b>contracts.</b>	16.303
	Definite-quantity	<b>contracts.</b>	16.502
	Demonstration	<b>contracts.</b>	34.005-4
	Domestic Facilities	<b>contracts.</b>	29.401
	Firm-fixed-price	<b>contracts.</b>	31.106 46.310 45.302-2
	Firm-fixed-price, level-of-effort term	<b>contracts.</b>	16.202
	Fixed-Price	<b>Contracts.</b>	16.207
	Fixed-price incentive	<b>contracts.</b>	16.2 31.102 47.104-2
	Fixed-price incentive (firm target)	<b>contracts.</b>	16.204 16.403
	Fixed-price incentive (successive targets)	<b>contracts.</b>	16.403-1
	Fixed-price research and development	<b>contracts.</b>	16.403-2
	Foreign	<b>contracts.</b>	46.307
	Foreign fixed-price	<b>contracts.</b>	29.402
	Full-scale development	<b>contracts.</b>	29.402-1
	Funding and term of service	<b>contracts.</b>	34.005-5
	GSA areawide	<b>contracts.</b>	37.106
	Identifying management and operating	<b>contracts.</b>	41.204
	Indefinite-quantity	<b>contracts.</b>	17.604
	Insurance under cost-reimbursement	<b>contracts.</b>	16.504
	Insurance under fixed-price	<b>contracts.</b>	28.307
	Labor standards for construction work performed under facilities	<b>contracts.</b>	28.306
	Labor-hour	<b>contracts.</b>	22.405
	Letter	<b>contracts.</b>	16.602
	Loan guarantees for terminated	<b>contracts.</b>	16.603
	Losses on other	<b>contracts.</b>	32.305
	Noncompetitive	<b>contracts.</b>	31.205-23
	Optional property-related clauses for facilities	<b>contracts.</b>	29.401-4
	Payments under Fixed-Price Architect-Engineer	<b>Contracts.</b>	45.302-7
	Payments under Fixed-Price Construction	<b>Contracts.</b>	52.232-10
	Payments under Fixed-Price Research and Development	<b>Contracts.</b>	52.232-5
	Payments under Personal Services	<b>Contracts.</b>	52.232-2
	Payments under Time-and-Materials and Labor-Hour	<b>Contracts.</b>	52.232-3
	Personal services	<b>contracts.</b>	52.232-7
	Physically completed	<b>contracts.</b>	37.104
			4.804-4

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Preparing the	<b>contracts.</b>	19.811
	Progress payments under construction	<b>contracts.</b>	32.103
	Prompt Payment for Construction	<b>Contracts.</b>	52.232-27
	Prompt Payment for Fixed-Price Architect-Engineer	<b>Contracts.</b>	52.232-26
Quality Assurance:	Cost-reimbursement research and development	<b>contracts.</b>	46.308
Quality Assurance:	Cost-reimbursement service	<b>contracts.</b>	46.305
Quality Assurance:	Cost-reimbursement supply	<b>contracts.</b>	46.303
Quality Assurance:	Fixed-price service	<b>contracts.</b>	46.304
Quality Assurance:	Fixed-price supply	<b>contracts.</b>	46.302
Quality Assurance:	Time-and-material and labor-hour	<b>contracts.</b>	46.306
Quality Assurance:	Transportation	<b>contracts.</b>	46.314
	Required Government property clauses for facilities	<b>contracts.</b>	45.302-6
	Requirements	<b>contracts.</b>	16.503
	Schedules for Construction	<b>Contracts.</b>	52.236-15
Service Contract Act of 1965, As Amended:	Multiple-year	<b>contracts.</b>	22.1008-5
	Settlement of terminated incentive	<b>contracts.</b>	49.115
	Single-movement	<b>contracts.</b>	47.204
Solicitation provision and contract clause on liability insurance under cost-reimbursement		<b>contracts.</b>	28.311
Structuring multiple-incentive		<b>contracts.</b>	16.402-4
Supply		<b>contracts.</b>	11.701
Taxes—Foreign Cost-Reimbursement		<b>Contracts.</b>	52.229-8
Taxes—Foreign Fixed-Price		<b>Contracts.</b>	52.229-6
Termination of		<b>contracts.</b>	Part 49 53.249
Time-and-materials		<b>contracts.</b>	16.601
Transportation term		<b>contracts.</b>	47.203
Types of		<b>contracts.</b>	14.104 Part 16 53.216
Work oversight in architect-engineer		<b>contracts.</b>	36.609-3 52.236-24
Work Oversight in Cost-Reimbursement Construction		<b>Contracts.</b>	52.236-18
Foreign cost-reimbursement		<b>contracts.</b>	29.402-2
Separate		<b>contracts.</b>	41.205
Extraordinary		<b>Contractual Actions</b>	Part 50
Definition:		<b>Contribution</b>	15.601
		<b>Contributions or donations.</b>	31.205-8
Agency		<b>control and compliance procedures.</b>	1.304
Availability of Specifications Listed in the DoD Index of Specifications and Standards (DoDISS) and Descriptions Listed in the Acquisition Management Systems and Data Requirements		<b>Control List, DoD 5010.12-L.</b>	52.211-2
Definition:		<b>Controlled materials</b>	11.601

FAR Subjects:	Context Preceding the Keyword	Keyword, and Context Following the Keyword	FAR Reference
	Definition:	<b>Controlled substance</b>	23.503 52.223-6
	Definition:	<b>CONUS</b>	47.001
	Shipments from	<b>CONUS for overseas delivery.</b>	47.304-3
	Shipments originating outside	<b>CONUS.</b>	47.304-4
	Shipments within	<b>CONUS.</b>	47.304-2
	Termination for	<b>Convenience of the Government (Dismantling, Demolition, or Removal of Improvements).</b>	52.249-3
	Termination for	<b>Convenience of the Government (Educational and Other Nonprofit Institutions).</b>	52.249-5
	Termination for	<b>Convenience of the Government (Fixed-Price) (Short Form).</b>	52.249-1
	Termination for	<b>Convenience of the Government (Fixed-Price).</b>	52.249-2
	Termination for	<b>Convenience of the Government (Services) (Short Form).</b>	52.249-4
Federal Supply Schedules:	Termination for	<b>convenience.</b>	8.405-6
	FAR	<b>conventions.</b>	1.108
		<b>Convict Labor.</b>	22.2 52.222-3
	Definition:	<b>Conviction</b>	9.403 23.503 52.223-6
		<b>Cooperation with the Small Business Administration</b>	19.4
		<b>Coordination requirements.</b>	38.201
	Compliance with	<b>Copeland Act Requirements.</b>	52.222-10
		<b>Copeland Act.</b>	22.403-2
	Printed	<b>Copied Double-Sided on Recycled Paper.</b>	52.204-4
Federal Acquisition Regulations System:		<b>Copies.</b>	1.105-3
Notice and Assistance Regarding Patent and		<b>Copyright Infringement.</b>	52.227-2
Patents, Data, and		<b>Copyrights</b>	Part 27
		<b>Corporate Administrative Contracting Officer</b>	42.6
		<b>Correcting mistakes.</b>	50.302-2
	Definition:	<b>Correction</b>	46.701 52.246-17 52.246-18 52.246-19 52.246-20
Contract Administration and Audit Services:		<b>Correspondence and Visits.</b>	42.4
	Contract	<b>correspondence.</b>	42.401
	Limitation of	<b>Cost (Facilities).</b>	52.232-21
Changes to disclosed or established		<b>cost accounting practices.</b>	30.602
Consistency in		<b>Cost Accounting Practices.</b>	52.230-4
Disclosure and Consistency of		<b>Cost Accounting Practices.</b>	52.230-3
Financial and		<b>cost accounting records.</b>	4.705-1
		<b>Cost Accounting Standards Administration</b>	Part 30
		<b>Cost Accounting Standards Board Publication.</b>	30.102
		<b>Cost Accounting Standards Notices and Certification.</b>	52.230-1

FAR Subjects:	Context Preceding the Keyword	Keyword, and Context Following the Keyword	FAR Reference
		<b>Cost Accounting Standards Preambles and Regulations</b>	Appendix
	Acquisition of Commercial Items:	<b>Cost Accounting Standards.</b>	12.214
	Administration of	<b>Cost Accounting Standards.</b>	52.230-6
	Text of Provisions and Clauses:	<b>Cost Accounting Standards.</b>	52.230-2
		<b>Cost Accounting Standards—Educational Institution.</b>	52.230-5
	Severance Pay to Foreign Nationals: Waiver of	<b>cost allowability limitations.</b>	37.113-1
	Allowable	<b>Cost and Payment.</b>	52.216-7
	Allowable	<b>Cost and Payment—Facilities Use.</b>	52.216-14
	Allowable	<b>Cost and Payment—Facilities.</b>	52.216-13
	Notice of	<b>Cost Comparison (Sealed-Bid).</b>	52.207-1
		<b>Cost contracts.</b>	16.302
		<b>Cost Contract—No Fee.</b>	52.216-11
	Transportation	<b>cost determinations.</b>	47.306-1
	Government	<b>cost estimate for architect-engineer work.</b>	36.605
		<b>Cost incentives.</b>	16.402-1
	Definition:	<b>Cost input</b>	31.001
	Definition:	<b>Cost objective</b>	31.001
	Definition:	<b>Cost of capital committed to facilities</b>	31.001
	Definition:	<b>Cost of components</b>	25.003 52.225-1 52.225-3 52.225-9 52.225-11
	Facilities Capital	<b>Cost of Money.</b>	52.215-16
	Waiver of Facilities Capital	<b>Cost of Money.</b>	52.215-17
		<b>Cost of money.</b>	31.205-10
	Clauses for limitation of	<b>cost or funds.</b>	32.705-2
	Limitation of	<b>cost or funds.</b>	32.704
	Special	<b>cost or pricing areas.</b>	15.407
	Definition:	<b>Cost or pricing data</b>	15.401
	Prohibition on obtaining	<b>cost or pricing data (10 U.S.C. 2306a and 41 U.S.C. 254b).</b>	15.403-1
	Requiring	<b>cost or pricing data (10 U.S.C. 2306a and 41 U.S.C. 254b).</b>	15.403-4
	Other circumstances where	<b>cost or pricing data are not required.</b>	15.403-2
	Instructions for submission of	<b>cost or pricing data or information other than cost or pricing data.</b>	15.403-5
	Requirements for	<b>Cost or Pricing Data or Information Other Than Cost or Pricing Data.</b>	52.215-20
	Certificate of Current	<b>Cost or Pricing Data.</b>	15.406-2
	Defective	<b>cost or pricing data.</b>	15.407-1
	Obtaining	<b>cost or pricing data.</b>	15.403
	Requiring information other than	<b>cost or pricing data.</b>	15.403-3
	Subcontractor	<b>Cost or Pricing Data.</b>	52.215-12
	Table 15-2—Instructions for Submitting	<b>Cost or Pricing Data.</b>	15.408
	Price Reduction for Defective	<b>Cost or Pricing Data—Modifications.</b>	52.215-11
	Subcontractor	<b>Cost or Pricing Data—Modifications.</b>	52.215-13
	Price Reduction for Defective	<b>Cost or Pricing Data—Modifications—Sealed Bidding.</b>	52.214-27

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Subcontractor	<b>Cost or Pricing Data—Modifications—Sealed Bidding.</b>	52.214-28
	Contract	<b>Cost Principles and Procedures</b>	Part 31
	Applicable	<b>cost principles.</b>	31.106-1
		<b>Cost principles.</b>	49.113
	Predetermined Indirect	<b>Cost Rates.</b>	52.216-15
	Definition:	<b>Cost realism</b>	15.401
	Inspection of Research and Development—	<b>Cost Reimbursement.</b>	52.246-8
	Should-	<b>cost review.</b>	15.407-4
	Definition:	<b>Cost sharing</b>	35.001
		<b>Cost-plus-award-fee contracts.</b>	16.305 16.405-2
		<b>Cost-plus-fixed-fee contracts.</b>	16.306
		<b>Cost-plus-incentive-fee contracts.</b>	16.304 16.405-1
	Work oversight in	<b>cost-reimbursement construction contracts.</b>	36.518 52.236-18
	Special procedure for	<b>cost-reimbursement contracts for construction.</b>	36.215
	Additional Principles for	<b>Cost-Reimbursement Contracts Terminated for Convenience</b>	49.3
	Taxes—	<b>Cost-Reimbursement Contracts with Foreign Governments.</b>	52.229-9
	Insurance under	<b>cost-reimbursement contracts.</b>	28.307
	Special tooling under	<b>cost-reimbursement contracts.</b>	45.306-2
	Taxes—Foreign	<b>Cost-Reimbursement Contracts.</b>	52.229-8
		<b>Cost-Reimbursement Contracts.</b>	16.3 45.605-3 47.104-3
	Foreign	<b>cost-reimbursement contracts.</b>	29.402-2
		<b>Cost-reimbursement contracts—complete termination, if settlement includes cost.</b>	49.603-3
		<b>Cost-reimbursement contracts—complete termination, with settlement limited to fee.</b>	49.603-4
		<b>Cost-reimbursement contracts—partial termination.</b>	49.603-5
		<b>Cost-reimbursement incentive contracts.</b>	16.405
	Payment of subcontractors under	<b>cost-reimbursement prime contracts.</b>	32.110
		<b>Cost-reimbursement research and development contracts.</b>	46.308
		<b>Cost-reimbursement service contracts.</b>	46.305
		<b>Cost-reimbursement supply contracts.</b>	46.303
	Government Property	<b>Cost-Reimbursement, Time-and-Material, or Labor-Hour Contracts.</b>	52.245-5
	Changes—	<b>Cost-Reimbursement.</b>	52.243-2
	Inspection of Services—	<b>Cost-Reimbursement.</b>	52.246-5
	Inspection of Supplies—	<b>Cost-Reimbursement.</b>	52.246-3
	Termination	<b>Cost-Reimbursement.</b>	52.249-6
		<b>Cost-sharing contracts.</b>	16.303
		<b>Cost-Sharing Contract—No Fee.</b>	52.216-12
		<b>Cost-sharing rates and limitations on indirect cost rates.</b>	42.707



<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Composition of total	<b>cost.</b>	31.201-1
	Determining reasonableness of	<b>cost.</b>	25.105
	Limitation of	<b>Cost.</b>	52.232-20
	Definition:	<b>Costs</b>	31.205-47(a) 52.216-5 52.216-6 52.216-16 52.216-17
	Disallowance of	<b>Costs</b>	42.8
	Disallowing	<b>costs after incurrence.</b>	42.803
	Employee morale, health, welfare, food service, and dormitory	<b>costs and credits.</b>	31.205-13
	Other	<b>costs and savings.</b>	45.202-3
	Royalties and other	<b>costs for use of patents.</b>	31.205-37
		<b>Costs of alcoholic beverages.</b>	31.205-51
		<b>Costs related to legal and other proceedings.</b>	31.205-47
	Liability for Government	<b>costs resulting from design errors or deficiencies.</b>	36.608
	Bonding	<b>costs.</b>	31.205-4
	Certificate of indirect	<b>costs.</b>	42.703-2
	Certification of Final Indirect	<b>Costs.</b>	52.242-4
	Deferred research and development	<b>costs.</b>	31.205-48
	Direct	<b>costs.</b>	31.202
	Economic planning	<b>costs.</b>	31.205-12
	Entertainment	<b>costs.</b>	31.205-14
	Idle facilities and idle capacity	<b>costs.</b>	31.205-17
	Independent research and development and bid and proposal	<b>costs.</b>	31.205-18
	Indirect	<b>costs.</b>	31.203
	Interest and other financial	<b>costs.</b>	31.205-20
	Labor relations	<b>costs.</b>	31.205-21
	Lobbying and political activity	<b>costs.</b>	31.205-22
	Lowest overall transportation	<b>costs.</b>	47.306-2
	Maintenance and repair	<b>costs.</b>	31.205-24
	Manufacturing and production engineering	<b>costs.</b>	31.205-25
	Material	<b>costs.</b>	31.205-26
	No Evaluation of Transportation	<b>Costs.</b>	52.247-50
	Notice of intent to disallow	<b>costs.</b>	42.801
	Notice of Intent to Disallow	<b>Costs.</b>	52.242-1
	Organization	<b>costs.</b>	31.205-27
	Patent	<b>costs.</b>	31.205-30
	Penalties for Unallowable	<b>Costs.</b>	52.242-3
	Plant protection	<b>costs.</b>	31.205-29
	Plant reconversion	<b>costs.</b>	31.205-31
	Precontract	<b>costs.</b>	31.205-32
	Professional and consultant service	<b>costs.</b>	31.205-33
	Public relations and advertising	<b>costs.</b>	31.205-1

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Recruitment	<b>costs.</b>	31.205-34
	Relocation	<b>costs.</b>	31.205-35
	Rental	<b>costs.</b>	31.205-36
	Selected	<b>costs.</b>	31.205
	Selling	<b>costs.</b>	31.205-38
	Service and warranty	<b>costs.</b>	31.205-39
	Special tooling and special test equipment	<b>costs.</b>	31.205-40
	Termination	<b>costs.</b>	31.205-42
	Trade, business, technical, and professional activity	<b>costs.</b>	31.205-43
	Training and education	<b>costs.</b>	31.205-44
	Transportation	<b>costs.</b>	31.205-45
	Travel	<b>costs.</b>	31.205-46
	Fines, penalties, and mischarging	<b>costs.</b>	31.205-15
	The two	<b>councils.</b>	1.201-1
	Definition:	<b>Country concerned</b>	52.229-6
	F.o.b. Inland Point,	<b>Country of Importation.</b>	52.247-39
		<b>Covenant Against Contingent Fees.</b>	52.203-5
	Security, supervision, and	<b>covenants.</b>	32.409-3
	Definition:	<b>Covered area</b>	52.222-27
	Definition:	<b>Covered Federal action</b>	3.801 52.203-12
	Definition:	<b>Covered personnel</b>	37.201
	Capital	<b>Credits.</b>	52.241-13
	Transportation Transit Privilege	<b>Credits.</b>	52.247-57
		<b>Credits.</b>	31.201-5
		<b>Criminal and civil penalties, and further administrative remedies.</b>	3.104-11
	Definition:	<b>Criminal drug statute</b>	23.503 52.223-6
	Contracting by Negotiation:	<b>Criteria for acceptance and negotiation of an unsolicited proposal.</b>	15.607
		<b>Criteria for use of contract quality requirements.</b>	46.203
		<b>Criteria for use of warranties.</b>	46.703
	Definition:	<b>Critical nonconformance</b>	46.101
	Assignment of	<b>criticality designator.</b>	42.1105
	Certified or cashier's checks, bank drafts, money orders, or	<b>currency.</b>	28.204-2
	Debarment, Suspension, and Ineligibility: Continuation of	<b>current contracts.</b>	9.405-1
		<b>Current editions.</b>	53.102
	Definition:	<b>Custodial records</b>	45.501
	Definition:	<b>Customary contract financing</b>	32.001
	Describing Agency Needs:	<b>Customer satisfaction.</b>	11.203
		<b>Customs and Duties</b>	25.9
	Definition:	<b>Customs territory of the United States</b>	25.003 52.225-8
	Definition:	<b>Cylinder</b>	52.247-66
	Returnable	<b>Cylinders.</b>	52.247-66

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Contractor Liability for Loss of and/or Insurance against loss of or	<b>Damage to Freight other than Household Goods.</b>	52.247-22
		<b>damage to Government property.</b>	28.303
	Contractor Liability for Loss of and/or	<b>Damage to Household Goods.</b>	52.247-23
	Contractor Liability for Loss of or	<b>Damage to Property of the Government</b>	46.8
	Definition:	<b>Data</b>	27.401 52.227-14 52.227-17 52.227-20
	Basic rights in	<b>data clause.</b>	27.404
		<b>Data collection and reporting requirements.</b>	19.202-5
	Rights to technical	<b>data in successful proposals.</b>	27.407
	Collecting	<b>data on and appraising firms' qualifications.</b>	36.603
	Availability of Specifications Listed in the DoD Index of Specifications and Standards (DoDISS) and Descriptions Listed in the Acquisition Management Systems and	<b>Data Requirements Control List, DoD 5010.12-L.</b>	52.211-2
	Other	<b>data rights provisions.</b>	27.405
		<b>Data rights—General.</b>	27.403
	Federal Procurement	<b>Data System.</b>	4.602
		<b>Data Universal Numbering System (DUNS) Number.</b>	52.204-6
	Patents,	<b>Data, and Copyrights</b>	Part 27
	Acquisition of	<b>data.</b>	27.406
	Contracting by Negotiation: Limited use of	<b>data.</b>	15.609
	Inspection of site and examination of	<b>data.</b>	36.210
	Physical	<b>data.</b>	36.504
	Research and Development Contracting:	<b>Data.</b>	35.011
		<b>Davis-Bacon Act wage determinations.</b>	22.404
		<b>Davis-Bacon Act.</b>	22.403-1 52.222-6
	Compliance with	<b>Davis-Bacon and Related Act Regulations.</b>	52.222-13
	Definition:	<b>Day</b>	2.101 32.902 33.101
	Safeguarding classified information within industry	<b>DD Form-254, DD Form-441.</b>	53.204-1
	Definition:	<b>Debarment</b>	9.403
	Suspension of payments, termination of contract, and	<b>debarment and suspension actions.</b>	23.506
		<b>Debarment, Suspension, and Ineligibility</b>	9.4
	Certification regarding	<b>debarment, suspension, proposed debarment, and other responsibility matters.</b>	9.408 52.209-5
	Causes for	<b>debarment.</b>	9.406-2
	Contract Termination—	<b>Debarment.</b>	52.222-12
	Period of	<b>debarment.</b>	9.406-4
	Scope of	<b>debarment.</b>	9.406-5
		<b>Debarment.</b>	9.406

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
Protecting the Government's Interest when Subcontracting with Contractors		<b>Debarred, Suspended, or Proposed for Debarment.</b>	52.209-6
	Definition:	<b>Debarring official</b>	9.403
	Contracting by Negotiation: Postaward	<b>debriefing of offerors.</b>	15.506
	Contracting by Negotiation: Preaward	<b>debriefing of offerors.</b>	15.505
		<b>Debt determination and collection.</b>	32.606
	Demand for payment of contract	<b>debt.</b>	32.610
	Bad	<b>debts.</b>	31.205-3
	Negotiation of contract	<b>debts.</b>	32.608
	Definition:	<b>Decision to award a subcontract or modification of subcontract</b>	3.104-3
	Disputes and Appeals: Contracting officer's	<b>decision.</b>	33.211
	Technical Data	<b>Declaration, Revision, and Withholding of Payment—Major Systems.</b>	52.227-21
		<b>Deductions.</b>	49.204
		<b>Default (Fixed-Price Construction).</b>	52.249-10
		<b>Default (Fixed-Price Research and Development).</b>	52.249-9
		<b>Default (Fixed-Price Supply and Service).</b>	52.249-8
	Procedure for	<b>default.</b>	49.402-3
	Termination for	<b>default.</b>	8.405-5 22.1023
	Termination of fixed-price contracts for	<b>default.</b>	49.504
	Definition:	<b>Defect</b>	52.246-19
	Definition:	<b>Defective certification</b>	33.201
		<b>Defective cost or pricing data.</b>	15.407-1
	Price Reduction for	<b>Defective Cost or Pricing Data—Modifications.</b>	52.215-11
	Price Reduction for	<b>Defective Cost or Pricing Data—Modifications—Sealed Bidding.</b>	52.214-27
	Workers' Compensation Insurance	<b>Defense Base Act.</b>	52.228-3
		<b>Defense Priority and Allocation Requirements.</b>	52.211-15
	Loan Guarantees for	<b>Defense Production</b>	32.3
	Testing, Qualification, and Use of Industrial Resources Developed Under Title III,	<b>Defense Production Act</b>	34.1
	Industrial Resources Developed Under	<b>Defense Production Act Title III.</b>	52.234-1
		<b>Defense Production Pools and Research and Development Pools</b>	9.7
	Using the	<b>Defense Transportation System (DTS).</b>	47.301-3
	Definition:	<b>Deferred compensation</b>	31.001
	Liability for Government costs resulting from design errors or	<b>deficiencies.</b>	36.608
	Redesign responsibility for design errors or	<b>deficiencies.</b>	36.609-2
	Definition:	<b>Deficiency</b>	15.301
	Definition:	<b>Defined-benefit pension plan</b>	31.001
	Definition:	<b>Defined-contribution pension plan</b>	31.001
		<b>Definite Quantity.</b>	52.216-20
		<b>Definite-quantity contracts.</b>	16.502
		<b>Definitions Clause</b>	2.2
		<b>Definitions of Words and Terms</b>	Part 2
	Solicitation	<b>Definitions—Sealed Bidding.</b>	52.214-1

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Government	<b>delay of work.</b>	42.1304 52.242-17
		<b>Delays in receipt of notices or demands.</b>	32.615
	Excusable	<b>Delays.</b>	52.249-14
	Definition:	<b>Delegate Agency</b>	11.601
	Definition:	<b>Delegated agency</b>	41.101
	Statutory and	<b>delegated authority.</b>	41.103
		<b>Delegation of and Limitations on Exercise of Authority</b>	50.2
		<b>Delegation of authority.</b>	50.201
		<b>Delinquency notices.</b>	49.607
	Federal Supply Schedules:	<b>Delinquent performance.</b>	8.405-4
		<b>Delivery incentives.</b>	16.402-3
		<b>Delivery of Excess Quantities.</b>	52.211-17
		<b>Delivery of Government-furnished property.</b>	47.305-12
		<b>Delivery or Performance Schedules</b>	11.4
	Definition:	<b>Delivery order</b>	2.101
	Definition:	<b>Delivery order contract</b>	16.501-1
		<b>Delivery orders and orders under basic ordering agreements (OF 347).</b>	53.216-1
	Definition:	<b>Delivery payment</b>	32.202-2
	Standard	<b>delivery terms and contract clauses.</b>	47.303
	Determination of	<b>delivery terms.</b>	47.304
	Liability for Government Property	<b>Demolition Services Contracts.</b>	52.245-6
	Dismantling,	<b>Demolition, or Removal of Improvements</b>	37.3
	Termination for Convenience of the Government (Dismantling,	<b>Demolition, or Removal of Improvements).</b>	52.249-3
	Contracts for dismantling,	<b>demolition, or removal of improvements.</b>	46.313
	Inspection—Dismantling,	<b>Demolition, or Removal of Improvements.</b>	52.246-13
		<b>Demonstration contracts.</b>	34.005-4
	Issuing or	<b>denying a Certificate of Competency (COC).</b>	19.602-2
	Service Contract Act of 1965, As Amended:	<b>Department of Labor action.</b>	22.1011-1
	Disabled Veterans and Veterans of the Vietnam Era:	<b>Department of Labor notices and reports.</b>	22.1304
	Employment of Workers with Disabilities:	<b>Department of Labor notices.</b>	22.1404
	Labor Standards for Contracts Involving Construction:	<b>Department of Labor regulations.</b>	22.403-4
	Service Contract Act of 1965, As Amended:	<b>Department of Labor responsibilities and regulations.</b>	22.1004
	Walsh-Healey Public Contracts Act: Regional jurisdictions of the	<b>Department of Labor, Wage and Hour Division.</b>	22.609
	Cooperation with the	<b>Department of Labor.</b>	22.406-12 22.1024
	Discovery of errors by the	<b>Department of Labor.</b>	22.1015
	Response to Notice by	<b>Department of Labor.</b>	22.1011
		<b>Depreciation.</b>	31.205-11
	Definition:	<b>Deputy Assistant Secretary</b>	22.801
		<b>Describing Agency Needs</b>	Part 11
	Acquisition of Commercial Items: Market research and	<b>description of agency need.</b>	12.202
		<b>Description of shipment, origin, and destination.</b>	47.207-3
	Freight Classification	<b>Description.</b>	52.247-53

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Definition:	<b>Descriptive literature</b>	14.202-5(a) 52.214-21
	Sealed Bidding:	<b>Descriptive literature.</b>	14.202-5 52.214-21
	Sealed Bidding: Restrictions on disclosure of	<b>descriptive literature.</b>	14.404-4
	Definition:	<b>Design</b>	36.102
Warranty of Systems and Equipment under Performance Specifications or	Redesign responsibility for	<b>Design Criteria.</b>	52.246-19
		<b>design errors or deficiencies.</b>	36.609-2
		<b>Design within funding limitations.</b>	36.609-1 52.236-22
	Definition:	<b>Design-bid-build</b>	36.102
	Definition:	<b>Design-build</b>	36.102
	Two-Phase	<b>Design-Build Selection Procedures</b>	36.3
	Definition:	<b>Design-to-cost</b>	7.101
	Definition:	<b>Designated agency</b>	32.801
	Definition:	<b>Designated billing office</b>	32.902
	Definition:	<b>Designated country</b>	25.003 52.225-5 52.225-11
	Definition:	<b>Designated country construction material</b>	52.225-11
	Definition:	<b>Designated country end product</b>	25.003 52.225-5
	Definition:	<b>Designated payment office</b>	32.902
	Definition:	<b>Designated SBA district</b>	19.902
		<b>Designation of Office for Government Receipt of Electronic Funds Transfer Information</b>	52.232-35
Requirements for Registration of		<b>Designers.</b>	52.236-25
F.o.b. Origin and/or F.o.b.		<b>Destination Evaluation.</b>	52.247-45
		<b>Destination unknown.</b>	47.305-5 52.247-49
	F.o.b.	<b>Destination, within Consignee's Premises.</b>	52.247-35
	C. & f.	<b>Destination.</b>	52.247-41
	C.i.f.	<b>Destination.</b>	52.247-42
	F.o.b.	<b>Destination.</b>	52.247-34
	F.o.b.	<b>Destination—Evidence of Shipment.</b>	52.247-48
		<b>Destruction or abandonment.</b>	45.611
	Definition:	<b>Determination and Findings</b>	1.701
		<b>Determination of delivery terms.</b>	47.304
Small Business Programs:		<b>Determination of fair market price.</b>	19.202-6
Special Requirements for the Acquisition of Commercial Items:		<b>Determination of price reasonableness.</b>	12.209
		<b>Determination of Status as a Small Business, HUBZone Small Business, or Small Disadvantaged Business Concern</b>	19.3
		<b>Determination of weights.</b>	47.207-4
Advance Payments for Non-Commercial Items:	Findings,	<b>determination, and authorization.</b>	32.410

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Responsible Prospective Contractors:	<b>Determinations and documentation.</b>	9.105-2
	Federal Acquisition Regulations System:	<b>Determinations and Findings</b>	1.7
	Interagency Acquisitions Under the Economy Act:	<b>Determinations and findings requirements.</b>	17.503
	Federal Acquisition Regulations System: Class	<b>determinations and findings.</b>	1.703
	Certificates of Competency and	<b>Determinations of Responsibility</b>	19.6
	Considerations in	<b>developing an evaluation factor or subfactor.</b>	19.1202-3
	Selecting and	<b>Developing Requirements Documents</b>	11.1
	Definition:	<b>Development</b>	35.001
	Career	<b>Development, Contracting Authority, and Responsibilities</b>	1.6
	Definition:	<b>Deviation</b>	1.401
	Federal Acquisition Regulations System:	<b>Deviations from the FAR</b>	1.4
	Authorized	<b>Deviations in Clauses.</b>	52.252-6
	Authorized	<b>Deviations in Provisions.</b>	52.252-5
	Federal Acquisition Regulations System:	<b>Deviations pertaining to treaties and executive agreements.</b>	1.405
	Federal Acquisition Regulations System: Class	<b>deviations.</b>	1.404
	Individual	<b>deviations.</b>	1.403
	F.o.b. Origin, with	<b>Differentials.</b>	52.247-33
		<b>Differing site conditions.</b>	36.502 52.236-2
		<b>Direct costs.</b>	31.202
	Quantity analysis,	<b>direct delivery, and reduction of crosshauling and backhauling.</b>	47.305-7
	Acquisition from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled:	<b>Direct-order process.</b>	8.705-2
	Government	<b>Direction and Marking.</b>	52.247-26
	Organization and	<b>direction of the work.</b>	36.519 52.236-19
	Definition:	<b>Directly associated cost</b>	31.001
	Contract administration services	<b>directory.</b>	42.203
	Contract audit services	<b>directory.</b>	42.103
	Employment of Workers with	<b>Disabilities</b>	22.14
	Surveys of nonprofit agencies serving people who are blind or have other severe	<b>disabilities under the Javits-Wagner-O'Day (JWOD) Program.</b>	9.107
		<b>Disabled Veterans and Veterans of the Vietnam Era</b>	22.13
	Affirmative Action for	<b>Disabled Veterans and Veterans of the Vietnam Era.</b>	52.222-35
		<b>Disadvantaged business status.</b>	19.304
	Small Disadvantaged Business Participation Program—	<b>Disadvantaged Status and Reporting.</b>	52.219-25
	Notice of intent to	<b>disallow costs.</b>	42.801 52.242-1
	Contract Administration and Audit Services:	<b>Disallowance of Costs</b>	42.8
	Air Transportation by U.S.-Flag Carriers:	<b>Disallowance of expenditures.</b>	47.403-3
		<b>Disallowing costs after incurrence.</b>	42.803
	Advance Payments for Non-Commercial Items: Recommendation for	<b>disapproval.</b>	32.409-2
		<b>Disaster or Emergency Assistance Activities</b>	26.2
		<b>Disclosure and Consistency of Cost Accounting Practices.</b>	52.230-3

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Disclosure of approval status.</b>	44.306
	Sealed Bidding: Restrictions on	<b>disclosure of descriptive literature.</b>	14.404-4
		<b>Disclosure of preaward information.</b>	9.105-3
	Certification and	<b>Disclosure Regarding Payments to Influence Certain Federal Transactions.</b>	52.203-11
		<b>Disclosure requirements.</b>	30.202
	Filing	<b>Disclosure Statements.</b>	30.202-5
	Subcontractor	<b>Disclosure Statements.</b>	30.202-8
		<b>Disclosure, protection, and marking of contractor bid or proposal information and source selection information.</b>	3.104-5
	Certification and	<b>disclosure.</b>	3.803
		<b>Discontinuance of vouchers.</b>	49.302
	Procedure after	<b>discontinuing vouchers.</b>	49.303
	Definition:	<b>Discount for prompt payment</b>	32.902
		<b>Discounts for Prompt Payment.</b>	52.232-8
	Sealed Bidding: Prompt payment	<b>discounts.</b>	14.408-3
	Contracting by Negotiation:	<b>Discovery of mistakes.</b>	15.508
	Definition:	<b>Discrepancies incident to shipment</b>	45.501
		<b>Discrepancies incident to shipment of supplies.</b>	42.1405
		<b>Discrepancies incident to shipment.</b>	45.502-2
	Definition:	<b>Discussions</b>	52.215-1
		<b>Dismantling, Demolition, or Removal of Improvements</b>	37.3
	Contracts for	<b>dismantling, demolition, or removal of improvements.</b>	46.313
	Inspection—	<b>Dismantling, Demolition, or Removal of Improvements.</b>	52.246-13
	Termination for Convenience of the Government	<b>Dismantling, Demolition, or Removal of Improvements.</b>	52.249-3
	Property	<b>disposal determinations.</b>	45.613
		<b>Disposal methods.</b>	45.603
	Storage, handling, and	<b>disposal of contract files.</b>	4.805
	Reporting, Redistribution, and	<b>Disposal of Contractor Inventory</b>	45.6
		<b>Disposition of disputes concerning construction contract labor standards enforcement.</b>	22.406-10
		<b>Disposition.</b>	50.306
		<b>Disputes and Appeals</b>	33.2
		<b>Disputes clause.</b>	52.233-1
	Disposition of	<b>disputes concerning construction contract labor standards enforcement.</b>	22.406-10
		<b>Disputes concerning labor standards.</b>	22.1026
			52.222-14
	Protests,	<b>Disputes, and Appeals</b>	Part 33
	Federal Supply Schedules:	<b>Disputes.</b>	8.405-7
	Reporting labor	<b>disputes.</b>	22.101-3
		<b>Disqualification.</b>	3.104-6
	Publicizing Contract Actions: Methods of	<b>disseminating information.</b>	5.101
	Publicizing Contract Actions:	<b>Dissemination of Information</b>	5.1
	Automatic	<b>dissolution of a small business set-aside.</b>	19.507
	Contract	<b>Distribution</b>	4.2



