

**15.413 Disclosure and use of information before award.**

See 3.104 for statutory and regulatory requirements related to the disclosure of contractor bid or proposal information and source selection information.

**15.413-2 [Amended]**

18. Section 15.413-2 is amended by removing paragraph (f)(6).

19. Section 15.509 is amended by revising paragraph (f)(4), and by removing (h)(3) to read as follows:

**15.509 Limited use of data.**

\* \* \* \* \*

(f) \* \* \*

(4) Require any non-government evaluator to give a written agreement stating that data in the proposal will not be disclosed to others outside the Government.

\* \* \* \* \*

20. Section 15.805-5 is amended by revising paragraph (j) and by removing paragraph (k) to read as follows:

**15.805-5 Field pricing support.**

\* \* \* \* \*

(j) Field pricing reports, including audit and technical reports, may contain proprietary and/or source selection information (see 3.104-3), and the cover page and all pages containing such information should be marked with the appropriate legend and protected accordingly.

**PART 19—SMALL BUSINESS PROGRAMS****19.811-1 [Amended]**

21. Section 19.811-1 is amended by removing paragraph (d).

**19.811-2 [Amended]**

22. Section 19.811-2 is amended by removing paragraph (b) and by redesignating paragraph (c) as (b).

**PART 33—PROTESTS, DISPUTES, AND APPEALS**

23. Section 33.102 is amended by adding paragraph (f) to read as follows:

**33.102 General.**

\* \* \* \* \*

(f) No person may file a protest at GAO for a procurement integrity violation unless that person reported to the contracting officer the information constituting evidence of the violation within 14 days after the person first discovered the possible violation (41 U.S.C. 423(g)).

**PART 37—SERVICE CONTRACTING****37.103 37.103 [Amended]**

24. Section 37.103 is amended by removing paragraph (c) and by redesignating paragraph (d) as (c).

**PART 43—CONTRACT MODIFICATIONS****43.106 [Reserved]**

25. Section 43.106 is removed and reserved.

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

26. Section 52.203-8 is revised to read as follows:

**52.203-8 Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity.**

As prescribed in 3.104-9(a), insert the following clause in solicitations and contracts:

CANCELLATION, RESCISSION, AND RECOVERY OF FUNDS FOR ILLEGAL OR IMPROPER ACTIVITY (JAN 1997)

(a) If the Government receives information that a contractor or a person has engaged in conduct constituting a violation of subsection (a), (b), (c), or (d) of Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) (the Act), as amended by section 4304 of the 1996 National Defense Authorization Act for Fiscal Year 1996 (Pub. L. 104-106), the Government may—

(1) Cancel the solicitation, if the contract has not yet been awarded or issued; or  
(2) Rescind the contract with respect to which—

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

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

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

(ii) The head of the contracting activity 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 subsections 27(e)(1) of the Act.

(b) If the Government rescinds the contract under paragraph (a) of this clause, the Government is entitled to recover, in addition to any penalty prescribed by law, the amount expended under the contract.

(c) The rights and remedies of the Government specified herein are not exclusive, and are in addition to any other rights and remedies provided by law, regulation, or under this contract.  
(End of clause)

**52.203-9 [Reserved]**

27. Section 52.203-9 is removed and reserved.

28. Section 52.203-10 is amended by revising the introductory text, clause date, and paragraphs (a) and (b)(5) to read as follows:

**52.203-10 Price or Fee Adjustment for Illegal or Improper Activity.**

As prescribed in 3.104-9(b), insert the following clause:

PRICE OR FEE ADJUSTMENT FOR ILLEGAL OR IMPROPER ACTIVITY (JAN 1997)

(a) The Government, at its election, may reduce the price of a fixed-price type contract and the total cost and fee under a cost-type contract by the amount of profit or fee determined as set forth in paragraph (b) of this clause if the head of the contracting activity or designee determines that there was a violation of subsection 27 (a), (b), or (c) of the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 423), as implemented in section 3.104 of the Federal Acquisition Regulation.

(b) \* \* \*

(5) For firm-fixed-price contracts, by 10 percent of the initial contract price or a profit amount determined by the Contracting Officer from records or documents in existence prior to the date of the contract award.

\* \* \* \* \*

(End of clause)

**52.203-13 [Reserved]**

29. Section 52.203-13 is removed and reserved.

**52.212-3 [Amended]**

30. Section 52.212-3 is amended by revising the clause date to read "(JAN 1997)" and by removing paragraph (i).

**PART 53—FORMS****53.203 [Reserved]**

31. Section 53.203 is removed and reserved.

**53.302-333 [Removed]**

32. In section 53.302-333, Optional Form 333 is removed.

[FR Doc. 96-33205 Filed 12-31-96; 8:45 am]

BILLING CODE 6820-EP-P

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

[FAC 90-45; FAR Case 96-312; Item II]

RIN 9000-AH23

**Federal Acquisition Regulation; Certification Requirements**

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

**ACTION:** Final rule.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense

Acquisition Regulations Council have agreed on a final rule to amend the Federal Acquisition Regulation (FAR) to remove particular certification requirements for contractors and offerors. This final rule implements Section 4301(b) of Public Law 104-106. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

**EFFECTIVE DATE:** January 1, 1997.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jack O'Neill at (202) 501-3856 in reference to this FAR case. For general information, contact the FAR Secretariat, Room 4037, GS Building, Washington, DC 20405, (202) 501-4755. Please cite FAC 90-45, FAR case 96-312. E-mail correspondence submitted over the Internet should be addressed to: 96-312@V.GSA.GOV

**SUPPLEMENTARY INFORMATION:**

**A. Background**

This final rule amends FAR Parts 1, 3, 4, 6, 8, 9, 12, 14, 16, 19, 23, 27, 29, 31, 32, 36, 37, 42, 45, 47, 49, 52, and 53 to remove particular certification requirements for contractors and offerors. The rule implements Section 4301(b) of the Clinger-Cohen Act of 1996 (Public Law 104-106). Section 4301(b) required the Administrator, Office of Federal Procurement Policy, to issue for public comment a proposal to remove from the FAR those certification requirements for contractors and offerors that are not specifically imposed by statute. A proposed rule was published in the Federal Register on September 12, 1996 (61 FR 48354).

Thirty comments were received from seven respondents. All comments were considered in the development of the final rule.

In response to the public comments, FAR 52.242-4, Certification of Indirect Costs, was amended to reduce the scope of the certification requirement and to remove the requirement to certify under penalty of perjury. The requirement at FAR 32.304-8 to provide certificates also was removed, and an editorial change was made at FAR 52.215-35 to substitute the word "offer" for "bid" in paragraph (a).

The certification at 52.213-1, Fast Payment, is being retained for several reasons: (a) One large industry trade organization, in its public comments, acknowledged that this certification is useful and potentially beneficial to industry; (b) The Government has higher confidence in the accuracy of the request for payment, since it is expected to receive a higher degree of scrutiny by the contractor before it is certified and submitted; and (c) The payment office is frequently separate and distinct from the contract administration office, and the certification provides the paying office with documentation that the items have been delivered independent of a separate source inspection documentation.

