

Information System (ASSIST) at (<http://assist.daps.dla.mil>).

## PART 11—DESCRIBING AGENCY NEEDS

■ 4. Amend section 11.102 by revising the third and fourth sentences to read as follows:

### 11.102 Standardization program.

\* \* \* DoD 4120.24–M may be obtained from DoD (see 11.201(d)(2) or 11.201(d)(3)). FIPS PUBS may be obtained from the Government Printing Office (GPO), or the Department of Commerce's National Technical Information Service (NTIS) (see address in 11.201(d)(4)).

■ 5. Amend section 11.201 by—

■ a. Removing from the first sentence of the introductory text of paragraph (a) “DoD Index of Specifications and Standards (DoDISS)” and adding “DoD Acquisition Streamlining and Standardization Information System (ASSIST)” in its place;

■ b. Removing from the first sentence of paragraph (b) “DoDISS” and adding “ASSIST” in its place; and

■ c. Revising paragraph (d)(2); redesignating paragraph (d)(3) as paragraph (d)(4), and adding a new paragraph (d)(3) to read as follows:

### 11.201 Identification and availability of specifications.

\* \* \* \* \*

(d)(1) \* \* \*

(2) Most unclassified Defense specifications and standards may be downloaded from the following ASSIST websites:

(i) ASSIST (<http://assist.daps.dla.mil>).

(ii) Quick Search (<http://assist.daps.dla.mil/quicksearch>).

(iii) ASSISTdocs.com (<http://assistdocs.com>).

(3) Documents not available from ASSIST may be ordered from the Department of Defense Single Stock Point (DoDSSP) by—

(i) Using the ASSIST Shopping Wizard (<http://assist.daps.dla.mil/wizard>);

(ii) Phoning the DoDSSP Customer Service Desk, (215) 697–2179, Mon-Fri, 0730 to 1600 EST; or

(iii) Ordering from DoDSSP, Building 4, Section D, 700 Robbins Avenue, Philadelphia, PA 19111–5094, Telephone (215) 697–2667/2179, Facsimile (215) 697–1462.

\* \* \* \* \*

■ 6. Amend section 11.204 by revising paragraph (b) to read as follows:

### 11.204 Solicitation provisions and contract clauses.

\* \* \* \* \*

(b) The contracting officer shall insert the provision at 52.211–2, Availability of Specifications, Standards, and Data Item Descriptions Listed in the Acquisition Streamlining and Standardization Information System (ASSIST), in solicitations that cite specifications listed in the ASSIST that are not furnished with the solicitation.

\* \* \* \* \*

## PART 25—FOREIGN ACQUISITION

### 25.1101 [Amended]

■ 7. Amend section 25.1101 in the second sentence of paragraph (e)(2) by removing “paragraphs (b)(1) and (i)(2)” and adding “paragraphs (c)(1) and (j)(2)” in its place.

## PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 8. Revise section 52.211–2 to read as follows:

### 52.211–2 Availability of Specifications, Standards, and Data Item Descriptions Listed in the Acquisition Streamlining and Standardization Information System (ASSIST).

As prescribed in 11.204(b), insert the following provision:

#### AVAILABILITY OF SPECIFICATIONS, STANDARDS, AND DATA ITEM DESCRIPTIONS LISTED IN THE ACQUISITION STREAMLINING AND STANDARDIZATION INFORMATION SYSTEM (ASSIST) (JAN 2006)

(a) Most unclassified Defense specifications and standards may be downloaded from the following ASSIST websites:

(1) ASSIST (<http://assist.daps.dla.mil>);

(2) Quick Search (<http://assist.daps.dla.mil/quicksearch>);

(3) ASSISTdocs.com (<http://assistdocs.com>).

(b) Documents not available from ASSIST may be ordered from the Department of Defense Single Stock Point (DoDSSP) by—

(1) Using the ASSIST Shopping Wizard (<http://assist.daps.dla.mil/wizard>);

(2) Phoning the DoDSSP Customer Service Desk (215) 697–2179, Mon-Fri, 0730 to 1600 EST; or

(3) Ordering from DoDSSP, Building 4, Section D, 700 Robbins Avenue, Philadelphia, PA 19111–5094, Telephone (215) 697–2667/2179, Facsimile (215) 697–1462.