<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Distribution of documents.</b>	42.706
	Annotation and	<b>distribution of shipping and billing documents.</b>	47.207-9
	Agency	<b>distribution requirements.</b>	4.202
	Sealed Bidding:	<b>Documentation of award.</b>	14.408-7
	Options:	<b>Documentation requirements.</b>	17.205
	Special	<b>documentation requirements.</b>	13.501
	Clearance and	<b>Documentation Requirements—Shipments to DOD Air or Water Terminal Transshipment Points.</b>	52.247-52
	Contract Pricing:	<b>Documentation.</b>	15.406
	Responsible Prospective Contractors: Determinations and	<b>documentation.</b>	9.105-2
	Contract Pricing:	<b>Documenting the negotiation.</b>	15.406-3
	Paper	<b>Documents</b>	4.3
	Clearance and Documentation Requirements—Shipments to	<b>DOD Air or Water Terminal Transshipment Points.</b>	52.247-52
	Availability of Specifications Listed in the	<b>DoD Index of Specifications and Standards (DoDISS) and Descriptions Listed in the Acquisition Management Systems and Data Requirements Control List, DoD 5010.12-L.</b>	52.211-2
	Availability of Specifications Listed in the DoD Index of Specifications and Standards	<b>DoDISS and Descriptions Listed in the Acquisition Management Systems and Data Requirements Control List, DoD 5010.12-L.</b>	52.211-2
	Definition:	<b>Domestic construction material</b>	25.003 52.225-9 52.225-11
	Definition:	<b>Domestic contracts.</b>	29.401
	Definition:	<b>Domestic end product</b>	25.003 52.225-1 52.225-3
	Definition:	<b>Domestic offer</b>	25.003
	Contributions or	<b>donations.</b>	31.205-8
		<b>Donations.</b>	45.609
	Specifications and	<b>Drawings for Construction.</b>	52.236-21
	Definition:	<b>Drug-free workplace</b>	23.503 52.223-6
	Environment, Conservation, Occupational Safety, and	<b>Drug-Free Workplace</b>	Part 23
		<b>Drug-Free Workplace.</b>	23.5 52.223-6
	Definition:	<b>Dry bulk carrier</b>	47.501
	Definition:	<b>Dry cargo liner</b>	47.501
	Using the Defense Transportation System	<b>DTS.</b>	47.301-3
	Definition:	<b>Due date</b>	32.902
	Data Universal Numbering System	<b>DUNS Number.</b>	52.204-6
		<b>Duration of contract and time of performance.</b>	47.207-2
	Scope and	<b>Duration of Contract.</b>	52.241-3
	Competition Advocates:	<b>Duties and responsibilities.</b>	6.502
		<b>Duties of termination contracting officer after issuance of notice of termination.</b>	49.105
	Final Decisions: Contracting officer's	<b>duties upon appeal.</b>	33.212
		<b>Duty-Free Entry.</b>	52.225-8

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Definition:	<b>E.O. 11246</b>	22.801
	Utilization of Indian Organizations and Indian-Owned	<b>Economic Enterprises.</b>	52.226-1
		<b>Economic planning costs.</b>	31.205-12
	Fixed-price contracts with	<b>economic price adjustment.</b>	16.203
	Sealed Bidding:	<b>Economic price adjustment.</b>	14.408-4
	Fixed-Price Contracts:	<b>Economic Price Adjustment—Labor and Material.</b>	52.216-4
	Fixed-Price Contracts:	<b>Economic Price Adjustment—Semistandard Supplies.</b>	52.216-3
	Fixed-Price Contracts:	<b>Economic Price Adjustment—Standard Supplies.</b>	52.216-2
	Sealed Bidding:	<b>Economic purchase quantities (supplies).</b>	14.212
		<b>Economic Purchase Quantity—Supplies.</b>	52.207-4
	Planning for the Purchase of Supplies in	<b>Economic Quantities</b>	7.2
	Current	<b>editions.</b>	53.102
	Training and	<b>education costs.</b>	31.205-44
	Termination for Convenience of the Government	<b>Educational and Other Nonprofit Institutions.</b>	52.249-5
	Cost Accounting Standards—	<b>Educational Institution.</b>	52.230-5
	Contracts with	<b>Educational Institutions</b>	31.3
	Contracts for research with	<b>educational institutions and nonprofit organizations.</b>	35.015
	Accountable Facilities (Nonprofit	<b>Educational Institutions).</b>	52.245-13
	Contract Purpose (Nonprofit	<b>Educational Institutions).</b>	52.245-12
	Indirect Cost Rates:	<b>Educational institutions.</b>	42.705-3
	Debarment, Suspension, and Ineligibility:	<b>Effect of listing.</b>	9.405
	Definition:	<b>Effective competition</b>	34.001
	Definition:	<b>Effective date</b>	43.101
	Definition:	<b>Effective date of termination</b>	49.001
	Definition:	<b>EFT information</b>	32.1102
		<b>EFT information submitted by offerors.</b>	32.1109
	Protection of	<b>EFT information.</b>	32.1104
		<b>EFT mechanisms.</b>	32.1106
		<b>Electric Service Territory Compliance Representation.</b>	52.241-1
	Receipt of an unreadable	<b>electronic bid.</b>	14.406
		<b>Electronic bids.</b>	14.202-8
	Definition:	<b>Electronic commerce</b>	2.101
		<b>Electronic Commerce in Contracting</b>	4.5
	Definition:	<b>Electronic data interchange (EDI)</b>	4.501
		<b>Electronic Funds Transfer</b>	32.11
	Definition:	<b>Electronic Funds Transfer (EFT)</b>	32.1102
	Submission of	<b>Electronic Funds Transfer Information with Offer.</b>	52.232-38
	Designation of Office for Government Receipt of	<b>Electronic Funds Transfer Information.</b>	52.232-35
	Payment by	<b>Electronic Funds Transfer—Central Contractor Registration.</b>	52.232-33
	Payment by	<b>Electronic Funds Transfer—Other Than Central Contractor Registration.</b>	52.232-34
		<b>Eligibility requirements for participating in the program.</b>	19.703
	Certification of	<b>Eligibility.</b>	52.222-15
	Definition:	<b>Eligible offer</b>	25.003
	Definition:	<b>Eligible product</b>	25.003

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Disaster or Definition:	<b>Emergency Assistance Activities</b>	26-2
		<b>Emerging small business</b>	19.1002 52.212-3 52.219-19
	Definition:	<b>Emerging small business reserve amount</b>	19.1002
	Definition:	<b>Employee</b>	23.503 52.223-6
		<b>Employee morale, health, welfare, food service, and dormitory costs and credits.</b>	31.205-13
	Definition:	<b>Employer's identification number</b>	52.222-27
		<b>Employment of Workers with Disabilities</b>	22.14
		<b>Employment Reports on Disabled Veterans and Veterans of the Vietnam Era.</b>	52.222-37
	Completed	<b>end items.</b>	49.205
	Definition:	<b>End product</b>	2.101 52.225-1 52.225-3 52.225-5
		<b>Energy Conservation</b>	23.2
	Definition:	<b>Energy efficiency standard</b>	23.202
	Definition:	<b>Energy use and efficiency label</b>	23.202
	Definition:	<b>Energy-efficient product</b>	2.101
Application of Labor Laws to Government Acquisitions: Administration and		<b>enforcement.</b>	22.303 22.406 22.809
	Manufacturing and production	<b>engineering costs.</b>	31.205-25
	Industrial mobilization:	<b>engineering, developmental, or research capability; or expert services.</b>	6.302-3
	Value	<b>Engineering.</b>	52.248-1
	Value	<b>Engineering—Architect-Engineer.</b>	52.248-2
	Value	<b>Engineering—Construction.</b>	52.248-3
	Inconsistency between	<b>English Version and Translation of Contract.</b>	52.225-14
		<b>Entertainment costs.</b>	31.205-14
		<b>Environment, Conservation, Occupational Safety, and Drug-Free Workplace</b>	Part 23
	Definition:	<b>Environmentally preferable</b>	2.101
	Contracting for	<b>Environmentally Preferable and Energy-Efficient Products and Services</b>	23.7
	Definition:	<b>EPA-designated product</b>	23.401
Estimate of Percentage of Recovered Material Content for		<b>EPA-Designated Products.</b>	52.223-9
		<b>Equal Employment Opportunity</b>	22.8
Notice of Requirement for Affirmative Action to Ensure		<b>Equal Employment Opportunity for Construction.</b>	52.222-23
Sealed Bidding:		<b>Equal low bids.</b>	14.408-6 52.219-2
	Definition:	<b>Equal Opportunity clause</b>	22.801
Preaward On-Site		<b>Equal Opportunity Compliance Evaluation.</b>	52.222-24
		<b>Equal Opportunity.</b>	52.222-26
Acquisition Planning:		<b>Equipment Lease or Purchase</b>	7.4

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Facilities	<b>Equipment Modernization.</b>	52.245-16
	Warranty of Systems and Government-Furnished	<b>Equipment under Performance Specifications or Design Criteria.</b>	52.246-19
	Protection of Government Buildings.	<b>Equipment With or Without Operators.</b>	52.247-25
	Protection of Existing Vegetation, Structures.	<b>Equipment, and Vegetation.</b>	52.237-2
	Special Test	<b>Equipment, Utilities, and Improvements.</b>	52.236-9
		<b>Equipment.</b>	52.245-18
		<b>Equitable adjustment after partial termination.</b>	49.208
		<b>Equitable adjustments for new or modified standards.</b>	30.602-1
	Statement of	<b>Equivalent Rates for Federal Hires.</b>	52.222-42
		<b>Establishing and Administering Federal Supply Schedules</b>	38.2
		<b>Establishing or maintaining alternative sources.</b>	6.202
Delivery or Performance Schedules:	Factors to consider in	<b>establishing schedules.</b>	11.402
		<b>Estimate of Percentage of Recovered Material Content for EPA-Designated Products.</b>	52.223-9
		<b>Estimated Quantities or Weights for Evaluation of Offers.</b>	52.247-20
		<b>Estimated Weights or Quantities Not Guaranteed.</b>	52.247-8
Announcements of long-range acquisition		<b>estimates.</b>	5.404-2
Release of long-range acquisition		<b>estimates.</b>	5.404
	Definition:	<b>Estimating costs</b>	31.001
		<b>Estimating systems.</b>	15.407-5
		<b>Ethics advisory opinions regarding prohibitions on a former official's acceptance of compensation from a contractor.</b>	3.104-7
	Sanctioned	<b>European Union Country End Products.</b>	52.225-15
	Sanctioned	<b>European Union Country Services.</b>	52.225-16
		<b>Evaluating Foreign Offers—Supply Contracts</b>	25.5
		<b>Evaluating offers of foreign construction material.</b>	25.204
		<b>Evaluating the certification.</b>	3.103-2
Streamlined Procedures for		<b>Evaluation and Solicitation for Commercial Items</b>	12.6
Architect-Engineer Services:		<b>Evaluation board functions.</b>	36.602-3
Architect-Engineer Services:		<b>Evaluation boards.</b>	36.602-2
		<b>Evaluation Exclusive of Options.</b>	52.217-3
		<b>Evaluation factor or subfactor.</b>	19.1202
Contracting by Negotiation:		<b>Evaluation factors and significant subfactors.</b>	15.304
Research and Development Contracting:		<b>Evaluation for award.</b>	35.008
Sealed Bidding:		<b>Evaluation of Bids for Multiple Awards.</b>	52.214-22
		<b>Evaluation of Compensation for Professional Employees.</b>	52.222-46
		<b>Evaluation of contract administration offices.</b>	42.403
		<b>Evaluation of Export Offers.</b>	52.247-51
Shipping Point(s) Used in		<b>Evaluation of F.o.b. Origin Offers.</b>	52.247-46
		<b>Evaluation of Foreign Currency Offers.</b>	52.225-17
Estimated Quantities or Weights for		<b>Evaluation of Offers.</b>	52.247-20
Streamlined		<b>evaluation of offers.</b>	12.602
Options:		<b>Evaluation of Options Exercised at Time of Contract Award.</b>	52.217-4
Options:		<b>Evaluation of Options.</b>	52.217-5

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Soliciting competition.	<b>evaluation of quotations or offers, award and documentation.</b>	13.106
	No	<b>Evaluation of Transportation Costs.</b>	52.247-50
		<b>Evaluation procedures.</b>	45.202
	Contractor Qualifications: Providing	<b>evaluation services.</b>	9.505-3
	Acquisition of Commercial Items: Procedures for solicitation.	<b>evaluation, and award.</b>	12.203
		<b>Evaluation, offering, and acceptance.</b>	19.804
	Contracting officer's	<b>evaluation.</b>	44.202
	Contractor Versus Government Performance:	<b>Evaluation.</b>	7.306
	F.o.b. Origin and/or F.o.b. Destination	<b>Evaluation.</b>	52.247-45
	Options:	<b>Evaluation.</b>	17.206
	Testing: Preaward in-use	<b>evaluation.</b>	11.801
		<b>Evaluation—Commercial Items.</b>	52.212-2
		<b>Evaluation—F.o.b. Origin.</b>	52.247-47
	F.o.b. Destination—	<b>Evidence of Shipment.</b>	52.247-48
	Facts and	<b>evidence.</b>	50.304
		<b>Ex dock, pier, or warehouse, port of importation.</b>	47.303-12 52.247-40
	Waiver of right to	<b>examination of records.</b>	25.1001
	Definition:	<b>Excepted tax</b>	52.229-4 52.229-6
	Definition:	<b>Exception</b>	53.001
	Agency and Public Participation:	<b>Exceptions to soliciting public comments.</b>	1.501-3
	Acquisition from Federal Prison Industries, Inc.:	<b>Exceptions.</b>	8.606
	Forms:	<b>Exceptions.</b>	53.103
	Improper Business Practices and Personal Conflicts of Interest:	<b>Exceptions.</b>	3.602
	Release of	<b>excess funds.</b>	49.105-2
	Definition:	<b>Excess personal property</b>	8.101
		<b>Excess Personal Property</b>	8.1
		<b>Exchange of acquisition information.</b>	5.405
		<b>Exchanges with industry before receipt of proposals.</b>	15.201
	Freight	<b>Excluded.</b>	52.247-7
		<b>Exclusion of individual sureties.</b>	28.203-7
	Full and Open Competition After	<b>Exclusion of Sources</b>	6.2
		<b>Excusable Delays.</b>	52.249-14
	Contract	<b>Execution</b>	4.1
		<b>Execution and Commencement of Work.</b>	52.216-23
	Definition:	<b>Executive agency</b>	2.101
	Applicability of certain laws to	<b>Executive agency contracts for the acquisition of commercial items.</b>	12.503
	Definition:	<b>Executive agreements</b>	1.405(a)
	Deviations pertaining to treaties and	<b>executive agreements.</b>	1.405
		<b>Exemption from Application of Service Contract Act Provisions for Contracts for Maintenance, Calibration, and/or Repair of Certain Information Technology, Scientific and Medical, and/or Office and Business Equipment—Contractor Certification.</b>	52.222-48
	Limitations on the Payment of Funds to Influence Federal Transactions:	<b>Exemption.</b>	3.805

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Exemptions from sale by GSA.</b>	45.610-2
	Administrative limitations, variations, tolerances, and	<b>exemptions.</b>	22.1003-4
Contract Work Hours and Safety Standards Act:	Variations, tolerances, and	<b>exemptions.</b>	22.304
	Equal Employment Opportunity:	<b>Exemptions.</b>	22.807
Service Contract Act of 1965, As Amended:	Statutory	<b>exemptions.</b>	22.1003-3
Walsh-Healey Public Contracts Act:	Regulatory	<b>exemptions.</b>	22.604-2
Walsh-Healey Public Contracts Act:	Statutory	<b>exemptions.</b>	22.604-1
	Requests for status or	<b>expediting of response.</b>	22.1011-2
	Disallowance of	<b>expenditures.</b>	47.403-3
	Other business	<b>expenses.</b>	31.205-28
	Determinations and Findings:	<b>Expiration dates.</b>	1.706
	Evaluation of	<b>Export Offers.</b>	52.247-51
F.o.b. Designated Air Carrier's Terminal, Point of		<b>Exportation.</b>	52.247-43
F.o.b. Inland Carrier, Point of		<b>Exportation.</b>	52.247-38
	Definition:	<b>Expressly unallowable cost</b>	31.001
		<b>Extension of services.</b>	37.111
Management and Operating Contracts:	Award, renewal, and	<b>extension.</b>	17.605
	Contract modifications (options,	<b>extensions, changes in scope) and anniversary dates.</b>	22.1008-6
	Time	<b>Extensions.</b>	52.211-13
		<b>Extraordinary Contractual Actions</b>	Part 50
		<b>Extras.</b>	52.232-11
		<b>F.a.s. vessel, port of shipment.</b>	47.303-8 52.247-36
	Definition:		
	Definition:	<b>F.o.b.</b>	47.001
		<b>F.o.b. designated air carrier's terminal, point of exportation.</b>	47.303-15
		<b>F.o.b. designated air carrier's terminal, point of importation.</b>	47.303-16 52.247-44
	Definition:	<b>F.o.b. destination</b>	47.001 52.247-34
	F.o.b. Origin and/or	<b>F.o.b. Destination Evaluation.</b>	52.247-45
		<b>F.o.b. destination solicitations.</b>	47.305-4
		<b>F.o.b. destination, within consignee's premises.</b>	47.303-7 52.247-35
	Definition:	<b>F.o.b. destination.</b>	47.303-6 52.247-34
		<b>F.o.b. Destination—Evidence of Shipment.</b>	52.247-48
		<b>F.o.b. inland carrier, point of exportation.</b>	47.303-10 52.247-38
	Definition:		
	Definition:	<b>F.o.b. inland point, country of importation.</b>	47.303-11 52.247-39
	Definition:	<b>F.o.b. origin</b>	47.001 52.247-29
	Solicitations	<b>f.o.b. origin and f.o.b. destination—lowest overall cost.</b>	47.305-2

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>F.o.b. Origin and/or F.o.b. Destination Evaluation.</b>	52.247-45
	Shipping Point(s) Used in Evaluation of	<b>F.o.b. Origin Offers.</b>	52.247-46
	Shipping documents covering	<b>f.o.b. origin shipments.</b>	42.1403
		<b>F.o.b. origin solicitations.</b>	47.305-3
		<b>F.o.b. origin, contractor's facility.</b>	47.303-2 52.247-30
	Definition:	<b>F.o.b. origin, freight allowed.</b>	47.303-3 52.247-31
	Definition:	<b>F.o.b. origin, freight prepaid.</b>	47.303-4 52.247-32
		<b>F.o.b. Origin, Prepaid Freight—Small Package Shipments.</b>	52.247-65
	Definition:	<b>F.o.b. origin, with differentials.</b>	47.303-5 52.247-33
		<b>F.o.b. Origin.</b>	47.303-1 52.247-29 52.247-47
		<b>F.o.b. Origin—Carload and Truckload Shipments.</b>	52.247-59
		<b>F.o.b. Origin—Government Bills of Lading or Indicia Mail.</b>	52.242-11
		<b>F.o.b. Origin—Government Bills of Lading or Prepaid Postage.</b>	52.242-10
		<b>F.o.b. Origin—Minimum Size of Shipments.</b>	52.247-61
		<b>F.o.b. Point for Delivery of Government-Furnished Property.</b>	52.247-55
	Place of delivery—	<b>f.o.b. point.</b>	47.302
	Definition:	<b>F.o.b. vessel, port of shipment.</b>	47.303-9 52.247-37
	Definition:	<b>Facilities</b>	45.301 52.245-7 52.245-10 52.245-11
	Accountable	<b>Facilities (Nonprofit Educational Institutions).</b>	52.245-13
	Termination of Work (Consolidated Facilities or	<b>Facilities Acquisition).</b>	52.249-11
	Government Property	<b>Facilities Acquisition.</b>	52.245-10
	Definition:	<b>Facilities capital</b>	31.001
	Definition:	<b>Facilities contract</b>	45.301
	Labor standards for construction work performed under	<b>facilities contracts.</b>	22.405
	Labor Standards for Construction Work—	<b>Facilities Contracts.</b>	52.222-17
	Optional property-related clauses for	<b>facilities contracts.</b>	45.302-7
	Required Government property clauses for	<b>facilities contracts.</b>	45.302-6
		<b>Facilities contracts.</b>	31.106 46.310
		<b>Facilities Equipment Modernization.</b>	52.245-16
	Cost-Reimbursement Contracts: Allowable Cost and Payment—	<b>Facilities Use.</b>	52.216-14
	Government Property	<b>Facilities Use.</b>	52.245-11
	Government Property (Consolidated	<b>Facilities).</b>	52.245-7
	Adequacy of loading and unloading	<b>facilities.</b>	47.306-3

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Contractor's	<b>Facilities.</b>	52.241-5
Cost-Reimbursement Contracts:	Allowable Cost and Payment—	<b>Facilities.</b>	52.216-13
	Inspection of	<b>Facilities.</b>	52.246-10
	Inspection of Shipping and Receiving	<b>Facilities.</b>	52.247-4
	Liability for the	<b>Facilities.</b>	52.245-8
	Limitation of Cost	<b>Facilities.</b>	52.232-21
	Providing	<b>facilities.</b>	45.302
	Stop-Work Order—	<b>Facilities.</b>	52.242-16
	Transfer of Title to the	<b>Facilities.</b>	52.245-15
	Use of Government	<b>Facilities.</b>	52.245-14
	Visits to contractors'	<b>facilities.</b>	42.402
	F.o.b. Origin, Contractor's	<b>Facility.</b>	52.247-30
	Definitions:	<b>FACNET</b>	2.101
	Definition:	<b>Facsimile</b>	2.101
	Sealed Bidding:	<b>Facsimile bids.</b>	14.202-7 52.214-31
	Definition:	<b>Facsimile proposal</b>	52.215-5
		<b>Factors to consider in establishing schedules.</b>	11.402
		<b>Facts and evidence.</b>	50.304
	Definition:	<b>Failure to make a good faith effort to comply with the subcontracting plan</b>	19.701 52.219-16
		<b>Failure to Perform.</b>	52.249-13
		<b>Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiple Year and Option Contracts).</b>	52.222-43
		<b>Fair Labor Standards Act and Service Contract Act—Price Adjustment.</b>	52.222-44
	Application of the	<b>Fair Labor Standards Act minimum wage.</b>	22.1002-4
	Definition:	<b>Fair market price</b>	19.001
	Determination of	<b>fair market price.</b>	19.202-6
	Estimating the	<b>fair market price.</b>	19.807
		<b>FAR conventions.</b>	1.108
	Administration of the FAR:	<b>FAR Secretariat.</b>	1.201-2
		<b>Fast Payment Procedure</b>	13.4 52.213-1
	Definition:	<b>Federal Acquisition Computer Network (FACNET) Architecture</b>	2.101
		<b>Federal Acquisition Computer Network (FACNET).</b>	2.101
		<b>Federal Acquisition Regulations System</b>	Part 1
		<b>Federal Acquisition Streamlining Act of 1994 list of inapplicable laws.</b>	13.005
	Statement of guiding principles for the	<b>Federal Acquisition System.</b>	1.102
		<b>Federal acquisition system.</b>	53.201
	Definition:	<b>Federal agency</b>	2.101 3.104-3 23.1003
	Definition:	<b>Federal agency procurement</b>	3.104-3
		<b>Federal and State labor requirements.</b>	22.102



<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements</b>	23.10
		<b>Federal Excise Taxes</b>	29.2
	Statement of Equivalent Rates for	<b>Federal Hires.</b>	52.222-42
	Capability to Perform a Contract for the Relocation of a	<b>Federal Office.</b>	52.247-3
	Definition:	<b>Federal Power and Water Marketing Agency</b>	41.101
	Acquisition from	<b>Federal Prison Industries, Inc.</b>	8.6
Debarment, Suspension, and Ineligibility:	List of Parties Excluded from	<b>Federal Procurement and Nonprocurement Programs.</b>	9.404
		<b>Federal Procurement Data System.</b>	4.602
	Definition:	<b>Federal Reserve Board</b>	32.301
		<b>Federal Supply Schedule Contracting</b>	Part 38
Small Business Programs:	Multiple award and	<b>Federal Supply Schedule contracts.</b>	19.804-6
		<b>Federal Supply Schedule Program.</b>	38.1
	Establishing and Administering	<b>Federal Supply Schedules</b>	38.2
		<b>Federal Supply Schedules</b>	8.4
	Limitations on the Payment of Funds to Influence	<b>Federal Transactions</b>	3.8
		<b>Federal, State, and Local Taxes.</b>	52.229-3 52.229-4
	Definition:	<b>Federally Funded Research and Development Centers (FFRDC's)</b>	35.001
		<b>Federally Funded Research and Development Centers.</b>	35.017
	Contracts with State, Local, and	<b>Federally Recognized Indian Tribal Governments</b>	31.6
	Adjustment of	<b>fee.</b>	49.305
	Fixed	<b>Fee.</b>	52.216-8
	Incentive	<b>Fee.</b>	52.216-10
	Contingent	<b>Fees</b>	3.4
	Limitation on the creation of new	<b>FFRDC's.</b>	35.017-7
	Master list of	<b>FFRDC's.</b>	35.017-6
	Reviewing	<b>FFRDC's.</b>	35.017-4
	Establishing or changing an	<b>FFRDC.</b>	35.017-2
	Terminating an	<b>FFRDC.</b>	35.017-5
	Using an	<b>FFRDC.</b>	35.017-3
	Definition:	<b>Filed</b>	33.101
	Government Contract	<b>Files</b>	4.8
	Closeout of contract	<b>files.</b>	4.804
	Closeout of paying office contract	<b>files.</b>	4.804-3
	Contents of contract	<b>files.</b>	4.803
	Contract	<b>files.</b>	4.802
	Procedures for closing out contract	<b>files.</b>	4.804-5
	Storage, handling, and disposal of contract	<b>files.</b>	4.805
		<b>Filing of Patent Applications—Classified Subject Matter.</b>	52.227-10
	Definition:	<b>Final conviction</b>	3.702
	Definition:	<b>Final cost objective</b>	31.001
	Definition:	<b>Final indirect cost rate</b>	42.701

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Final indirect cost rates.</b>	42.705
	Certification of	<b>Final Indirect Costs.</b>	52.242-4
		<b>Final payment.</b>	49.112-2
		<b>Final settlement.</b>	49.303-5
		<b>Financial and cost accounting records.</b>	4.705-1
		<b>Financial consultation.</b>	32.108
	Bonds and Other	<b>Financial Protections</b>	28.1
		<b>Financial Statement.</b>	52.247-6
	Commercial Item Purchase	<b>Financing</b>	32.2
	Contract	<b>Financing</b>	Part 32
	Non-Commercial Item Purchase	<b>Financing</b>	32.1
	Contract	<b>financing (SF 1443).</b>	53.232
	Terms for	<b>Financing of Purchases of Commercial Items.</b>	52.232-29
	Conducting market research about	<b>financing terms.</b>	32.202-3
	Determining contract	<b>financing terms.</b>	32.203
	Invitation to Propose	<b>Financing Terms.</b>	52.232-31
	Acquisition of Commercial Items: Contract	<b>financing.</b>	12.210
	Consideration for contract	<b>financing.</b>	32.005
	Procedures for contracting officer-specified commercial contract	<b>financing.</b>	32.204
	Procedures for offeror-proposed commercial contract	<b>financing.</b>	32.205
	Providing contract	<b>financing.</b>	32.104
	Security for Government	<b>financing.</b>	32.202-4
	Simplified acquisition procedures	<b>financing.</b>	32.003
	Termination	<b>financing.</b>	32.109
	Federal Acquisition Regulations System: Determinations and	<b>Findings</b>	1.7
	Advance Payment for Non-Commercial Items:	<b>Findings, determination, and authorization.</b>	32.410
	Federal Acquisition Regulations System: Class determinations and	<b>findings.</b>	1.703
		<b>Fines, penalties, and mischarging costs.</b>	31.205-15
	Definition:	<b>Firm</b>	36.102
	Incentive Price Revision—	<b>Firm Target.</b>	52.216-16
	Concurrent performance of	<b>firm-fixed-price and other types of construction contracts.</b>	36.208
	Types of Contracts:	<b>Firm-fixed-price contracts.</b>	16.202
	Types of Contracts:	<b>Firm-fixed-price, level-of-effort term contracts.</b>	16.207
	Definition:	<b>First article</b>	9.301
		<b>First Article Approval—Contractor Testing.</b>	52.209-3
		<b>First Article Approval—Government Testing.</b>	52.209-4
	Definition:	<b>First article testing</b>	9.301
	Contractor Qualifications:	<b>First Article Testing and Approval</b>	9.3
	Definition:	<b>Fiscal year</b>	31.001
	Cost-Reimbursement Contracts:	<b>Fixed Fee.</b>	52.216-8
	Cost-Reimbursement Contracts:	<b>Fixed Fee—Construction.</b>	52.216-9
	Inspection of Research and Development—	<b>Fixed Price.</b>	52.246-7
	Fixed-Price Contracts:	<b>Fixed-ceiling-price contracts with retroactive price redetermination.</b>	16.206
	Termination for Convenience of the Government	<b>Fixed-Price (Short Form).</b>	52.249-1

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Payments under	<b>Fixed-Price Architect-Engineer Contracts.</b>	52.232-10
	Prompt Payment for	<b>Fixed-Price Architect-Engineer Contracts.</b>	52.232-26
	Termination	<b>Fixed-Price Architect-Engineer.</b>	52.249-7
	Payments under	<b>Fixed-Price Construction Contracts.</b>	52.232-5
	Pricing	<b>fixed-price construction contracts.</b>	36.207
	Default	<b>Fixed-Price Construction.</b>	52.249-10
	Termination of	<b>fixed-price contracts for default.</b>	49.402 49.504
	Additional Principles for	<b>Fixed-Price Contracts Terminated for Convenience</b>	49.2
	Fixed-Price Contracts:	<b>Fixed-price contracts with economic price adjustment.</b>	16.203
	Taxes—	<b>Fixed-Price Contracts with Foreign Governments.</b>	52.229-7
	Fixed-Price Contracts:	<b>Fixed-price contracts with prospective price redetermination.</b>	16.205
	Foreign	<b>fixed-price contracts.</b>	29.402-1
	Government Property	<b>Fixed-Price Contracts.</b>	52.245-2
	Insurance under	<b>fixed-price contracts.</b>	28.306
	Special tooling under	<b>fixed-price contracts.</b>	45.306-3
	Taxes—Foreign	<b>Fixed-Price Contracts.</b>	52.229-6
	Transportation:	<b>Fixed-price contracts.</b>	47.104-2
		<b>Fixed-Price Contracts.</b>	16.2 31.102
		<b>Fixed-price contracts—complete termination.</b>	49.603-1
		<b>Fixed-price contracts—partial termination.</b>	49.603-2
		<b>Fixed-price contracts—settlements with subcontractors only.</b>	49.603-8
		<b>Fixed-price incentive (firm target) contracts.</b>	16.403-1
		<b>Fixed-price incentive (successive targets) contracts.</b>	16.403-2
	Pricing aspects of	<b>fixed-price incentive contract warranties.</b>	46.707
		<b>Fixed-price incentive contracts.</b>	16.204 16.403
	Payments under	<b>Fixed-Price Research and Development Contracts.</b>	52.232-2
		<b>Fixed-price research and development contracts.</b>	46.307
	Default	<b>Fixed-Price Research and Development.</b>	52.249-9
		<b>Fixed-price service contracts.</b>	46.304
	Default	<b>Fixed-Price Supply and Service.</b>	52.249-8
		<b>Fixed-price supply contracts.</b>	46.302
	Changes—	<b>Fixed-Price.</b>	52.243-1
	Inspection of Services—	<b>Fixed-Price.</b>	52.246-4
	Inspection of Supplies—	<b>Fixed-Price.</b>	52.246-2
	Termination for Convenience of the Government	<b>Fixed-Price.</b>	52.249-2
	Interagency	<b>Fleet Management System (IFMS) Vehicles and Related Services.</b>	52.251-2
	Guidelines for implementation of the	<b>Fly America Act.</b>	47.403
	Performance-Based Contracting:	<b>Follow-on and repetitive requirements.</b>	37.602-5
		<b>Foreign Acquisition</b>	Part 25
	Additional	<b>Foreign Acquisition Regulations</b>	25.10

FAR Subjects:	Context Preceding the Keyword	Keyword, and Context Following the Keyword	FAR Reference
	Definition:	<b>Foreign construction material</b>	25.003 52.225-9 52.225-11
	Definition:	<b>Foreign contractor</b>	25.003
		<b>Foreign contracts.</b>	29.402
	Taxes—	<b>Foreign Cost-Reimbursement Contracts.</b>	52.229-8
		<b>Foreign cost-reimbursement contracts.</b>	29.402-2
	Contract performance in	<b>foreign countries.</b>	32.004
	Contractor inventory in	<b>foreign countries.</b>	45.610-4
	Evaluation of	<b>Foreign Currency Offers.</b>	52.225-17
	Use of	<b>foreign currency.</b>	25.1002
	Definition:	<b>Foreign end product</b>	25.003 52.225-1 52.225-3
	Taxes—	<b>Foreign Fixed-Price Contracts.</b>	52.229-6
		<b>Foreign fixed-price contracts.</b>	29.402-1
	Air transport agreements between the United States and	<b>foreign governments.</b>	47.403-2
	Taxes—Cost-Reimbursement Contracts with	<b>Foreign Governments.</b>	52.229-9
	Taxes—Fixed-Price Contracts with	<b>Foreign Governments.</b>	52.229-7
		<b>Foreign governments.</b>	46.406
		<b>Foreign License and Technical Assistance Agreements</b>	27.6
	Restriction on Severance Payments to	<b>Foreign Nationals.</b>	52.237-8
	Severance payments to	<b>foreign nationals.</b>	37.113
	Waiver of Limitation on Severance Payments to	<b>Foreign Nationals.</b>	52.237-9
	Definition:	<b>Foreign offer</b>	25.003
	Restrictions on Certain	<b>Foreign Purchases.</b>	52.225-13
	Definition:	<b>Foreign-flag vessel</b>	47.501
	Definition:	<b>Form, fit, and function data</b>	27.401 52.227-14 52.227-20
Acquisition of Commercial Items:	Solicitation/contract	<b>form.</b>	12.204
	Contract	<b>format.</b>	12.303
		<b>Formats for utility service specifications.</b>	41.701
	Illustration of	<b>Forms</b>	53.3
	Prescription of	<b>Forms</b>	53.2
	Optional	<b>forms (OF's).</b>	53.302
	Standard	<b>forms (SF's).</b>	53.301
	Standard and Optional	<b>Forms for Contracting for Construction, Architect-Engineer Services, and Dismantling, Demolition, or Removal of Improvements</b>	36.7
		<b>Forms for settlement of terminated contracts.</b>	49.602
		<b>Forms for use in contracting for architect-engineer services.</b>	36.702
	Standard and optional	<b>forms for use in contracting for construction or dismantling, demolition, or removal of improvements.</b>	36.701
		<b>Forms prescribed by other regulations.</b>	53.109