Several certifications associated with Foreign Contracting had been proposed for elimination. However, upon consideration of public comments received in response to the proposed rule, these certifications were retained, because the self-policing discipline of a certification requirement is important to enforcing a national policy grounded in

vital economic and security interests. The Government believes that elimination of these certification requirements would have created a need for offerors to submit more detailed information regarding the origin of offered products. Therefore, the certification is viewed as a less burdensome alternative. The certification required by 52.223-1, Clean Air and Water Certification, has been retained because the Government has concluded that the certification is the least burdensome and most effective way to avoid entering into a contract with a Clean Air Act or Clean Water Act violator. In the near future, we will be publishing for public comment a proposal to substitute a more limited clean air and water certification and a Clean Air and Water Act notification for commercial items. An associated change is made in FAR case 93-310, Item VI of this FAC. The certification required by 52.223-1, Clean Air and Water Certification, was also revised and retained because the Government concluded that it would be the least burdensome and most effective way to avoid entering into a contract with a Clean Air Act or Clean Water Act Violator. Interested parties are invited to submit comments on the retention of these certification requirements. Please cite Holding File 96-708-01, Regulatory Reform—Certifications, in correspondence. Comments should be limited to the retention of the following certifications for contractors and offerors which were proposed for elimination but have been retained as a result of the analysis of public comments.

FAR cite	Clause/provision No.	Title
22.810(a)(1) .....	52.222-21	Certification of Nonsegregated Facilities.
23.105(a) .....	52.223-1	Clean Air and Water Certification.
25.109(a) .....	52.225-1	Buy American Certificate.
25.305 .....	52.225-6	Balance of Payments Program Certificate
	52.225-7	Balance of Payments Program.
25.408(a)(1) .....	52.225-8	Buy American Act—Trade Agreements—Balance of Payments Program Certificate.
25.408(a)(2) .....	52.225-9	Buy American Act—Trade Agreements—Balance of Payments Program.
25.408(a)(3) .....	52.225-20	Buy American Act—North American Free Trade Agreement Implementation Act—Balance of Payments Program Certificate (amended).
25.408(a)(4) .....	52.225-21	Buy American Act—North American Free Trade Agreement Implementation Act—Balance of Payments Program.
25.408(b) .....	.....	Solicitation provisions and contract clauses.

**B. Regulatory Flexibility Act**

This final rule is expected to have a significant beneficial impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because it reduces the number of certifications that offerors and

contractors must provide to the Government. A Final Regulatory Flexibility Analysis (FRFA) has been prepared and will be provided to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the FRFA may be obtained from the FAR Secretariat. The analysis is summarized

as follows: The objective and legal basis for this rule is Section 4301(b) of the Clinger-Cohen Act of 1996 (Public Law 104-106). The rule implements Section 4301(b) by amending the FAR to remove particular certification requirements for contractors and offerors.

There were no public comments received in response to the initial regulatory flexibility analysis. Several changes were made in the final rule as a result of public comments received in response to the proposed rule. All of the certifications required by FAR Part 25 have been retained. The certification required by FAR 52.223-1 was also retained. The Certification of Final Indirect Costs at FAR 52.242-4 was revised to remove the requirement to sign the certification under penalty of perjury, and the requirement to provide certificates was deleted from FAR 32.304-8.

The rule will apply to all bidders or offerors, and contractors, large and small, whose direct economic interests would be affected by the award or failure to award a Government contract. The number of small entities to which the rule will apply is estimated to be between 35,000 and 45,000. This rule does not impose any additional reporting, recordkeeping, or other compliance requirements.

This rule is expected to have a beneficial impact on small entities by deleting existing certification requirements that are not required by statute.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act (Public Law 96-511) is deemed to apply because the final rule eliminates existing recordkeeping and information collection requirements approved by the Office of Management and Budget (OMB) under OMB Control Numbers 9000-0017, and 9000-0111. A paperwork burden of 67,375 hours is eliminated.

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

Government procurement.

Dated: December 24, 1996.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

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

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

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

**PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM**

**1.106 [Amended]**

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

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

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

**3.502-2 Subcontractor kickbacks.**

\* \* \* \* \*  
(i) \* \* \*

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

\* \* \* \* \*

**PART 4—ADMINISTRATIVE MATTERS**

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

**4.102 Contractor's signature.**

\* \* \* \* \*

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

\* \* \* \* \*

**PART 6—COMPETITION REQUIREMENTS**

**6.302-3 [Amended]**

5. Section 6.302-3 is amended in paragraph (b)(1)(vi) by inserting "or" at

the end; in paragraph (b)(1)(vii) by removing ";" or" and inserting a period in its place; and by removing paragraph (b)(1)(viii).

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

6. Section 8.002 is amended by removing paragraph (a), redesignating paragraphs (b) through (f) as (a) through (e); and revising newly redesignated paragraphs (a) and (d) to read as follows:

**8.002 Use of other Government supply sources.**

\* \* \* \* \*

(a) Public utility services (see part 41);

\* \* \* \* \*

(d) Strategic and critical materials (e.g., metals and ores) from inventories exceeding Defense National Stockpile requirements (detailed information is available from the Defense National Stockpile Center, 8725 John J. Kingman Rd., Suite 4528, Fort Belvoir, VA 22060-6223; and

\* \* \* \* \*

**Subpart 8.2 [Reserved]**

7. Subpart 8.2 is removed and reserved.

**PART 9—CONTRACTOR QUALIFICATIONS**

**9.505-4 [Amended]**

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

9. Section 9.506 is amended in paragraph (a) by revising the first sentence; in paragraph (d)(3) by replacing ";" and," with a period; and by removing paragraph (d)(4). The revised text reads as follows:

**9.506 Procedures.**

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

\* \* \* \* \*

**9.507-1 [Amended]**

10. Section 9.507-1 is amended by removing the paragraph (a) designation and removing paragraphs (b), (c), and (d).

**PART 12—ACQUISITION OF COMMERCIAL ITEMS**

11. Section 12.503 is amended by revising paragraphs (b)(1) and (b)(4) to read as follows:

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

\* \* \* \* \*

(b) \* \* \*

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

\* \* \* \* \*

(4) 42 U.S.C. 7606, Requirements for a clause under the Clean Air Act (see 23.105).

\* \* \* \* \*

**12.504 [Amended]**

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

**PART 14—SEALED BIDDING**

**14.405 [Amended]**

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

**PART 16—TYPES OF CONTRACTS**

**16.306 [Amended]**

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

**PART 19—SMALL BUSINESS PROGRAMS**

**19.001 [Amended]**

15. At section 19.001, the definition "Small disadvantaged business concern" is amended in paragraph (b) by removing "certify" and inserting "represent" in its place.