(End of provision)

■ 9. Amend section 52.212–1 by revising the date and paragraph (i)(2) of the provision; redesignating paragraph (i)(3) as paragraph (i)(4); and adding a new paragraph (i)(3) to read as follows:

### 52.212–1 Instructions to Offerors—Commercial Items.

\* \* \* \* \*

#### INSTRUCTIONS TO OFFERORS—COMMERCIAL ITEMS (JAN 2006)

\* \* \* \* \*

(i) \* \* \*

(2) Most unclassified Defense specifications and standards may be downloaded from the following ASSIST websites:

(i) ASSIST (<http://assist.daps.dla.mil>).

(ii) Quick Search (<http://assist.daps.dla.mil/quicksearch>).

(iii) ASSISTdocs.com (<http://assistdocs.com>).

(3) Documents not available from ASSIST may be ordered from the Department of Defense Single Stock Point (DoDSSP) by—

(i) Using the ASSIST Shopping Wizard (<http://assist.daps.dla.mil/wizard>);

(ii) Phoning the DoDSSP Customer Service Desk (215) 697–2179, Mon-Fri, 0730 to 1600 EST; or

(iii) Ordering from DoDSSP, Building 4, Section D, 700 Robbins Avenue, Philadelphia, PA 19111–5094, Telephone (215) 697–2667/2179, Facsimile (215) 697–1462.

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BILLING CODE 6820–EP–S

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 48 CFR Chapter 1

### Federal Acquisition Regulation; Small Entity Compliance Guide

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

**ACTION:** Small Entity Compliance Guide.

**SUMMARY:** This document is issued under the joint authority of the Secretary of Defense, the Administrator of General Services and the Administrator for the National

Aeronautics and Space Administration. *This Small Entity Compliance Guide* has been prepared in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of rules appearing in Federal Acquisition Circular (FAC) 2005–07 which amend the FAR. An asterisk (\*) next to a rule

indicates that a Regulatory Flexibility Analysis has been prepared. Interested parties may obtain further information regarding these rules by referring to FAC 2005–07 which precedes this document. These documents are also available via the Internet at <http://www.acqnet.gov/far>.

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

#### List of Rules in FAC 2005–07

Item	Subject	FAR case	FAR Analyst
I .....	Transportation: Standard Industry Practices .....	2002–005	Parnell.
*II .....	Common Identification Standard for Contractors(Interim) .....	2005–015	Jackson.
III .....	Change to Performance-based Acquisition .....	2003–018	Jackson.
IV .....	Free Trade Agreements–Australia and Morocco .....	2004–027	Marshall.
*V .....	Deletion of the Very Small Business Pilot Program .....	2005–013	Cundiff.
*VI .....	Purchases From Federal Prison Industries–Requirement for MarketResearch .....	2003–023	Nelson.
*VII .....	Exception from Buy American Act for CommercialInformation Technology (Interim) .....	2005–022	Marshall.
VIII .....	Removal of Sanctions Against Libya .....	2005–026	Marshall.
IX .....	Elimination of Certain Subcontract NotificationRequirements .....	2003–024	Cundiff.
X .....	Annual Representations and Certifications–NAICSCode/Size .....	2005–006	Zaffos.
XI .....	Technical Amendments.		

#### SUPPLEMENTARY INFORMATION:

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

FAC 2005–07 amends the FAR as specified below:

#### Item I—Transportation: Standard Industry Practices (FAR Case 2002–005)

This final rule amends FAR Parts 1, 42, 46, 47, 52, and 53 to clarify and update the FAR coverage to reflect the latest changes to the Federal Management Regulation and statutes that require use of commercial bills of lading for domestic shipments. This final rule amends the FAR to—