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Agency	<b>forms.</b>	53.303
	Bonds and bond-related	<b>forms.</b>	28.106-1
	Computer Generated	<b>Forms.</b>	52.253-1
	Inventory schedule	<b>forms.</b>	49.602-2
	Obtaining	<b>forms.</b>	53.107
	Recommendations concerning	<b>forms.</b>	53.108
	Requirements for use of	<b>forms.</b>	53.101
	Termination settlement proposal	<b>forms.</b>	49.602-1
	Use of	<b>forms.</b>	43.301
		<b>Forms.</b>	13.307 15.509 41.6 Part 53
	Definition:	<b>Forward pricing rate agreement</b>	15.401
	Contract Administration and Audit Services:	<b>Forward Pricing Rate Agreements</b>	42.17
	Contracting by Negotiation:	<b>Forward pricing rate agreements.</b>	15.407-3
	Definition:	<b>Forward pricing rate recommendation</b>	15.401
	Definition:	<b>Franchise territory</b>	41.101
	Permits, Authorities, or	<b>Franchises.</b>	52.247-2
	Definition:	<b>Fraud</b>	31.205-47(a)
		<b>Fraud or other criminal conduct.</b>	49.106
	Reduction or suspension of contract payments upon finding of	<b>fraud.</b>	32.006
	Suspected	<b>fraudulent claims.</b>	33.209
	Protection of Privacy and	<b>Freedom of Information</b>	Part 24
		<b>Freedom of Information Act</b>	24.2
	Definition:	<b>Freight</b>	47.001
	F.o.b. Origin,	<b>Freight Allowed.</b>	52.247-31
	Loading, Blocking, and Bracing of	<b>Freight Car Shipments.</b>	52.247-58
		<b>Freight Classification Description.</b>	52.247-53
	Commodity description and	<b>freight classification.</b>	47.305-9
		<b>Freight Excluded.</b>	52.247-7
	Contractor Liability for Loss of and/or Damage to	<b>Freight other than Household Goods.</b>	52.247-22
	F.o.b. Origin,	<b>Freight Prepaid.</b>	52.247-32
	Contractor Responsibility for Returning Undelivered	<b>Freight.</b>	52.247-16
	Government	<b>freight.</b>	47.104-1
	SCA Minimum Wages and	<b>Fringe Benefits Applicable to Successor Contract Pursuant to Predecessor Contractor Collective Bargaining Agreements (CBA).</b>	52.222-47
	Wages,	<b>fringe benefits, and overtime.</b>	22.406-2
	Competition Requirements:	<b>Full and Open Competition</b>	6.1
	Definition:	<b>Full and open competition</b>	6.003
	Competition Requirements:	<b>Full and Open Competition after Exclusion of Sources</b>	6.2
	Competition Requirements: Circumstances permitting other than	<b>full and open competition.</b>	6.302
	Research and Development Contracts:	<b>Full production.</b>	34.005-6
	Contract administration	<b>functions.</b>	42.302

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Definition:	<b>Funded pension cost</b>	31.001
		<b>Funding and term of service contracts.</b>	37.106
	Design Within	<b>Funding Limitations.</b>	52.236-22
	Contract	<b>funding requirements.</b>	32.703
	Cancellation, Rescission, and Recovery of	<b>Funds for Illegal or Improper Activity.</b>	52.203-8
	Availability of	<b>funds.</b>	43.105 52.232-18
	Limitation of	<b>Funds.</b>	52.232-22
	Withholding of	<b>Funds.</b>	52.222-7
	Bonds and Other Financial Protections:	<b>Furnishing information.</b>	28.106-6
	The need for	<b>further certifications.</b>	3.103-3
	Definition:	<b>Future unit cost reduction</b>	48.001 52.248-1
		<b>Gains and losses on disposition or impairment of depreciable property or other capital assets.</b>	31.205-16
	Protests to	<b>GAO.</b>	33.104
	Definition:	<b>Gateway airport abroad</b>	47.401
	Definition:	<b>Gateway airport in the United States</b>	47.401
	Use of patented technology under the General Agreement on Tariffs and Trade	<b>GATT.</b>	27.209
	Use of patented technology under the	<b>General Agreement on Tariffs and Trade (GATT).</b>	27.209
	Definition:	<b>General and administrative (G&amp;A) expense</b>	31.001
		<b>General Contracting Requirements</b>	Subchapter E
	Definition:	<b>General freight</b>	47.201
	Agreed Weight—	<b>General Freight.</b>	52.247-9
	Net Weight—	<b>General Freight.</b>	52.247-10
	Acquisition Planning:	<b>General procedures.</b>	7.104
	Release of Information:	<b>General public.</b>	5.402
		<b>General Services Administration assistance.</b>	7.403
	Submission of Commercial Transportation Bills to the	<b>General Services Administration for Audit.</b>	52.247-67
	Responsible Prospective Contractors:	<b>General standards.</b>	9.104-1
	Rights in Data—	<b>General.</b>	52.227-14
		<b>Goodwill.</b>	31.205-49
	Application of labor laws to	<b>Government acquisitions (SF's 99, 308, 1093, 1413, 1444, 1445, 1446, WH-347).</b>	53.222
	First Article Testing and Approval:	<b>Government administration procedures.</b>	9.307
	F.o.b. Origin—	<b>Government Bills of Lading or Indicia Mail.</b>	52.242-11
	F.o.b. Origin—	<b>Government Bills of Lading or Prepaid Postage.</b>	52.242-10
	Protection of	<b>Government Buildings, Equipment, and Vegetation.</b>	52.237-2
		<b>Government Contract Files</b>	4.8
	Definition:	<b>Government contract quality assurance</b>	46.101
		<b>Government Contract Quality Assurance</b>	46.4
	Definition:	<b>Government costs</b>	48.001 52.248-1 52.248-3
	Suspension of Work, Stop-Work Orders, and	<b>Government Delay of Work</b>	42.13

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Government delay of work.</b>	42.1304 52.242-17
		<b>Government Direction and Marking.</b>	52.247-26
	Use of	<b>Government Facilities.</b>	52.245-14
	Limitation of	<b>Government Liability.</b>	52.216-24
	Responsibilities and cooperation among	<b>Government officials.</b>	32.605
	Definition:	<b>Government or entity of the Government</b>	8.701
	Contractor Versus	<b>Government Performance</b>	7.3
	Contractor Gratuities to	<b>Government Personnel</b>	3.2
	Definition:	<b>Government printing</b>	8.801
	Definition:	<b>Government production and research property</b>	45.301
	Definition:	<b>Government property</b>	45.101
		<b>Government Property (Consolidated Facilities).</b>	52.245-7
		<b>Government Property (Cost-Reimbursement, Time-and-Material, or Labor-Hour Contracts).</b>	52.245-5
	Liability for	<b>Government Property (Demolition Services Contracts).</b>	52.245-6
		<b>Government Property (Facilities Acquisition).</b>	52.245-10
		<b>Government Property (Facilities Use).</b>	52.245-11
		<b>Government Property (Fixed-Price Contracts).</b>	52.245-2
	Research and Development Contracting:	<b>Government property and title.</b>	35.014
		<b>Government property clauses.</b>	45.106
		<b>Government Property Furnished “As Is.”</b>	52.245-19
		<b>Government property.</b>	49.109-3 Part 45 53.245
		<b>Government rate tenders under section 10721 of the Interstate Commerce Act.</b>	47.104
	Citation of	<b>Government rate tenders.</b>	47.104-5
		<b>Government responsibilities.</b>	47.207-8
	Use of	<b>Government Sources by Contractors</b>	Part 51
	Priorities for use of	<b>Government supply sources.</b>	8.001
	Use of other	<b>Government supply sources.</b>	8.002
		<b>Government Supply Sources.</b>	52.251-1
	First Article Approval—	<b>Government Testing.</b>	52.209-4
	Definition:	<b>Government vessel</b>	47.501
	The	<b>Government’s right.</b>	49.402-1
		<b>Government-Furnished Equipment With or Without Operators.</b>	52.247-25
	Definition:	<b>Government-furnished property</b>	45.101
		<b>Government-Furnished Property (Short Form).</b>	52.245-4
	F.o.b. Point for Delivery of	<b>Government-Furnished Property.</b>	52.247-55
	Identification of	<b>Government-Furnished Property.</b>	52.245-3
	Application to	<b>Government-owned or leased facilities.</b>	23.704
	Alternatives to	<b>Government-Unique Standards.</b>	52.211-7
	Advance Notification by the	<b>Government.</b>	52.247-24
	Follow-up by	<b>Government.</b>	27.305-3
	Service Contracting: Incremental Payment by Contractor to	<b>Government.</b>	52.237-6

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
Service Contracting:	Payment by Contractor to	<b>Government.</b>	52.237-5
	Definition:	<b>Governmentwide commercial purchase card</b>	13.001 32.1102
	Payment by	<b>Governmentwide commercial purchase card.</b>	32.1108
		<b>Granting, withholding, or withdrawing approval.</b>	44.305
	Solicitation and acceptance of	<b>gratuities by Government personnel.</b>	3.101-2
	Reporting suspected violations of the	<b>Gratuities clause.</b>	3.203
	Contractor	<b>Gratuities to Government Personnel</b>	3.2
		<b>Gratuities.</b>	52.203-3
	State of New Mexico	<b>Gross Receipts and Compensating Tax.</b>	52.229-10
	Evaluating Foreign Offers—Supply Contracts:	<b>Group award basis.</b>	25.504-4
		<b>Group insurance plans.</b>	28.307-1
		<b>GSA areawide contracts.</b>	41.204
		<b>GSA assistance.</b>	41.203
	Availability of Specifications Listed in the	<b>GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR 101-29.</b>	52.211-1
	Availability for Examination of Specifications Not Listed in the	<b>GSA Index of Federal Specifications, Standards and Commercial Item Descriptions.</b>	52.211-4
	Availability of Specifications Not Listed in the	<b>GSA Index of Federal Specifications, Standards and Commercial Item Descriptions.</b>	52.211-3
	Exemptions from sale by	<b>GSA.</b>	45.610-2
	Loan Guarantees for Defense Production:	<b>Guarantee amount and maturity.</b>	32.304-4
	Application for	<b>guarantee.</b>	32.304-1
	Definition:	<b>Guaranteed loan, or V loan</b>	32.301
		<b>Guaranteed Shipping Characteristics.</b>	52.247-60
	Definition:	<b>Guaranteeing agency</b>	32.301
		<b>Guidelines for determining availability of personnel.</b>	37.204
	Actions At or Below the Micro-Purchase Threshold: Purchase	<b>guidelines.</b>	13.202
	Statement of	<b>guiding principles for the Federal Acquisition System.</b>	1.102
	Government Contract Files: Storage,	<b>handling, and disposal of contract files.</b>	4.805
	Definition:	<b>Hazardous material</b>	23.301 52.223-3
		<b>Hazardous Material Identification and Material Safety Data.</b>	23.3 52.223-3
	Special procedures for unusually	<b>hazardous or nuclear risks.</b>	50.403
	Definition:	<b>Head of the agency</b>	2.101 52.202-1
	Definition:	<b>Head of the contracting activity</b>	2.101
	Requests for	<b>hearing.</b>	22.1021
	Acquisition of	<b>Helium</b>	8.5
	Definition:	<b>Helium requirement forecast</b>	8.501 52.208-8
		<b>Helium Requirement Forecast and Required Sources for Helium.</b>	52.208-8
	Definition:	<b>High-value item</b>	46.802



<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Limitation of Liability—	<b>High-Value Items.</b>	52.246-24
		<b>Higher-level contract quality requirement.</b>	46.311
	Definition:	<b>Historically Black College or University</b>	26.301 52.219-23 52.226-2
		<b>Historically Black Colleges and Universities and Minority Institutions</b>	26.3
		<b>Historically Underutilized Business Zone (HUBZone) Program</b>	19.13
	Definition:	<b>Home office</b>	31.001
	Definition:	<b>Household goods</b>	47.201
	Net Weight—	<b>Household Goods or Office Furniture.</b>	52.247-11
	Contractor Liability for Loss of and/or Damage to	<b>Household Goods.</b>	52.247-23
	Contractor Liability for Loss of and/or Damage to Freight other than	<b>Household Goods.</b>	52.247-22
	Definition:	<b>HUBZone</b>	19.001
	Historically Underutilized Business Zone	<b>HUBZone Program</b>	19.13
	Notice of Total	<b>HUBZone Set-Aside</b>	52.219-3
		<b>HUBZone set-aside procedures.</b>	19.1305
	Definition:	<b>HUBZone small business concern</b>	19.001 52.219-3 52.219-4 52.219-8
	Protesting a firm's status as a	<b>HUBZone small business concern.</b>	19.306
	Full and Open Competition After Exclusion of Sources: Set-asides for	<b>HUBZone small business concerns.</b>	6.205
	Notice of Price Evaluation Preference for	<b>HUBZone Small Business Concerns.</b>	52.219-4
	Price evaluation preference for	<b>HUBZone Small Business Concerns.</b>	19.1307
	Determination of Status as a Small Business,	<b>HUBZone Small Business, or Small Disadvantaged Business Concern</b>	19.3
		<b>HUBZone sole source awards.</b>	19.1306
	Definition:	<b>Identical bids</b>	3.302
		<b>Identification and availability of specifications.</b>	11.201
	Taxpayer	<b>identification information.</b>	4.203
		<b>Identification of Government-Furnished Property.</b>	52.245-3
	Instructions for Using Provisions and Clauses:	<b>Identification of provisions and clauses.</b>	52.103
	Contractor Use of Interagency Fleet Management System	<b>IFMS Vehicles</b>	51.2
	Interagency Fleet Management System	<b>IFMS Vehicles and Related Services.</b>	52.251-2
	Use of interagency fleet management system	<b>IFMS vehicles and related services.</b>	51.204
	Irrevocable letter of credit	<b>ILC.</b>	28.204-3
	Cancellation, Rescission, and Recovery of Funds for	<b>Illegal or Improper Activity.</b>	52.203-8
	Price or Fee Adjustment for	<b>Illegal or Improper Activity.</b>	52.203-10
		<b>Illustration of Forms</b>	53.3
	Definition:	<b>Immediate-gain actuarial cost method</b>	31.001
	Ex Dock, Pier, or Warehouse, Port of	<b>Importation.</b>	52.247-40
	F.o.b. Designated Air Carrier's Terminal, Point of	<b>Importation.</b>	52.247-44
	F.o.b. Inland Point, Country of	<b>Importation.</b>	52.247-39
		<b>Impracticality of submission.</b>	30.202-2

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Definition:	<b>Imprest fund</b>	13.001
	Simplified Acquisition Methods:	<b>Imprest funds and third party drafts.</b>	13.305
	Other	<b>Improper Business Practices</b>	3.5
		<b>Improper Business Practices and Personal Conflicts of Interest</b>	Part 3
	Definition:	<b>Improper influence</b>	3.401
	Dismantling, Demolition, or Removal of	<b>Improvements</b>	37.3
Termination for Convenience of the Government (Dismantling, Demolition, or Removal of		<b>Improvements).</b>	52.249-3
Inspection—Dismantling, Demolition, or Removal of		<b>Improvements.</b>	52.246-13
Protection of Existing Vegetation, Structures, Equipment, Utilities, and		<b>Improvements.</b>	52.236-9
	Definition:	<b>In excess of \$10,000,000</b>	3.104-3
	Definition:	<b>In writing or written</b>	2.101 52.215-1
	Federal Acquisition Streamlining Act of 1994 list of	<b>inapplicable laws.</b>	13.005
		<b>Inapplicable provisions and clauses.</b>	13.006
	Pricing aspects of fixed-price	<b>incentive contract warranties.</b>	46.707
	Types of Contracts:	<b>Incentive Contracts</b>	16.4
	Cost-reimbursement	<b>incentive contracts.</b>	16.405
	Cost-Reimbursement Contracts:	<b>Incentive Fee.</b>	52.216-10
	Incentive Contracts:	<b>Incentive Price Revision—Firm Target.</b>	52.216-16
	Incentive Contracts:	<b>Incentive Price Revision—Successive Targets.</b>	52.216-17
		<b>Incentive Subcontracting Program.</b>	52.219-10
		<b>Incentive subcontracting with small disadvantaged business concerns.</b>	19.1203
	Small Disadvantaged Business Participation Program—	<b>Incentive Subcontracting.</b>	52.219-26
	Incentive Contracts: Cost-plus-	<b>incentive-fee contracts.</b>	16.405-1
	Incentive Contracts: Delivery	<b>incentives.</b>	16.402-3
	Incentive Contracts: Performance	<b>incentives.</b>	16.402-2
	Incentive Contracts: Relationship to other	<b>incentives.</b>	48.105
	Incentive Contracts: Application of predetermined, formula-type	<b>incentives.</b>	16.402
	Clauses	<b>Incorporated by Reference.</b>	52.252-2
	Solicitation Provisions	<b>Incorporated by Reference.</b>	52.252-1
		<b>Incorporating provisions and clauses.</b>	52.102
		<b>Incremental Payment by Contractor to Government.</b>	52.237-6
		<b>Indefinite Quantity.</b>	52.216-22
		<b>Indefinite-Delivery Contracts</b>	16.5
		<b>Indefinite-delivery contracts for leased equipment.</b>	29.401-1
		<b>Indefinite-quantity contracts.</b>	16.504
		<b>Indemnification and Medical Liability Insurance.</b>	52.237-7
	Patent	<b>indemnification of Government by contractor.</b>	27.203
	Action on	<b>indemnification requests.</b>	50.403-2
		<b>Indemnification requests.</b>	50.403-1
		<b>Indemnification Under Public Law 85-804.</b>	52.250-1
	Insurance and	<b>indemnification.</b>	31.205-19
	Clause for Government waiver of	<b>indemnity.</b>	27.203-6

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Patent	<b>Indemnity.</b>	52.227-3
	Waiver of	<b>Indemnity.</b>	52.227-5
	Certificate of	<b>Independent Price Determination.</b>	52.203-2
		<b>Independent pricing.</b>	3.103
	Definition:	<b>Independent research and development (IR&amp;D) cost</b>	31.001
		<b>Independent research and development and bid and proposal costs.</b>	31.205-18
	Definition:	<b>Indian</b>	26.101 52.226-1
		<b>Indian Incentive Program</b>	26.1
	Definition:	<b>Indian organization</b>	26.101 52.226-1
	Utilization of	<b>Indian Organizations and Indian-Owned Economic Enterprises.</b>	52.226-1
	Contracts with State, local, and federally recognized	<b>Indian tribal governments.</b>	31.107
	Contracts with State, Local, and Federally Recognized	<b>Indian Tribal Governments.</b>	31.6
	Definition:	<b>Indian tribe</b>	26.101 52.226-1
	Definition:	<b>Indian tribe, and tribal organization</b>	3.801 52.203-12(a)
	Definition:	<b>Indian-owned economic enterprise</b>	26.101 52.226-1
	Utilization of Indian Organizations and	<b>Indian-Owned Economic Enterprises.</b>	52.226-1
	F.o.b. Origin—Government Bills of Lading or	<b>Indicia Mail.</b>	52.242-11
	Definition:	<b>Indictment</b>	9.403
	Definition:	<b>Indirect cost pools</b>	31.001
	Definition:	<b>Indirect cost rate</b>	42.701
		<b>Indirect cost rate certification and penalties on unallowable costs.</b>	31.110
		<b>Indirect Cost Rates</b>	42.7
	Cost-Reimbursement Contracts: Predetermined	<b>Indirect Cost Rates.</b>	52.216-15
	Cost-sharing rates and limitations on	<b>indirect cost rates.</b>	42.707
	Adjustment of	<b>indirect costs.</b>	49.303-4
	Certificate of	<b>indirect costs.</b>	42.703-2
	Certification of Final	<b>Indirect Costs.</b>	52.242-4
		<b>Indirect costs.</b>	31.203
	Definition:	<b>Individual</b>	23.503 24.101 52.223-6
	Definition:	<b>Individual contract plan</b>	19.701 52.219-9
	Federal Acquisition Regulations System:	<b>Individual deviations.</b>	1.403
	Definition:	<b>Individual item record</b>	45.501
	Contracting with	<b>individual pool members.</b>	9.703
		<b>Industrial mobilization; engineering, developmental, or research capability; or expert services.</b>	6.302-3
		<b>Industrial Resources Developed Under Defense Production Act Title III.</b>	52.234-1
	Definition:	<b>Industry</b>	19.001

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Safeguarding Classified Information Within Debarment, Suspension, and	<b>Industry</b>	4.4
		<b>Ineligibility</b>	9.4
	Service Contract Act of 1965, As Amended:	<b>Ineligibility of violators.</b>	22.1025
	Definition:	<b>Ineligible</b>	9.403
	Definition:	<b>Influencing or attempting to influence</b>	3.801 52.203-12(a)
	Formalizing	<b>informal commitments.</b>	50.302-3
	Minor	<b>informalities or irregularities in bids.</b>	14.405
	Publicizing Contract Actions: Release of	<b>Information</b>	5.4
	Required Sources of Supplies and Services:	<b>Information on available excess personal property.</b>	8.103
	Definition:	<b>Information other than cost or pricing data</b>	15.401
	EFT	<b>information submitted by offerors.</b>	32.1109
	Definition:	<b>Information technology</b>	2.101
	Acquisition of	<b>Information Technology.</b>	Part 39
		<b>Information to bidders.</b>	14.409
	Reporting contract	<b>information to the IRS.</b>	4.903
	Reporting payment	<b>information to the IRS.</b>	4.904
	Safeguarding Classified	<b>Information Within Industry</b>	4.4
	Contractor Qualifications: Obtaining access to proprietary	<b>information.</b>	9.505-4
	Pollution Prevention and Right-to-Know	<b>Information.</b>	52.223-5
	Publicizing Contract Actions: Methods of disseminating	<b>information.</b>	5.101
	Responsible Prospective Contractors: Obtaining	<b>information.</b>	9.105-1
	Sealed Bidding: Release of acquisition	<b>information.</b>	14.211
	Definition:	<b>Inherently governmental function</b>	7.501
		<b>Inherently Governmental Functions</b>	7.5
	F.o.b.	<b>Inland Carrier, Point of Exportation.</b>	52.247-38
	F.o.b.	<b>Inland Point, Country of Importation.</b>	52.247-39
		<b>Inquiries regarding compliance with E.O. 11246.</b>	22.806
	Definition:	<b>Inspection</b>	46.101
		<b>Inspection and acceptance.</b>	8.405-3
	Government reliance on	<b>inspection by contractor.</b>	46.202-2
		<b>Inspection of Construction.</b>	52.246-12
		<b>Inspection of Facilities.</b>	52.246-10
		<b>Inspection of Research and Development (Short Form).</b>	52.246-9
		<b>Inspection of Research and Development—Cost Reimbursement.</b>	52.246-8
		<b>Inspection of Research and Development—Fixed Price.</b>	52.246-7
		<b>Inspection of Services—Cost-Reimbursement.</b>	52.246-5
		<b>Inspection of Services—Fixed-Price.</b>	52.246-4
		<b>Inspection of Shipping and Receiving Facilities.</b>	52.247-4
		<b>Inspection of site and examination of data.</b>	36.210
		<b>Inspection of Supplies—Cost-Reimbursement.</b>	52.246-3
		<b>Inspection of Supplies—Fixed-Price.</b>	52.246-2
		<b>Inspection of Transportation.</b>	52.246-14

FAR Subjects:	Context Preceding the Keyword	Keyword, and Context Following the Keyword	FAR Reference
	Contractor	<b>inspection requirements.</b>	46.301 52.246-1
	Standard	<b>inspection requirements.</b>	46.202-3
		<b>Inspection—Dismantling, Demolition, or Removal of Improvements.</b>	52.246-13
		<b>Inspection—Time-and-Material and Labor-Hour.</b>	52.246-6
	Definition:	<b>Inspector General</b>	3.901
		<b>Installment Payments for Commercial Items.</b>	52.232-30
	Definition:	<b>Instant contract</b>	48.001 52.248-1
	Definition:	<b>Instant contract savings</b>	52.248-3
	Definition:	<b>Instant unit cost reduction</b>	48.001 52.248-1
	Historically Black Colleges and Universities and Minority	<b>Institutions</b>	26.3
		<b>Instructions for preparing and submitting schedules of contractor inventory.</b>	45.606-5
	Table 15-2—	<b>Instructions for Submitting Cost or Pricing Data.</b>	15.408
		<b>Instructions for Using Provisions and Clauses</b>	52.1
		<b>Instructions to Offerors—Commercial Items.</b>	52.212-1
		<b>Instructions to Offerors—Competitive Acquisition.</b>	52.215-1
	Packing, marking, and consignment	<b>instructions.</b>	47.305-10
		<b>Insufficient causes for not setting aside an acquisition.</b>	19.502-5
	Definition:	<b>Insurance</b>	28.001
		<b>Insurance</b>	28.3
	Workers' Compensation	<b>Insurance (Defense Base Act).</b>	52.228-3
	Definition:	<b>Insurance administration expenses</b>	31.001
		<b>Insurance against loss of or damage to Government property.</b>	28.303
		<b>Insurance and indemnification.</b>	31.205-19
	Contract clause for	<b>insurance of leased motor vehicles.</b>	28.312
	Contract clauses for	<b>insurance of transportation or transportation-related services.</b>	28.313
	Workers' Compensation and War-Hazard	<b>Insurance Overseas.</b>	52.228-4
	Group	<b>insurance plans.</b>	28.307-1
	Solicitation provision and contract clause on liability	<b>insurance under cost-reimbursement contracts.</b>	28.311
		<b>Insurance under cost-reimbursement contracts.</b>	28.307
		<b>Insurance under fixed-price contracts.</b>	28.306
	Bonds and	<b>insurance.</b>	53.228
	Bonds and	<b>Insurance.</b>	Part 28
	Cargo	<b>Insurance.</b>	52.228-9
	Contract clauses for workers' compensation	<b>insurance.</b>	28.309
	Indemnification and Medical Liability	<b>Insurance.</b>	52.237-7
	Liability and	<b>insurance.</b>	47.207-7
	Overseas workers' compensation and war hazard	<b>insurance.</b>	28.305
	Research and Development Contracting:	<b>Insurance.</b>	35.013
	Transportation	<b>insurance.</b>	47.102
	Vehicular and General Public Liability	<b>Insurance.</b>	52.228-10
	Liability and	<b>Insurance—Leased Motor Vehicles.</b>	52.228-8

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Insurance—Liability to Third Persons.</b>	52.228-7
		<b>Insurance—Work on a Government Installation.</b>	52.228-5
	Definition:	<b>Intangible capital asset</b>	31.001
		<b>Integrity of Unit Prices.</b>	52.215-14
	Procurement	<b>integrity.</b>	3.104
	Notice of	<b>Intent to Disallow Costs.</b>	52.242-1
	Definition:	<b>Interagency acquisition</b>	17.501
		<b>Interagency Acquisitions Under the Economy Act</b>	17.5
	Acquisition of Utility Services:	<b>Interagency agreements.</b>	41.206
	Contract Administration and Audit Services:	<b>Interagency agreements.</b>	42.002
	Use of	<b>interagency fleet management system (IFMS) vehicles and related services.</b>	51.204
	Contractor Use of	<b>Interagency Fleet Management System (IFMS) Vehicles.</b>	51.2
			52.251-2
		<b>Interest and other financial costs.</b>	31.205-20
		<b>Interest charges.</b>	32.614-1
	Contract Debts:	<b>Interest credits.</b>	32.614-2
		<b>Interest on claims.</b>	33.208
		<b>Interest penalties.</b>	32.907
	Advance Payments for Non-Commercial Items:	<b>Interest.</b>	32.407
	Computing	<b>interest.</b>	42.709-4
	Contract Debts:	<b>Interest.</b>	32.614
			52.232-17
	Definition:	<b>Interested party</b>	26.101
			52.226-1
	Definition:	<b>Interested party for the purpose of filing a protest</b>	33.101
	Other Than Full and Open Competition:	<b>International agreement.</b>	6.302-4
	Definition:	<b>International air transportation</b>	47.401
			52.247-63
	Rulings and	<b>interpretations of the Walsh-Healey Public Contracts Act.</b>	22.605
	Government rate tenders under section 10721 of the	<b>Interstate Commerce Act.</b>	47.104
	Definition:	<b>Intervention</b>	41.101
	Definition:	<b>Invention</b>	27.301
			52.227-11
			52.227-12
			52.227-13
	Publication or release of	<b>invention disclosures.</b>	27.305-5
	Conveyance of	<b>invention rights acquired by the Government.</b>	27.305-4
		<b>Inventories upon termination or completion.</b>	45.508-1
	Reporting, Redistribution, and Disposal of Contractor	<b>Inventory</b>	45.6
		<b>Inventory schedule forms.</b>	49.602-2
	Submission of	<b>inventory schedules.</b>	49.206-3
			49.303-2
		<b>Inventory schedules.</b>	45.606
	Subcontractor	<b>inventory.</b>	45.614

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Site	<b>Investigation and Conditions Affecting the Work.</b>	52.236-3
	Labor Standards for Contracts Involving Construction:	<b>Investigations.</b>	22.406-8
	Amendment of	<b>invitation for bids.</b>	14.208
		<b>Invitation to Propose Financing Terms.</b>	52.232-31
		<b>Invitation to Propose Performance-Based Payments.</b>	52.232-28
	Sealed Bidding: Cancellation of	<b>invitations after opening.</b>	14.404-1
	Sealed Bidding: Cancellation of	<b>invitations before opening.</b>	14.209
	Records of	<b>invitations for bids and records of bids.</b>	14.204
	Amendments to	<b>Invitations for Bids.</b>	52.214-3
	Dissemination of information concerning	<b>invitations for bids.</b>	14.203-2
	Final review of	<b>invitations for bids.</b>	14.202-6
	Preparation of	<b>invitations for bids.</b>	14.201
	Special Aspects of Contracting for Construction:	<b>Invitations for bids.</b>	36.213-3
	Definition:	<b>Invoice</b>	32.902
	Definition:	<b>Invoice payment</b>	32.902
		<b>Invoice payments.</b>	32.905
	Contractor's	<b>Invoices.</b>	52.247-28
		<b>Invoices.</b>	52.213-2
	Minor informalities or	<b>irregularities in bids.</b>	14.405
	Definition:	<b>Irrevocable letter of credit</b>	28.001
			52.228-14
		<b>Irrevocable letter of credit (ILC).</b>	28.204-3
			52.228-14
	Reporting contract information to the	<b>IRS.</b>	4.903
	Reporting payment information to the	<b>IRS.</b>	4.904
	Definition:	<b>Israeli end product</b>	25.003
			52.225-3
		<b>Israeli Trade Act.</b>	25.406
	Federal Acquisition Regulations System: Purpose, Authority,	<b>Issuance</b>	1.1
	Federal Acquisition Regulations System:	<b>Issuance.</b>	1.105
	Definition:	<b>Issue in controversy</b>	33.201
		<b>Issuing or denying a Certificate of Competency (COC).</b>	19.602-2
	Definition:	<b>Item of supply</b>	34.101
	Selecting and Developing Requirements Documents:	<b>Items peculiar to one manufacturer.</b>	11.105
	Surveys of nonprofit agencies serving people who are blind or have other severe disabilities under the	<b>Javits-Wagner-O'Day (JWOD) Program.</b>	9.107
	Definition:	<b>Job</b>	31.001
	Definition:	<b>Job class of employees</b>	31.001
		<b>Joint settlement of two or more settlement proposals.</b>	49.109-6
	Recognition of	<b>judgments and arbitration awards.</b>	49.108-5
	Other Than Full and Open Competition: Approval of the	<b>justification.</b>	6.304
	Other Than Full and Open Competition: Availability of the	<b>justification.</b>	6.305
	Other Than Full and Open Competition:	<b>Justifications.</b>	6.303

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Definition:	<b>Kickback</b>	3.502-1 52.203-7(a)
	Subcontractor	<b>kickbacks.</b>	3.502
	Economic Price Adjustment—	<b>Labor and Material.</b>	52.216-4
	Definition:	<b>Labor cost at standard</b>	31.001
	Notice to the Government of	<b>Labor Disputes.</b>	52.222-1
	Reporting	<b>labor disputes.</b>	22.101-3
	Application of	<b>Labor Laws to Government Acquisitions</b>	Part 22
	Application of	<b>labor laws to Government acquisitions (SF's 99, 308, 1093, 1413, 1444, 1445, 1446, WH-347).</b>	53.222
	Definition:	<b>Labor market</b>	31.001
		<b>Labor relations costs.</b>	31.205-21
		<b>Labor relations.</b>	22.101
	Federal and State	<b>labor requirements.</b>	22.102
	Disposition of disputes concerning construction contract	<b>labor standards enforcement.</b>	22.406-10
		<b>Labor standards for construction work performed under facilities contracts.</b>	22.405
		<b>Labor Standards for Construction Work—Facilities Contracts.</b>	52.222-17
		<b>Labor Standards for Contracts Involving Construction</b>	22.4
	Dismantling, Demolition, or Removal of Improvements:	<b>Labor standards.</b>	37.301
	Disputes concerning	<b>labor standards.</b>	22.1026 52.222-14
	Subcontracts	<b>Labor Standards.</b>	52.222-11
	Definition:	<b>Labor surplus area</b>	19.001
	Definition:	<b>Labor surplus area concern</b>	19.001
	Supervision,	<b>Labor, or Materials.</b>	52.247-12
	Government Property (Cost-Reimbursement, Time-and-Material, or	<b>Labor-Hour Contracts).</b>	52.245-5
	Payments under Time-and-Materials and	<b>Labor-Hour Contracts.</b>	52.232-7
	Time-and-material and	<b>labor-hour contracts.</b>	46.306
	Types of Contracts:	<b>Labor-hour contracts.</b>	16.602
	Types of Contracts: Time-and-Materials,	<b>Labor-Hour, and Letter Contracts</b>	16.6
	Inspection—Time-and-Material and	<b>Labor-Hour.</b>	52.246-6
	Changes—Time-and-Materials or	<b>Labor-Hours.</b>	52.243-3
	Definition:	<b>Labor-rate standard</b>	31.001
	Definition:	<b>Labor-time standard</b>	31.001
	Convict	<b>Labor.</b>	52.222-3
	Definition:	<b>Laborers or mechanics</b>	22.401
		<b>Late Bids/Offers—Commercial Items.</b>	52.212-1
		<b>Late contract financing payment.</b>	32.907-2
		<b>Late invoice payment.</b>	32.907-1
		<b>Late receipt or nonreceipt of wage determination.</b>	22.1012
	Response to	<b>late submission of Notice—no collective bargaining agreement.</b>	22.1012-4
	Response to	<b>late submission of Notice—with collective bargaining agreement.</b>	22.1012-5
		<b>Late Submissions, Modifications, and Withdrawals of Bids.</b>	52.214-7