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

**19.301 Representation by the offeror.**

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

\* \* \*

\* \* \* \* \*

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

**19.303 Determining product or service classifications.**

\* \* \* \* \*

(c) \* \* \*

(2) The appeal shall be in writing and shall be addressed to the Office of Hearings and Appeals, Small Business Administration, Washington, DC 20416. No particular form is prescribed for the

appeal. However, time limits and procedures set forth in SBA's regulations at 13 CFR 121.11 are strictly enforced. The appellant shall submit an original and one legible copy of the appeal. In the case of telegraphic appeals, the telegraphic notice shall be confirmed by the next day mailing of a written appeal, in duplicate. By signing the submission, a party or its attorney attests that the statements and allegations in the submission are true to the best of its knowledge, and that the submission is not being filed for the purpose of delay or harassment. The appeal shall include—

\* \* \* \* \*

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

**19.501 [Amended]**

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

**19.508 [Amended]**

19. Section 19.508 is amended by removing paragraph (f).

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

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

(a) \* \* \*

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

\* \* \* \* \*

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

**23.102 [Amended]**

21. Section 23.102 is amended in paragraph (d) by removing the reference "40 CFR part 15" and inserting "40 CFR part 32" in its place.

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

**23.302 Policy.**

\* \* \* \* \*

(d) \* \* \*

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

\* \* \* \* \*

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

**23.601 Requirements.**

\* \* \* \* \*

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

\* \* \* \* \*

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

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

**27.303 Contract clauses.**

\* \* \* \* \*

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

\* \* \* \* \*

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

**27.406 Acquisition of data.**

\* \* \* \* \*

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

\* \* \* \* \*

**27.409 [Amended]**

26. Section 27.409 is amended in paragraph (q) by removing "Certification" and inserting "Declaration" in its place.

**PART 29—TAXES****29.302 [Amended]**

27. Section 29.302 is amended in the second sentence of paragraph (b) by revising the word "Certificate" to read "Form".

28. Section 29.305 is amended in paragraph (a)(3) by revising the word "Certificate" to read "Form"; and by revising paragraph (b)(3) to read as follows:

**29.305 State and local tax exemptions.**

\* \* \* \* \*

(b) \* \* \*

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

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

(ii) Either the contract price does not include the tax or, if the transaction or property is tax exempt, the contractor consents to a reduction in the contract price.

**PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES**

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

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

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

\* \* \* \* \*

**31.205–22 Lobbying and political activity costs.**

30. Section 31.205–22 is amended by removing paragraph (d) and redesignating paragraphs (e) and (f) as (d) and (e), respectively; and in the newly designated (d) by adding "(see 42.703–2)" after "unallowable".

**PART 32—CONTRACT FINANCING****32.304–8 Amended]**

31. Section 32.304–8 is amended in paragraph (b)(3) by revising the word "certificates" to read "documentation".

**32.805 [Amended]**

32. Section 32.805 is amended in paragraph (a)(1)(iii) by removing "certified" and inserting "true" in its place.

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

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

**36.205 Statutory cost limitations.**

\* \* \* \* \*

(b) \* \* \*

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

\* \* \* \* \*

**PART 37—SERVICE CONTRACTING**

34. Section 37.402 is revised to read as follows:

**37.402 Contracting officer responsibilities.**

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

**PART 42—CONTRACT ADMINISTRATION****42.302 [Amended]**

35. Section 42.302 is amended in paragraph (a)(18) by revising the word "certificates" to read "forms".

36. Section 42.703–2 is amended by revising paragraphs (a) and (c)(1); in paragraph (c)(2)(ii) by removing the word "potentially"; in paragraph (d) by inserting the word "final" after "of"; and by revising paragraph (f) to read as follows:

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

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

\* \* \* \* \*

(c) \* \* \*

(1) If the contractor has not certified its proposal for final indirect cost rates and a waiver is not appropriate, the contracting officer may unilaterally establish the rates.

\* \* \* \* \*

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

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

**PART 45—GOVERNMENT PROPERTY****45.606–1 [Amended]**

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

**45.606–5 [Amended]**

38. Section 45.606–5 is amended in the parenthetical at the end of paragraph (a)(2) by revising "45.606–1(a.)" to read "45.606–1.)"

**PART 47—TRANSPORTATION**

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

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

\* \* \* \* \*

(d) \* \* \*

(3) \* \* \*

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

\* \* \* \* \*

**47.305–11 [Amended]**

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

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

**47.403–3 Disallowance of expenditures.**

\* \* \* \* \*

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

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

**47.404 Air freight forwarders.**

\* \* \* \* \*

(b) \* \* \*

(2) justification for the use of foreign-flag air carriers similar to the one shown in the clause at 52.247–63, Preference for U.S.-Flag Air Carriers.

**PART 49—TERMINATION OF CONTRACTS**

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

**49.108–3 Settlement procedure.**

\* \* \* \* \*

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

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

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

\* \* \* \* \*

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

**52.208–1 and 52.208–2 [Removed and Reserved]**

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

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

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

\* \* \* \* \*

*Alternate I (JAN 1997).* \* \* \*

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

\* \* \* \* \*

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

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

\* \* \* \* \*

*Alternate I (JAN 1997).* \* \* \*

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

\* \* \* \* \*

**52.209–7 and 52.209–8 [Removed]**

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

48. Section 52.212–3 is amended by revising the provision date, paragraph (c)(2), the introductory text of (c)(6), and the last sentence of the introductory text of (c)(6)(ii) to read as follows:

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

\* \* \* \* \*

**OFFEROR REPRESENTATIONS AND CERTIFICATIONS—COMMERCIAL ITEMS (JAN 1997)**

\* \* \* \* \*

(c) \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

49. Section 52.214–30 is revised to read as follows:

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

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

**ANNUAL REPRESENTATIONS AND CERTIFICATIONS—SEALED BIDDING (JAN 1997)**

The bidder has (check the appropriate block):

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

(b) Enclosed its annual representations and certifications.

(End of provision)

50. Section 52.215–35 is revised to read as follows:

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

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

**ANNUAL REPRESENTATIONS AND CERTIFICATIONS—NEGOTIATION (JAN 1997)**

The offeror has (check the appropriate block):

(a) Submitted to the contracting office issuing this solicitation, annual representations and certifications dated \_\_\_\_\_ *[insert date of signature on submission]* which are incorporated herein by reference and are current, accurate, and complete as of the date of this offer, except as follows *[insert changes that affect only this solicitation; if "none," so state]*:

(b) Enclosed its annual representations and certifications.

(End of provision)

**52.216–2 [Amended]**

51. Section 52.216–2 is amended by revising the clause date to read "(JAN 1997)"; and in paragraph (b) by removing the last sentence.

**52.216–3 [Amended]**

52. Section 52.216–3 is amended by revising the clause date to read "(JAN 1997)"; and in paragraph (b) by removing the last sentence.

**52.216–4 [Amended]**

53. Section 52.216–4 is amended by revising the clause date to read "(JAN 1997)"; and by removing paragraph (d) and redesignating paragraph (e) as (d).

**52.219–1 [Amended]**

54. Section 52.219–1 is amended by revising the provision date to read "(JAN 1997)"; and in paragraph (b)(1) by removing "and certifies".

**52.219–15 [Removed and Reserved]**

55. Section 52.219–15 is removed and reserved.

**52.219–18 [Amended]**

56. Section 52.219–18 is amended by revising the clause date to read "(JAN 1997)"; and in paragraph (b) by removing "certifies" and inserting "represents" in its place.