- Move FAR Subpart 42.14, Traffic and Transportation Management, to FAR Part 47, Transportation;
- Delete the clauses at FAR 52.242–10 and FAR 52.242–11 and revise and relocate FAR clause 52.242–12 to FAR 52.247–68;
- Add definitions of “bill of lading,” “commercial bill of lading,” and “Government bill of lading” and clarify the usage of each term throughout FAR Part 47;
- Add definitions of “Government rate tenders,” “household goods,” “noncontiguous domestic trade,” and “released or declared value”;
- Require the use of commercial bills of lading for domestic shipments;
- Revise the references to “49 U.S.C. 10721” to read “49 U.S.C. 10721 and 13712” throughout FAR Part 47 to make it clear that Government rate tenders can be used in certain situations for the

transportation of household goods by rail carrier (authorized by 49 U.S.C. 10721), as well as by motor carrier, water carrier, and freight forwarder (authorized by 49 U.S.C. 13712 and the definition of “carrier” at 49 U.S.C. 13102); and

- Update the fact that the Federal Motor Carrier Safety Administration prescribes commercial zones at 49 CFR 372 Subpart B.

#### Item II—Common Identification Standard for Contractors (FAR Case 2005–015)

This interim rule amends the FAR by addressing the contractor personal identification requirements in Homeland Security Presidential Directive (HSPD–12), “Policy for a Common Identification Standard for Federal Employees and Contractors,” and Federal Information Processing Standards Publication (FIPS PUB) Number 201, “Personal Identity Verification (PIV) of Federal Employees and Contractors.” The primary objectives of HSPD–12 are to establish a process to enhance security, increase Government efficiency, reduce identity fraud, and protect personal privacy by establishing a mandatory, Governmentwide standard for secure and reliable forms of identification issued by the Federal Government to its employees and contractors.

#### Item III—Change to Performance-based Acquisition (FAR Case 2003–018)

This final rule amends the FAR by changing the terms “performance-based contracting (PBC)” and “performance-based service contracting (PBSC)” to

“performance-based acquisition (PBA)” throughout the FAR; adding applicable PBA definitions of “Performance Work Statement (PWS)” and “Statement of Objectives (SOO)”, and describing their uses; clarifying the order of precedence for requirements; eliminating redundancy where found; modifying the regulation to broaden the scope of PBA and give agencies more flexibility in applying PBA methods to contracts and orders of varying complexity; and reducing the burden of force-fitting contracts and orders into PBA, when it is not appropriate.

#### Item IV—Free Trade Agreements—Australia and Morocco (FAR Case 2004–027)

This final rule converts the interim rule published at 69 FR 77870, December 28, 2004, to a final rule with changes. It allows contracting officers to purchase the products of Australia without application of the Buy American Act if the acquisition is subject to the Free Trade Agreements. The U.S. Trade Representative negotiated Free Trade Agreements with Australia and Morocco, which were scheduled to go into effect on or after January 1, 2005, according to Public Laws 108–286 and 108–302. However, the Morocco Free Trade Agreement has not yet entered into force and, therefore, the implementation of the Morocco Free Trade Agreement has been removed from the final rule. The Australian Free Trade Agreement joins the North American Free Trade Agreement (NAFTA) and the Chile and Singapore Free Trade Agreements which are already in the FAR. The threshold for

applicability of the Australian Free Trade Agreement is \$58,550 (the same as other Free Trade Agreements to date).

**Item V—Deletion of the Very Small Business Pilot Program (FAR Case 2005–013)**

This final rule amends the FAR to delete the Very Small Business Pilot Program. Under the pilot program, contracting officers were required to set aside for very small business concerns certain acquisitions with an anticipated dollar value between \$2,500 and \$50,000. The Councils are removing the FAR coverage because the legislative authority for the program terminated on September 30, 2003. Acquisitions previously set aside for pilot program vendors will now be open to other small businesses.

**Item VI—Purchases From Federal Prison Industries—Requirement for Market Research (FAR Case 2003–023)**

This final rule converts the interim rule published in FAC 2001–21 at 69 FR 16148, March 26, 2004, and the interim rule published as Item I of FAC 2005–03 at 70 FR 18954, April 11, 2005, to a final rule with amendments at FAR 8.602 to clarify the applicability of the rule. The rule implements Section 637 of Division H of the Consolidated Appropriations Act, 2005. Section 637 provides that no funds made available under the Consolidated Appropriations Act for fiscal year 2005, or under any other Act for fiscal year 2005 and each fiscal year thereafter, shall be expended for purchase of a product or service offered by Federal Prison Industries, Inc., unless the agency making the purchase determines that the offered product or service provides the best value to the buying agency, pursuant to Governmentwide procurement regulations issued pursuant to 41 U.S.C. 421(c)(1) that impose procedures, standards, and limitations of 10 U.S.C. 2410n.