FAR Subjects:	Context Preceding the Keyword	Keyword, and Context Following the Keyword	FAR Reference
		<b>Late Submissions, Modifications, Revisions, and Withdrawals of Technical Proposals under Two-Step Sealed Bidding.</b>	52.214-23
	Definition:	<b>Latent defect</b>	46.101
	Federal Compliance with Right-to-Know	<b>Laws and Pollution Prevention Requirements</b>	23.10
		<b>Layout of work.</b>	36.517 52.236-17
		<b>Leader Company Contracting</b>	17.4
	Indefinite-delivery contracts for	<b>leased equipment.</b>	29.401-1
	Application to Government-owned or	<b>leased facilities.</b>	23.704
	Liability and Insurance—	<b>Leased Motor Vehicles.</b>	52.228-8
	Condition of	<b>Leased Vehicles.</b>	52.208-5
	Marking of	<b>Leased Vehicles.</b>	52.208-6
	Tagging of	<b>Leased Vehicles.</b>	52.208-7
	Definition:	<b>Leasing</b>	8.1101
		<b>Leasing of Motor Vehicles</b>	8.11
		<b>Legal effect of quotations.</b>	13.004
	Definition:	<b>Legal proceedings</b>	9.403
	Time-and-Materials, Labor-Hour, and	<b>Letter Contracts</b>	16.6
		<b>Letter contracts.</b>	16.603
		<b>Letter notice.</b>	49.601-2
	Irrevocable	<b>Letter of Credit.</b>	52.228-14
		<b>Letters of credit.</b>	32.406
		<b>Liability and insurance.</b>	47.207-7
		<b>Liability and Insurance—Leased Motor Vehicles.</b>	52.228-8
		<b>Liability for Government costs resulting from design errors or deficiencies.</b>	36.608
		<b>Liability for Government Property (Demolition Services Contracts).</b>	52.245-6
	Responsibility and	<b>liability for Government property.</b>	45.103
	Contractor	<b>Liability for Loss of and/or Damage to Freight other than Household Goods.</b>	52.247-22
	Contractor	<b>Liability for Loss of and/or Damage to Household Goods.</b>	52.247-23
	Contractor	<b>Liability for Loss of or Damage to Property of the Government</b>	46.8
	Contractor	<b>Liability for Personal Injury and/or Property Damage.</b>	52.247-21
		<b>Liability for the Facilities.</b>	52.245-8
	Vehicular and General Public	<b>Liability Insurance.</b>	52.228-10
	Insurance—	<b>Liability to Third Persons.</b>	52.228-7
	Bonds and Insurance:	<b>Liability.</b>	28.307-2
	Limitation of	<b>Liability.</b>	52.246-23
	Termination	<b>Liability.</b>	52.241-10
	Limitation of	<b>Liability—High-Value Items.</b>	52.246-24
	Limitation of	<b>Liability—Services.</b>	52.246-25
		<b>Licensing background patent rights to third parties.</b>	27.306
	Release of	<b>lien.</b>	28.203-5
	Definition:	<b>Life cycle cost</b>	7.101 52.248-2
		<b>Limitation of Cost (Facilities).</b>	52.232-21

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Limitation of cost or funds.</b>	32.704
		<b>Limitation of Cost.</b>	52.232-20
		<b>Limitation of Funds.</b>	52.232-22
		<b>Limitation of Government Liability.</b>	52.216-24
Contractor Liability for Loss of or Damage to Property of the Government:		<b>Limitation of Liability.</b>	52.246-23
		<b>Limitation of Liability—High-Value Items.</b>	52.246-24
		<b>Limitation of Liability—Services.</b>	52.246-25
		<b>Limitation on Payments to Influence Certain Federal Transactions.</b>	52.203-12
		<b>Limitation on settlements.</b>	49.207
	Waiver of	<b>Limitation on Severance Payments to Foreign Nationals.</b>	52.237-9
		<b>Limitation on the Payment of Funds to Influence Federal Transactions</b>	3.8
		<b>Limitation on Withholding of Payments.</b>	52.232-9
	Delegation of and	<b>Limitations on Exercise of Authority.</b>	50.2
		<b>Limitations on exercise of authority.</b>	50.203
	Cost-sharing rates and	<b>limitations on indirect cost rates.</b>	42.707
	Competition Requirements:	<b>Limitations.</b>	6.002
	Federal Acquisition Regulations System:	<b>Limitations.</b>	1.302
	Warranties:	<b>Limitations.</b>	46.705
	Definition:	<b>Limited rights</b>	27.401 52.227-14
	Definition:	<b>Limited rights data</b>	27.401 52.227-14 52.227-20
		<b>Limited screening.</b>	45.608-4
	Definition:	<b>Line item</b>	3.302 45.601
	Contract	<b>Line Items</b>	4.10
		<b>Liquidated damages and overtime pay.</b>	22.302
	Describing Agency Needs:	<b>Liquidated Damages.</b>	11.5
	Small Business Programs:	<b>Liquidated damages.</b>	19.705-7
	Special Aspects of Contracting for Construction:	<b>Liquidated damages.</b>	36.206
		<b>Liquidated Damages—Construction.</b>	52.211-12
		<b>Liquidated Damages—Subcontracting Plan.</b>	52.219-16
		<b>Liquidated Damages—Supplies, Services, or Research and Development.</b>	52.211-11
		<b>Liquidation of liability.</b>	49.406
	Establishing alternate	<b>liquidation rates.</b>	32.503-10
		<b>Liquidation rates—alternate method.</b>	32.503-9
		<b>Liquidation rates—ordinary method.</b>	32.503-8
	Definition:	<b>List of Parties Excluded from Federal Procurement and Nonprocurement Programs</b>	9.403
	Debarment, Suspension, and Ineligibility:	<b>List of Parties Excluded from Federal Procurement and Nonprocurement Programs.</b>	9.404
	Debarment, Suspension, and Ineligibility: Effect of	<b>listing.</b>	9.405
	Sealed Bidding: Establishment of	<b>lists.</b>	14.205-1
	Sealed Bidding: Excessively long solicitation mailing	<b>lists.</b>	14.205-4

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
Sealed Bidding:	Reinstatement on solicitation mailing	<b>lists.</b>	14.205-3
Sealed Bidding:	Release of solicitation mailing	<b>lists.</b>	14.205-5
Sealed Bidding:	Removal of names from solicitation mailing	<b>lists.</b>	14.205-2
	Descriptive	<b>literature in sealed bidding.</b>	14.202-5
	Contractor Responsibility for	<b>Loading and Unloading.</b>	52.247-15
		<b>Loading responsibilities of contractors.</b>	47.305-15
		<b>Loading, Blocking, and Bracing of Freight Car Shipments.</b>	52.247-58
		<b>Loan Guarantees for Defense Production</b>	32.3
		<b>Loan guarantees for subcontracts.</b>	32.306
		<b>Loan guarantees for terminated contracts.</b>	32.305
	Contract surety bonds and	<b>loan guarantees.</b>	32.304-7
		<b>Lobbying and political activity costs.</b>	31.205-22
	Definition:	<b>Local government</b>	3.801 52.203-12(a)
	Definition:	<b>Local taxes</b>	52.229-5
Publicizing Contract Actions:	Announcements of	<b>long-range acquisition estimates.</b>	5.404-2
Publicizing Contract Actions:	Release of	<b>long-range acquisition estimates.</b>	5.404
	Contractor Liability for	<b>Loss of and/or Damage to Freight other than Household Goods.</b>	52.247-22
	Contractor Liability for	<b>Loss of and/or Damage to Household Goods.</b>	52.247-23
		<b>Losses on other contracts.</b>	31.205-23
	Equal	<b>low bids.</b>	19.202-3 52.219-2
		<b>Lowest price technically acceptable source selection process.</b>	15.101-2
	Definition:	<b>Made</b>	27.301 52.227-11 52.227-12
	Shipments by parcel post or other classes of	<b>mail.</b>	42.1404
	Solicitation	<b>mailing lists.</b>	14.205
	Definition:	<b>Maintain</b>	24.101
Full and Open Competition After Exclusion of Sources:	Establishing or	<b>maintaining alternative sources.</b>	6.202
	Using and	<b>Maintaining Requirements Documents</b>	11.2
		<b>Maintenance and repair costs.</b>	31.205-24
		<b>Maintenance of standardization documents.</b>	11.202
		<b>Maintenance of the FAR.</b>	1.201
	Contractor's	<b>maintenance program.</b>	45.509-1
	Definition:	<b>Major helium requirement</b>	8.501 52.208-8
	Definition:	<b>Major nonconformance</b>	46.101
	Definition:	<b>Major system</b>	2.101
		<b>Major System Acquisition</b>	Part 34
	Additional requirements for	<b>major systems.</b>	7.106
Technical Data Declaration, Revision, and Withholding of Payment—		<b>Major Systems.</b>	52.227-21
		<b>Major System—Minimum Rights.</b>	52.227-22
	Changes or Additions to	<b>Make-or-Buy Program.</b>	52.215-9

FAR Subjects:	Context Preceding the Keyword	Keyword, and Context Following the Keyword	FAR Reference
		<b>Make-or-buy programs.</b>	15.407-2
	Definition:	<b>Management and operating contract</b>	17.601
		<b>Management and Operating Contracts</b>	17.6
		<b>Management of Government Property in the Possession of Contractors</b>	45.5
		<b>Management of risk.</b>	39.102
		<b>Management Oversight of Service Contracts</b>	37.5
Availability of Specifications Listed in the DoD Index of Specifications and Standards (DoDISS) and Descriptions Listed in the Acquisition		<b>Management Systems and Data Requirements Control List, DoD 5010.12-L.</b>	52.211-2
	Definition:	<b>Manufacture</b>	23.202
	Definition:	<b>Manufacturer</b>	23.202
Selecting and Developing Requirements Documents:	Items peculiar to one	<b>manufacturer.</b>	11.105
		<b>Manufacturing and production engineering costs.</b>	31.205-25
		<b>Market acceptance.</b>	11.103
	Definition:	<b>Market research</b>	2.101
		<b>Market Research</b>	Part 10
	Conducting	<b>market research about financing terms.</b>	32.202-3
Acquisition of Commercial Items:		<b>Market research and description of agency need.</b>	12.202
	Definition:	<b>Marketing consultant</b>	9.501
	Disclosure, protection, and	<b>marking of contractor bid or proposal information and source selection information.</b>	3.104-5
	Government Direction and	<b>Marking.</b>	52.247-26
	Definition:	<b>Master plan</b>	19.701 52.219-9
	Definition:	<b>Master solicitation</b>	14.203-3(a)
	Sealed Bidding:	<b>Master solicitation.</b>	14.203-3
	Acceptable	<b>Material</b>	11.3
	Definition:	<b>Material</b>	45.301
		<b>Material and workmanship.</b>	36.505 52.236-5
	Definition:	<b>Material cost at standard</b>	31.001
		<b>Material costs.</b>	31.205-26
		<b>Material Inspection and Receiving Reports</b>	46.6
		<b>Material Requirements.</b>	52.211-5
	Hazardous Material Identification and	<b>Material Safety Data.</b>	52.223-3
	Definition:	<b>Material-price standard</b>	31.001
	Definition:	<b>Material-quantity standard</b>	31.001
	Providing	<b>material.</b>	45.303
	Records of	<b>material.</b>	45.505-3
	Definition:	<b>Materials</b>	52.229-2
	Supervision, Labor, or	<b>Materials.</b>	52.247-12
	Provision and Clause	<b>Matrix</b>	52.3
	Solicitation provisions and contract clauses	<b>Matrix.</b>	52.301
	Definition:	<b>May</b>	2.101

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Indemnification and	<b>Medical Liability Insurance.</b>	52.237-7
	Agency and Public Participation : Public	<b>meetings.</b>	1.503
	Release of Information: Requests from	<b>Members of Congress.</b>	5.403
		<b>Methods of conducting set-asides.</b>	19.502-4
	Publicizing Contract Actions:	<b>Methods of disseminating information.</b>	5.101
	Acquisition	<b>methods.</b>	7.402
	Definition:	<b>Mexican end product</b>	25.003
	Definition:	<b>Micro-purchase</b>	2.101
	Actions At or Below the	<b>Micro-Purchase Threshold</b>	13.2
	Definition:	<b>Micro-purchase threshold</b>	2.101
	Major System—	<b>Minimum Rights.</b>	52.227-22
	F.o.b. Origin—	<b>Minimum Size of Shipments.</b>	52.247-61
	Application of the Fair Labor Standards Act	<b>minimum wage.</b>	22.1002-4
	SCA	<b>Minimum Wages and Fringe Benefits Applicable to Successor Contract Pursuant to Predecessor Contractor Collective Bargaining Agreements (CBA).</b>	52.222-47
	Definition:	<b>Minor nonconformance</b>	46.101
	Definition:	<b>Minority</b>	52.222-27
	Definition:	<b>Minority Institution</b>	26.301 52.219-23 52.226-2
	Historically Black Colleges and Universities and	<b>Minority Institutions</b>	26.3
	Definition:	<b>Misrepresentation of fact</b>	33.201
		<b>Misrepresentations or violations of the Covenant Against Contingent Fees.</b>	3.405
	Contracting by Negotiation: Preaward, Award, and Postaward Notifications, Protests, and	<b>Mistakes</b>	15.5
	Sealed Bidding:	<b>Mistakes after awards.</b>	14.407-4
	Sealed Bidding: Other	<b>mistakes disclosed before award.</b>	14.407-3
	Sealed Bidding:	<b>Mistakes in bids.</b>	14.407
	Contracting by Negotiation: Discovery of	<b>mistakes.</b>	15.508
	Sealed Bidding: Apparent clerical	<b>mistakes.</b>	14.407-2
	Facilities Equipment	<b>Modernization.</b>	52.245-16
	Definition:	<b>Modification</b>	52.101(a)
	Sealed Bidding:	<b>Modification or withdrawal of bids.</b>	14.303
	Sealed Bidding: Submission,	<b>modification, and withdrawal of bids.</b>	14.304
	Contracting by Negotiation: Submission,	<b>modification, revision, and withdrawal of proposals.</b>	15.208
	Contract	<b>Modifications</b>	Part 43
	Contract	<b>Modifications (SF 30).</b>	53.243
	Late Submissions,	<b>Modifications, and Withdrawals of Bids.</b>	52.214-7
	Late Submissions,	<b>Modifications, Revisions, and Withdrawals of Technical Proposals under Two-Step Sealed Bidding.</b>	52.214-23
	Price Reduction for Defective Cost or Pricing Data—	<b>Modifications.</b>	52.215-11
	Types of contract	<b>modifications.</b>	43.103
	Price Reduction for Defective Cost or Pricing Data—	<b>Modifications—Sealed Bidding.</b>	52.214-27
	Subcontractor Cost or Pricing Data—	<b>Modifications—Sealed Bidding.</b>	52.214-28

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Procedures for	<b>modifying and completing provisions and clauses.</b>	52.104
	Withdrawing or	<b>modifying small business set-asides.</b>	19.506
	Definition:	<b>Modular contracting</b>	39.002
		<b>Modular contracting.</b>	39.103
	Quantitative and	<b>monetary control.</b>	45.508-3
	Certified or cashier's checks, bank drafts,	<b>money orders, or currency.</b>	28.204-2
		<b>Monthly and annual review.</b>	41.401
	Definition:	<b>Motor vehicle</b>	8.1101
	Providing	<b>motor vehicles.</b>	45.304
	Definition:	<b>Moving average cost</b>	31.001
	Accessorial Services—	<b>Moving Contracts.</b>	52.247-13
	Definition:	<b>Multi-year contract</b>	17.103
		<b>Multi-year Contracting</b>	17.1
	Cancellation Under	<b>Multi-year Contracts.</b>	52.217-2
	Small Business Programs:	<b>Multiple award and Federal Supply Schedule contracts.</b>	19.804-6
		<b>Multiple Awards for Advisory and Assistance Services.</b>	52.216-28
	Evaluation of Bids for	<b>Multiple Awards.</b>	52.214-22
	Single or	<b>Multiple Awards.</b>	52.216-27
		<b>Multiple Payment Arrangements.</b>	52.232-37
	Definition:	<b>Multiple service locations</b>	41.101
		<b>Multiple Service Locations.</b>	52.241-11
		<b>Multiple Shipments.</b>	52.247-18
	Fair Labor Standards Act and Service Contract Act—Price Adjustment	<b>Multiple Year and Option Contracts.</b>	52.222-43
	Definition:	<b>Multiple year contracts</b>	22.1001
	Incentive Contracts: Structuring	<b>multiple-incentive contracts.</b>	16.402-4
	Service Contract Act of 1965, As Amended:	<b>Multiple-year contracts.</b>	22.1008-5
		<b>NAFTA (North American Free Trade Agreement)</b>	25.405
		<b>NAFTA/Israeli Trade Act.</b>	25.504-3
	Definition:	<b>National defense</b>	2.101
	Notice of Priority Rating for	<b>National Defense Use.</b>	52.211-14
	Definition:	<b>National security system</b>	39.002
	Other Than Full and Open Competition:	<b>National security.</b>	6.302-6
	The	<b>need for further certifications.</b>	3.103-3
	Definition:	<b>Negative instant contract savings</b>	48.001 52.248-1
	Patents:	<b>Negotiated contracts (excluding construction).</b>	27.203-3
	Patents: Clauses for	<b>negotiated contracts (excluding construction).</b>	27.203-4
	Notice of Cost Comparison	<b>Negotiated.</b>	52.207-2
		<b>Negotiating contract type.</b>	16.103
	Special procedures for price	<b>negotiation in construction contracting.</b>	36.214
	Criteria for acceptance and	<b>negotiation of an unsolicited proposal.</b>	15.607
		<b>Negotiation of contract debts.</b>	32.608
	Annual Representations and Certifications—	<b>Negotiation.</b>	52.215-7
	Audit and Records—	<b>Negotiation.</b>	52.215-2

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Construction Contracts: Contracting by	<b>negotiation.</b>	36.520
	Contract	<b>negotiation.</b>	19.808
	Documenting the	<b>negotiation.</b>	15.406-3
	Forms: Contracting by	<b>negotiation.</b>	53.215
	Price	<b>negotiation.</b>	15.405
	Architect-Engineer Services:	<b>Negotiations.</b>	36.606
	Definition:	<b>Net acquisition savings</b>	48.001 52.248-1
		<b>Net Weight—General Freight.</b>	52.247-10
		<b>Net Weight—Household Goods or Office Furniture.</b>	52.247-11
	Definition:	<b>Neutral person</b>	33.201
	Definition:	<b>New</b>	52.211-5
	State of	<b>New Mexico Gross Receipts and Compensating Tax.</b>	52.229-10
		<b>No Evaluation of Transportation Costs.</b>	52.247-50
	Cost-Reimbursement Contracts: Cost Contract—	<b>No Fee.</b>	52.216-11
	Cost-Reimbursement Contracts: Cost-Sharing Contract—	<b>No Fee.</b>	52.216-12
	Definition: May/	<b>No person may</b>	2.101
		<b>No-cost settlement agreement—complete termination.</b>	49.603-6
		<b>No-cost settlement agreement—partial termination.</b>	49.603-7
		<b>No-cost settlement.</b>	49.109-4
	Definition:	<b>No-setoff commitment</b>	32.801
		<b>Non-Commercial Item Purchase Financing</b>	32.1
	Advance Payments for	<b>Non-Commercial Items</b>	32.4
	Contract clauses for	<b>non-commercial purchases.</b>	32.111
		<b>Non-Government use of plant equipment.</b>	45.407
	Nonpayment of subcontractors under contracts for	<b>noncommercial items.</b>	32.112
	Federal, State, and Local Taxes	<b>Noncompetitive Contract.</b>	52.229-4
		<b>Noncompetitive contracts.</b>	29.401-4
	Warranty of Supplies of a	<b>Noncomplex Nature.</b>	52.246-17
	Bonds and Other Financial Protections:	<b>Noncompliance with bid guarantee requirements.</b>	28.101-4
		<b>Noncompliance with CAS requirements.</b>	30.602-2
	Employment of Workers with Disabilities: Actions because of	<b>noncompliance.</b>	22.1407
	Disabled Veterans and Veterans of the Vietnam Era: Actions because of	<b>noncompliance.</b>	22.1307
		<b>Nonconforming supplies or services.</b>	46.407
	Equal Employment Opportunity:	<b>Nonconstruction.</b>	22.804-1
	Definition:	<b>Nondevelopmental item</b>	2.101 52.202-1
		<b>Nondiscrimination Because of Age</b>	22.9
		<b>Nondisplacement of Qualified Workers Under Certain Contracts</b>	22.12
		<b>Nondisplacement of Qualified Workers.</b>	52.222-50
	Definition:	<b>Noneligible offer</b>	25.003
	Definition:	<b>Noneligible product</b>	25.003
	Definition:	<b>Nonmanufacturer rule</b>	19.001

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Nonpayment of subcontractors under contracts for noncommercial items.</b>	32.112
	Subcontractor assertions of	<b>nonpayment.</b>	32.112-1
		<b>Nonpersonal Health Care Services</b>	37.4
	Definition:	<b>Nonpersonal services contract</b>	37.101
	Definition:	<b>Nonprocurement Common Rule</b>	9.403
Debarment, Suspension, and Ineligibility:	List of Parties Excluded from Federal Procurement and	<b>Nonprocurement Programs.</b>	9.404
	Communications with the central	<b>nonprofit agencies and the Committee.</b>	8.714
	Acquisition from	<b>Nonprofit Agencies Employing People Who Are Blind or Severely Disabled.</b>	8.7
	Surveys of	<b>nonprofit agencies serving people who are blind or have other severe disabilities under the Javits-Wagner-O'Day (JWOD) Program.</b>	9.107
	Definition:	<b>Nonprofit agency serving people who are blind</b>	8.701
	Definition:	<b>Nonprofit agency serving people with other severe disabilities</b>	8.701
	Accountable Facilities	<b>Nonprofit Educational Institutions.</b>	52.245-13
	Contract Purpose	<b>Nonprofit Educational Institutions.</b>	52.245-12
Termination for Convenience of the Government (Educational and Other		<b>Nonprofit Institutions).</b>	52.249-5
	Definition:	<b>Nonprofit organization</b>	27.301 45.301 52.227-11 52.227-12
		<b>Nonprofit organizations other than educational and state and local governments.</b>	42.705-5
Contracts for research with educational institutions and		<b>nonprofit organizations.</b>	35.015
	Contracts with	<b>nonprofit organizations.</b>	31.108 31.7
	Definition:	<b>Nonqualified pension plan</b>	31.001
	Late receipt or	<b>nonreceipt of wage determination.</b>	22.1012
	Definition:	<b>Nonrecurring costs</b>	17.103
	Nonrefundable,	<b>Nonrecurring Service Charge.</b>	52.241-12
		<b>Nonrefundable, Nonrecurring Service Charge.</b>	52.241-12
	Obtaining	<b>nonreportable property.</b>	8.104
	Definition:	<b>Nonseverable</b>	45.301
	Definition:	<b>Nonsponsor</b>	35.017(b)
	Definition:	<b>Normal cost</b>	31.001
	Definition:	<b>Normal workweek</b>	22.103-1
		<b>North American Free Trade Agreement (NAFTA).</b>	25.405
	Definition:	<b>North American Free Trade Agreement country</b>	25.003 52.225-3 52.225-5 52.225-11
	Definition:	<b>North American Free Trade Agreement country construction material</b>	52.225-11
	Definition:	<b>North American Free Trade Agreement country end product</b>	25.003 52.225-3 52.225-5
	Use of patented technology under the	<b>North American Free Trade Agreement.</b>	27.208



<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>North Carolina State and Local Sales and Use Tax.</b>	52.229-2
	Estimated Weights or Quantities	<b>Not Guaranteed.</b>	52.247-8
	Commercial Bill of Lading	<b>Notations.</b>	52.247-1
	United States bonds or	<b>notes.</b>	28.204-1
	Definition:	<b>Notice</b>	22.1001
		<b>Notice and Assistance Regarding Patent and Copyright Infringement.</b>	52.227-2
	Patents: Clause on	<b>notice and assistance.</b>	27.202-2
		<b>Notice of Availability of Progress Payments Exclusively for Small Business Concerns.</b>	52.232-14
		<b>Notice of award.</b>	36.213-4
		<b>Notice of Cost Comparison (Negotiated).</b>	52.207-2
		<b>Notice of Cost Comparison (Sealed-Bid).</b>	52.207-1
		<b>Notice of Emerging Small Business Set-Aside.</b>	52.219-20
	Patents—	<b>Notice of Government Licensee.</b>	52.227-7
		<b>Notice of intent to disallow costs.</b>	42.801 52.242-1
		<b>Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns.</b>	52.219-23
		<b>Notice of Price Evaluation Preference for HUBZone Small Business Concerns</b>	52.219-4
		<b>Notice of Progress Payments.</b>	52.232-13
		<b>Notice of Radioactive Material.</b>	23.6 52.223-7
		<b>Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity for Construction.</b>	52.222-23
		<b>Notice of Total HUBZone Set-Aside</b>	52.219-3
		<b>Notice of Total Small Business Set-Aside.</b>	52.219-6
	Sealed Bidding:	<b>Notice to bidders of rejection of all bids.</b>	14.404-3
	Nondisplacement of Qualified Workers Under Certain Contracts:	<b>Notice to employees.</b>	22.1205
		<b>Notice To Supplier.</b>	52.213-3
		<b>Notice to the Government of Labor Disputes.</b>	52.222-1
	Traffic and Transportation Management: Advance	<b>notice.</b>	42.1406-1
	Cost Accounting Standards	<b>Notices and Certification.</b>	52.230-1
	Department of Labor	<b>notices and reports.</b>	22.1304
		<b>Notices of subcontracting opportunities.</b>	5.206
	Employment of Workers with Disabilities: Department of Labor	<b>notices.</b>	22.1404
	Contracting for Construction: Presolicitation	<b>notices.</b>	36.213-2
	Publicizing Contract Actions: Presolicitation	<b>notices.</b>	5.204
	Advance	<b>Notification by the Government.</b>	52.247-24
		<b>Notification of Changes.</b>	52.243-7
		<b>Notification of Competition Limited to Eligible 8(a) Concerns.</b>	52.219-18
		<b>Notification of contract changes.</b>	43.104
		<b>Notification of Ownership Changes.</b>	52.215-19
		<b>Notification of Visa Denial.</b>	52.222-29
	Consent to Subcontracts: Consent and advance	<b>notification requirements.</b>	44.201
		<b>Notification to contractors and employees.</b>	22.1018
		<b>Notification to interested parties under collective bargaining agreements.</b>	22.1010

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Contractors' Purchasing Systems Reviews:	<b>Notification.</b>	44.305-2
	Contracting by Negotiation:	<b>Notifications to unsuccessful offerors.</b>	15.503
Contracting by Negotiation:	Preaward, Award, and Postaward	<b>Notifications, Protests, and Mistakes</b>	15.5
	Definition:	<b>Novation agreement</b>	42.1201
	Applicability of	<b>novation agreements.</b>	42.1204
		<b>Novation and Change-of-Name Agreements</b>	42.12
		<b>Novation and change-of-name agreements (SF 30).</b>	53.242-1
Special procedures for unusually hazardous or		<b>nuclear risks.</b>	50.403
Data Universal Numbering System (DUNS)		<b>Number.</b>	52.204-6
	Data Universal	<b>Numbering System (DUNS) Number.</b>	52.204-6
	Protests, Disputes, and Appeals:	<b>Obligation to continue performance.</b>	33.213
		<b>Obtaining forms.</b>	53.107
		<b>Obtaining nonreportable property.</b>	8.104
	Environment, Conservation,	<b>Occupational Safety, and Drug-Free Workplace</b>	Part 23
		<b>Ocean Transportation by U.S.—Flag Vessels</b>	47.5
Contractor use of Government supply sources		<b>OF 347.</b>	53.251
Delivery orders and orders under basic ordering agreements		<b>OF 347.</b>	53.216-1
	Optional forms	<b>OF's.</b>	53.302
	Definition:	<b>Off-the-shelf item</b>	46.101
	Definition:	<b>Offer</b>	2.101
	Evaluation,	<b>offering, and acceptance.</b>	19.804
		<b>Offeror Representations and Certifications—Commercial Items.</b>	52.212-3
	Procedures for	<b>offeror-proposed commercial contract financing.</b>	32.205
Contracting by Negotiation:	Award to successful	<b>offeror.</b>	15.504
	Representation by the	<b>offeror.</b>	19.301
Contracting by Negotiation:	Exchanges with	<b>offerors after receipt of proposals.</b>	15.306
Contracting by Negotiation:	Notifications to unsuccessful	<b>offerors.</b>	15.503
Contracting by Negotiation:	Postaward debriefing of	<b>offerors.</b>	15.506
Contracting by Negotiation:	Preaward debriefing of	<b>offerors.</b>	15.505
	Qualifications of	<b>offerors.</b>	47.207-1
	Instructions to	<b>Offerors—Commercial Items.</b>	52.212-1
Contracting by Negotiation:	Instructions to	<b>Offerors—Competitive Acquisition.</b>	52.215-1
Sealed Bidding:	Submission of	<b>Offers in the English Language.</b>	52.214-34
Sealed Bidding:	Submission of	<b>Offers in U.S. Currency.</b>	52.214-35
Buy American Act—Construction Materials:	Evaluating	<b>offers of foreign construction material.</b>	25.204
Estimated Quantities or Weights for Evaluation of		<b>Offers.</b>	52.247-20
	Evaluation of Export	<b>Offers.</b>	52.247-51
Shipping Point(s) Used in Evaluation of F.o.b. Origin		<b>Offers.</b>	52.247-46
	Streamlined evaluation of	<b>offers.</b>	12.602
	Transportation factors in the evaluation of	<b>offers.</b>	47.306
		<b>Offers.</b>	12.205
	Definition:	<b>Office furniture</b>	47.201
	Net Weight—Household Goods or	<b>Office Furniture.</b>	52.247-11

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Definition:	<b>Officer or employee of an agency</b>	3.801 52.203-12(a)
Federal Acquisition Regulations System:	Contracting	<b>officers.</b>	1.602
	Definition:	<b>Official</b>	3.104-3
		<b>OMB Approval Under the Paperwork Reduction Act.</b>	1.106
	Only	<b>one responsible source and no other supplies or services will satisfy agency requirements.</b>	6.302-1
	Full and	<b>Open Competition</b>	6.1
	Sealed Bidding:	<b>Opening of Bids and Award of Contract</b>	14.4
	Sealed Bidding:	<b>Opening of bids.</b>	14.402
Sealed Bidding:	Cancellation of invitations after	<b>opening.</b>	14.404-1
	Sealed Bidding: Postponement of	<b>openings.</b>	14.402-3
	Definition:	<b>Operation of a system of records</b>	24.101 52.224-2(c)(1)
Government-Furnished Equipment With or Without		<b>Operators.</b>	52.247-25
	Definition:	<b>Option</b>	17.201
Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiple Year and		<b>Option Contracts).</b>	52.222-43
		<b>Option for Increased Quantity.</b>	52.217-6
		<b>Option for Increased Quantity—Separately Priced Line Item.</b>	52.217-7
		<b>Option to Extend Services.</b>	52.217-8
		<b>Option to Extend the Term of the Contract.</b>	52.217-9
		<b>Option to Purchase Equipment.</b>	52.207-5
		<b>Optional acquisition of supplies and services.</b>	8.713
		<b>Optional forms (OF's).</b>	53.302
		<b>Options</b>	17.2
	Evaluation of	<b>Options Exercised at Time of Contract Award.</b>	52.217-4
		<b>Options in shipment and delivery.</b>	47.305-11
	Contract modifications	<b>options, extensions, changes in scope and anniversary dates.</b>	22.1008-6
	Evaluation Exclusive of	<b>Options.</b>	52.217-3
	Evaluation of	<b>Options.</b>	52.217-5
	Exercise of	<b>options.</b>	17.207
	Use of	<b>options.</b>	17.202
	Contract not Affected by	<b>Oral Agreement.</b>	52.247-27
	Contracting by Negotiation:	<b>Oral presentations.</b>	15.102
		<b>Order Limitations.</b>	52.216-19
		<b>Order of precedence for requirements documents.</b>	11.101
	Contracting by Negotiation:	<b>Order of Precedence—Uniform Contract Format.</b>	52.215-8
		<b>Order of Precedence—Utilities.</b>	52.241-2
	Federal Supply Schedules:	<b>Order placement.</b>	8.405-2
	Stop-Work	<b>Order.</b>	52.242-15
		<b>Ordering from Government supply sources.</b>	51.103
	Definition:	<b>Ordering office</b>	8.701

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Federal Supply Schedules:	<b>Ordering office responsibilities.</b>	8.405
		<b>Ordering procedures.</b>	8.604 17.504
	Indefinite-Delivery Contracts:	<b>Ordering.</b>	16.505 52.216-18
	Delivery	<b>orders and orders under basic ordering agreements (OF 347).</b>	53.216-1
	Preparation and execution of	<b>orders.</b>	13.403
		<b>Organization and direction of the work.</b>	36.519 52.236-19
		<b>Organization costs.</b>	31.205-27
		<b>Organizational and Consultant Conflicts of Interest</b>	9.5
	Definition:	<b>Organizational conflict of interest</b>	9.501
	F.o.b.	<b>Origin and/or F.o.b. Destination Evaluation.</b>	52.247-45
	F.o.b.	<b>Origin, Contractor's Facility.</b>	52.247-30
	F.o.b.	<b>Origin, Freight Allowed.</b>	52.247-31
	F.o.b.	<b>Origin, Freight Prepaid.</b>	52.247-32
	F.o.b.	<b>Origin, Prepaid Freight—Small Package Shipments.</b>	52.247-65
	F.o.b.	<b>Origin, with Differentials.</b>	52.247-33
	Evaluation—F.o.b.	<b>Origin.</b>	52.247-47
	F.o.b.	<b>Origin.</b>	52.247-29
	Definition:	<b>Original complement of low cost equipment</b>	31.001
	F.o.b.	<b>Origin—Carload and Truckload Shipments.</b>	52.247-59
	F.o.b.	<b>Origin—Government Bills of Lading or Indicia Mail.</b>	52.242-11
	F.o.b.	<b>Origin—Government Bills of Lading or Prepaid Postage.</b>	52.242-10
	F.o.b.	<b>Origin—Minimum Size of Shipments.</b>	52.247-61
	Use of	<b>other Government supply sources.</b>	8.002
		<b>Other Improper Business Practices</b>	3.5
		<b>Other International Agreements and Coordination</b>	25.8
	Sureties and	<b>Other Security for Bonds</b>	28.2
		<b>Other Socioeconomic Programs</b>	Part 26
	Performance and Payment Bonds—	<b>Other Than Construction.</b>	52.228-16
	Competition Requirements:	<b>Other Than Full and Open Competition</b>	6.3
	Competition Requirements: Circumstances permitting	<b>other than full and open competition.</b>	6.302
	Definition:	<b>Other work</b>	49.001
	Subcontractors and	<b>Outside Associates and Consultants (Architect-Engineer Services).</b>	52.244-4
		<b>Overprinting.</b>	53.104
		<b>Overseas workers' compensation and war hazard insurance.</b>	28.305
	Work	<b>oversight in architect-engineer contracts.</b>	36.609-3
	Work	<b>Oversight in Cost-Reimbursement Construction Contracts.</b>	52.236-18
	Management	<b>Oversight of Service Contracts</b>	37.5
	Definition:	<b>Overtime</b>	22.103-1
	Contract Work Hours and Safety Standards Act—	<b>Overtime Compensation.</b>	52.222-4
	Liquidated damages and	<b>overtime pay.</b>	22.302
	Definition:	<b>Overtime premium</b>	22.103-1