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

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

\* \* \* \* \*

**SMALL BUSINESS CONCERN REPRESENTATION FOR THE SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM (JAN 1997)**

\* \* \* \* \*

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

The Offeror  is,  is not an emerging small business.

\* \* \* \* \*

**52.219–21 [Amended]**

58. Section 52.219–21 is amended by revising the clause date to read "(JAN 1997)"; in the parenthetical following the provision heading by removing "certified" and inserting "represented" in its place; and in the first paragraph of the provision by removing "and certifies".

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

**52.223–3 Hazardous Material Identification and Material Safety Data.**

\* \* \* \* \*

**HAZARDOUS MATERIAL IDENTIFICATION AND MATERIAL SAFETY DATA (JAN 1997)**

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

52.223-7 Notice of Radioactive Materials.

NOTICE OF RADIOACTIVE MATERIALS (JAN 1997)

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

52.227-12 [Amended]

61. Section 52.227-12 is amended by revising the clause date to read "(JAN 1997)"; and in paragraph (f)(7) by removing "certifying" wherever it appears and inserting "stating" in its place.

52.227-13 [Amended]

62. Section 52.227-13 is amended by revising the clause date to read "(JAN 1997)"; and in paragraph (e)(3) by removing "certifying" wherever it appears and inserting "stating" in its place.

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

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

TECHNICAL DATA DECLARATION, REVISION, AND WITHHOLDING OF PAYMENT—MAJOR SYSTEMS (JAN 1997)

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

TECHNICAL DATA DECLARATION (JAN 1997)

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

(End of declaration)

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

(d) (1)

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

(End of clause)

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

52.228-5 Insurance—Work on a Government Installation.

INSURANCE—WORK ON A GOVERNMENT INSTALLATION (JAN 1997)

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

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

52.228-8 Liability and Insurance—Leased Motor Vehicles.

LIABILITY AND INSURANCE—LEASED MOTOR VEHICLES (JAN 1997)

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

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

52.228-9 Cargo Insurance.

CARGO INSURANCE (JAN 1997)

(b) As evidence of insurance maintained, an authenticated copy of the cargo liability insurance policy or policies shall be furnished to [insert name of contracting agency].

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

(End of clause)

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

52.237-7 Indemnification and Medical Liability Insurance.

INDEMNIFICATION AND MEDICAL LIABILITY INSURANCE (JAN 1997)

(d) Evidence of insurance documenting the required coverage for each health care

provider who will perform under this contract shall be provided to the Contracting Officer prior to the commencement of services under this contract.

68. Section 52.242-4 is amended by revising the section heading, clause title and date; paragraphs (a)(1), (b), and (c); and the Certificate following paragraph (c). The revised text reads as follows:

52.242-4 Certification of Final Indirect Costs.

CERTIFICATION OF FINAL INDIRECT COSTS (JAN 1997)

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

(b) Failure by the Contractor to submit a signed certificate, as described in this clause, may result in final indirect costs at rates unilaterally established by the Contracting Officer.

(c) The certificate of final indirect costs shall read as follows:

CERTIFICATE OF FINAL INDIRECT COSTS

This is to certify that I have reviewed this proposal to establish final indirect cost rates and to the best of my knowledge and belief:

1. All costs included in this proposal (identify proposal and date) to establish final indirect cost rates for (identify period covered by rate) are allowable in accordance with the cost principles of the Federal Acquisition Regulation (FAR) and its supplements applicable to the contracts to which the final indirect cost rates will apply; and

2. This proposal does not include any costs which are expressly unallowable under applicable cost principles of the FAR or its supplements.

Firm: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Certifying Official: \_\_\_\_\_

Title: \_\_\_\_\_

Date of Execution: \_\_\_\_\_

(End of clause)

69. Section 52.245-8 is amended by revising the introductory text, the clause date, and the fourth and fifth sentences of paragraph (f) to read as follows:

52.245-8 Liability for the Facilities.

As prescribed in 45.302-6(b), insert the following clause:

LIABILITY FOR THE FACILITIES (JAN 1997)

(f) Documentation of insurance or an authenticated copy of such insurance shall be deposited promptly with the Contracting Officer. The Contractor shall, not less than 30 days before the expiration of such insurance, deliver to the Contracting Officer documentation of insurance or an authenticated copy of each renewal policy.

(End of clause)

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

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

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

PERMITS, AUTHORITIES, OR FRANCHISES (JAN 1997)

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

\_\_\_\_\_  
(Name of regulatory body)

\_\_\_\_\_  
(Authorization No.)

\* \* \* \* \*

[End of clause]

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

71. Section 52.247-54 is removed and reserved.

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

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

\* \* \* \* \*

PREFERENCE FOR U.S.-FLAG AIR CARRIERS (JAN 1997)

\* \* \* \* \*

(a) \* \* \*

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

\* \* \* \* \*

(d) In the event that the Contractor selects a carrier other than a U.S.-flag air carrier for international air transportation, the Contractor shall include a statement on

vouchers involving such transportation essentially as follows:

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

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

\_\_\_\_\_  
(End of statement)

\* \* \* \* \*

**PART 53—FORMS**

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

**53.214 Sealed bidding.**

\* \* \* \* \*

(e) *SF 129 (REV. 12/96), Solicitation Mailing List Application.* \* \* \*

\* \* \* \* \*

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

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

\* \* \* \* \*

(f) *SF 129 (REV. 12/96), Solicitation Mailing List Application.* \* \* \*

\* \* \* \* \*

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

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

\* \* \* \* \*

(g) *SF 1445 (REV. 12/96), Labor Standards Interview.* \* \* \*

\* \* \* \* \*

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

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

*SF 1094 (REV. 12/96, U.S. Tax Exemption Form, and SF 1094-A (REV. 12/96), Tax Exemption Forms Accountability Record.* \* \* \*

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

**53.245 Government property.**

\* \* \* \* \*

(c) *SF 1423 (REV. 12/96), Inventory Verification Survey.*

\* \* \* \* \*

(f) *SF 1426 (REV. 12/96), Inventory Schedule A (Metals in Mill Product Form), and SF 1427 (REV. 7/89), Inventory Schedule A—Continuation Sheet (Metals in Mill Product Form).*

\* \* \* \* \*

(g) *SF 1428 (REV. 12/96), Inventory Schedule B, and SF 1429 (REV. 7/89), Inventory Schedule B—Continuation Sheet.* \* \* \*

(h) *SF 1430 (REV. 12/96), Inventory Schedule C (Work-in-Process) and SF 1431 (REV. 7/89), Inventory Schedule C—Continuation Sheet (Work-in-Process).* \* \* \*

(i) *SF 1432 (REV. 12/96), Inventory Schedule D (Special Tooling and Special Test Equipment), and SF 1433 (REV. 7/89), Inventory Schedule D—Continuation Sheet (Special Tooling and Special Test Equipment).* \* \* \*

(j) *SF 1434 (REV. 12/96), Termination Inventory Schedule E (Short Form for Use with SF 38 Only).* \* \* \*

**53.301-129 [Revised]**

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

**53.301-129 SF 129, Solicitation Mailing List Application.**

BILLING CODE 6820-EP-P

<b>SOLICITATION MAILING LIST APPLICATION</b>	1. TYPE OF APPLICATION <input type="checkbox"/> INITIAL <input type="checkbox"/> REVISION	2. DATE	OMB No.: 9000-0002 Expires: 10/31/97
--	--	---------	---

**NOTE: Please complete all items on this form. Insert N/A in items not applicable. See reverse for instruction.**  
 Public reporting burden for this collection of information is estimated to average .58 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20405.