**Item VII—Exception from Buy American Act for Commercial Information Technology (FAR Case 2005–022)**

This interim rule amends FAR 25.103 and FAR Subpart 25.11 to implement Section 517 of Division H, Title V of the Consolidated Appropriations Act, 2005 (Pub. L. 108–447). Section 517

authorizes exemption from the Buy American Act for acquisitions of information technology that are commercial items. This applies only to the use of FY 2005 funds. This same exemption appeared last year in section 535(a) of Division F, Title V, Consolidated Appropriations Act, 2004 (Pub. L. 108–199). The FY 04 exemption was implemented through deviations by the individual agencies.

The interim rule is based on the estimation that the exemption of commercial information technology is likely to continue. If the exception does not appear in a future appropriations act, a prompt change to the FAR will be made to limit applicability of the exemption to the fiscal years to which it applies. The effect of this exemption is that the following clauses are no longer applicable in acquisition of commercial information technology:

- FAR 52.225–1, Buy American Act—Supplies.
- FAR 52.225–2, Buy American Act Certificate.
- FAR 52.225–3, Buy American Act—Free Trade Agreements—Israeli Trade Act.
- FAR 52.225–4, Buy American Act—Free Trade Agreements—Israeli Trade Act Certificate.

This is because the Buy American Act no longer applies; and the Free Trade Agreement non-discriminatory provisions are no longer necessary, since all products now are treated without the restrictions of the Buy American Act.

**Item VIII—Removal of Sanctions Against Libya (FAR Case 2005–026)**

This final rule removes Libya from the list of prohibited sources at FAR Subpart 25.7 and the associated clause at 52.225–13, Restriction on Certain Foreign Purchases. Acquisitions of products from Libya may still be subject to restrictions of the Buy American Act, trade agreements, or other domestic source restrictions. The Department of State has not yet removed Libya from the list of state sponsors of terrorism.

**Item IX—Elimination of Certain Subcontract Notification Requirements (FAR Case 2003–024)**

This final rule converts, with minor changes, the Federal Acquisition Regulation (FAR) interim rule published

in the **Federal Register** at 70 FR 11761, March 9, 2005. The rule impacts contractors with Department of Defense (DoD), National Aeronautics and Space Administration (NASA), or Coast Guard cost-reimbursement contracts and Government personnel who award and administer those contracts. The interim rule amended FAR 44.201–2, Advance Notification Requirements, and 52.244–2, Subcontracts, to implement Section 842 of the National Defense Authorization Act for Fiscal Year 2004, in Public Law 108–136. Section 842 removed the requirement under cost-reimbursement contracts with DoD, Coast Guard, and NASA for contractors to notify the agency before the award of any cost-plus-fixed-fee subcontract or any fixed-price subcontract that exceeds the greater of the simplified acquisition threshold or 5 percent of the total estimated cost of the contract if the contractor maintains a purchasing system approved by the contracting officer for the contract. The final rule makes two changes that resulted from one of the public comments. The final rule deletes Alternate I from FAR 44.204, Contract clauses for the Department of Defense, the Coast Guard, and the National Aeronautics and Space Administration, and deletes the current Alternate I from 52.244–2, Subcontracts.

**Item X—Annual Representations and Certifications—NAICS Code/Size (FAR Case 2005–006)**

This final rule amends the FAR provision at 52.204–8 to provide a place for contracting officers to inform prospective offerors of the NAICS code and small business size standard applicable to the procurement.

**Item XI—Technical Amendments**

Editorial changes are made at FAR 9.203(b)(2), 11.102, 11.201(a), 11.201(b), 11.201(d)(2), 11.201(d)(3), 11.201(d)(4), 11.204(b), 25.1101(e)(2), and the provisions at 52.211–2 and 52.212–1 in order to update references.

The authority citation for FAR parts 27, 34, 38, 39, 43, 46, 48, and 50 is revised.

Dated: December 22, 2005.

**Gerald Zaffos,**

*Director, Contract Policy Division.*

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