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Payment for	<b>Overtime Premiums.</b>	52.222-2
	Basic Labor Policies:	<b>Overtime.</b>	22.103
	Identification of Uncompensated	<b>Overtime.</b>	52.237-10
	Service Contracting: Uncompensated	<b>overtime.</b>	37.115
	Wages, fringe benefits, and	<b>overtime.</b>	22.406-2
	Definition:	<b>Ozone-depleting substance</b>	23.802 52.223-11
		<b>Ozone-Depleting Substances.</b>	23.8 52.223-11
	Publicizing Contract Actions:	<b>Paid Advertisements.</b>	5.5 53.205-1
		<b>Paper Documents</b>	4.3
	OMB Approval Under the	<b>Paperwork Reduction Act.</b>	1.106
		<b>Parcel post eligible shipments.</b>	42.1404-1
	Shipments by	<b>parcel post or other classes of mail.</b>	42.1404
		<b>Partial payments.</b>	49.112-1 49.602-4
		<b>Partial set-asides.</b>	19.502-3
		<b>Partial settlements.</b>	49.109-5
	Definition:	<b>Partial termination</b>	49.001
	Equitable adjustment after	<b>partial termination.</b>	49.208
	Procedure for	<b>partial termination.</b>	49.304
	Stopping in Transit for	<b>Partial Unloading.</b>	52.247-19
	Definition:	<b>Participating personally and substantially in a Federal agency procurement</b>	3.104-3
	Acquisition of Commercial Items: Use of	<b>past performance.</b>	12.206
	Notice and Assistance Regarding	<b>Patent and Copyright Infringement.</b>	52.227-2
	Filing of	<b>Patent Applications—Classified Subject Matter.</b>	52.227-10
		<b>Patent costs.</b>	31.205-30
	Definition:	<b>Patent defect</b>	46.101
		<b>Patent indemnification of Government by contractor.</b>	27.203
		<b>Patent Indemnity.</b>	52.227-3
		<b>Patent Indemnity—Construction Contracts.</b>	52.227-4
	Administration of	<b>patent rights clauses.</b>	27.305
		<b>Patent rights follow-up.</b>	27.305-1
	Licensing background	<b>patent rights to third parties.</b>	27.306
		<b>Patent Rights Under Government Contracts</b>	27.3
	Research and Development Contracting:	<b>Patent rights.</b>	35.012
		<b>Patent Rights—Acquisition by the Government.</b>	52.227-13
		<b>Patent Rights—Retention by the Contractor (Long Form).</b>	52.227-12
		<b>Patent Rights—Retention by the Contractor (Short Form).</b>	52.227-11
		<b>Patents</b>	27.2
		<b>Patents, Data, and Copyrights</b>	Part 27
	Royalties and other costs for use of	<b>patents.</b>	31.205-37

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		Patents—notice of Government as a licensee.	27.204-3 52.227-7
	Construction contracts	pay administration records	4.705-2
	Definition:	Pay-as-you-go cost method	31.001
	Closeout of	paying office contract files.	4.804-3
	Multiple	Payment Arrangements.	52.232-37
		Payment bonds.	28.103-3
	Incremental	Payment by Contractor to Government.	52.237-6
		Payment by Contractor to Government.	52.237-5
		Payment by Electronic Funds Transfer—Central Contractor Registration	52.232-33
		Payment by Electronic Funds Transfer—Other Than Central Contractor Registration	52.232-34
	Service Contracting:	Payment by Government to Contractor.	52.237-4
		Payment by Governmentwide commercial purchase card.	32.1108
		Payment by Third Party.	52.232-36
	Definition:	Payment date	32.902
		Payment for Overtime Premiums.	52.222-2
		Payment for shipments.	51.105
	Definition:	Payment information	32.1102
	Reporting	payment information to the IRS.	4.904
		Payment information.	32.1107
	Administration and	payment of commercial financing payments.	32.207
	Demand for	payment of contract debt.	32.610
	Limitations on the	Payment of Funds to Influence Federal Transactions	3.8
	Administration and	payment of performance-based payments.	32.1007
		Payment of subcontractors under cost-reimbursement prime contracts.	32.110
	Fast	Payment Procedure	13.4
	Alternative	Payment Protections.	52.228-13
	Bonds and Other Financial Protections:	Payment to subcontractors or suppliers.	28.106-8
		Payment under Communication Service Contracts with Common Carriers.	52.232-6
	Interagency Acquisitions Under the Economy Act:	Payment.	17.505
	Termination of Contracts:	Payment.	49.112
	Notice of Availability of Progress	Payments Exclusively for Small Business Concerns.	52.232-14
	Types of	payments for commercial item purchases.	32.202-2
	Installment	Payments for Commercial Items.	52.232-30
		Payments of Allowable Costs Before Definitization.	52.216-26
	Restriction on Severance	Payments to Foreign Nationals.	52.237-8
	Waiver of Limitation on Severance	Payments to Foreign Nationals.	52.237-9
	Certification and Disclosure Regarding	Payments to Influence Certain Federal Transactions.	52.203-11
	Limitation on	Payments to Influence Certain Federal Transactions.	52.203-12
		Payments under Fixed-Price Architect-Engineer Contracts.	52.232-10
		Payments under Fixed-Price Construction Contracts.	52.232-5
		Payments under Fixed-Price Research and Development Contracts.	52.232-2
		Payments under Personal Services Contracts.	52.232-3

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Payments under Time-and-Materials and Labor-Hour Contracts.</b>	52.232-7
		<b>Payments under Transportation Contracts and Transportation-Related Services Contracts.</b>	52.232-4
	Suspension of	<b>payments, termination of contract, and debarment and suspension actions.</b>	23.506
	Administration and payment of commercial financing	<b>payments.</b>	32.207
	Advance	<b>Payments.</b>	52.232-12
	Bonds and Other Financial Protections:	<b>payments.</b>	28.106-7
	Withholding contract	<b>payments.</b>	32.906
	Contract financing	<b>Payments.</b>	37.303
	Dismantling, Demolition, or Removal of Improvements:		52.232-1
	Invoice	<b>payments.</b>	32.905
	Limitation on Withholding of	<b>Payments.</b>	52.232-9
	Performance-Based	<b>Payments.</b>	52.232-32
	Suspension or reduction of	<b>payments.</b>	32.503-6
	Vehicle Lease	<b>Payments.</b>	52.208-4
		<b>Payrolls and Basic Records.</b>	52.222-8
		<b>Payrolls and statements.</b>	22.406-6
	Definition:	<b>Penal sum or penal amount</b>	28.001
		<b>Penalties for Unallowable Costs.</b>	52.242-3
	Criminal and civil	<b>penalties, and further administrative remedies.</b>	3.104-11
	Fines,	<b>penalties, and mischarging costs.</b>	31.205-15
	Civil	<b>penalties.</b>	3.807
	Definition:	<b>Penalty</b>	31.205-47(a)
	Assessing the	<b>penalty.</b>	42.709-3
	Waiver of the	<b>penalty.</b>	42.709-5
		<b>Pension Adjustments and Asset Reversions.</b>	52.215-15
	Definition:	<b>Pension plan</b>	31.001
	Definition:	<b>Pension plan participant</b>	31.001
	Capability to	<b>Perform a Contract for the Relocation of a Federal Office.</b>	52.247-3
	Contractor Versus Government	<b>Performance</b>	7.3
		<b>Performance and payment bonds and alternative payment protections for construction contracts.</b>	28.102
		<b>Performance and payment bonds for other than construction contracts.</b>	28.103
		<b>Performance and Payment Bonds—Construction.</b>	52.228-15
		<b>Performance and Payment Bonds—Other Than Construction.</b>	52.228-16
		<b>Performance bonds.</b>	28.103-2
	Architect-Engineer Services:	<b>Performance evaluation.</b>	36.604
	Incentive Contracts:	<b>Performance incentives.</b>	16.402-2
	Concurrent	<b>performance of firm-fixed-price and other types of construction contracts.</b>	36.208
		<b>Performance of Work by the Contractor.</b>	52.236-1
	Delivery or	<b>Performance Schedules</b>	11.4
	Warranty of Systems and Equipment under	<b>Performance Specifications or Design Criteria.</b>	52.246-19
	Guiding Principles for the Federal Acquisition System:	<b>Performance standards.</b>	1.102-2
	Definition:	<b>Performance-based contracting</b>	37.101
		<b>Performance-Based Contracting</b>	37.6
	Elements of	<b>performance-based contracting.</b>	37.602

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Administration and payment of	<b>performance-based payments.</b>	32.1007
	Bases for	<b>performance-based payments.</b>	32.1002
	Invitation to Propose	<b>Performance-Based Payments.</b>	52.232-28
	Suspension or reduction of	<b>performance-based payments.</b>	32.1008
		<b>Performance-Based Payments.</b>	52.232-32
	Federal Supply Schedules: Delinquent	<b>performance.</b>	8.405-4
	Obligation to continue	<b>performance.</b>	33.213
	Calculating the	<b>period of compensation prohibition.</b>	3.104-8
		<b>Permits and responsibilities.</b>	36.507 52.236-7
		<b>Permits, Authorities, or Franchises.</b>	52.247-2
	Definition:	<b>Person</b>	3.502-1 3.801 52.203-7(a) 52.203-12(a)
	Contractor Liability for	<b>Personal Injury and/or Property Damage.</b>	52.247-21
	Definition:	<b>Personal property</b>	45.601
	Excess	<b>Personal Property</b>	8.1
	Information on available excess	<b>personal property.</b>	8.103
	Definition:	<b>Personal services contract</b>	37.101
	Payments under	<b>Personal Services Contracts.</b>	52.232-3
		<b>Personal services contracts.</b>	37.104
	Compensation for	<b>personal services.</b>	31.205-6
	Termination—	<b>Personal Services.</b>	52.249-12
	Two-Phase Design-Build Selection Procedures:	<b>Phase one.</b>	36.303-1
	Two-Phase Design-Build Selection Procedures:	<b>Phase two.</b>	36.303-2
		<b>Physical data.</b>	36.504 52.236-4
		<b>Physical inventories.</b>	45.508
		<b>Physically completed contracts.</b>	4.804-4
	Ex Dock,	<b>Pier, or Warehouse, Port of Importation.</b>	52.247-40
		<b>Place of acceptance.</b>	46.503
		<b>Place of delivery—f.o.b. point.</b>	47.302
	Service Contract Act of 1965, As Amended: Procedures when	<b>place of performance is unknown.</b>	22.1008-4
	Service Contract Act of 1965, As Amended:	<b>Place of performance unknown.</b>	22.1009
	Service Contract Act—	<b>Place of Performance Unknown.</b>	52.222-49
		<b>Place of Performance—Sealed Bidding.</b>	52.214-14
	All possible	<b>places of performance identified.</b>	22.1009-3
	All possible	<b>places of performance not identified.</b>	22.1009-4
	Attempt to identify possible	<b>places of performance.</b>	22.1009-2
	Definition:	<b>Planner</b>	7.101
	Acquisition	<b>Planning</b>	Part 7
		<b>Planning for the Purchase of Supplies in Economic Quantities</b>	7.2
	Definition:	<b>Plans and specifications</b>	36.102



<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Definition:	<b>Plant clearance</b>	45.601
	Definition:	<b>Plant clearance officer</b>	45.601
	Definition:	<b>Plant clearance period</b>	45.601
	Definition:	<b>Plant equipment</b>	45.101
		<b>Plant protection costs.</b>	31.205-29
		<b>Plant reconversion costs.</b>	31.205-31
		<b>Pledges of Assets.</b>	52.228-11
	F.o.b.	<b>Point for Delivery of Government-Furnished Property.</b>	52.247-55
	F.o.b. Designated Air Carrier's Terminal,	<b>Point of Exportation.</b>	52.247-43
	F.o.b. Inland Carrier,	<b>Point of Exportation.</b>	52.247-38
	F.o.b. Designated Air Carrier's Terminal,	<b>Point of Importation.</b>	52.247-44
	F.o.b. Inland	<b>Point, Country of Importation.</b>	52.247-39
	Unsolicited Proposals: Agency	<b>points of contact.</b>	15.604
	Subcontracting	<b>Policies and Procedures</b>	Part 44
		<b>Policy requirements.</b>	44.402
	Lobbying and	<b>political activity costs.</b>	31.205-22
	Definition:	<b>Pollution prevention</b>	2.101
		<b>Pollution Prevention and Right-to-Know Information.</b>	52.223-5
	Federal Compliance with Right-to-Know Laws and	<b>Pollution Prevention Requirements</b>	23.10
	Definition:	<b>Pool</b>	9.701
	Contracting with individual	<b>pool members.</b>	9.703
	Contractor Qualifications: Defense Production	<b>Pools and Research and Development Pools</b>	9.7
	Contracting with	<b>pools.</b>	9.702
	Ex Dock, Pier, or Warehouse,	<b>Port of Importation.</b>	52.247-40
	F.a.s. Vessel,	<b>Port of Shipment.</b>	52.247-36
	F.o.b. Vessel,	<b>Port of Shipment.</b>	52.247-37
	Definition:	<b>Positions that will be filled from within the Contractor's organization</b>	52.222-35
	Use and	<b>Possession Prior to Completion.</b>	52.236-11
	Definition:	<b>Possessions</b>	2.101
	Violations or	<b>possible violations.</b>	3.104-10
		<b>Postaward conference arrangements.</b>	42.503-1
		<b>Postaward conference procedure.</b>	42.503-2
		<b>Postaward conference report.</b>	42.503-3
		<b>Postaward conferences.</b>	42.503
	Contracting by Negotiation:	<b>Postaward debriefing of offerors.</b>	15.506
	Buy American Act—Construction Materials:	<b>Postaward determinations.</b>	25.205
		<b>Postaward letters.</b>	42.504
		<b>Postaward matters.</b>	32.503
	Contracting by Negotiation: Preaward, Award, and	<b>Postaward Notifications, Protests, and Mistakes</b>	15.5
		<b>Postaward Orientation</b>	42.5
	Selecting contracts for	<b>postaward orientation.</b>	42.502
		<b>Postaward responsibilities of the contracting officer.</b>	19.705-6
		<b>Postaward subcontractor conferences.</b>	42.505
		<b>Postaward utilization requests.</b>	45.203

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Definition:	<b>Postconsumer material</b>	11.301
	Synopsis and	<b>posting requirements.</b>	13.105
	Sealed Bidding:	<b>Postponement of openings.</b>	14.402-3
	Definition:	<b>Power of attorney</b>	28.001
	Definition:	<b>Practical application</b>	27.301 52.227-11 52.227-12 52.227-13
	Sealed Bidding:	<b>Pre-bid conference.</b>	14.207
	Cost Accounting Standards	<b>Preambles and Regulations.</b>	Appendix
		<b>Preaward considerations.</b>	19.809
	Contracting by Negotiation:	<b>Preaward debriefing of offerors.</b>	15.505
	Buy American Act—Construction Materials:	<b>Preaward determinations.</b>	25.203
	Testing:	<b>Preaward in-use evaluation.</b>	11.801
	Responsible Prospective Contractors: Disclosure of	<b>preaward information.</b>	9.105-3
		<b>Preaward matters.</b>	32.502
		<b>Preaward On-Site Equal Opportunity Compliance Evaluation.</b>	52.222-24
	Definition:	<b>Preaward survey</b>	9.101
	Responsible Prospective Contractors:	<b>Preaward surveys.</b>	9.106
	Contracting by Negotiation:	<b>Preaward, Award, and Postaward Notifications, Protests, and Mistakes</b>	15.5
	Order of	<b>precedence for requirements documents.</b>	11.101
	Definition:	<b>Precious metals</b>	45.601
	Recovering	<b>precious metals.</b>	45.607-2
		<b>Preconstruction conference.</b>	36.522 52.236-26
		<b>Preconstruction orientation.</b>	36.212
		<b>Precontract costs.</b>	31.205-32
		<b>Predetermined Indirect Cost Rates.</b>	52.216-15
	Incentive Contracts: Application of	<b>predetermined, formula-type incentives.</b>	16.402
	Notice of Price Evaluation	<b>Preference for HUBZone Small Business Concerns.</b>	52.219-4
		<b>Preference for Privately Owned U.S.-Flag Commercial Vessels.</b>	52.247-64
		<b>Preference for U.S.-Flag Air Carriers.</b>	52.247-63
	Order of	<b>preference.</b>	32.106
		<b>Prenegotiation objectives.</b>	15.406-1
	F.o.b. Origin,	<b>Prepaid Freight—Small Package Shipments.</b>	52.247-65
	F.o.b. Origin—Government Bills of Lading or	<b>Prepaid Postage.</b>	52.242-10
	Synopses of Contract Awards:	<b>Preparation and transmittal of synopses of awards.</b>	5.302
	Synopses of Proposed Contract Actions:	<b>Preparation and transmittal of synopses.</b>	5.207
		<b>Preparation of solicitations and contracts.</b>	47.206
	Definition:	<b>Preponderance of the evidence</b>	9.403
		<b>Prescription of Forms</b>	53.2
	Special Aspects of Contracting for Construction:	<b>Presolicitation notices.</b>	36.213-2
	Synopses of Proposed Contract Actions:	<b>Presolicitation notices.</b>	5.204
		<b>Presolicitation planning.</b>	47.202

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Leasing of Motor Vehicles:	<b>Presolicitation requirements.</b>	8.1102
	Pollution	<b>Prevention and Right-to-Know Information.</b>	52.223-5
	Definition:	<b>Price</b>	15.401
	Fair Labor Standards Act and Service Contract Act—	<b>Price Adjustment (Multiple Year and Option Contracts).</b>	52.222-43
	Fair Labor Standards Act and Service Contract Act—	<b>Price Adjustment.</b>	52.222-44
		<b>Price Evaluation Adjustment for Small Disadvantaged Business Concerns</b>	19.11
	Notice of	<b>Price Evaluation Preference for HUBZone Small Business Concerns.</b>	52.219-4
		<b>Price evaluation preference for HUBZone small business concerns.</b>	19.1307
	Special procedures for	<b>price negotiation in construction contracting.</b>	36.214
		<b>Price negotiation.</b>	15.405
		<b>Price or Fee Adjustment for Illegal or Improper Activity.</b>	52.203-10
	Use of standing	<b>price quotations.</b>	13.103
	Determination of	<b>price reasonableness.</b>	12.209
	Fixed-ceiling-price contracts with retroactive	<b>price redetermination.</b>	16.206
	Fixed-price contracts with prospective	<b>price redetermination.</b>	16.205
	Cost-Reimbursement Contracts:	<b>Price Redetermination—Prospective.</b>	52.216-5
	Cost-Reimbursement Contracts:	<b>Price Redetermination—Retroactive.</b>	52.216-6
		<b>Price Reduction for Defective Cost or Pricing Data—Modifications.</b>	52.215-11
		<b>Price Reduction for Defective Cost or Pricing Data—Modifications—Sealed Bidding.</b>	52.214-27
	Progress Payments Based on Costs: Adjustments for	<b>price reduction.</b>	32.503-11
	Sealed Bidding:	<b>Price related factors.</b>	14.201-8
	Changes—Fixed-	<b>Price.</b>	52.243-1
	Responsible bidder—reasonableness of	<b>price.</b>	14.408-2
	Definition:	<b>Pricing</b>	31.001
	Memorandum of	<b>pricing agreement with refund.</b>	32.609
	Special cost or	<b>pricing areas.</b>	15.407
		<b>Pricing aspects of fixed-price incentive contract warranties.</b>	46.707
	Subcontract	<b>pricing considerations.</b>	15.404-3
	Prohibition on obtaining cost or	<b>pricing data (10 U.S.C. 2306a and 41 U.S.C. 254b).</b>	15.403-1
	Requiring cost or	<b>pricing data (10 U.S.C. 2306a and 41 U.S.C. 254b).</b>	15.403-4
	Other circumstances where cost or	<b>pricing data are not required.</b>	15.403-2
	Instructions for submission of cost or	<b>pricing data or information other than cost or pricing data.</b>	15.403-5
	Certificate of Current Cost or	<b>Pricing Data.</b>	15.406-2
	Defective cost or	<b>pricing data.</b>	15.407-1
	Obtaining cost or	<b>pricing data.</b>	15.403
	Requiring information other than cost or	<b>pricing data.</b>	15.403-3
	Table 15-2—Instructions for Submitting Cost or	<b>Pricing Data.</b>	15.408
		<b>Pricing fixed-price construction contracts.</b>	36.207
	Records of	<b>pricing information.</b>	45.505-2
		<b>Pricing policy.</b>	15.402
	Forward	<b>pricing rate agreements.</b>	15.407-3 42.17
		<b>Pricing the 8(a) contract.</b>	19.806
	Independent	<b>pricing.</b>	3.103

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Definition:	<b>Primary sponsor</b>	35.017(b)
	Definition:	<b>Prime contract</b>	3.502-1 52.203-7
	Audit of	<b>prime contract settlement proposals and subcontract settlements.</b>	49.107
	Definition:	<b>Prime contractor</b>	3.502-1 22.801 52.203-7
	Duties of	<b>prime contractor after receipt of notice of termination.</b>	49.104
	Definition:	<b>Prime contractor employee</b>	3.502-1 52.203-7
		<b>Prime contractor's rights and obligations.</b>	49.108-2
	Subcontracts under	<b>prime contracts providing progress payments.</b>	32.504
	Application of	<b>principles and procedures.</b>	31.204
	Statement of guiding	<b>principles for the Federal Acquisition System.</b>	1.102
		<b>Printed or Copied Double-Sided on Recycled Paper.</b>	52.204-4
	Definition:	<b>Printed/copied double-sided</b>	4.301
	Acquisition of	<b>Printing and Related Supplies</b>	8.8
	Special construction and	<b>printing.</b>	53.106
		<b>Priorities and Allocations</b>	11.6
		<b>Priorities for use of Government supply sources.</b>	8.001
	Notice of	<b>Priority Rating for National Defense Use.</b>	52.211-14
	Protection of Individual	<b>Privacy</b>	24.1
		<b>Privacy Act Notification.</b>	52.224-1
		<b>Privacy Act.</b>	52.224-2
	Protection of	<b>Privacy and Freedom of Information</b>	Part 24
		<b>Privacy or Security Safeguards.</b>	52.239-1
		<b>Privacy.</b>	39.105
	Determining availability of	<b>private commercial sources.</b>	7.303
	Definition:	<b>Privately owned U.S.-flag commercial vessel</b>	47.501
	Preference for	<b>Privately Owned U.S.-Flag Commercial Vessels.</b>	52.247-64
		<b>Privileged and confidential information.</b>	30.202-4
		<b>Procedure after discontinuing vouchers.</b>	49.303
	Special	<b>procedure for cost-reimbursement contracts for construction.</b>	36.215
	Contract Cost Principles and	<b>Procedures</b>	Part 31
	Simplified Acquisition:	<b>Procedures</b>	13.1
	Subcontracting Policies and	<b>Procedures</b>	Part 44
		<b>Procedures for closing out contract files.</b>	4.804-5
		<b>Procedures for filing complaints.</b>	3.904
		<b>Procedures for investigating complaints.</b>	3.905
	Special	<b>procedures for price negotiation in construction contracting.</b>	36.214
	Special	<b>procedures for sealed bidding in construction contracting.</b>	36.213
	Acquisition of Commercial Items:	<b>Procedures for solicitation, evaluation, and award.</b>	12.203
	Acquisition Planning: General	<b>procedures.</b>	7.104
Agency Acquisition Regulations:	Agency control and compliance	<b>procedures.</b>	1.304

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Application of principles and	<b>procedures.</b>	31.204
	Contracting by Negotiation: Agency	<b>procedures.</b>	15.606
	First Article Testing and Approval: Government administration	<b>procedures.</b>	9.307
	Full and Open Competition: Use of competitive	<b>procedures.</b>	6.102
	Interagency Acquisitions Under the Economy Act: Ordering	<b>procedures.</b>	17.504
	Publicizing Contract Actions: Release	<b>procedures.</b>	5.404-1
	Definition:	<b>Proceeding</b>	31.205-47(a)
		<b>Proceeds of sale.</b>	45.610-3
	Acquisition from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled: Allocation	<b>process.</b>	8.705-3
	Acquisition from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled: Direct-order	<b>process.</b>	8.705-2
	Novation and Change-of-Name Agreements:	<b>Processing agreements.</b>	42.1203
		<b>Processing cases.</b>	50.305
		<b>Processing suspected violations.</b>	3.806
		<b>Processing value engineering change proposals.</b>	48.103
	Small Business Administration breakout	<b>procurement center representative.</b>	19.403
	Small Business Administration	<b>procurement center representatives.</b>	19.402
	Federal	<b>Procurement Data System.</b>	4.602
		<b>Procurement integrity.</b>	3.104
	Definition:	<b>Procurement List</b>	8.701
		<b>Procurement List.</b>	8.703
	Definition:	<b>Procuring activity</b>	6.003 9.201
		<b>Production Progress Reports.</b>	52.242-2
		<b>Production Surveillance and Reporting</b>	42.11
	Qualified	<b>products.</b>	14.210
		<b>Professional and consultant service costs.</b>	31.205-33
	Definition:	<b>Professional employee</b>	22.1102
		<b>Professional Employee Compensation</b>	22.11
	Evaluation of Compensation for	<b>Professional Employees.</b>	52.222-46
	Definition:	<b>Profit center</b>	31.001
		<b>Profit.</b>	15.404-4 49.202
	Make-or-buy	<b>programs.</b>	15.407-2
	Small business	<b>programs.</b>	53.219
	Customary	<b>progress payment rates.</b>	32.501-1
	Approval of	<b>progress payment requests.</b>	32.503-4
	Initiation of	<b>progress payments and review of accounting system.</b>	32.503-3
		<b>Progress Payments Based on Costs</b>	32.5
	Notice of Availability of	<b>Progress Payments Exclusively for Small Business Concerns.</b>	52.232-14
		<b>Progress Payments Not Included.</b>	52.232-15
		<b>Progress payments under construction contracts.</b>	32.103
	Administration of	<b>progress payments.</b>	32.503-5

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Notice of	<b>Progress Payments.</b>	52.232-13
	Subcontracts under prime contracts providing	<b>progress payments.</b>	32.504
	Supervision of	<b>progress payments.</b>	32.503-2
	Unusual	<b>progress payments.</b>	32.501-2
	Use of customary	<b>progress payments.</b>	32.502-1
		<b>Progress Payments.</b>	52.232-16
	Production	<b>Progress Reports.</b>	52.242-2
		<b>Prohibited Sources</b>	25.7
		<b>Prohibition of Assignment of Claims.</b>	52.232-24
		<b>Prohibition of Segregated Facilities.</b>	52.222-21
	Calculating the period of compensation	<b>prohibition.</b>	3.104-8
	Ethics advisory opinions regarding	<b>prohibitions on a former official's acceptance of compensation from a contractor.</b>	3.104-7
	Statutory and related	<b>prohibitions, restrictions, and requirements.</b>	3.104-4
	Freedom of Information Act:	<b>Prohibitions.</b>	24.202
	Limitations on the Payment of Funds to Influence Federal Transactions:	<b>Prohibitions.</b>	3.802
	Unsolicited Proposals:	<b>Prohibitions.</b>	15.608
	Definition:	<b>Projected average loss</b>	31.001
	Definition:	<b>Projected benefit cost method</b>	31.001
	Sealed Bidding:	<b>Prompt payment discounts.</b>	14.408-3
		<b>Prompt Payment for Construction Contracts.</b>	52.232-27
		<b>Prompt Payment for Fixed-Price Architect-Engineer Contracts.</b>	52.232-26
	Discounts for	<b>Prompt Payment.</b>	52.232-8
		<b>Prompt Payment.</b>	32.9
			52.232-25
	Definition:	<b>Proper invoice</b>	32.902
	Definition:	<b>Property</b>	45.101
	Excess Personal	<b>Property</b>	8.1
	Government	<b>Property</b>	Part 45
	Government	<b>Property (Consolidated Facilities).</b>	52.245-7
	Government	<b>Property (Cost-Reimbursement, Time-and-Material, or Labor-Hour Contracts).</b>	52.245-5
	Liability for Government	<b>Property (Demolition Services Contracts).</b>	52.245-6
	Government	<b>Property (Facilities Acquisition).</b>	52.245-10
	Government	<b>Property (Facilities Use).</b>	52.245-11
	Government	<b>Property (Fixed-Price Contracts).</b>	52.245-2
	Government-Furnished	<b>Property (Short Form).</b>	52.245-4
	Definition:	<b>Property administrator</b>	45.501
	Research and Development Contracting: Government	<b>property and title.</b>	35.014
	Contractor Liability for Personal Injury and/or	<b>Property Damage.</b>	52.247-21
		<b>Property disposal determinations.</b>	45.613
	Government	<b>Property Furnished "As Is."</b>	52.245-19
		<b>Property in possession of subcontractors.</b>	45.510
		<b>Property Records.</b>	52.245-1
	F.o.b. Point for Delivery of Government-Furnished	<b>Property.</b>	52.247-55

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Forms: Government	<b>property.</b>	53.245
	Identification of Government-Furnished	<b>Property.</b>	52.245-3
	Information on available excess personal	<b>property.</b>	8.103
	Insurance against loss of or damage to Government	<b>property.</b>	28.303
	Obtaining nonreportable	<b>property.</b>	8.104
	Responsibility and liability for Government	<b>property.</b>	45.103
	Definition:	<b>Proposal</b>	31.001 52.242-3
		<b>Proposal analysis techniques.</b>	15.404-1
	Contracting by Negotiation:	<b>Proposal analysis.</b>	15.404
	Information to support	<b>proposal analysis.</b>	15.404-2
		<b>Proposal evaluation.</b>	15.305
	Termination settlement	<b>proposal forms.</b>	49.602-1
	Disclosure, protection, and marking of contractor bid or	<b>proposal information and source selection information.</b>	3.104-5
	Definition:	<b>Proposal modification</b>	15.001 52.215-1
	Definition:	<b>Proposal revision</b>	15.001 52.215-1
	Contracting by Negotiation:	<b>Proposal revisions.</b>	15.307
	Criteria for acceptance and negotiation of an unsolicited	<b>proposal.</b>	15.607
	Unsolicited	<b>Proposals</b>	15.6
	Solicitation and Receipt of	<b>Proposals and Information</b>	15.2
	Handling	<b>proposals and information.</b>	15.207
	Content of unsolicited	<b>proposals.</b>	15.605
	Contracting by Negotiation: Requests for	<b>proposals.</b>	15.203
	Delay in settling subcontractor settlement	<b>proposals.</b>	49.108-6
	Exchanges with industry before receipt of	<b>proposals.</b>	15.201
	Exchanges with offerors after receipt of	<b>proposals.</b>	15.306
	Rights to technical data in successful	<b>proposals.</b>	27.407
	Sealed bidding and competitive	<b>proposals.</b>	6.401
	Submission, modification, revision, and withdrawal of	<b>proposals.</b>	15.208
	Two-Step Sealed Bidding: Multiple Technical	<b>Proposals.</b>	52.214-24
	Solicitation and receipt of	<b>proposals.</b>	53.215-1
	Preparation of	<b>Proposals—Construction.</b>	52.236-28
	Synopses of	<b>Proposed Contract Actions</b>	5.2
	Certification regarding debarment, suspension,	<b>proposed debarment, and other responsibility matters.</b>	9.408 52.209-5
	Agency and Public Participation in Rule Making: Unsolicited	<b>proposed revisions.</b>	1.502
	Contractor Qualifications: Obtaining access to	<b>proprietary information.</b>	9.505-4
	Forms: Responsible	<b>prospective contractors.</b>	53.209-1
		<b>Prospective Subcontractor Requests for Bonds.</b>	52.228-12
	Fixed Price Contracts: Price Redetermination—	<b>Prospective.</b>	52.216-5
		<b>Protection of existing vegetation, structures, equipment, utilities, and improvements.</b>	36.509 52.236-9

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Protection of Government Buildings, Equipment, and Vegetation.</b>	52.237-2
		<b>Protection of Individual Privacy</b>	24.1
		<b>Protection of Privacy and Freedom of Information</b>	Part 24
	Disclosure,	<b>protection, and marking of contractor bid or proposal information and source selection information.</b>	3.104-5
	Whistleblower	<b>Protections for Contractor Employees</b>	3.9
	Definition:	<b>Protest</b>	33.101
		<b>Protest after Award.</b>	52.233-3
	Service of	<b>Protest.</b>	52.233-2
		<b>Protesting a firm's status as a HUBZone small business concern.</b>	19.306
		<b>Protesting a representation of disadvantaged business status.</b>	19.305
		<b>Protesting a small business representation.</b>	19.302
		<b>Protests</b>	33.1
	Contracting by Negotiation:	<b>Protests against award.</b>	15.507
	Sealed Bidding:	<b>Protests against award.</b>	14.408-8
		<b>Protests to GAO.</b>	33.104
		<b>Protests to the agency.</b>	33.103
Contracting by Negotiation:	Preaward, Award, and Postaward Notifications,	<b>Protests, and Mistakes</b>	15.5
		<b>Protests, Disputes, and Appeals</b>	Part 33
		<b>Providing agency-peculiar property.</b>	45.310
		<b>Providing evaluation services.</b>	9.505-3
		<b>Providing existing special tooling.</b>	45.306-1
		<b>Providing Government production and research property "as is."</b>	45.308
		<b>Providing Government production and research property under special restrictions.</b>	45.309
		<b>Providing Government property by transfer.</b>	45.311
		<b>Providing Government Property to Contractors</b>	45.3
		<b>Providing material.</b>	45.303
		<b>Providing motor vehicles.</b>	45.304
		<b>Providing special test equipment.</b>	45.307
		<b>Providing special tooling.</b>	45.306
		<b>Providing systems engineering and technical direction.</b>	9.505-1
		<b>Provision and Clause Matrix</b>	52.3
	Tailoring of	<b>provisions and clauses for the acquisition of commercial items.</b>	12.302
		<b>Provisions and clauses prescribed in Subpart 52.1.</b>	52.107
	Identification of	<b>provisions and clauses.</b>	52.103
	Incorporating	<b>provisions and clauses.</b>	52.102
	Solicitation	<b>Provisions and Contract Clauses</b>	Part 52
	Solicitation	<b>provisions and contract clauses for the acquisition of commercial items.</b>	12.301
	Solicitation	<b>Provisions Incorporated by Reference.</b>	52.252-1
	Authorized Deviations in	<b>Provisions.</b>	52.252-5
	Other data rights	<b>provisions.</b>	27.405
	Service	<b>Provisions.</b>	52.241-6