3. SUBMIT TO	a. FEDERAL AGENCY'S NAME	4. APPLICANT	a. NAME		
	b. STREET ADDRESS		b. STREET ADDRESS	c. COUNTY	
	c. CITY		d. STATE	e. ZIP CODE	d. CITY

5. TYPE OF ORGANIZATION (Check one)	6. ADDRESS TO WHICH SOLICITATIONS ARE TO BE MAILED (If different than Item 4)	
<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> NON-PROFIT ORGANIZATION	a. STREET ADDRESS	b. COUNTY
<input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION, INCORPORATED UNDER THE LAWS OF THE STATE OF:	c. CITY	d. STATE    e. ZIP CODE

7. NAMES OF OFFICERS, OWNERS, OR PARTNERS		
a. PRESIDENT	b. VICE PRESIDENT	c. SECRETARY
d. TREASURER	e. OWNERS OR PARTNERS	

8. AFFILIATES OF APPLICANT		
NAME	LOCATION	NATURE OF AFFILIATION

9. PERSONS AUTHORIZED TO SIGN OFFERS AND CONTRACTS IN YOUR NAME (Indicate if agent)			
NAME	OFFICIAL CAPACITY	TELEPHONE NUMBER	
		AREA CODE	NUMBER

10. IDENTIFY EQUIPMENT, SUPPLIES, AND/OR SERVICES ON WHICH YOU DESIRE TO MAKE AN OFFER (See attached Federal Agency's supplemental listing and instruction, if any)

11a. SIZE OF BUSINESS (See definitions on reverse)	11b. AVERAGE NUMBER OF EMPLOYEES (Including affiliates) FOR FOUR PRECEDING CALENDAR QUARTERS	11c. AVERAGE ANNUAL SALES OR RECEIPTS FOR PRECEDING THREE FISCAL YEARS
<input type="checkbox"/> SMALL BUSINESS (If checked, complete items 11B and 11C) <input type="checkbox"/> OTHER THAN SMALL BUSINESS		\$

12. TYPE OF OWNERSHIP (See definitions on reverse) (Not applicable for other than small businesses)	13. TYPE OF BUSINESS (See definitions on reverse)	
<input type="checkbox"/> DISADVANTAGED BUSINESS <input type="checkbox"/> WOMAN-OWNED BUSINESS	<input type="checkbox"/> MANUFACTURER OR PRODUCER <input type="checkbox"/> SERVICE ESTABLISHMENT	<input type="checkbox"/> CONSTRUCTION CONCERN <input type="checkbox"/> RESEARCH AND DEVELOPMENT <input type="checkbox"/> SURPLUS DEALER

14. DUNS NO. (If available)	15. HOW LONG IN PRESENT BUSINESS?

16. FLOOR SPACE (Square Feet/M <sup>2</sup> )		17. NET WORTH	
a. MANUFACTURING	b. WAREHOUSE	a. DATE	b. AMOUNT
			\$

18. SECURITY CLEARANCE (If applicable, check highest clearance authorized)					
FOR	TOP SECRET	SECRET	CONFIDENTIAL	c. NAMES OF AGENCIES GRANTING SECURITY CLEARANCES	d. DATES GRANTED
a. KEY PERSONNEL					
b. PLANT ONLY					

The information supplied herein (including all pages attached) is correct and neither the applicant nor any person (or concern) in any connection with the applicant as a principal or officer, so far as is known, is now debarred or otherwise declared ineligible by any agency of the Federal Government from making offers for furnishing materials, supplies, or services to the Government or any agency thereof.

19a. NAME OF PERSON AUTHORIZED TO SIGN (Type or print)	20. SIGNATURE	21. DATE SIGNED
19b. TITLE OF PERSON AUTHORIZED TO SIGN (Type or print)		

## INSTRUCTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

STANDARD FORM 129 (REV. 12-96) BACK

53.301-1094 [Revised]

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

53.301-1094 SF 1094, U.S. Tax Exemption Form.

BILLING CODE 6820-EP-P

Book No.

UNITED STATES TAX EXEMPTION FORMS  
NSN 7540-01-152-9080  
PREVIOUS EDITION NOT USABLE

*These Are Accountable Forms*

<b>U.S. TAX EXEMPTION FORM</b>	Read the instructions on the reverse side.	DEPARTMENT, AGENCY, OR OFFICE
ITEM PURCHASED FOR EXCLUSIVE USE OF THE U.S. GOVERNMENT <i>(Describe)</i>		
VENDOR FROM WHICH PURCHASED NAME ADDRESS (No., Street, City, State, and ZIP Code)	A tax exemption form has not previously been issued and the described item(s) has (have) been delivered and invoiced pursuant to:  P. O. OR CONTRACT NO.	SERIAL NO.  QUANTITY  AMOUNT OF TAX EXCLUDED (\$)
The information on this form is true and correct to the best of my knowledge and belief.		STATE  LOCAL  FOR ADMINISTRATIVE OFFICE D.O. SYMBOL NO.
PURCHASER'S SIGNATURE, OFFICE TITLE, AND ADDRESS ▲	DATE	VOUCHER NO.
SIGNATURE AND TITLE OF VENDOR'S REPRESENTATIVE ▲	DATE	DATE:

**STANDARD FORM 1094 (REV. 12-96)**  
 Prescribed by GSA-FAR (48 CFR) 53.229

**INSTRUCTIONS**

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

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

**STANDARD FORM 1094 (REV.12-96) BACK**

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

GENERAL SERVICES ADMINISTRATION  
FEDERAL SUPPLY SERVICE  
GENERAL PRODUCTS COMMODITY CENTER  
ATTN: 7FXM  
819 TAYLOR STREET  
FORT WORTH TX 76102



FORM NO.	DATE	Mark "X" in appropriate column to indicate type of tax	VENDOR NAME AND ADDRESS	ITEM PURCHASED	TAX EXCLUDED (Amount \$)	STATE	LOCAL	TRANSACTION REFERENCE
								Voucher No.:
								Voucher Date:
								PO/Cont. No.:
								Voucher No.:
								Voucher Date:
								PO/Cont. No.:
								Voucher No.:
								Voucher Date:
								PO/Cont. No.:
								Voucher No.:
								Voucher Date:
								PO/Cont. No.:

**STANDARD FORM 1094A (REV. 12-96) BACK**  
 Prescribed by GSA-FAR (48 CFR) 53.229

53.301-1423 [Revised]

53.301-1423 SF 1423, Inventory Verification Survey.

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

BILLING CODE 6820-EP-P

<b>INVENTORY VERIFICATION SURVEY</b> (See FAR 45.606-3)		DATE	OMB No.: 9000-0015 Expires: 05/31/98		
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20405.					
<b>SECTION I - GENERAL</b>					
1. FROM: (Include ZIP Code)		2. CONTRACT NUMBER			
3. TO: (Include ZIP Code)		4. CONTRACT/SUBCONTRACTOR			
5. SCHEDULES OF INVENTORY TO BE INSPECTED AND VERIFIED					
SF 1426 pages _____ through _____ \$ _____		SF 1432 pages _____ through _____ \$ _____			
SF 1429 pages _____ through _____ \$ _____		SF 1434 pages _____ through _____ \$ _____			
SF 1430 pages _____ through _____ \$ _____					
<b>SECTION II - TECHNICAL VERIFICATION</b>					
6. IS PROPERTY LISTED ON THE INVENTORY SCHEDULES ON HAND AND IN THE QUANTITIES INDICATED?	YES	NO	12. ARE THE WEIGHTS OF THE ITEMS RECOMMENDED AS SCRAP APPROXIMATELY CORRECT?  IF WEIGHTS ARE NOT SHOWN, GIVE ESTIMATE OF WEIGHT BY BASIC MATERIAL CONTENT:	YES	NO
		*			
7. IS THE PROPERTY CORRECTLY DESCRIBED ON THE INVENTORY SCHEDULES?		*	13. DO THE ITEMS APPEAR TO HAVE COMMERCIAL VALUE OTHER THAN SCRAP?		*
8. IS THE PROPERTY SEGREGATED OR ADEQUATELY PROTECTED?		*	14. ARE THE ITEMS AGENCY-PECULIAR?		*
9. IS THE PROPERTY PROPERLY TAGGED?		*	15. DO ANY ITEMS REQUIRE SPECIAL PROCESSING (Fire arms, drugs, hazardous or sensitive items, or precious metals, etc.)?		*
10. ARE THE CONDITION CODES ACCURATE?		*	16. ARE COMMON ITEMS INCLUDED ON THE INVENTORY SCHEDULE?		*
11. ARE THE ITEMS LISTED ON SF 1432 CORRECTLY CATEGORIZED AS SPECIAL TOOLING OR SPECIAL TEST EQUIPMENT?		*			
<b>SECTION III - TERMINATION INVENTORY</b>					
COMPLETION OF THIS SECTION <input type="checkbox"/> IS <input type="checkbox"/> IS NOT REQUIRED (Requester, check one)					
17. DID WORK STOP PROMPTLY UPON RECEIPT OF THE TERMINATION NOTICE?  DATE TO NOTICE:	YES	NO	20. DOES THE INVENTORY INCLUDE REJECTS? IF YES, EXPLAIN SPECIFIC LINE ITEM ENTRIES. OBTAIN FROM CONTRACTOR ESTIMATED COST OF REWORKING REJECTS ON SPECIFIC LINE ITEM BASIS.	YES	NO
		*			*
18. DO THE QUANTITIES OF MATERIAL EXCEED THE AMOUNTS THAT WOULD HAVE BEEN REQUIRED TO COMPLETE THE TERMINATED PORTION OF THE CONTRACT?  CAN THE ITEMS OF TERMINATION INVENTORY BE USED ON THE CONTINUING PORTION OF THE CONTRACT?	*		21a. HAVE COMPLETED ARTICLES BEEN INSPECTED AS TO QUALITY AND CONFORMANCE TO SPECIFICATIONS?		*
	*			b. DO THE COMPLETED ITEMS INSPECTED CONFORM TO CONTRACT SPECIFICATIONS?	
19. ARE ALL ITEMS AND QUANTITIES ALLOCABLE TO THE TERMINATION PORTION OF THIS CONTRACT OR ORDER?		*	c. DO OTHER THAN COMPLETED ITEMS CONFORM WITH TECHNICAL REQUIREMENTS OF THE CONTRACT OR ORDER?		*
22. REQUESTING OFFICE REMARKS (Where the answer to any question is placed in a block containing an asterisk (*) detailed comments of the verifier shall be included on the reverse of this form and identified by section and item number.)					
23. SIGNATURE OF REQUESTER					
<b>INVENTORY VERIFICATION</b>					
The above information is based on a physical Verification of Inventory listed under Item 5.					
24. NAME AND TITLE		25. SIGNATURE OF VERIFIER		26. DATE	

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Previous edition not usable

STANDARD FORM 1423 (REV. 12-96)  
Prescribed by GSA-FAR (48 CFR) 53.245(c)

53.301-1426 [Revised]

82. Section 53.301-1426 is revised to read as follows:

53.301-1426 SF 1426, Inventory Schedule A (Metals in Mill Product Form).

BILLING CODE 6820-EP-P

<b>INVENTORY SCHEDULE A</b> (METALS IN MILL PRODUCT FORM) <i>(See FAR Section 45.606 for instructions)</i>		TYPE OF CONTRACT	DATE	OMB No.: 9000-0015 Expires: 05/31/98								
TYPE	<input type="checkbox"/> TERMINATION	PROPERTY CLASSIFICATION										
<input type="checkbox"/> PARTIAL	<input type="checkbox"/> FINAL	PAGE										
<input type="checkbox"/> NONTERMINATION		NO. OF PAGES										
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20405.												
THIS SCHEDULE APPLIES TO (Check one)												
<input type="checkbox"/> A PRIME CONTRACT WITH THE GOVERNMENT		COMPANY PREPARING AND SUBMITTING SCHEDULE										
SUBCONTRACT OR P.O. NO.		SUBCONTRACT(S) OR PURCHASE ORDER(S) REFERENCE NO.										
<b>CONTRACTOR WHO SENT NOTICE OF TERMINATION</b>												
NAME		STREET ADDRESS										
CITY		STATE		ZIP CODE								
LOCATION OF MATERIAL												
<b>PRODUCT COVERED BY CONTRACT OR ORDER</b>												
FOR USE OF CONTRACTING AGENCY ONLY	ITEM NO.	DESCRIPTION		UNIT OF MEASURE	TOTAL	FOR USE OF CONTRACTING AGENCY ONLY						
		FORM, SHAPE, ROLLING TREATMENT (When applicable, type of edge. Example: HR coiled strip, CR flat sheets box rod, tubing in straight length, etc.)	HEAT TREATMENT, TEMPER, HARDNESS, FINISH, ETC. (Example: Annealed and pickled, 1/2 hard, polished, etc.)				SPECIFICATIONS, AND ALLOY OR OTHER MATERIALS DESIGNATION IN THE SPECIFICATION (Example: OO-T-951-D B16-42 Alloy 7 Grade B)	THICKNESS (Wall or tubing class for pipe, type for copper water tube)	WIDTH I.O.D. for tube diameter of rods/pipes	LENGTH (b5)	CONTRACTOR'S OFFER	
(a)	(b)	(b1)	(b2)	(b3)	(b4)	(b5)	(c)	(d)	(d1)	(e)	(f)	(g)
<b>INVENTORY SCHEDULE</b>												
This Inventory Schedule has been examined, and in the exercise of the signer's best judgment and to the best of the signer's knowledge, based upon information believed by the signer to be reliable, said Schedule has been prepared in accordance with applicable instructions; the information reported is as accurate as the designated contract and is located at the places specified; if the property reported is not in the designated inventory, the quantities are not in excess of the reasonable quantitative requirements of the terminated contract; the contract; this Schedule does not include any items reasonably usable, without loss to the Contractor, for its other work; and the costs shown on this Schedule are in accordance with the Contractor's records and books of account.												
The Contractor agrees to inform the Contracting Officer of any substantial change in the status of the inventory shown in this Schedule between the date hereof and the final disposition of such inventory. Subject to any authorized prior disposition, title to the inventory listed in this Schedule is hereby tendered to the Government and is warranted to be free and clear of all liens and encumbrances.												
NAME OF CONTRACTOR		BY (Signature of Authorized Official)		TITLE		DATE						
NAME OF SUPERVISORY ACCOUNTING OFFICIAL		TITLE		DATE								