<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Applying	<b>Pub. L. 85-804 to advance payments under sealed bid contracts.</b>	32.405
	Definition:	<b>Public body</b>	45.601
	Definition:	<b>Public building</b>	22.1202
	Definition:	<b>Public building, or public work</b>	22.401
Agency and Public Participation in Rule Making:	Opportunity for	<b>public comments.</b>	1.501-2
	Other Than Full and Open Competition:	<b>Public interest.</b>	6.302-7
	Indemnification Under	<b>Public Law 85-804.</b>	52.250-1
	Vehicular and General	<b>Public Liability Insurance.</b>	52.228-10
Agency and Public Participation in Rule Making:		<b>Public meetings.</b>	1.503
	Agency and	<b>Public Participation in Rule Making</b>	1.5
		<b>Public relations and advertising costs.</b>	31.205-1
Agency and Public Participation in Rule Making:	Solicitation of agency and	<b>public views.</b>	1.501
	Release of Information: General	<b>public.</b>	5.402
	Definition:	<b>Publication</b>	5.501
	Federal Acquisition Regulations System:	<b>Publication and code arrangement.</b>	1.105-1
	Agency Acquisition Regulations:	<b>Publication and codification.</b>	1.303
	Publicizing Contract Actions:	<b>Publicizing and response time.</b>	5.203
		<b>Publicizing contract actions.</b>	Part 5 53.205
	Acquisition Planning: Equipment Lease or	<b>Purchase</b>	7.4
	Simplified Acquisition Methods: Blanket	<b>purchase agreements (BPAs).</b>	13.303
	Simplified Acquisition Methods: Governmentwide commercial	<b>purchase card.</b>	13.301
	Payment by Governmentwide commercial	<b>purchase card.</b>	32.1108
	Describing Agency Needs:	<b>Purchase descriptions for service contracts.</b>	11.106
Acquisition from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled:		<b>Purchase Exceptions.</b>	8.706
	Actions At or Below the Micro-Purchase Threshold:	<b>Purchase guidelines.</b>	13.202
	Planning for the	<b>Purchase of Supplies in Economic Quantities</b>	7.2
		<b>Purchase or retention at cost.</b>	45.605-1
	Restrictions on	<b>purchase or retention of contractor inventory.</b>	45.604
	Definition:	<b>Purchase order</b>	13.001
	Simplified Acquisition Methods:	<b>Purchase orders.</b>	13.302
Simplified Acquisition Methods:	Obtaining contractor acceptance and modifying	<b>purchase orders.</b>	13.302-3
Simplified Acquisition Methods:	Termination or cancellation of	<b>purchase orders.</b>	13.302-4
Simplified Acquisition Methods:	Unpriced	<b>purchase orders.</b>	13.302-2
Simplified Acquisition Methods:	SF 44,	<b>Purchase Order—Invoice—Voucher.</b>	13.306
Acquisition from Federal Prison Industries, Inc.:		<b>Purchase priorities.</b>	8.603
Acquisition from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled:		<b>Purchase priorities.</b>	8.704
	Economic	<b>purchase quantities (supplies).</b>	14.212
	Terms for Financing of	<b>Purchases of Commercial Items.</b>	52.232-29
	Federal Acquisition Regulations System:	<b>Purpose, Authority, Issuance</b>	1.1

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Qualifications Requirements:	<b>QPL's, QML's, and QBL's.</b>	9.203
	Opportunity for	<b>qualification before award.</b>	9.205
	Definition:	<b>Qualification requirement</b>	9.201 52.209-1
	Responsibilities for establishment of a	<b>qualification requirement.</b>	9.204
	Acquisitions subject to	<b>qualification requirements.</b>	9.206
	Changes in status regarding	<b>qualification requirements.</b>	9.207
	Text of Provisions and Clauses:	<b>Qualification Requirements.</b>	52.209-1
	Testing,	<b>Qualification, and Use of Industrial Resources Developed Under Title III, Defense Production Act</b>	34.1
Major System Acquisition:	Testing and	<b>qualification.</b>	34.103
		<b>Qualifications of offerors.</b>	47.207-1
		<b>Qualifications Requirements</b>	9.2
Collecting data on and appraising firms'		<b>qualifications.</b>	36.603
	Contractor	<b>Qualifications.</b>	Part 9 53.209
Sealed Bidding:	All or none	<b>qualifications.</b>	14.404-5
	Definition:	<b>Qualified bidders list (QBL)</b>	9.201
	Status as a	<b>qualified HUBZone small business concern.</b>	19.1303
	Definition:	<b>Qualified manufacturers list (QML)</b>	9.201
	Definition:	<b>Qualified pension plan</b>	31.001
	Definition:	<b>Qualified products list (QPL)</b>	9.201
	Sealed Bidding:	<b>Qualified products.</b>	14.210
	Nondisplacement of	<b>Qualified Workers Under Certain Contracts</b>	22.12
	Nondisplacement of	<b>Qualified Workers.</b>	52.222-50
	Government Contract	<b>Quality Assurance</b>	46.4
	Government contract	<b>quality assurance at destination.</b>	46.403
	Government contract	<b>quality assurance at source.</b>	46.402
	Government contract	<b>quality assurance for acquisitions at or below the simplified acquisition threshold.</b>	46.404
Acquisition of Commercial Items:	Contract	<b>quality assurance.</b>	12.208
	Performance-Based Contracting:	<b>Quality assurance.</b>	37.602-2
		<b>Quality Assurance.</b>	Part 46
Acquisition from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled:		<b>Quality complaints.</b>	8.711
Acquisition from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled:		<b>Quality of merchandise.</b>	8.710
	Higher-level contract	<b>quality requirement.</b>	46.311 52.246-11
	Contract	<b>Quality Requirements</b>	46.2
	Criteria for use of contract	<b>quality requirements.</b>	46.203
	Higher-level contract	<b>quality requirements.</b>	46.202-4
	Types of contract	<b>quality requirements.</b>	46.202
		<b>Quantitative and monetary control.</b>	45.508-3
	Estimated Weights or	<b>Quantities Not Guaranteed.</b>	52.247-8

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Estimated	<b>Quantities or Weights for Evaluation of Offers.</b>	52.247-20
	Specific	<b>Quantities Unknown.</b>	52.247-62
		<b>Quantity analysis, direct delivery, and reduction of crosshauling and backhauling.</b>	47.305-7
		<b>Quantity surveys.</b>	36.516 52.236-16
Text of Provisions and Clauses:	Variation in	<b>Quantity.</b>	52.211-16
		<b>Quick-closeout procedure.</b>	42.708
	Soliciting competition, evaluation of	<b>quotations or offers, award and documentation.</b>	13.106
	Legal effect of	<b>quotations.</b>	13.004
	Notice of	<b>Radioactive Material.</b>	23.6 52.223-7
	Forward Pricing	<b>Rate Agreements</b>	42.17
		<b>Rate changes and regulatory intervention.</b>	41.402
	Definition:	<b>Rated order</b>	11.601
	Definition:	<b>Rates</b>	41.101
		<b>Rates and charges.</b>	47.207-6
	Cost-sharing	<b>rates and limitations on indirect cost rates.</b>	42.707
	Statement of equivalent	<b>rates for Federal hires.</b>	22.1016 52.222-42
	Change in	<b>Rates or Terms and Conditions of Service for Regulated Services.</b>	52.241-7
	Change in	<b>Rates or Terms and Conditions of Service for Unregulated Services.</b>	52.241-8
	Approval of Wage	<b>Rates.</b>	52.222-16
	Billing	<b>rates.</b>	42.704
	Final indirect cost	<b>rates.</b>	42.705
	Definition:	<b>Ratification</b>	1.602-3(a)
	Contracting Authority:	<b>Ratification of unauthorized commitments.</b>	1.602-3
	Definition:	<b>Real property</b>	45.101
	Acceptance of	<b>real property.</b>	28.203-3
	Records of	<b>real property.</b>	45.505-7
	Definition:	<b>Reasonable compensation</b>	3.801 52.203-12
	Definition:	<b>Reasonable payment</b>	3.801 52.203-12
	Determining	<b>reasonableness.</b>	31.201-3
	Unsolicited proposals:	<b>Receipt and initial review.</b>	15.606-1
	Sealed Bidding:	<b>Receipt and safeguarding of bids.</b>	14.401
	Designation of Office for Government	<b>Receipt of Electronic Funds Transfer Information.</b>	52.232-35
	Contracting by Negotiation: Solicitation and	<b>Receipt of Proposals and Information</b>	15.2
	Contracting by Negotiation: Exchanges with industry before	<b>receipt of proposals.</b>	15.201
	Contracting by Negotiation: Exchanges with offerors after	<b>receipt of proposals.</b>	15.306
	Prescription of Forms: Solicitation and	<b>receipt of proposals.</b>	53.215-1
	Contractor Responsibility for	<b>Receipt of Shipment.</b>	52.247-14
		<b>Receipts for Government property.</b>	45.502-1

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Inspection of Shipping and	<b>Receiving Facilities.</b>	52.247-4
	Definition:	<b>Receiving report</b>	32.902
	Definition:	<b>Recipient</b>	3.801 52.203-12(a)
		<b>Recommendations concerning forms.</b>	53.108
	Definition:	<b>Reconditioned</b>	11.001 52.211-5
	Definition:	<b>Record</b>	24.101 52.224-2(c)(2)
	Definition:	<b>Record drawings</b>	36.102
		<b>Record requirements.</b>	4.601
	Sealed Bidding:	<b>Recording of bids.</b>	14.403
		<b>Records of completed products.</b>	45.505-10
		<b>Records of Government property.</b>	45.105
	Sealed Bidding:	<b>Records of invitations for bids and records of bids.</b>	14.204
		<b>Records of misdirected shipments.</b>	45.505-12
		<b>Records of plant equipment.</b>	45.505-5
		<b>Records of property returned for rework.</b>	45.505-13
		<b>Records of real property.</b>	45.505-7
		<b>Records of special tooling and special test equipment.</b>	45.505-4
		<b>Records of transportation and installation costs of plant equipment.</b>	45.505-11
	Contractor	<b>Records Retention</b>	4.7
	Acquisition and supply	<b>records.</b>	4.705-3
	Financial and cost accounting	<b>records.</b>	4.705-1
	Property	<b>Records.</b>	52.245-1
		<b>Records.</b>	3.406 50.105
	Audit and	<b>Records—Negotiation.</b>	52.215-2
	Definition:	<b>Recoupment</b>	35.001
	Definition:	<b>Recovered material</b>	2.101 11.301 52.211-5
		<b>Recovered Material Certification.</b>	52.223-4
	Estimate of Percentage of	<b>Recovered Material Content for EPA-Designated Products.</b>	52.223-9
		<b>Recovering precious metals.</b>	45.607-2
	Cancellation, Rescission, and	<b>Recovery of Funds for Illegal or Improper Activity.</b>	52.203-8
	Definition:	<b>Recruiting and training agency</b>	22.801
		<b>Recruitment costs.</b>	31.205-34
	Definition:	<b>Recurring costs</b>	17.103
	Printed or Copied Double-Sided on	<b>Recycled Paper.</b>	52.204-4
	Quantity analysis, direct delivery, and	<b>reduction of crosshauling and backhauling.</b>	47.305-7
	Suspension or	<b>reduction of payments.</b>	32.503-6
	Suspension or	<b>reduction of performance-based payments.</b>	32.1008
		<b>Reduction or suspension of contract payments upon finding of fraud.</b>	32.006

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Refrigeration Equipment and Air Conditioners.</b>	52.223-12
		<b>Refund of Royalties.</b>	52.227-9
	Requirements for	<b>registration of designers.</b>	36.609-4 52.236-25
	Definition:	<b>Regularly employed</b>	3.801 52.203-12(a)
	Change in Rates or Terms and Conditions of Service for	<b>Regulated Services.</b>	52.241-7
	Agency Acquisition	<b>Regulations</b>	1.3
	Federal Acquisition	<b>Regulations System</b>	Part 1
	Agency	<b>regulations.</b>	3.101-3
	Cost Accounting Standards Preambles and	<b>Regulations.</b>	Appendix
	Department of Labor	<b>regulations.</b>	22.403-4
	Federal Acquisition Regulations System: Arrangement of	<b>regulations.</b>	1.105-2
	Walsh-Healey Public Contracts Act:	<b>Regulatory exemptions.</b>	22.604-2
	Labor Standards for Contracts Involving Construction: Statutory and	<b>regulatory requirements.</b>	22.403
		<b>Reimbursement of costs for transfer of contractor inventory.</b>	45.608-7
	Sealed Bidding:	<b>Reinstatement on solicitation mailing lists.</b>	14.205-3
	Definition:	<b>Reinsurance</b>	28.001
		<b>Rejecting Small Business Administration recommendations.</b>	19.505
	Sealed Bidding: Notice to bidders of	<b>rejection of all bids.</b>	14.404-3
	Sealed Bidding:	<b>Rejection of bids.</b>	14.404
	Sealed Bidding:	<b>Rejection of individual bids.</b>	14.404-2
	Definition:	<b>Related contract</b>	52.245-7 52.245-10 52.245-11
	Improper Business Practices and Personal Conflicts of Interest: Statutory and	<b>related prohibitions, restrictions, and requirements.</b>	3.104-4
	Interagency Fleet Management System (IFMS) Vehicles and	<b>Related Services.</b>	52.251-2
	Definition:	<b>Related supplies</b>	8.801
		<b>Release of excess funds under terminated contracts.</b>	49.604
	Publicizing Contract Actions:	<b>Release of Information</b>	5.4
		<b>Release of lien.</b>	28.203-5
	Publicizing Contract Actions:	<b>Release of long-range acquisition estimates.</b>	5.404
	Publicizing Contract Actions:	<b>Release procedures.</b>	5.404-1
		<b>Relief from responsibility.</b>	45.503
		<b>Relocation costs.</b>	31.205-35
	Capability to Perform a Contract for the	<b>Relocation of a Federal Office.</b>	52.247-3
	Repair distinguished from	<b>remanufacturing of equipment.</b>	22.1003-6
	Criminal and civil penalties, and further administrative	<b>remedies.</b>	3.104-11
		<b>Remedies.</b>	3.906
	Definition:	<b>Remedy coordination official</b>	32.006-2
		<b>Removal and storage.</b>	45.612
	Dismantling, Demolition, or	<b>Removal of Improvements</b>	37.3

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
Termination for Convenience of the Government (Dismantling, Demolition, or		<b>Removal of Improvements).</b>	52.249-3
Contracts for dismantling, demolition, or		<b>removal of improvements.</b>	46.313
Inspection—Dismantling, Demolition, or		<b>Removal of Improvements.</b>	52.246-13
		<b>Removal of names from solicitation mailing lists.</b>	14.205-2
Management and Operating Contracts: Award,		<b>renewal, and extension.</b>	17.605
		<b>Rent-free use.</b>	45.404
Competitive Advantage:		<b>Rent.</b>	45.202-2
		<b>Rental costs.</b>	31.205-36
		<b>Rental equivalents.</b>	45.202-1
		<b>Rental—Use and Charges clause.</b>	45.403
		<b>Repair distinguished from remanufacturing of equipment.</b>	22.1003-6
		<b>Repetitive acquisitions.</b>	19.804-4
Follow-on and		<b>repetitive requirements.</b>	37.602-5
Acquisition from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled:		<b>Replacement commodities.</b>	8.715
		<b>Report of excess personal property (SF 120).</b>	45.608-8
		<b>Report of shipment (REPSHIP).</b>	42.1406 52.242-12
Definition:		<b>Reportable property</b>	45.601
Production Surveillance and		<b>Reporting</b>	42.11
Toxic Chemical Release		<b>Reporting</b>	23.9
Definition:		<b>Reporting activity</b>	45.601
		<b>Reporting contract information to the IRS.</b>	4.903
		<b>Reporting labor disputes.</b>	22.101-3
		<b>Reporting of royalties—anticipated or paid.</b>	27.204
		<b>Reporting payment information to the IRS.</b>	4.904
Data collection and		<b>reporting requirements.</b>	19.202-5
Production Surveillance and Reporting:		<b>Reporting requirements.</b>	42.1106
		<b>Reporting results of inventories.</b>	45.508-2
		<b>Reporting suspected antitrust violations.</b>	3.303
		<b>Reporting, Redistribution, and Disposal of Contractor Inventory</b>	45.6
Contract		<b>reporting.</b>	4.6 53.204-2
Suspension of Payments for Fraud:		<b>Reporting.</b>	32.006-5
Material Inspection and Receiving		<b>Reports</b>	46.6
		<b>Reports of Government property.</b>	45.505-14
Special		<b>reports of plant equipment.</b>	45.505-6
Employment		<b>Reports on Disabled Veterans and Veterans of the Vietnam Era.</b>	52.222-37
Contractors' Purchasing Systems Reviews:		<b>Reports.</b>	44.307
Department of Labor notices and		<b>reports.</b>	22.1304
Extraordinary Contractual Actions:		<b>Reports.</b>	50.104
Previous Contracts and Compliance		<b>Reports.</b>	52.222-22
Production Progress		<b>Reports.</b>	52.242-2

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
Research and Development Contracting:	Scientific and technical	<b>reports.</b>	35.010
	Responsible Prospective Contractors:	<b>Reports.</b>	9.106-4
	Semiannual enforcement	<b>reports.</b>	22.406-13
	Termination status	<b>reports.</b>	49.105-1
		<b>Representation by the offeror.</b>	19.301
		<b>Representation of Limited Rights Data and Restricted Computer Software.</b>	52.227-15
Sealed Bidding:	Annual submission of	<b>representations and certifications.</b>	14.213
	Annual	<b>Representations and Certifications—Sealed Bidding.</b>	52.214-30
	Report of shipment	<b>REPSHIP.</b>	42.1406 52.242-12
		<b>Repurchase against contractor's account.</b>	49.402-6
		<b>Requests for Assistance</b>	41.3
	Contracting by Negotiation:	<b>Requests for proposals.</b>	15.203
	Service Contract Act of 1965, As Amended:	<b>Requests for status or expediting of response.</b>	22.1011-2
	Federal Supply Schedules:	<b>Requests for waivers.</b>	8.404-3
		<b>Requests from Members of Congress.</b>	5.403
	Authorized or	<b>required by statute.</b>	6.302-5
		<b>Required Sources of Supplies and Services</b>	Part 8
	Competition	<b>Requirements</b>	Part 6
Federal Compliance with Right-to-Know Laws and Pollution Prevention		<b>Requirements</b>	23.10
		<b>Requirements contracts.</b>	16.503
	Selecting and Developing	<b>Requirements Documents</b>	11.1
	Using and Maintaining	<b>Requirements Documents</b>	11.2
	Order of precedence for	<b>requirements documents.</b>	11.101
	Additional	<b>requirements for acquisitions involving bundling of contract requirements.</b>	7.107
Acquisition Plans:	Additional	<b>requirements for major systems.</b>	7.106
		<b>Requirements for Registration of Designers.</b>	52.236-25
		<b>Requirements for security.</b>	28.201
		<b>Requirements for setting aside acquisitions.</b>	19.502-1
		<b>Requirements for use of forms.</b>	53.101
	Acquisitions subject to qualification	<b>requirements.</b>	9.206
	Agency distribution	<b>requirements.</b>	4.202
	Changes in status regarding qualification	<b>requirements.</b>	9.207
	Consent to Subcontracts: Consent	<b>requirements.</b>	44.201-1
Consent to Subcontracts:	Consent and advance notification	<b>requirements.</b>	44.201
	Consent to Subcontracts: Advance notification	<b>requirements.</b>	44.201-2
	Contractor Inspection	<b>Requirements.</b>	52.246-1
	Contractor Qualifications: Solicitation	<b>requirements.</b>	9.306
Establishing and Administering Federal Supply Schedules:	Coordination	<b>requirements.</b>	38.201
Interagency Acquisitions Under the Economy Act:	Determinations and findings	<b>requirements.</b>	17.503
Leasing of Motor Vehicles:	Presolicitation	<b>requirements.</b>	8.1102
Leasing of Motor Vehicles:	Contract	<b>requirements.</b>	8.1103
	Policy	<b>requirements.</b>	44.402

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Record	<b>requirements.</b>	4.601
	Reporting	<b>requirements.</b>	42.1106
Service Contracting:	Special acquisition	<b>requirements.</b>	37.114
	Standby or layaway	<b>requirements.</b>	45.302-5
	Statutory	<b>requirements.</b>	3.402 19.702 22.602 22.1002
	Statutory and related prohibitions, restrictions, and	<b>requirements.</b>	3.104-4
	Subcontracting plan	<b>requirements.</b>	19.704
	Surveillance	<b>requirements.</b>	42.1104
		<b>Requirements.</b>	6.303-1 41.301 52.216-21
	Clearance and Documentation	<b>Requirements—Shipments to DOD Air or Water Terminal Transshipment Points.</b>	52.247-52
	Voiding and	<b>Rescinding Contracts</b>	3.7
	Cancellation.	<b>Rescission, and Recovery of Funds for Illegal or Improper Activity.</b>	52.203-8
	Market	<b>Research</b>	Part 10
	Definition:	<b>Research and development</b>	31.205-48
	Inspection of	<b>Research and Development (Short Form).</b>	52.246-9
	Cosponsored	<b>research and development activities.</b>	27.408
		<b>Research and Development Contracting</b>	Part 35
		<b>Research and development contracting (SF 298).</b>	53.235
		<b>Research and development contracts (short form).</b>	46.309
	Cost-reimbursement	<b>research and development contracts.</b>	46.308
	Fixed-price	<b>research and development contracts.</b>	46.307
	Payments under Fixed-Price	<b>Research and Development Contracts.</b>	52.232-2
	Deferred	<b>research and development costs.</b>	31.205-48
	Subcontracting	<b>research and development effort.</b>	35.009
	Defense Production Pools and	<b>Research and Development Pools</b>	9.7
	Use of Government production and research property on independent	<b>research and development programs.</b>	45.406
	Publicizing requirements and expanding	<b>research and development sources.</b>	35.004
	Default (Fixed-Price)	<b>Research and Development).</b>	52.249-9
	Liquidated Damages—Supplies, Services, or	<b>Research and Development.</b>	52.211-11
	Inspection of	<b>Research and Development—Cost Reimbursement.</b>	52.246-8
	Inspection of	<b>Research and Development—Fixed Price.</b>	52.246-7
Other Than Full and Open Competition:	Industrial mobilization; engineering, developmental, or	<b>research capability; or expert services.</b>	6.302-3
	Contracts for	<b>research with educational institutions and nonprofit organizations.</b>	35.015
	Settlement Agreements:	<b>Reservations.</b>	49.109-2
		<b>Residual Powers</b>	50.4
	Definition:	<b>Residual value</b>	31.001
		<b>Residual value of special tooling and special test equipment.</b>	45.204
	Publicizing and	<b>response time.</b>	5.203



<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Career Development, Contracting Authority, and Contracting authority and	<b>Responsibilities</b>	1.6
		<b>responsibilities (SF 1402).</b>	53.201-1
		<b>Responsibilities and cooperation among Government officials.</b>	32.605
		<b>Responsibilities for establishment of a qualification requirement.</b>	9.204
		<b>Responsibilities of contracting officers.</b>	3.603 4.403 7.204 47.301-1
	Acquisition Planning: Agency-head	<b>responsibilities.</b>	7.103
	Advisory and Assistance Services: Contracting officer	<b>responsibilities.</b>	37.205
	Cognizant Federal agency	<b>responsibilities.</b>	30.201-7
	Competition Advocates: Duties and	<b>responsibilities.</b>	6.502
	Contracting by Negotiation: Source Selection:	<b>Responsibilities.</b>	15.303
	Nonpersonal Health Care Services: Contracting officer	<b>responsibilities.</b>	37.402
	Organizational and Consultant Conflicts of Interest: Contracting officer	<b>responsibilities.</b>	9.504
	Permits and	<b>responsibilities.</b>	36.507 52.236-7
	Certificates of Competency and Determinations of	<b>Responsibility</b>	19.6
		<b>Responsibility and liability for Government property.</b>	45.103
		<b>Responsibility for acceptance.</b>	46.502
		<b>Responsibility for executing agreements.</b>	42.1202
	Contractor	<b>Responsibility for Loading and Unloading.</b>	52.247-15
	Contractor	<b>Responsibility for Receipt of Shipment.</b>	52.247-14
	Contractor	<b>Responsibility for Returning Undelivered Freight.</b>	52.247-16
		<b>Responsibility for supplies.</b>	46.316 52.246-16
		<b>Responsibility of the Architect-Engineer Contractor.</b>	52.236-23
	Service Contracting: Contracting officer	<b>responsibility.</b>	37.103
	Subcontractor	<b>responsibility.</b>	9.104-4
	Definition:	<b>Responsible audit agency</b>	42.001
		<b>Responsible bidder—reasonableness of price.</b>	14.408-2
	Definition:	<b>Responsible official</b>	32.601
	Definition:	<b>Responsible prospective contractor</b>	9.101
		<b>Responsible Prospective Contractors.</b>	9.1 53.209-1
	Only one	<b>responsible source and no other supplies or services will satisfy agency requirements.</b>	6.302-1
		<b>Responsiveness of bids.</b>	14.301
	Definition:	<b>Restricted computer software</b>	27.401 52.227-14 52.227-19 52.227-20
	Definition:	<b>Restricted rights</b>	27.401
		<b>Restriction on Severance Payments to Foreign Nationals.</b>	52.237-8
		<b>Restrictions on Certain Foreign Purchases.</b>	52.225-13

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Sealed Bidding:	<b>Restrictions on disclosure of descriptive literature.</b>	14.404-4
		<b>Restrictions on purchase or retention of contractor inventory.</b>	45.604
	Debarment, Suspension, and Ineligibility:	<b>Restrictions on subcontracting.</b>	9.405-2
		<b>Restrictions on Subcontractor Sales to the Government.</b>	52.203-6
	Unreasonable	<b>restrictions on subcontractor sales.</b>	3.503
	Contractor Records	<b>Retention</b>	4.7
	Patent Rights—	<b>Retention by the Contractor (Long Form).</b>	52.227-12
	Patent Rights—	<b>Retention by the Contractor (Short Form).</b>	52.227-11
	Calculation of	<b>retention periods.</b>	4.704
	Specific	<b>retention periods.</b>	4.705
	Fixed-Price Contracts: Price Redetermination—	<b>Retroactive.</b>	52.216-6
		<b>Return to suppliers.</b>	45.605-2
		<b>Returnable cylinders.</b>	47.305-17 52.247-66
	Contractor Responsibility for	<b>Returning Undelivered Freight.</b>	52.247-16
	Contracting by Negotiation: Submission, modification,	<b>revision, and withdrawal of proposals.</b>	15.208
	Technical Data Declaration,	<b>Revision, and Withholding of Payment—Major Systems.</b>	52.227-21
		<b>Right of First Refusal of Employment.</b>	52.207-3
	Pollution Prevention and	<b>Right-to-Know Information.</b>	52.223-5
	Federal Compliance with	<b>Right-to-Know Laws and Pollution Prevention Requirements</b>	23.10
	Prime contractor's	<b>rights and obligations.</b>	49.108-2
		<b>Rights In Data and Copyrights</b>	27.4
		<b>Rights in Data—Existing Works.</b>	52.227-18
		<b>Rights in Data—General.</b>	52.227-14
		<b>Rights in Data—SBIR Program.</b>	52.227-20
		<b>Rights in Data—Special Works.</b>	52.227-17
		<b>Rights to Proposal Data (Technical).</b>	52.227-23
		<b>Rights to technical data in successful proposals.</b>	27.407
		<b>Risk-pooling arrangements.</b>	28.304
	Acquisition of Information Technology: Management of	<b>risk.</b>	39.102
		<b>Risk.</b>	9.305
	Federal Acquisition Regulations System:	<b>Role of the Acquisition Team.</b>	1.102-4
		<b>Royalties and other costs for use of patents.</b>	31.205-37
	Adjustment of	<b>royalties.</b>	27.205
	Clause for refund of	<b>royalties.</b>	27.206-2
	Refund of	<b>royalties.</b>	27.206 52.227-9
	Reporting of	<b>royalties—anticipated or paid.</b>	27.204
	Solicitation provision for	<b>royalty information.</b>	27.204-2
		<b>Royalty Information.</b>	52.227-6
	General	<b>rules for solicitation of bids.</b>	14.202
	Walsh-Healey Public Contracts Act:	<b>Rulings and interpretations of the Act.</b>	22.605
		<b>Safeguarding Classified Information Within Industry</b>	4.4
		<b>Safeguarding classified information within industry (DD Form-254, DD Form-441).</b>	53.204-1

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Receipt and	<b>safeguarding of bids.</b>	14.401
		<b>Safeguards</b>	3.1
		<b>Sale of surplus contractor inventory.</b>	45.610
	Definition:	<b>Salvage</b>	45.501
	Definition:	<b>Sanctioned European Union country construction</b>	25.003
	Definition:	<b>Sanctioned European Union country end product</b>	25.003 52.225-15
		<b>Sanctioned European Union Country End Products.</b>	52.225-15
	Definition:	<b>Sanctioned European Union country services</b>	25.003
		<b>Sanctioned European Union Country Services.</b>	52.225-16
	Definition:	<b>Sanctioned European Union member state</b>	25.003 52.225-15 52.225-16
Only one responsible source and no other supplies or services will		<b>satisfy agency requirements.</b>	6.302-1
		<b>SBA acceptance.</b>	19.804-3
		<b>SBA appeals.</b>	19.810
	Definition:	<b>SBIR data</b>	52.227-20
	Rights in Data—	<b>SBIR Program.</b>	52.227-20
	Definition:	<b>SBIR rights</b>	52.227-20
		<b>SCA Minimum Wages and Fringe Benefits Applicable to Successor Contract Pursuant to Predecessor Contractor Collective Bargaining Agreements (CBA).</b>	52.222-47
	Federal Supply	<b>Schedules</b>	8.4
		<b>Schedules for construction contracts.</b>	36.515 52.236-15
	Factors to consider in establishing	<b>schedules.</b>	11.402
	Federal Supply Schedules: Using	<b>schedules.</b>	8.404
		<b>Scientific and technical reports.</b>	35.010
		<b>Scope and Duration of Contract.</b>	52.241-3
	Definition:	<b>Scrap</b>	45.501
	Records of	<b>scrap or salvage.</b>	45.505-8
		<b>Scrap.</b>	45.607
	Definition:	<b>Screening completion date</b>	45.601
		<b>Screening of contractor inventory.</b>	45.608
	Waiver of	<b>screening requirements.</b>	45.608-6
	Agency	<b>screening.</b>	45.608-3
	Limited	<b>screening.</b>	45.608-4
	Special items	<b>screening.</b>	45.608-5
	Standard	<b>screening.</b>	45.608-2
	Clauses for	<b>sealed bid contracts (excluding construction).</b>	27.203-2
Applying Pub. L. 85-804 to advance payments under		<b>sealed bid contracts.</b>	32.405
	Two-Step	<b>Sealed Bidding</b>	14.5
	Use of	<b>Sealed Bidding</b>	14.1
		<b>Sealed Bidding and Competitive Proposals</b>	6.4
	Special procedures for	<b>sealed bidding in construction contracting.</b>	36.213

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Annual Representations and Certifications—	<b>Sealed Bidding.</b>	52.214-30
	Audit and Records—	<b>Sealed Bidding.</b>	52.214-26
	Contract Award—	<b>Sealed Bidding.</b>	52.214-10
	Elements of	<b>sealed bidding.</b>	14.101
	Late Submissions, Modifications, Revisions, and Withdrawals of Technical Proposals under Two-Step	<b>Sealed Bidding.</b>	52.214-23
	Order of Precedence—	<b>Sealed Bidding.</b>	52.214-29
	Place of Performance—	<b>Sealed Bidding.</b>	52.214-14
	Price Reduction for Defective Cost or Pricing Data—Modifications—	<b>Sealed Bidding.</b>	52.214-27
	Solicitation Definitions—	<b>Sealed Bidding.</b>	52.214-1
	Step Two of Two-Step	<b>Sealed Bidding.</b>	52.214-25
	Subcontractor Cost or Pricing Data—Modifications—	<b>Sealed Bidding.</b>	52.214-28
		<b>Sealed bidding.</b>	Part 14 53.214
	Contract Award—	<b>Sealed Bidding—Construction.</b>	52.214-19
	Notice of Cost Comparison	<b>Sealed-Bid.</b>	52.207-1
	Definition:	<b>Secretarial level</b>	50.001
	FAR	<b>Secretariat.</b>	1.201-2
	Competition Requirements:	<b>Section 8(a) competition.</b>	6.204
	Sureties and Other	<b>Security for Bonds</b>	28.2
		<b>Security for Government financing.</b>	32.202-4
		<b>Security interests by an individual surety.</b>	28.203-1
		<b>Security Requirements.</b>	52.204-2
	Privacy or	<b>Security Safeguards.</b>	52.239-1
		<b>Security, supervision, and covenants.</b>	32.409-3
	Additional Bond	<b>Security.</b>	52.228-2
	Additional bond or	<b>security.</b>	28.106-3
	Other Than Full and Open Competition: National	<b>security.</b>	6.302-6
	Sureties and Other Security for Bonds: Requirements for	<b>security.</b>	28.201
	Definition:	<b>Segment</b>	31.001
	Definition:	<b>Segregated facilities</b>	52.222-21
	Prohibition of	<b>Segregated Facilities.</b>	52.222-21
		<b>Segregation of Government property.</b>	45.507
		<b>Selecting and Developing Requirements Documents</b>	11.1
		<b>Selecting Contract Types</b>	16.1
	Architect-Engineer Contracts:	<b>Selection authority.</b>	36.602-4
	Architect-Engineer Contracts:	<b>Selection criteria.</b>	36.602-1
		<b>Selection of firms for architect-engineer contracts.</b>	36.602
	Two-Phase Design-Build	<b>Selection Procedures</b>	36.3
	Service Contracting:	<b>Selection procedures.</b>	37.602-3
	Use of two-phase design-build	<b>selection procedures.</b>	36.301
	Contracting by Negotiation: Source	<b>Selection Processes and Techniques</b>	15.1
	Contracting Officer:	<b>Selection, appointment, and termination of appointment.</b>	1.603
	Contracting Officer:	<b>Selection.</b>	1.603-2