STANDARD FORM 1426 (REV. 12-96)  
Prescribed by GSA - FAR (48 CFR 63.2451)

53.301-1428 [Revised]

53.301-1428 SF 1428, Inventory Schedule

83. Section 53.301-1428 is revised to read as follows:

B.

BILLING CODE 6820-EP-P

<b>INVENTORY SCHEDULE B</b>		DATE	OMB No.: 9000-0015 Expires: 05/31/98
(See FAR Section 45.606 for instructions)		TYPE OF CONTRACT	
<input type="checkbox"/> PARTIAL	<input type="checkbox"/> FINAL	<input type="checkbox"/> TERMINATION	<input type="checkbox"/> NONTERMINATION
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20405.			
TYPE OF INVENTORY		PROPERTY CLASSIFICATION	
<input type="checkbox"/> RAW MATERIALS (Other than metals)	<input type="checkbox"/> PURCHASED PARTS	<input type="checkbox"/> FINISHED COMPONENTS	
<input type="checkbox"/> FINISHED PRODUCT	<input type="checkbox"/> PLANT EQUIPMENT	<input type="checkbox"/> MISCELLANEOUS	
THIS SCHEDULE APPLIES TO (Check one)			
<input type="checkbox"/> A PRIME CONTRACT WITH THE GOVERNMENT	<input type="checkbox"/> SUBCONTRACT OR P.O. NO.	<input type="checkbox"/> SUBCONTRACT OR PURCHASE ORDER REFERENCE NO.	
GOVERNMENT PRIME CONTRACT NO.		STREET ADDRESS	
CONTRACTOR WHO SENT NOTICE OF TERMINATION		CITY AND STATE (Include ZIP Code)	
NAME		LOCATION OF MATERIAL	
ADDRESS (Include ZIP Code)		PRODUCT COVERED BY CONTRACT OR ORDER	

  

FOR USE OF CONTRACTING AGENCY ONLY	ITEM NO. (a)	ITEM DESCRIPTION (b)	DESCRIPTION		TYPE OF PACKING (Bulk, bbls., crates, etc.) (b2)	CONDITION (Use code) (c)	QUANTITY MEASURE (d)	COST (For finished product, show contract price instead of cost)		CONTRACTOR'S OFFER (g)	FOR USE OF CONTRACTING AGENCY ONLY
			GOVERNMENT PART OR DRAWING NUMBER AND REVISION NUMBER (b1)	UNIT (e)				TOTAL (f)			

  

**INVENTORY SCHEDULE**

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

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

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

**STANDARD FORM 1428** (REV. 12-96)  
Prescribed by GSA-FAR (48 CFR) 53.245(g)

53.301-1430 [Revised]

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

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

BILLING CODE 6820-EP-P

<b>INVENTORY SCHEDULE C (WORK-IN-PROCESS)</b> (See FAR Section 45.606 for instructions)		OMB No.: 9000-0015 Expires: 05/31/98
<input type="checkbox"/> PARTIAL	<input type="checkbox"/> FINAL	PAGE NO. NO. OF PAGES
<input type="checkbox"/> TERMINATION <input type="checkbox"/> NONTERMINATION		
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20405 THIS SCHEDULE APPLIES TO (Check one) <input type="checkbox"/> A PRIME CONTRACT WITH THE GOVERNMENT GOVERNMENT PRIME CONTRACT NO. SUBCONTRACT OR P.O. NO. SUBCONTRACT(S) OR PURCHASE ORDER(S) REFERENCE NO. <input type="checkbox"/> CONTRACTOR WHO SENT NOTICE OF TERMINATION		
COMPANY PREPARING AND SUBMITTING SCHEDULE		
STREET ADDRESS		
CITY AND STATE (Include ZIP Code)		
LOCATION OF MATERIAL		
PRODUCT COVERED BY CONTRACT OR ORDER		
	<b>DESCRIPTION</b>	
FOR USE OF CONTRACTING AGENCY ONLY	ITEM NO. (a)	FOR USE OF CONTRACTING AGENCY ONLY
	ESTIMATED WEIGHT (b1)	CONTRACTOR'S OFFER (g)
	ITEM DESCRIPTION (b)	TOTAL (f)
	QUANTITY (d)	UNIT (e)
	CONDITION (Use code) (c)	UNIT OF MEASURE (d1)
<b>INVENTORY SCHEDULE</b>		
This Inventory Schedule has been examined, and in the exercise of the signer's best judgment and to the best of the signer's knowledge, based upon information believed by the signer to be reliable, said Schedule has been prepared in accordance with applicable instructions; the inventory described is allocable to the designated contract and is located at the places specified; if the property reported is termination inventory, the quantities are not in excess of the reasonable quantitative requirements of the terminated portion of the contract; this Schedule does not include any items reasonably usable, without loss to the Contractor, on its other work; and the costs shown on this Schedule are in accordance with the Contractor's records and books of account.		
NAME OF CONTRACTOR		DATE
BY (Signature of Authorized Official)		TITLE
NAME OF SUPERVISORY ACCOUNTING OFFICIAL		
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STANDARD FORM 1430 (REV. 12-96)  
Prescribed by GSA - FAR (48 CFR) 53.245(h)

53.301-1432 [Revised]

85. Section 53.301-1432 is revised to read as follows:

53.301-1432 SF 1432, Inventory Schedule D (Special Tooling and Special Test Equipment).

BILLING CODE 6820-EP-P

<b>INVENTORY SCHEDULE D (SPECIAL TOOLING AND SPECIAL TEST EQUIPMENT)</b> <small>(See FAR Section 45.606 for instructions)</small>		DATE	OMB No.: 9000-0015 Expires: 05/31/98						
<input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL <input type="checkbox"/> TERMINATION <input type="checkbox"/> NONTERMINATION		PROPERTY CLASSIFICATION							
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20400.									
THIS SCHEDULE APPLIES TO (Check one)									
<input type="checkbox"/> A PRIME CONTRACT WITH THE GOVERNMENT GOVERNMENT PRIME CONTRACT NO.		<input type="checkbox"/> SUBCONTRACT(S) OR PURCHASE ORDER(S) REFERENCE NO.							
SUBCONTRACT OR P.O. NO.		COMPANY PREPARING AND SUBMITTING SCHEDULE							
<b>CONTRACTOR WHO SENT NOTICE OF TERMINATION</b>									
NAME									
ADDRESS (include ZIP Code)									
CITY AND STATE (include ZIP Code)									
STREET ADDRESS									
LOCATION OF MATERIAL									
PRODUCT COVERED BY CONTRACT OR ORDER									
FOR USE OF CONTRACTING AGENCY ONLY	ITEM NO. (a)	ITEM DESCRIPTION (b)	CONDITION (Use code) (c)	QUANTITY (d)	UNIT (e)	TOTAL (f)	APPLICABLE TO THIS CONTRACT TO PORTION NOT TO BE COMPLETED (1) (2)	CONTRACTOR'S OFFER (g)	FOR USE OF CONTRACTING AGENCY ONLY
<b>INVENTORY SCHEDULE</b>									
This Inventory Schedule has been examined, and in the exercise of the signer's best judgment and to the best of the signer's knowledge, based upon information believed by the signer to be reliable, said Schedule has been prepared in accordance with applicable instructions; the inventory described is allocable to the designated contract and is located at the places specified; if the property reported is termination inventory, the quantities are not in excess of the reasonable quantitative requirements of the terminated portion of the contract; this Schedule does not include any items reasonably usable, without loss to the Contractor, on its other work; and the costs shown on this Schedule are in accordance with the Contractor's records and books of account.									
NAME OF CONTRACTOR					BY (Signature of Authorized Official)				
NAME OF SUPERVISORY ACCOUNTING OFFICIAL					DATE				
TITLE					TITLE				

**STANDARD FORM 1432** (REV. 12-96)  
Prescribed by GSA - FAR (48 CFR) 53.246(l)

AUTHORIZED FOR LOCAL REPRODUCTION  
Previous edition is not usable

53.301-1434 [Revised]

53.301-1434 SF 1434, Termination Inventory

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

Schedule E (Short Form For Use With SF 1438 Only).

BILLING CODE 6820-EP-P

**TERMINATION INVENTORY SCHEDULE E**  
(SHORT FORM FOR USE WITH SF 1438 ONLY)  
(See FAR Section 45.606 for instructions)

PARTIAL  FINAL

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20405.

THIS SCHEDULE APPLIES TO (check one)  
 A PRIME CONTRACT WITH THE GOVERNMENT  
 SUBCONTRACT(S) OR PURCHASE ORDER(S)  
 REFERENCE NO. \_\_\_\_\_

GOVERNMENT PRIME CONTRACT NO. \_\_\_\_\_ SUBCONTRACT OR P.O. NO. \_\_\_\_\_

**CONTRACTOR WHO SENT NOTICE OF TERMINATION**

NAME \_\_\_\_\_

ADDRESS (Include Zip Code) \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_

CITY AND STATE (Include Zip Code) \_\_\_\_\_

LOCATION OF MATERIAL \_\_\_\_\_

PRODUCT COVERED BY CONTRACT OR ORDER \_\_\_\_\_

FOR USE OF CONTRACTING AGENCY ONLY	ITEM NO. (a)	ITEM DESCRIPTION (b)	GOVERNMENT PART OR DRAWING NUMBER AND REVISION NUMBER (b1)	TYPE OF PACKING (Bulk, bbls., crates, etc.) (b2)	CONDITION (Use code) (c)	QUANTITY MEASURE (d)	UNIT OF MEASURE (d1)	COST (For finished product, show contract price instead of cost)		CONTRACTOR'S OFFER (g)	FOR USE OF CONTRACTING AGENCY ONLY
								UNIT (f)	TOTAL (f)		

**TERMINATION INVENTORY**

This inventory Schedule has been examined, and in the exercise of the signer's best judgment and to the best of the signer's knowledge, based upon information believed by the signer to be reliable, said Schedule has been prepared in accordance with applicable instructions; the inventory described is allocable to the designated contract and is located at the places specified; if the property reported is termination inventory, the quantities are not in excess of the reasonable quantitative requirements of the terminated portion of the contract; this Schedule does not include any items reasonably usable, without loss to the Contractor, on its other work; and the costs shown on this Schedule are in accordance with the Contractor's records and books of account.

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

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

NAME OF CONTRACTOR \_\_\_\_\_ BY (Signature of Authorized Official) \_\_\_\_\_ TITLE \_\_\_\_\_

DATE \_\_\_\_\_

NAME OF SUPERVISORY ACCOUNTING OFFICIAL \_\_\_\_\_ TITLE \_\_\_\_\_

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STANDARD FORM 1434 (REV. 12-96)  
Prescribed by GSA - FAR (48 CFR) 53.245(f)

53.301-1445 [Revised]

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

53.301-1445 SF 1445, Labor Standards Interview.

BILLING CODE 6820-EP-P

LABOR STANDARDS INTERVIEW						
CONTRACT NUMBER			EMPLOYEE INFORMATION			
NAME OF PRIME CONTRACTOR			LAST NAME	FIRST NAME	MI	
NAME OF EMPLOYER			STREET ADDRESS			
SUPERVISOR'S NAME			CITY	STATE	ZIP CODE	
LAST NAME	FIRST NAME	MI	WORK CLASSIFICATION		WAGE RATE	
ACTION					CHECK BELOW	
					YES	NO
Do you work over 8 hours per day?						
Do you work over 40 hours per week?						
Are you paid at least time and a half for overtime hours?						
Are you receiving any cash payments for fringe benefits required by the posted wage determination decision?						
WHAT DEDUCTIONS OTHER THAN TAXES AND SOCIAL SECURITY ARE MADE FROM YOUR PAY?						
HOW MANY HOURS DID YOU WORK ON YOUR LAST WORK DAY BEFORE THIS INTERVIEW?			TOOLS YOU USE			
DATE OF LAST WORK DAY BEFORE INTERVIEW (YYMMDD)						
DATE YOU BEGAN WORK ON THIS PROJECT (YYMMDD)						
THE ABOVE IS CORRECT TO THE BEST OF MY KNOWLEDGE						
EMPLOYEE'S SIGNATURE					DATE (YYMMDD)	
INTERVIEWER	SIGNATURE		TYPED OR PRINTED NAME		DATE (YYMMDD)	
INTERVIEWER'S COMMENTS						
WORK EMPLOYEE WAS DOING WHEN INTERVIEWED			ACTION (If explanation is needed, use comments section)		YES	NO
			IS EMPLOYEE PROPERLY CLASSIFIED AND PAID?			
			ARE WAGE RATES AND POSTERS DISPLAYED?			
FOR USE BY PAYROLL CHECKER						
IS ABOVE INFORMATION IN AGREEMENT WITH PAYROLL DATA?						
<input type="checkbox"/> YES <input type="checkbox"/> NO						
COMMENTS						
CHECKER						
LAST NAME		FIRST NAME		MI	JOB TITLE	
SIGNATURE					DATE (YYMMDD)	

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STANDARD FORM 1445 (REV. 12-96)  
Prescribed by GSA - FAR (48 CFR) 53.222(g)