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Release of information on firm	<b>selection.</b>	36.607
	Definition:	<b>Self-insurance</b>	31.001
	Definition:	<b>Self-insurance charge</b>	31.001
		<b>Self-insurance.</b>	28.308
		<b>Selling costs.</b>	31.205-38
	Definition:	<b>Senior procurement executive</b>	2.101
		<b>Seniority lists.</b>	22.1020
	Definition:	<b>Separate contract</b>	41.101
		<b>Separate contracts.</b>	41.205
	Definition:	<b>Separate smaller contract</b>	2.101
	Definition: Bundling—	<b>Service and warranty costs.</b>	31.205-39
	Nonrefundable, Nonrecurring	<b>Service Charge.</b>	52.241-12
	Definition:	<b>Service contract</b>	22.1001 37.101
	Definition:	<b>Service Contract Act</b>	22.1001
		<b>Service Contract Act of 1965, as Amended.</b>	22.10 52.222-41
		<b>Service Contract Act of 1965.</b>	37.107
	Exemption from Application of	<b>Service Contract Act Provisions for Contracts for Maintenance, Calibration, and/or Repair of Certain Information Technology, Scientific and Medical, and/or Office and Business Equipment—Contractor Certification.</b>	52.222-48
		<b>Service Contract Act—Place of Performance Unknown.</b>	52.222-49
	Fair Labor Standards Act and	<b>Service Contract Act—Price Adjustment (Multiple Year and Option Contracts).</b>	52.222-43
	Fair Labor Standards Act and	<b>Service Contract Act—Price Adjustment.</b>	52.222-44
		<b>Service Contracting</b>	Part 37
	Competition in	<b>service contracting.</b>	37.105
	Management Oversight of	<b>Service Contracts</b>	37.5
	Payment under Communication	<b>Service Contracts with Common Carriers.</b>	52.232-6
	Clauses for supply or	<b>service contracts.</b>	48.201
	Cost-reimbursement	<b>service contracts.</b>	46.305
	Describing Agency Needs: Purchase descriptions for	<b>service contracts.</b>	11.106
	Fixed-price	<b>service contracts.</b>	46.304
	Funding and term of	<b>service contracts.</b>	37.106
		<b>Service Contracts—General</b>	37.1
	Definition:	<b>Service employee</b>	22.1001 22.1202 52.222-41 52.222-50
	Additional classes of	<b>service employees.</b>	22.1019
	Change in Rates or Terms and Conditions of	<b>Service for Regulated Services.</b>	52.241-7
	Change in Rates or Terms and Conditions of	<b>Service for Unregulated Services.</b>	52.241-8
	Definition:	<b>Service life</b>	31.001
	Multiple	<b>Service Locations.</b>	52.241-11
		<b>Service of Protest.</b>	52.233-2

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Service Provisions.</b>	52.241-6
	Means of obtaining	<b>service.</b>	51.203
	Definition:	<b>Serviceable or usable property</b>	45.601
	Contract Administration	<b>Services</b>	42.2
	Definition:	<b>Services</b>	29.401-6(a) 52.246-4 52.246-5
	Architect-engineer	<b>services (SF's 252, 254, 255, 1421).</b>	53.236-2
	Termination for Convenience of the Government	<b>Services (Short Form).</b>	52.249-4
	Liability for Government Property (Demolition)	<b>Services Contracts).</b>	52.245-6
		<b>Services of quasi-military armed forces.</b>	37.109
	Termination (Personal)	<b>Services).</b>	52.249-12
	Continuity of	<b>Services.</b>	52.237-3
	Extension of	<b>services.</b>	37.111
	Limitation of Liability—	<b>Services.</b>	52.246-25
	Providing evaluation	<b>services.</b>	9.505-3
	Warranty of	<b>Services.</b>	52.246-20
	Inspection of	<b>Services—Cost-Reimbursement.</b>	52.246-5
	Inspection of	<b>Services—Fixed-Price.</b>	52.246-4
	Accessory	<b>Services—Moving Contracts.</b>	52.247-13
	Very Small Business	<b>Set-Aside</b>	52.219-5
	HUBZone	<b>set-aside procedures</b>	19.1305
	Automatic dissolution of a small business	<b>set-aside.</b>	19.507
	Notice of Emerging Small Business	<b>Set-Aside.</b>	52.219-20
	Notice of Partial Small Business	<b>Set-Aside.</b>	52.219-7
	Full and Open Competition After Exclusion of Sources:	<b>Set-asides for HUBZone small business concerns.</b>	6.205
		<b>Set-Asides for Small Business</b>	19.5
	Full and Open Competition After Exclusion of Sources:	<b>Set-asides for small business concerns.</b>	6.203
	Small Business Programs: Methods of conducting	<b>set-asides.</b>	19.502-4
	Small Business Programs: Partial	<b>set-asides.</b>	19.502-3
	Total small business	<b>set-asides.</b>	19.502-2
	Withdrawing or modifying small business	<b>set-asides.</b>	19.506
	Routine	<b>setoff.</b>	32.611
	Withholding and	<b>setoff.</b>	32.612
		<b>Setting aside a class of acquisitions for small business.</b>	19.503
	Requirements for	<b>setting aside acquisitions.</b>	19.502-1
		<b>Setting aside acquisitions.</b>	19.502
	Insufficient causes for not	<b>setting aside an acquisition.</b>	19.502-5
	Definition:	<b>Settlement agreement</b>	49.001
		<b>Settlement agreement.</b>	49.109 49.602-5
	Formats for termination for convenience	<b>settlement agreements.</b>	49.603
	Granting subcontract	<b>settlement authorization.</b>	49.606
		<b>Settlement by determination.</b>	49.109-7

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Settlement negotiation memorandum.</b>	49.110
		<b>Settlement of reservations.</b>	49.603-9
		<b>Settlement of subcontract settlement proposals.</b>	49.108
		<b>Settlement of terminated incentive contracts.</b>	49.115
		<b>Settlement procedure.</b>	49.108-3
	Definition:	<b>Settlement proposal</b>	49.001
	Submission of	<b>settlement proposal (fee only).</b>	49.304-2
	Audit of	<b>settlement proposal.</b>	49.303-3
	Submission of	<b>settlement proposal.</b>	49.303-1
	Audit of prime contract	<b>settlement proposals and subcontract settlements.</b>	49.107
	Bases for	<b>settlement proposals.</b>	49.206-2
	Joint settlement of two or more	<b>settlement proposals.</b>	49.109-6
	Request to settle subcontractor	<b>settlement proposals.</b>	49.605
	Submission of	<b>settlement proposals.</b>	49.206-1
		<b>Settlement proposals.</b>	49.206
	Methods of	<b>settlement.</b>	49.103
	No-cost	<b>settlement.</b>	49.109-4
	Limitation on	<b>settlements.</b>	49.207
	Partial	<b>settlements.</b>	49.109-5
	Review of proposed	<b>settlements.</b>	49.111
	Restriction on	<b>Severance Payments to Foreign Nationals.</b>	52.237-8
	Waiver of Limitation on	<b>Severance Payments to Foreign Nationals.</b>	52.237-9
		<b>Severance payments to foreign nationals.</b>	37.113
	Contracting authority and responsibilities	<b>SF 1402.</b>	53.201-1
	Contract financing	<b>SF 1443.</b>	53.232
	Research and development contracting	<b>SF 298.</b>	53.235
	Contract Modifications	<b>SF 30.</b>	53.243
	Novation and change-of-name agreements	<b>SF 30.</b>	53.242-1
	Simplified Acquisition Methods:	<b>SF 44, Purchase Order—Invoice—Voucher.</b>	13.306
	Preparation of Notice	<b>SF 98/98a.</b>	22.1008-1
	Procedures for preparing and submitting Notice	<b>SF 98/98a.</b>	22.1008
	Requirement to submit Notice	<b>SF 98/98a.</b>	22.1007
	Preparation of	<b>SF 98a.</b>	22.1008-2
	Taxes	<b>SF's 1094, 1094-A.</b>	53.229
	Simplified acquisition procedures	<b>SF's 18, 30, 44, 1165, 1449, OF's 336, 347, 348.</b>	53.213
	Architect-engineer services	<b>SF's 252, 254, 255, 1421.</b>	53.236-2
	Application of labor laws to Government acquisitions	<b>SF's 99, 308, 1093, 1413, 1444, 1445, 1446, WH-347.</b>	53.222
	Standard forms	<b>SF's.</b>	53.301
	Definition:	<b>Shall</b>	2.101
		<b>Sharing alternative—no-cost settlement method.</b>	48.104-4
		<b>Sharing arrangements.</b>	48.104
	Definition:	<b>Sharing base</b>	48.001 52.248-1

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Definition:	<b>Sharing period</b>	48.001 52.248-1
Value Engineering:	Determining	<b>sharing period.</b>	48.104-1
	Definition:	<b>Shift premium</b>	22.103-1
	Definition:	<b>Shipment</b>	47.001
	Report of	<b>Shipment (REPSHIP).</b>	52.242-12
	Discrepancies incident to	<b>shipment of supplies.</b>	42.1405
	Contractor Responsibility for Receipt of	<b>Shipment.</b>	52.247-14
	F.a.s. Vessel, Port of	<b>Shipment.</b>	52.247-36
	F.o.b. Destination—Evidence of	<b>Shipment.</b>	52.247-48
	F.o.b. Vessel, Port of	<b>Shipment.</b>	52.247-37
		<b>Shipments by parcel post or other classes of mail.</b>	42.1404
Clearance and Documentation Requirements—		<b>Shipments to DOD Air or Water Terminal Transshipment Points.</b>	52.247-52
		<b>Shipments to ports and air terminals.</b>	47.305-6
		<b>Shipments within CONUS.</b>	47.304-2
F.o.b. Origin, Prepaid Freight—Small Package		<b>Shipments.</b>	52.247-65
F.o.b. Origin—Carload and Truckload		<b>Shipments.</b>	52.247-59
F.o.b. Origin—Minimum Size of		<b>Shipments.</b>	52.247-61
Loading, Blocking, and Bracing of Freight Car		<b>Shipments.</b>	52.247-58
Multiple		<b>Shipments.</b>	52.247-18
Parcel post eligible		<b>shipments.</b>	42.1404-1
Payment for		<b>shipments.</b>	51.105
Records of misdirected		<b>shipments.</b>	45.505-12
Shipping documents covering f.o.b. origin		<b>shipments.</b>	42.1403
Annotation and distribution of		<b>shipping and billing documents.</b>	47.207-9
Inspection of		<b>Shipping and Receiving Facilities.</b>	52.247-4
Guaranteed		<b>Shipping Characteristics.</b>	52.247-60
Transportation in Supply Contracts:		<b>Shipping characteristics.</b>	47.305-16
		<b>Shipping documents covering f.o.b. origin shipments.</b>	42.1403
		<b>Shipping Point(s) Used in Evaluation of F.o.b. Origin Offers.</b>	52.247-46
Definition:		<b>Shop drawings</b>	36.102
Government-Furnished Property		<b>Short Form.</b>	52.245-4
Inspection of Research and Development		<b>Short Form.</b>	52.246-9
Termination for Convenience of the Government (Fixed-Price)		<b>Short Form.</b>	52.249-1
Termination for Convenience of the Government (Services)		<b>Short Form.</b>	52.249-4
		<b>Short selection process for contracts not to exceed the simplified acquisition threshold.</b>	36.602-5
		<b>Should-cost review.</b>	15.407-4
Determinations and Findings:		<b>Signatory authority.</b>	1.707
Definition:		<b>Signature or signed</b>	2.101
Contracting officer's		<b>signature.</b>	4.101
Contractor's		<b>signature.</b>	4.102
Definition:		<b>Significant revisions</b>	1.501-1
		<b>Simplified Acquisition Methods</b>	13.3
Definition:		<b>Simplified acquisition procedures</b>	2.101



FAR Subjects:	Context Preceding the Keyword	Keyword, and Context Following the Keyword	FAR Reference
		<b>Simplified Acquisition Procedures</b>	Part 13
		<b>Simplified acquisition procedures (SF's 18, 30, 44, 1165, 1449, OF's 336, 347, 348).</b>	53.213
		<b>Simplified acquisition procedures financing.</b>	32.003
	Definition:	<b>Simplified acquisition threshold</b>	2.101
Government contract quality assurance for acquisitions at or below the		<b>simplified acquisition threshold.</b>	46.404
Short selection process for contracts not to exceed the		<b>simplified acquisition threshold.</b>	36.602-5
	Terms and Conditions—	<b>Simplified Acquisitions (Other Than Commercial Items).</b>	52.213-4
	Sealed Bidding:	<b>Simplified contract format.</b>	14.201-9
	Indefinite-Delivery Contracts:	<b>Single or Multiple Awards.</b>	52.216-27
	Definition:	<b>Single, Governmentwide point of entry</b>	4.501
		<b>Single, Governmentwide point of entry.</b>	2.101 4.502
		<b>Single-movement contracts.</b>	47.204
	Differing	<b>Site Conditions.</b>	52.236-2
		<b>Site investigation and conditions affecting the work.</b>	36.503 52.236-3
	Definition:	<b>Site of construction</b>	22.801
	Definition:	<b>Site of the work</b>	22.401
		<b>Site Visit (Construction).</b>	52.236-27
		<b>Site visit.</b>	36.523 52.237-1
Determining standard industrial classification codes and		<b>size standards.</b>	19.303
		<b>Size standards.</b>	19.102
	Set-Asides for	<b>Small Business</b>	19.5
	Cooperation with the	<b>Small Business Administration</b>	19.4
	Contracting with the	<b>Small Business Administration (The 8(a) Program)</b>	19.8
		<b>Small Business Administration procurement center representatives.</b>	19.402
	Rejecting	<b>Small Business Administration recommendations.</b>	19.505
	The	<b>Small Business Administration's role in carrying out the program.</b>	19.707
Resolving differences between the agency and the		<b>Small Business Administration.</b>	19.602-3
	Service Contracting:	<b>Small business Certificate of Competency.</b>	37.108
Small Business Concern Representation for the		<b>Small Business Competitiveness Demonstration Program.</b>	52.219-19
Small Business Size Representation for Targeted Industry Categories under the		<b>Small Business Competitiveness Demonstration Program.</b>	52.219-21
	Definition:	<b>Small business concern</b>	19.001 52.212-3 52.219-1 52.219-7 52.219-8
	Status as a qualified HUBZone	<b>small business concern</b>	19.1303
	Definition:	<b>Small business concern owned and controlled by socially and economically disadvantaged individuals</b>	52.219-8
	Definition:	<b>Small business concern owned and controlled by women</b>	52.219-8

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Small Business Concern Representation for the Small Business Competitiveness Demonstration Program.</b>	52.219-19
Full and Open Competition After Exclusion of Sources:	Set-asides for	<b>small business concerns.</b>	6.203
Full and Open Competition After Exclusion of Sources:	Set-asides for HUBZone	<b>small business concerns.</b>	6.205
	Notice of Availability of Progress Payments Exclusively for	<b>Small Business Concerns.</b>	52.232-14
	Notice of Price Evaluation Preference for HUBZone	<b>Small Business Concerns.</b>	52.219-4
	Utilization of	<b>Small Business Concerns.</b>	52.219-8
		<b>Small Business Contract Administration</b>	42.16
	Definition:	<b>Small business firm</b>	27.301 52.227-11 52.227-12
	Encouraging	<b>small business participation in acquisitions.</b>	19.202-1
		<b>Small Business Program Representations.</b>	52.219-1
		<b>Small business programs.</b>	Part 19 53.219
	Protesting a	<b>small business representation.</b>	19.302
	Automatic dissolution of a	<b>small business set-aside.</b>	19.507
	Notice of Emerging	<b>Small Business Set-Aside.</b>	52.219-20
	Notice of Total	<b>Small Business Set-Aside.</b>	52.219-6
	Very	<b>Small Business Set-Aside.</b>	52.219-5
	Total	<b>small business set-asides.</b>	19.502-2
	Withdrawing or modifying	<b>small business set-asides.</b>	19.506
		<b>Small Business Size Representation for Targeted Industry Categories under the Small Business Competitiveness Demonstration Program.</b>	52.219-21
	Locating	<b>small business sources.</b>	19.202-2
		<b>Small Business Subcontracting Plan.</b>	52.219-9
	The	<b>Small Business Subcontracting Program</b>	19.7
	Definition:	<b>Small business subcontractor</b>	19.701
	Determination of Status as a	<b>Small Business, HUBZone Small Business, or Small Disadvantaged Business Concern</b>	19.3
	Setting aside a class of acquisitions for	<b>small business.</b>	19.503
	Definition:	<b>Small disadvantaged business concern</b>	19.001 52.219-23
	Price Evaluation Adjustment for	<b>Small Disadvantaged Business Concerns</b>	19.11
	Incentive subcontracting with	<b>small disadvantaged business concerns.</b>	19.1203
		<b>Small Disadvantaged Business Participation Program</b>	19.12
		<b>Small Disadvantaged Business Participation Program—Disadvantaged Status and Reporting.</b>	52.219-25
		<b>Small Disadvantaged Business Participation Program—Incentive Subcontracting.</b>	52.219-26
		<b>Small Disadvantaged Business Participation Program—Targets.</b>	52.219-24
		<b>Small Disadvantaged Business Status.</b>	52.219-22
	F.o.b. Origin, Prepaid Freight—	<b>Small Package Shipments.</b>	52.247-65
	Consolidation of	<b>small shipments and the use of stopoff privileges.</b>	47.305-8
	Other	<b>Socioeconomic Programs</b>	Part 26

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Socioeconomic Programs</b>	Subchapter D
	Computer	<b>software.</b>	12.212
	Definition:	<b>Sole source acquisition</b>	6.003
	HUBZone	<b>sole source awards.</b>	19.1306
	8(a) Negotiation:	<b>Sole source.</b>	19.808-1
		<b>Solicitation and acceptance of gratuities by Government personnel.</b>	3.101-2
		<b>Solicitation and Receipt of Proposals and Information</b>	15.2
		<b>Solicitation and Receipt of Proposals.</b>	53.215-1
	Streamlined Procedures for Evaluation and	<b>Solicitation for Commercial Items</b>	12.6
	Streamlined	<b>solicitation for commercial items.</b>	12.603
	Request for Information or	<b>Solicitation for Information or Planning Purposes.</b>	52.215-3
	Sealed Bidding:	<b>Solicitation mailing lists.</b>	14.205
	Sealed Bidding: Excessively long	<b>solicitation mailing lists.</b>	14.205-4
	Sealed Bidding: Release of	<b>solicitation mailing lists.</b>	14.205-5
	Sealed Bidding: Removal of names from	<b>solicitation mailing lists.</b>	14.205-2
	FAR Rule Making:	<b>Solicitation of agency and public views.</b>	1.501
		<b>Solicitation of Bids</b>	14.2
	General rules for	<b>solicitation of bids.</b>	14.202
		<b>contracts.</b>	28.311
		<b>Solicitation provision for royalty information.</b>	27.204-2
	Definition:	<b>Solicitation provision, or provision</b>	52.101
		<b>Solicitation Provisions and Contract Clauses</b>	Part 52
		<b>Solicitation provisions and contract clauses (Matrix).</b>	52.301
		<b>Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items</b>	12.3
	Contractor Qualifications:	<b>Solicitation requirements.</b>	9.306
	Acquisition of Commercial Items: Procedures for	<b>solicitation, evaluation, and award.</b>	12.203
	Alterations in	<b>Solicitation.</b>	52.252-3
	Contracting by Negotiation: Amending the	<b>solicitation.</b>	15.206
	Major System Acquisition: Mission-oriented	<b>solicitation.</b>	34.005-2
	Preparing the	<b>solicitation.</b>	19.705-3
	Sealed Bidding: Master	<b>solicitation.</b>	14.203-3
	Sealed Bidding:	<b>Solicitations for informational or planning purposes.</b>	14.105
		<b>Solicitations issued without wage determinations.</b>	22.404-4
	Availability of	<b>solicitations.</b>	5.102
	Contracting by Negotiation: Issuing	<b>solicitations.</b>	15.205
	Contracting for Construction: Distribution of advance notices and	<b>solicitations.</b>	36.211
	Methods of	<b>soliciting bids.</b>	14.203
		<b>Soliciting competition, evaluation of quotations or offers, award and documentation.</b>	13.106
	Only one responsible	<b>source and no other supplies or services will satisfy agency requirements.</b>	6.302-1
	Contracting by Negotiation:	<b>Source Selection</b>	15.3
	Contracting by Negotiation:	<b>Source selection decision.</b>	15.308
	Definition:	<b>Source selection evaluation board</b>	3.104-3
	Definition:	<b>Source selection information</b>	3.104-3

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Disclosure, protection, and marking of contractor bid or proposal information and	<b>source selection information.</b>	3.104-5
	Contracting by Negotiation:	<b>Source selection objective.</b>	15.302
	Contracting by Negotiation: Lowest price technically acceptable	<b>source selection process.</b>	15.101-2
	Contracting by Negotiation:	<b>Source Selection Processes and Techniques</b>	15.1
	Helium Requirement Forecast and Required	<b>Sources for Helium.</b>	52.208-8
	Required	<b>Sources of Supplies and Services</b>	Part 8
		<b>Special Aspects of Contracting for Construction</b>	36.2
		<b>SPECIAL CATEGORIES OF CONTRACTING</b>	Subchapter F
	Definition:	<b>Special competency</b>	35.017(b)
	Matters requiring	<b>special consideration.</b>	29.304
		<b>Special construction and printing.</b>	53.106
		<b>Special Contracting Methods</b>	Part 17
		<b>Special items screening.</b>	45.608-5
		<b>Special procedure for cost-reimbursement contracts for construction.</b>	36.215
	Multi-Year Contracting:	<b>Special procedures applicable to DoD, NASA, and the Coast Guard.</b>	17.106-3
		<b>Special procedures for price negotiation in construction contracting.</b>	36.214
		<b>Special procedures for sealed bidding in construction contracting.</b>	36.213
		<b>Special procedures for unusually hazardous or nuclear risks.</b>	50.403
		<b>Special Requirements for the Acquisition of Commercial Items</b>	12.2
	Synopses of Proposed Contract Actions:	<b>Special situations.</b>	5.205
	Responsible Prospective Contractors:	<b>Special standards.</b>	9.104-2
	Definition:	<b>Special test equipment</b>	45.101 52.245-18
	Special tooling and	<b>special test equipment costs.</b>	31.205-40
	Acquiring	<b>special test equipment.</b>	45.307-2
	Records of special tooling and	<b>special test equipment.</b>	45.505-4
	Residual value of special tooling and	<b>special test equipment.</b>	45.204
		<b>Special Test Equipment.</b>	52.245-18
	Definition:	<b>Special tooling</b>	45.101 52.245-17
		<b>Special tooling and special test equipment costs.</b>	31.205-40
	Records of	<b>special tooling and special test equipment.</b>	45.505-4
	Residual value of	<b>special tooling and special test equipment.</b>	45.204
		<b>Special tooling under cost-reimbursement contracts.</b>	45.306-2
		<b>Special tooling under fixed-price contracts.</b>	45.306-3
	Providing	<b>special tooling.</b>	45.306
	Providing existing	<b>special tooling.</b>	45.306-1
		<b>Special Tooling.</b>	52.245-17
		<b>Specific Quantities Unknown.</b>	52.247-62
		<b>Specific retention periods.</b>	4.705
	Definition:	<b>Specifically Authorized Representative (SAR)</b>	52.243-7
	Acquisition from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled:	<b>Specification changes.</b>	8.712

FAR Subjects:	Context Preceding the Keyword	Keyword, and Context Following the Keyword	FAR Reference
		Specifications and drawings for construction.	36.521 52.236-21
	Availability of	Specifications Listed in the DoD Index of Specifications and Standards (DoDISS) and Descriptions Listed in the Acquisition Management Systems and Data Requirements Control List, DoD 5010.12-L.	52.211-2
	Availability of	Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29.	52.211-1
	Availability for Examination of	Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions.	52.211-4
	Availability of	Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions.	52.211-3
	Warranty of Systems and Equipment under Performance	Specifications or Design Criteria.	52.246-19
	Contractor Qualifications: Preparing	specifications or work statements.	9.505-2
	Contracting for Construction:	Specifications.	36.202
	Identification and availability of	specifications.	11.201
	Definition:	Specified payment date	32,902
	Definition:	Sponsor	35.017(b)
	Definition:	Spread-gain actuarial cost method	31.001
		Standard and Optional Forms for Contracting for Construction, Architect-Engineer Services, and Dismantling, Demolition, or Removal of Improvements	36.7
		Standard and optional forms for use in contracting for construction or dismantling, demolition, or removal of improvements.	36.701
	Definition:	Standard cost	31.001
		Standard forms (SF's).	53.301
	Determining	standard industrial classification codes and size standards.	19.303
		Standard screening.	45.608-2
	Maintenance of	standardization documents.	11.202
	Selecting and Developing Requirements Documents:	Standardization program.	11.102
		Standards for use.	50.401
		Standards of conduct.	3.101
	Guiding Principles of the Federal Acquisition System: Performance	standards.	1.102-2
	Responsible Prospective Contractors:	Standards.	9.104
	Responsible Prospective Contractors: Application of	standards.	9.104-3
	Responsible Prospective Contractors: General	standards.	9.104-1
	Responsible Prospective Contractors: Special	standards.	9.104-2
		Standby or layaway requirements.	45.302-5
	Definition:	State	3.801 52.203-12(a)
		State and local governments.	42.705-4
	North Carolina	State and Local Sales and Use Tax.	52.229-2
	Definition:	State and local taxes	29.301
		State and Local Taxes.	29.3 52.229-1
	Federal and	State labor requirements.	22.102

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Federal,	<b>State, and Local Taxes (Noncompetitive Contract).</b>	52.229-4
	Federal,	<b>State, and Local Taxes.</b>	52.229-3
	Contracts with	<b>State, Local, and Federally Recognized Indian Tribal Governments</b>	31.6
		<b>Statement of Equivalent Rates for Federal Hires.</b>	52.222-42
		<b>Statement of guiding principles for the Federal Acquisition System.</b>	1.102
	Financial	<b>Statement.</b>	52.247-6
	Changes in	<b>status regarding qualification requirements.</b>	9.207
Other Than Full and Open Competition:	Authorized or required by	<b>statute.</b>	6.302-5
		<b>Statutory and delegated authority.</b>	41.103
	Labor Standards for Construction:	<b>Statutory and regulatory requirements.</b>	22.403
		<b>Statutory and related prohibitions, restrictions, and requirements.</b>	3.104-4
		<b>Statutory authority.</b>	32.201 32.401
	Contracting for Construction:	<b>Statutory cost limitations.</b>	36.205
Walsh-Healey Public Contracts Act:	Service	<b>Statutory exemptions.</b>	22.604-1
	Contract Act of 1965, As Amended:		22.1003-3
	Contingent Fees:	<b>Statutory requirements.</b>	3.402
Contract Work Hours and Safety Standards Act:	Service	<b>Statutory requirements.</b>	22.301
Contract Act:	Walsh-Healey		22.1002
	Public Contracts Act:		22.602
	Small Business Programs:	<b>Statutory requirements.</b>	19.702
	Definition:	<b>Stock record</b>	45.501
		<b>Stop-work order.</b>	42.1303 52.242-15
	Suspension of Work,	<b>Stop-Work Orders, and Government Delay of Work</b>	42.13
		<b>Stop-Work Order—Facilities.</b>	52.242-16
	Consolidation of small shipments and the use of	<b>stopoff privileges.</b>	47.305-8
		<b>Stopping in Transit for Partial Unloading.</b>	52.247-19
	Operations and	<b>Storage Areas.</b>	52.236-10
	Special	<b>storage at the contractor's risk.</b>	45.612-2
	Special	<b>storage at the Government's expense.</b>	45.612-3
	Government Contract Files:	<b>Storage, handling, and disposal of contract files.</b>	4.805
	Removal and	<b>storage.</b>	45.612
		<b>Streamlined evaluation of offers.</b>	12.602
		<b>Streamlined Procedures for Evaluation and Solicitation for Commercial Items</b>	12.6
		<b>Streamlined solicitation for commercial items.</b>	12.603
	Federal Acquisition	<b>Streamlining Act of 1994 list of inapplicable laws.</b>	13.005
	Protection of Existing Vegetation,	<b>Structures, Equipment, Utilities, and Improvements.</b>	52.236-9
		<b>Structuring multiple-incentive contracts.</b>	16.402-4

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Definition:	<b>Subcontract</b>	3.502-1 12.001 15.401 19.701 22.801 44.101 52.203-7 52.219-9 52.244-2 52.244-6
		<b>Subcontract administration.</b>	30.603
	Special 8(a)	<b>Subcontract Conditions.</b>	52.219-12
		<b>Subcontract pricing considerations.</b>	15.404-3
	Granting	<b>subcontract settlement authorization.</b>	49.606
	Settlement of	<b>subcontract settlement proposals.</b>	49.108
	Audit of prime contract settlement proposals and	<b>subcontract settlements.</b>	49.107
	Responsibilities of the contracting officer under the	<b>subcontracting assistance program.</b>	19.705
	Notices of	<b>subcontracting opportunities.</b>	5.206
		<b>Subcontracting plan requirements.</b>	19.704
	Determining the need for a	<b>subcontracting plan.</b>	19.705-2
	Liquidated Damages—	<b>Subcontracting Plan.</b>	52.219-16
	Reviewing the	<b>subcontracting plan.</b>	19.705-4
	Small Business	<b>Subcontracting Plan.</b>	52.219-9
	Awards involving	<b>subcontracting plans.</b>	19.705-5
		<b>Subcontracting Policies and Procedures</b>	Part 44
	The Small Business	<b>Subcontracting Program</b>	19.7
	Incentive	<b>Subcontracting Program.</b>	52.219-10
		<b>Subcontracting research and development effort.</b>	35.009
	Protecting the Government's Interest when	<b>Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment.</b>	52.209-6
	Incentive	<b>subcontracting with small disadvantaged business concerns.</b>	19.1203
	Competition in	<b>Subcontracting.</b>	52.244-5
	Debarment, Suspension, and Ineligibility: Restrictions on	<b>subcontracting.</b>	9.405-2
	Limitations on	<b>Subcontracting.</b>	52.219-14
	Definition:	<b>Subcontractor</b>	3.502-1 22.801 44.101 52.203-7
		<b>Subcontractor assertions of nonpayment.</b>	32.112-1
	Postaward	<b>subcontractor conferences.</b>	42.505
		<b>Subcontractor Cost or Pricing Data.</b>	52.215-12
		<b>Subcontractor Cost or Pricing Data—Modifications.</b>	52.215-13
		<b>Subcontractor Cost or Pricing Data—Modifications—Sealed Bidding.</b>	52.214-28
		<b>Subcontractor Disclosure Statements.</b>	30.202-8
	Definition:	<b>Subcontractor employee</b>	52.203-7(a)

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Subcontractor inventory.</b>	45.614
		<b>Subcontractor kickbacks.</b>	3.502
	Prospective	<b>Subcontractor Requests for Bonds.</b>	52.228-12
	Payments:	<b>Subcontractor requests for information.</b>	32.112-2
	Contractor Qualifications:	<b>Subcontractor responsibility.</b>	9.104-4
	Unreasonable restrictions on	<b>subcontractor sales.</b>	3.503
	Delay in settling	<b>subcontractor settlement proposals.</b>	49.108-6
	Request to settle	<b>subcontractor settlement proposals.</b>	49.605
		<b>Subcontractor's rights.</b>	49.108-1
		<b>Subcontractors and Outside Associates and Consultants (Architect-Engineer Services).</b>	52.244-4
	Bonds and Other Financial Protections: Payment to	<b>subcontractors or suppliers.</b>	28.106-8
	Nonpayment of	<b>subcontractors under contracts for noncommercial items.</b>	32.112
	Property in possession of	<b>subcontractors.</b>	45.510
	Consent to	<b>Subcontracts</b>	44.2
		<b>Subcontracts (Labor Standards).</b>	52.222-11
		<b>Subcontracts for Commercial Items and Commercial Components.</b>	44.4 52.244-6
		<b>Subcontracts under prime contracts providing progress payments.</b>	32.504
	Assignment of rights under	<b>subcontracts.</b>	49.108-8
	Government assistance in settling	<b>subcontracts.</b>	49.108-7
	Labor Standards for Construction:	<b>Subcontracts.</b>	22.406-5
	Loan guarantees for	<b>subcontracts.</b>	32.306
	Patent Rights under Government Contracts:	<b>Subcontracts.</b>	27.304-4
	Quality Assurance:	<b>Subcontracts.</b>	46.405
		<b>Subcontracts.</b>	52.244-2
	Definition:	<b>Subject invention</b>	27.301 52.227-11 52.227-12 52.227-13
		<b>Submission of Bids.</b>	14.3 52.214-5
		<b>Submission of Commercial Transportation Bills to the General Services Administration for Audit.</b>	52.247-67
	Instructions for	<b>submission of cost or pricing data or information other than cost or pricing data.</b>	15.403-5
		<b>Submission of Electronic Funds Transfer Information with Offer.</b>	52.232-38
		<b>Submission of inventory schedules.</b>	49.206-3 49.303-2
	Required time of	<b>submission of Notice.</b>	22.1008-7
		<b>Submission of settlement proposal (fee only).</b>	49.304-2
		<b>Submission of settlement proposal.</b>	49.206-1 49.303-1
		<b>Submission of vouchers.</b>	49.304-3
	Sealed Bidding:	<b>Submission, modification, and withdrawal of bids.</b>	14.304



<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Contracting by Negotiation: Bid	<b>Submission, modification, revision, and withdrawal of proposals. submission.</b>	15.208 14.302
	Definition:	<b>Substantial evidence</b>	32.006-2
	Definition:	<b>Substantially as follows, or substantially the same as</b>	52.101(a)
		<b>Substitution of assets.</b>	28.203-4
	Contracting by Negotiation: Award to	<b>successful offeror.</b>	15.504
	Incentive Contracts: Incentive Price Revision—	<b>Successive Targets.</b>	52.216-17
	Required Sources of Supplies and Services: Change-of-name and	<b>successor in interest procedures.</b>	8.716
	Definition:	<b>Summary record</b>	45.501
		<b>Superintendence by the Contractor.</b>	52.236-6
	Determinations and Findings:	<b>Supersession and modification.</b>	1.705
	Security:	<b>supervision, and covenants.</b>	32.409-3
		<b>Supervision, Labor, or Materials.</b>	52.247-12
	Definition:	<b>Supplemental agreement</b>	43.101
	Definition:	<b>Supplies</b>	2.101 52.246-2 52.246-3 52.246-17 52.246-18 52.246-19
	Required Sources of	<b>Supplies and Services</b>	Part 8
	Warranty of	<b>Supplies of a Complex Nature.</b>	52.246-18
	Warranty of	<b>Supplies of a Noncomplex Nature.</b>	52.246-17
	Other Than Full and Open Competition: Only one responsible source and no other	<b>supplies or services will satisfy agency requirements.</b>	6.302-1
	Nonconforming	<b>supplies or services.</b>	46.407
	Liquidated Damages—	<b>Supplies, Services, or Research and Development.</b>	52.211-11
	Fixed-Price Contracts: Economic Price Adjustment—Semistandard	<b>Supplies.</b>	52.216-3
	Fixed-Price Contracts: Economic Price Adjustment—Standard	<b>Supplies.</b>	52.216-2
	Responsibility for	<b>Supplies.</b>	52.246-16
	Sealed Bidding: Economic purchase quantities—	<b>supplies.</b>	14.212
	Inspection of	<b>Supplies—Cost-Reimbursement.</b>	52.246-3
	Inspection of	<b>Supplies—Fixed-Price.</b>	52.246-2
	Default (Fixed-Price)	<b>Supply and Service).</b>	52.249-8
	Transportation in	<b>Supply Contracts</b>	47.3
		<b>Supply contracts.</b>	11.701
	Acquisition and	<b>supply records.</b>	4.705-3
	Authorization to use Government	<b>supply sources.</b>	51.102
	Government	<b>Supply Sources.</b>	52.251-1
	Ordering from Government	<b>supply sources.</b>	51.103
	Use of other Government	<b>supply sources.</b>	8.002
		<b>Sureties and Other Security for Bonds</b>	28.2
	Definition:	<b>Surety</b>	28.001
	Contract	<b>surety bonds and loan guarantees.</b>	32.304-7

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Bonds and Other Financial Protection: Substitution of	<b>surety bonds.</b>	28.106-2
		<b>Surety-takeover agreements.</b>	49.404
	Consent of	<b>surety.</b>	28.106-5
	Security interests by an individual	<b>surety.</b>	28.203-1
	Sale of	<b>surplus contractor inventory.</b>	45.610
	Definition:	<b>Surplus property</b>	45.601
	Definition:	<b>Surplus Release Date (SRD)</b>	45.601
	Production	<b>Surveillance and Reporting</b>	42.11
		<b>Surveillance requirements.</b>	42.1104
		<b>Surveillance.</b>	44.304
	Definition:	<b>Surveying activity</b>	9.101
	Responsible Prospective Contractors:	<b>Surveys of nonprofit agencies serving people who are blind or have other severe disabilities under the Javits-Wagner-O'Day (JWOD) Program.</b>	9.107
	Quantity	<b>Surveys.</b>	52.236-16
	Responsible Prospective Contractors: Preaward	<b>surveys.</b>	9.106
	Responsible Prospective Contractors: Conditions for preaward	<b>surveys.</b>	9.106-1
	Responsible Prospective Contractors: Interagency preaward	<b>surveys.</b>	9.106-3
	Responsible Prospective Contractors: Requests for preaward	<b>surveys.</b>	9.106-2
	Reports of	<b>Suspected Antitrust Violations</b>	3.3
	Definition:	<b>Suspending official</b>	9.403
	Definition:	<b>Suspension</b>	9.403
	Suspension of payments, termination of contract, and debarment and	<b>suspension actions.</b>	23.506
	Reduction or	<b>suspension of contract payments upon finding of fraud.</b>	32.006
	Withholding from or	<b>suspension of contract payments.</b>	22.406-9
		<b>Suspension of Work, Stop-Work Orders, and Government Delay of Work</b>	42.13
		<b>Suspension of work.</b>	42.1302 52.242-14
		<b>Suspension or reduction of payments.</b>	32.503-6
		<b>Suspension or reduction of performance-based payments.</b>	32.1008
	Debarment,	<b>Suspension, and Ineligibility</b>	9.4
	Certification regarding debarment,	<b>suspension, proposed debarment, and other responsibility matters.</b>	9.408 52.209-5
	Causes for	<b>suspension.</b>	9.407-2
	Period of	<b>suspension.</b>	9.407-4
	Scope of	<b>suspension.</b>	9.407-5
		<b>Suspension.</b>	9.407
	Preparation and transmittal of	<b>synopses of awards.</b>	5.302
		<b>Synopses of Contract Awards</b>	5.3
		<b>Synopses of Proposed Contract Actions</b>	5.2
	Synopses of Proposed Contract Actions: Preparation and transmittal of	<b>synopses.</b>	5.207
		<b>Synopsis and posting requirements.</b>	13.105
	Federal Acquisition Regulations	<b>System</b>	Part 1
	Definition:	<b>System of records on individuals</b>	24.101 52.224-2

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
Availability of Specifications Listed in the DoD Index of Specifications and Standards (DoDISS) and Descriptions Listed in the Acquisition Management		<b>Systems and Data Requirements Control List, DoD 5010.12-L.</b>	52.211-2
	Warranty of	<b>Systems and Equipment under Performance Specifications or Design Criteria.</b>	52.246-19
	Contractor Qualifications: Providing	<b>systems engineering and technical direction.</b>	9.505-1
		<b>Table 15-2—Instructions for Submitting Cost or Pricing Data</b>	15.408
		<b>Tailoring of provisions and clauses for the acquisition of commercial items.</b>	12.302
	Definition:	<b>Tangible capital asset</b>	31.001
	Definition:	<b>Tanker</b>	47.501
	Definition:	<b>Target cost</b>	52.216-10
	Definition:	<b>Target fee</b>	52.216-10
	Definition:	<b>Task order</b>	2.101
	Definition:	<b>Task order contract</b>	16.501-1
		<b>Tax credit.</b>	32.607
	Other Federal	<b>tax exemptions.</b>	29.203
	State and local	<b>tax exemptions.</b>	29.305
	Resolving	<b>tax problems.</b>	29.101
	Definition:	<b>Tax, and Taxes</b>	52.229-6
	New Mexico gross receipts and compensating	<b>tax.</b>	29.401-6
	North Carolina State and Local Sales and Use	<b>Tax.</b>	52.229-2
	State of New Mexico Gross Receipts and Compensating	<b>Tax.</b>	52.229-10
	Federal Excise	<b>Taxes</b>	29.2
	Federal, State, and Local	<b>Taxes (Noncompetitive Contract).</b>	52.229-4
		<b>Taxes (SF's 1094, 1094-A).</b>	53.229
	Application of State and local	<b>taxes to Government contractors and subcontractors.</b>	29.303
	Application of State and local	<b>taxes to the Government.</b>	29.302
	Federal, State, and Local	<b>Taxes.</b>	52.229-3
	State and Local	<b>Taxes.</b>	29.3 52.229-1
		<b>Taxes.</b>	Part 29 31.205-41
		<b>Taxes—Contracts Performed in U.S. Possessions or Puerto Rico.</b>	52.229-5
		<b>Taxes—Cost-Reimbursement Contracts with Foreign Governments.</b>	52.229-9
		<b>Taxes—Fixed-Price Contracts with Foreign Governments.</b>	52.229-7
		<b>Taxes—Foreign Cost-Reimbursement Contracts.</b>	52.229-8
		<b>Taxes—Foreign Fixed-Price Contracts.</b>	52.229-6
		<b>Taxpayer identification information.</b>	4.203
	Definition:	<b>Taxpayer Identification Number (TIN)</b>	4.901 52.204-3(a)
	Administrative Matters:	<b>Taxpayer Identification Number Information</b>	4.9
		<b>Taxpayer Identification.</b>	52.204-3
	Transportation Documentation and Audit Regulation	<b>TDA.</b>	47.103
	Contractor Qualifications: Contractor	<b>Team Arrangements</b>	9.6
	Guiding Principles for the Federal Acquisition System: Acquisition	<b>Team.</b>	1.102-3

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
Guiding Principles for the Federal Acquisition System:	Role of the Acquisition	<b>Team.</b>	1.102-4
	Foreign License and	<b>Technical Assistance Agreements</b>	27.6
	Definition:	<b>Technical data</b>	27.401 52.227-14 52.227-20
		<b>Technical Data Declaration, Revision, and Withholding of Payment—Major Systems.</b>	52.227-21
	Rights to	<b>technical data in successful proposals.</b>	27.407
	Acquisition of Commercial Items:	<b>Technical data.</b>	12.211
Contractor Qualifications:	Providing systems engineering and	<b>technical direction.</b>	9.505-1
	Late Submissions, Modifications, Revisions, and Withdrawals of	<b>Technical Proposals under Two-Step Sealed Bidding.</b>	52.214-23
	Multiple	<b>Technical Proposals.</b>	52.214-24
Research and Development Contracting:	Scientific and	<b>technical reports.</b>	35.010
	Trade, business,	<b>technical, and professional activity costs.</b>	31.205-43
	Sealed Bidding:	<b>Telegraphic bids.</b>	14.202-2 52.214-13
		<b>Telegraphic notice.</b>	49.601-1
	Government use of private sector	<b>temporaries.</b>	37.112
	Availability of	<b>term contracts and basic ordering agreements for transportation or for transportation-related services.</b>	47.205
	Loan guarantees for	<b>terminated contracts.</b>	32.305
	Additional Principles for Cost-Reimbursement Contracts	<b>Terminated for Convenience</b>	49.3
	Additional Principles for Fixed-Price Contracts	<b>Terminated for Convenience</b>	49.2
	Settlement of	<b>terminated incentive contracts.</b>	49.115
	Definition:	<b>Terminated portion of the contract</b>	49.001
		<b>Termination (Cost-Reimbursement).</b>	52.249-6
		<b>Termination (Personal Services).</b>	52.249-12
		<b>Termination case file.</b>	49.105-3
	Other	<b>termination clauses.</b>	49.505
	Definition:	<b>Termination contracting officer</b>	49.001
	Definition: Contracting officer/	<b>Termination contracting officer (TCO)</b>	2.101
		<b>Termination costs.</b>	31.205-42
	Definition:	<b>Termination for convenience</b>	17.103
		<b>Termination for Convenience of the Government (Dismantling, Demolition, or Removal of Improvements).</b>	52.249-3
		<b>Termination for Convenience of the Government (Educational and Other Nonprofit Institutions).</b>	52.249-5
		<b>Termination for Convenience of the Government (Fixed-Price) (Short Form).</b>	52.249-1
		<b>Termination for Convenience of the Government (Fixed-Price).</b>	52.249-2
	Federal Supply Schedules:	<b>Termination for convenience.</b>	8.405-6
	Effect of	<b>termination for default.</b>	49.402-2
	Federal Supply Schedules:	<b>Termination for Default.</b>	8.405-5
	Procedure in lieu of	<b>termination for default.</b>	49.402-4

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Definition:	<b>Termination inventory</b>	45.601 49.001
	Definition:	<b>Termination liability</b>	41.101
		<b>Termination Liability.</b>	52.241-10
Contracting Officer:	Selection, appointment, and	<b>termination of appointment.</b>	1.603
	Suspension of payments,	<b>termination of contract, and debarment and suspension actions.</b>	23.506
		<b>Termination of contracts.</b>	Part 49 53.249
		<b>Termination of cost-reimbursement contracts for default.</b>	49.403
	Definition:	<b>Termination of employment gain or loss</b>	31.001
		<b>Termination of Work (Consolidated Facilities or Facilities Acquisition).</b>	52.249-11
	Inventories upon	<b>termination or completion.</b>	45.508-1
		<b>Termination settlement proposal forms.</b>	49.602-1
		<b>Termination status reports.</b>	49.105-1
	Acquisition of Commercial Items:	<b>Termination.</b>	12.403
Career Development, Contracting Authority, and Responsibilities:		<b>Termination.</b>	1.603-4
	Contracting Officer Appointment:	<b>Termination.</b>	1.603-4
	Duties of prime contractor after receipt of notice of	<b>termination.</b>	49.104
	Notice of	<b>termination.</b>	49.102
	Contract	<b>terminations.</b>	22.406-11
	Contract	<b>Termination—Debarment.</b>	52.222-12
	Definitions of Words and	<b>Terms</b>	Part 2
	Unique Requirements Regarding	<b>Terms and Conditions for Commercial Items</b>	12.4
	Change in Rates or	<b>Terms and Conditions of Service for Regulated Services.</b>	52.241-7
	Change in Rates or	<b>Terms and Conditions of Service for Unregulated Services.</b>	52.241-8
	Contract	<b>Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.</b>	52.212-5
	Contract	<b>Terms and Conditions—Commercial Items.</b>	52.212-4
		<b>Terms for Financing of Purchases of Commercial Items.</b>	52.232-29
	Special	<b>Test Equipment.</b>	52.245-18
	Definition:	<b>Testing</b>	46.101
	Describing Agency Needs:	<b>Testing</b>	11.8
	First Article	<b>Testing and Approval</b>	9.3
		<b>Testing and qualification.</b>	34.103
	First Article Testing and Approval:	<b>Testing performed by the contractor.</b>	9.308-1
	First Article Testing and Approval:	<b>Testing performed by the Government.</b>	9.308-2
		<b>Testing, Qualification, and Use of Industrial Resources Developed Under Title III, Defense Production Act</b>	34.1
		<b>Text of Provisions and Clauses</b>	52.2
	Definition:	<b>Third party draft</b>	13.001
	Actions At or Below the Micro-Purchase	<b>Threshold</b>	13.2
	Definition:	<b>Time</b>	52.215-1
		<b>Time Extensions.</b>	52.211-13
	Evaluation of Options Exercised at	<b>Time of Contract Award.</b>	52.217-4

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Time of Delivery.</b>	52.211-8 52.211-9
	Duration of contract and	<b>time of performance.</b>	47.207-2
		<b>Time-and-material and labor-hour contracts.</b>	46.306
	Inspection—	<b>Time-and-Material and Labor-Hour.</b>	52.246-6
	Government Property (Cost-Reimbursement,	<b>Time-and-Material, or Labor-Hour Contracts).</b>	52.245-5
	Payments under	<b>Time-and-Materials and Labor-Hour Contracts.</b>	52.232-7
		<b>Time-and-materials contracts.</b>	16.601
	Changes—	<b>Time-and-Materials or Labor-Hours.</b>	52.243-3
		<b>Time-and-Materials, Labor-Hour, and Letter Contracts</b>	16.6
	Service Contract Act of 1965, As Amended: Response to	<b>timely submission of Notice—no collective bargaining agreement.</b>	22.1012-2
	Service Contract Act of 1965, As Amended: Response to	<b>timely submission of Notice—with collective bargaining agreement.</b>	22.1012-3
	Definition:	<b>Title III industrial resource</b>	52.234-1
	Definition:	<b>Title III project contractor</b>	52.234-1
	Application of Government	<b>title terms.</b>	32.503-15
	Transfer of	<b>Title to the Facilities.</b>	52.245-15
	Protection of Government	<b>title.</b>	32.503-14
	Research and Development Contracting: Government property and	<b>title.</b>	35.014
		<b>Title.</b>	32.1009 51.106
	Administrative limitations, variations,	<b>tolerances, and exemptions.</b>	22.1003-4
	Variations,	<b>tolerances, and exemptions.</b>	22.304
	Special	<b>Tooling.</b>	52.245-17
	Notice of	<b>Total Small Business Set-Aside.</b>	52.219-6
		<b>Total small business set-asides.</b>	19.502-2
	Certification of	<b>Toxic Chemical Release Reporting.</b>	52.223-13
		<b>Toxic Chemical Release Reporting.</b>	23.9 52.223-14
	Definition:	<b>Toxic chemicals</b>	23.904
		<b>Trade Agreements</b>	25.4 52.225-5
		<b>Trade Agreements Act.</b>	25.403
		<b>Trade Agreements Act/Caribbean Basin Trade Initiative/NAFTA.</b>	25.504-2
	Agreement on	<b>Trade in Civil Aircraft.</b>	25.407
		<b>Trade Sanctions</b>	25.6
		<b>Trade, business, technical, and professional activity costs.</b>	31.205-43
	Contracting by Negotiation:	<b>Tradeoff process.</b>	15.101-1
		<b>Traffic and Transportation Management</b>	42.14
	Definition:	<b>Trainee</b>	22.401
	Apprentices and	<b>trainees.</b>	22.406-4 52.222-9
		<b>Training and education costs.</b>	31.205-44
		<b>Transfer of title and risk of loss.</b>	46.505
		<b>Transfer of Title to the Facilities.</b>	52.245-15

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Transit arrangements.</b>	47.305-13 52.247-56
	Stopping in	<b>Transit for Partial Unloading.</b>	52.247-19
	Transportation	<b>Transit Privilege Credits.</b>	52.247-57
	Inconsistency between English Version and	<b>Translation of Contract.</b>	52.225-14
	Synopses of Proposed Contract Actions: Preparation and Synopses of Contract Awards:	<b>transmittal of synopses.</b>	5.207 5.302
		<b>Transportation</b>	Part 47
		<b>Transportation (U.S. Government Bill of Lading).</b>	53.247
		<b>Transportation assistance.</b>	47.105
	Submission of Commercial	<b>Transportation Bills to the General Services Administration for Audit.</b>	52.247-67
	Payments under	<b>Transportation Contracts and Transportation-Related Services Contracts.</b>	52.232-4
		<b>Transportation contracts.</b>	46.314
		<b>Transportation cost determinations.</b>	47.306-1
	Lowest overall	<b>transportation costs.</b>	47.306-2
	No Evaluation of	<b>Transportation Costs.</b>	52.247-50
		<b>Transportation costs.</b>	31.205-45
		<b>Transportation Documentation and Audit Regulation (TDA).</b>	47.103
		<b>Transportation factors in the evaluation of offers.</b>	47.306
	Solicitation provisions, contract clauses, and	<b>transportation factors.</b>	47.305
		<b>Transportation in Supply Contracts</b>	47.3
		<b>Transportation insurance.</b>	47.102
	Traffic and	<b>Transportation Management</b>	42.14
	Participation of	<b>transportation officers.</b>	47.301-2
	Contracts for	<b>Transportation or for Transportation-Related Services</b>	47.2
	Availability of term contracts and basic ordering agreements for	<b>transportation or for transportation-related services.</b>	47.205
	Contract clauses for insurance of	<b>transportation or transportation-related services.</b>	28.313
		<b>Transportation term contracts.</b>	47.203
		<b>Transportation Transit Privilege Credits.</b>	52.247-57
	Inspection of	<b>Transportation.</b>	52.246-14
	Mode of	<b>transportation.</b>	47.305-14
	Clearance and Documentation Requirements Shipments to DOD Air or Water Terminal	<b>Transshipment Points.</b>	52.247-52
		<b>Travel costs.</b>	31.205-46
	Federal Acquisition Regulations System: Deviations pertaining to	<b>treaties and executive agreements.</b>	1.405
		<b>Treatment of violations.</b>	3.204
	F.o.b. Origin—Carload and	<b>Truckload Shipments.</b>	52.247-59
	Federal Acquisition Regulations System: The	<b>two councils.</b>	1.201-1
	Definition:	<b>Two-phase design-build selection procedures</b>	36.102
		<b>Two-Phase Design-Build Selection Procedures</b>	36.3
	Use of	<b>two-phase design-build selection procedures.</b>	36.301
		<b>Two-Step Sealed Bidding.</b>	14.5 52.214-23 52.214-25

FAR Subjects:	Context Preceding the Keyword	Keyword, and Context Following the Keyword	FAR Reference
		<b>Types of contract adjustment.</b>	50.302
		<b>Types of contract quality requirements.</b>	46.202
		<b>Types of contracts.</b>	Part 16 53.216
	Definition:	<b>U.S.-flag air carrier</b>	47.401 52.247-63
	Availability and unavailability of	<b>U.S.-Flag Air Carrier Service.</b>	47.403-1
	Preference for Privately Owned	<b>U.S.-Flag Commercial Vessels.</b>	52.247-64
	Definition:	<b>U.S.-flag vessel</b>	47.501
	Definition:	<b>U.S.-made end product</b>	25.003 52.225-5
	Air Transportation by	<b>U.S.—Flag Carriers</b>	47.4
	Ocean Transportation by	<b>U.S.—Flag Vessels</b>	47.5
	Definition:	<b>Unallowable cost</b>	31.001
	Accounting for	<b>unallowable costs.</b>	31.201-6
	Penalties for	<b>Unallowable Costs.</b>	52.242-3
	Definition:	<b>Unauthorized commitment</b>	1.602-3(a)
	Contracting Authority: Ratification of	<b>unauthorized commitments.</b>	1.602-3
	Sealed Bidding:	<b>Unclassified bids.</b>	14.402-1
	Sealed Bidding: Award of	<b>unclassified contracts.</b>	14.409-1
	Definition:	<b>Uncompensated overtime</b>	52.237-10
	Definition:	<b>Uncompensated overtime rate</b>	52.237-10
	Contractor Responsibility for Returning	<b>Undelivered Freight.</b>	52.247-16
	Definition:	<b>Unfair trade practices</b>	9.403
	Contracting by Negotiation: Table 15-1—	<b>Uniform Contract Format</b>	15.204-1
	Contracting by Negotiation: Order of Precedence—	<b>Uniform Contract Format.</b>	52.215-8
	Sealed Bidding: Contracting by Negotiation:	<b>Uniform contract format.</b>	14.201-1 15.204-1
	Definition:	<b>Unique and innovative concept</b>	6.003
		<b>Unique Requirements Regarding Terms and Conditions for Commercial Items</b>	12.4
	Definition:	<b>Unit</b>	48.001 52.248-1
	Definition:	<b>United States</b>	2.101 22.801 22.1001 25.003 47.401 52.219-23 52.225-1 52.225-3 52.225-5 52.225-9 52.225-11 52.247-63



<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Air transport agreements between the	<b>United States and foreign governments.</b>	47.403-2
	Historically Black Colleges and	<b>Universities and Minority Institutions.</b>	26.3
	Destination	<b>Unknown.</b>	52.247-49
	Definition:	<b>Unlimited rights</b>	27.401 52.227-14 52.227-17 52.227-20
	Progress Payments Based on Costs: Maximum	<b>unliquidated amount.</b>	32.503-12
	Contractor Responsibility for Loading and	<b>Unloading.</b>	52.247-15
	Stopping in Transit for Partial	<b>Unloading.</b>	52.247-19
	Change in Rates or Terms and Conditions of Service for	<b>Unregulated Services.</b>	52.241-8
	Definition:	<b>Unsettled contract change</b>	49.001
	Definition:	<b>Unsolicited proposal</b>	15.601
	Criteria for acceptance and negotiation of an	<b>unsolicited proposal.</b>	15.607
		<b>Unsolicited Proposals</b>	15.6
	Content of	<b>unsolicited proposals.</b>	15.605
		<b>Unsolicited proposed revisions.</b>	1.502
	Contracting by Negotiation: Notifications to	<b>unsuccessful offerors.</b>	15.503
	Other Than Full and Open Competition:	<b>Unusual and compelling urgency.</b>	6.302-2
	Definition:	<b>Unusual contract financing</b>	32.001
	Rental—	<b>Use and Charges clause.</b>	45.403
		<b>Use and Charges.</b>	52.245-9
	Construction Contracting:	<b>Use and Possession Prior to Completion.</b>	52.236-11
	Publicizing Contract Actions:	<b>Use of advertising agencies.</b>	5.504
	Selecting and Developing Requirements Documents:	<b>Use of brand name or equal purchase descriptions.</b>	11.104
	Contracting by Negotiation: Limited	<b>use of data.</b>	15.609
		<b>Use of foreign currency.</b>	25.1002
	Requirements for	<b>use of forms.</b>	53.101
		<b>Use of Government Facilities.</b>	52.245-14
		<b>Use of Government property.</b>	45.509-2
		<b>Use of Government Sources by Contractors</b>	Part 51
	Contractor	<b>use of Government supply sources (OF 347).</b>	53.251
	Testing, Qualification, and	<b>Use of Industrial Resources Developed Under Title III, Defense Production Act</b>	34.1
	Required Sources of Supplies and Services:	<b>Use of other Government supply sources.</b>	8.002
		<b>Use of Recovered Materials</b>	23.4
		<b>Use of two-phase design-build selection procedures.</b>	36.301
	Availability and	<b>Use of Utility Services.</b>	52.236-14
		<b>Using and Maintaining Requirements Documents</b>	11.2
	Federal Supply Schedules:	<b>Using schedules.</b>	8.404
	Protection of Existing Vegetation, Structures, Equipment,	<b>Utilities, and Improvements.</b>	52.236-9
	Order of Precedence—	<b>Utilities.</b>	52.241-2
	Definition:	<b>Utility distribution system</b>	45.501
	Definition:	<b>Utility service</b>	41.101
	Formats for annual	<b>utility service review.</b>	41.702

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Acquiring	<b>Utility Services</b>	41.2
		<b>Utility services contract form.</b>	41.601
	Availability and use of	<b>Utility Services Provisions and Clauses.</b>	52.241
		<b>utility services.</b>	36.514 52.236-14
		<b>Utilization of Indian Organizations and Indian-Owned Economic Enterprises.</b>	52.226-1
		<b>Utilization of Small Business Concerns.</b>	52.219-8
	Definition:	<b>Value engineering</b>	48.001 52.248-2
	Definition:	<b>Value engineering change proposal (VECP)</b>	48.001 52.248-1 52.248-3
	Definition:	<b>Value engineering proposal</b>	48.001 52.248-2
		<b>Value Engineering.</b>	Part 48 52.248-1
		<b>Value Engineering—Architect-Engineer.</b>	52.248-2
		<b>Value Engineering—Construction.</b>	52.248-3
	Definition:	<b>Variance</b>	31.001
		<b>Variation in Estimated Quantity.</b>	52.211-18
	Describing Agency Needs:	<b>Variation in Quantity</b>	11.7
	Administrative limitations,	<b>variations, tolerances, and exemptions.</b>	22.1003-4
		<b>Variations, tolerances, and exemptions.</b>	22.304
	Protection of Existing	<b>Vegetation, Structures, Equipment, Utilities, and Improvements.</b>	52.236-9
	Protection of Government Buildings, Equipment, and	<b>Vegetation.</b>	52.237-2
		<b>Vehicle Lease Payments.</b>	52.208-4
	Interagency Fleet Management System (IFMS)	<b>Vehicles and Related Services.</b>	52.251-2
	Contract clause for insurance of leased motor	<b>vehicles.</b>	28.312
		<b>Vehicular and General Public Liability Insurance.</b>	52.228-10
	Definition:	<b>Very small business concern</b>	19.001 52.219-5
		<b>Very Small Business Set-Aside.</b>	52.219-5
	F.a.s.	<b>Vessel, Port of Shipment.</b>	52.247-36
	F.o.b.	<b>Vessel, Port of Shipment.</b>	52.247-37
	Preference for Privately Owned U.S.-Flag Commercial	<b>Vessels.</b>	52.247-64
	Definition:	<b>Veteran of the Vietnam era</b>	52.222-35
	Disabled	<b>Veterans and Veterans of the Vietnam Era</b>	22.13
	Affirmative Action for Disabled	<b>Veterans and Veterans of the Vietnam Era.</b>	52.222-35
	Employment Reports on Disabled	<b>Veterans and Veterans of the Vietnam Era.</b>	52.222-37
	Disabled Veterans and Veterans of the	<b>Vietnam Era</b>	22.13
	Reports of Suspected Antitrust	<b>Violations</b>	3.3
	Misrepresentations or	<b>violations of the Covenant Against Contingent Fees.</b>	3.405
	Reporting suspected	<b>violations of the Gratuities clause.</b>	3.203
		<b>Violations or possible violations.</b>	3.104-10

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
	Processing suspected	<b>violations.</b>	3.806
	Reporting suspected antitrust	<b>violations.</b>	3.303
	Treatment of	<b>violations.</b>	3.204
	Definition:	<b>Virgin material</b>	2.101 52.211-5
	Notification of	<b>Visa Denial.</b>	52.222-29
		<b>Voiding and Rescinding Contracts</b>	3.7
		<b>Volume movements within the continental United States.</b>	42.1402
		<b>Voluntary changes.</b>	30.602-3
	Discontinuance of	<b>vouchers.</b>	49.302
	Submission of	<b>vouchers.</b>	49.304-3
	Definition:	<b>Wage and Hour Division</b>	22.1001
	Regional jurisdictions of the Department of Labor,	<b>Wage and Hour Division.</b>	22.609
	Definition:	<b>Wage determination</b>	22.1001
		<b>Wage determination appeals.</b>	22.404-11
	Notification of improper	<b>wage determination before award.</b>	22.404-8
	Award of contract without required	<b>wage determination.</b>	22.404-9
	Late receipt or nonreceipt of	<b>wage determination.</b>	22.1012
	Review of	<b>wage determination.</b>	22.1013
	Posting	<b>wage determinations and notice.</b>	22.404-10
		<b>Wage determinations based on collective bargaining agreements.</b>	22.1002-3
		<b>Wage determinations based on prevailing rates.</b>	22.1002-2
	Correction of	<b>wage determinations containing clerical errors.</b>	22.404-7
	Davis-Bacon Act	<b>wage determinations.</b>	22.404
	Expiration of project	<b>wage determinations.</b>	22.404-5
	Modifications of	<b>wage determinations.</b>	22.404-6
	Procedures for requesting	<b>wage determinations.</b>	22.404-3
	Solicitations issued without	<b>wage determinations.</b>	22.404-4
	Types of	<b>wage determinations.</b>	22.404-1
	Definition:	<b>Wages</b>	22.401
		<b>Wages, fringe benefits, and overtime.</b>	22.406-2
		<b>Waiver of Buy American Act for Civil Aircraft and Related Articles.</b>	52.225-7
	Service Contracts:	<b>Waiver of cost allowability limitations.</b>	37.113-1
		<b>Waiver of Facilities Capital Cost of Money.</b>	52.215-17
		<b>Waiver of Indemnity.</b>	52.227-5
		<b>Waiver of Limitation on Severance Payments to Foreign Nationals.</b>	52.237-9
	Additional Foreign Acquisition Regulations:	<b>Waiver of right to examination of records.</b>	25.1001
		<b>Waiver of screening requirements.</b>	45.608-6
		<b>Waiver of the penalty.</b>	42.709-5
		<b>Waiver.</b>	9.503 30.201-5
	Disabled Veterans and Veterans of the Vietnam Era:	<b>Waivers .</b>	22.1303
	Employment of Workers with Disabilities:	<b>Waivers.</b>	22.1403
	Federal Supply Schedules: Requests for	<b>waivers.</b>	8.404-3

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		Walsh-Healey Public Contracts Act.	22.6 52.222-20
	Workers' Compensation and Ex Dock, Pier, or	<b>War-Hazard Insurance Overseas.</b>	52.228-4
		<b>Warehouse, Port of Importation.</b>	52.247-40
		<b>Warranties of commercial items.</b>	46.709
		<b>Warranties of data.</b>	46.708
	Authority for use of	<b>warranties.</b>	46.704
	Criteria for use of	<b>warranties.</b>	46.703
	Pricing aspects of fixed-price incentive contract	<b>warranties.</b>	46.707
		<b>Warranties.</b>	12.404 46.7
	Definition:	<b>Warranty</b>	46.701
	Service and	<b>warranty costs.</b>	31.205-39
		<b>Warranty of Construction.</b>	52.246-21
		<b>Warranty of Services.</b>	52.246-20
		<b>Warranty of Supplies of a Complex Nature.</b>	52.246-18
		<b>Warranty of Supplies of a Noncomplex Nature.</b>	52.246-17
		<b>Warranty of Systems and Equipment under Performance Specifications or Design Criteria.</b>	52.246-19
		<b>Warranty terms and conditions.</b>	46.706
	Definition:	<b>Waste reduction</b>	2.101 52.223-10
		<b>Waste Reduction Program.</b>	52.223-10
	Definition:	<b>Weakness</b>	15.301
	Definition:	<b>Weighted average cost</b>	31.001
	Estimated Quantities or	<b>Weights for Evaluation of Offers.</b>	52.247-20
	Estimated	<b>Weights or Quantities Not Guaranteed.</b>	52.247-8
	Determination of	<b>weights.</b>	47.207-4
	Agreed	<b>Weight—General Freight.</b>	52.247-9
	Net	<b>Weight—General Freight.</b>	52.247-10
	Net	<b>Weight—Household Goods or Office Furniture.</b>	52.247-11
		<b>Whistleblower Protections for Contractor Employees</b>	3.9
	Modification or	<b>withdrawal of bids.</b>	14.303
Sealed Bidding:	Submission, modification, and	<b>withdrawal of bids.</b>	14.304
	Submission, modification, revision, and	<b>withdrawal of proposals.</b>	15.208
	Late Submissions, Modifications, and	<b>Withdrawals of Bids.</b>	52.214-7
	Late Submissions, Modifications, Revisions, and	<b>Withdrawals of Technical Proposals under Two-Step Sealed Bidding.</b>	52.214-23
		<b>Withdrawals.</b>	45.606-4
	Granting, withholding, or	<b>withdrawing approval.</b>	44.305
		<b>Withdrawing or modifying small business set-asides.</b>	19.506
		<b>Withholding and setoff.</b>	32.612
	Bonds and Other Financial Protections:	<b>Withholding contract payments.</b>	28.106-7
		<b>Withholding from or suspension of contract payments.</b>	22.406-9

<b>FAR Subjects:</b>	<b>Context Preceding the Keyword</b>	<b>Keyword, and Context Following the Keyword</b>	<b>FAR Reference</b>
		<b>Withholding of contract payments.</b>	22.1022 22.1207
		<b>Withholding of Funds.</b>	52.222-7
	Limitation on	<b>Withholding of Payments.</b>	52.232-9
	Technical Data Declaration, Revision, and	<b>Withholding of Payment—Major Systems.</b>	52.227-21
		<b>Withholding or withdrawing approval.</b>	44.305-3
	Granting.	<b>withholding, or withdrawing approval.</b>	44.305
		<b>Women-Owned Business (Other Than Small Business).</b>	52.204-5
	Definition:	<b>Women-owned business concern</b>	52.204-5
	Definition:	<b>Women-owned small business concern</b>	19.001 52.212-3 52.219-1
	Definitions of	<b>Words and Terms</b>	Part 2
	Definition:	<b>Work</b>	52.246-12
	Insurance—	<b>Work on a Government Installation.</b>	52.228-5
		<b>Work Oversight in Architect-Engineer Contracts.</b>	52.236-24
		<b>Work Oversight in Cost-Reimbursement Construction Contracts.</b>	52.236-18
Research and Development Contracting:	Performance-Based Contracting:	<b>Work statement.</b>	35.005 37.602-1
	Preparing specifications or	<b>work statements.</b>	9.505-2
	Removal of items from contractors' facilities affected by	<b>work stoppages.</b>	22.101-4
	Definition:	<b>Work-in-process</b>	45.501
	Government Delay of	<b>Work.</b>	52.242-17
	Organization and Direction of the	<b>Work.</b>	52.236-19
	Suspension of	<b>Work.</b>	52.242-14
	Employment of	<b>Workers with Disabilities</b>	22.14
	Affirmative Action for	<b>Workers with Disabilities.</b>	52.222-36
		<b>Workers' Compensation and War-Hazard Insurance Overseas.</b>	52.228-4
		<b>Workers' Compensation Insurance (Defense Base Act).</b>	52.228-3
	Material and	<b>workmanship.</b>	36.505 52.236-5
	Contents of	<b>written acquisition plans.</b>	7.105
	Acquisition of Information Technology:	<b>Year 2000 compliance.</b>	39.106
	Definition:	<b>Year 2000 compliant</b>	39.002

