

FAR segment	OMB control no.
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52.223-13	9000-0139
52.223-14	9000-0139
52.247-64	9000-0061

**1.201-1 [Amended]**

3. Amend section 1.201-1(a) by removing "1.102" and adding "1.103" in its place.

**1.304 [Amended]**

4. Amend section 1.304(a) by removing "1.301(c)" and adding "1.301(d)" in its place.

**PART 6—COMPETITION REQUIREMENTS**

**6.305 [Amended]**

5. In section 6.305 redesignate paragraphs (1) and (2) as (a) and (b), respectively; and in the newly redesignated paragraph (a) remove "41 U.S.C. 303(f)(4)" and add "41 U.S.C. 253(f)(4)" in its place.

**PART 9—CONTRACTOR QUALIFICATIONS**

6. Revise section 9.404 to read as follows:

**9.404 List of Parties Excluded from Federal Procurement and Nonprocurement Programs.**

(a) The General Services Administration (GSA)—

(1) Compiles and maintains a current list of all parties debarred, suspended, proposed for debarment, or declared ineligible by agencies or by the General Accounting Office;

(2) Periodically revises and distributes the list and issues supplements, if necessary, to all agencies and the General Accounting Office; and

(3) Includes in the list the name and telephone number of the official responsible for its maintenance and distribution.

(b) The List of Parties Excluded from Federal Procurement and Nonprocurement Programs includes the—

(1) Names and addresses of all contractors debarred, suspended, proposed for debarment, or declared ineligible, in alphabetical order, with cross-references when more than one name is involved in a single action;

(2) Name of the agency or other authority taking the action;

(3) Cause for the action (see 9.406-2 and 9.407-2 for causes authorized under this subpart) or other statutory or regulatory authority;

(4) Effect of the action;

(5) Termination date for each listing;

(6) DUNS No.; and

(7) Name and telephone number of the point of contact for the action.

(c) Each agency must—

(1) Provide GSA with the information required by paragraph (b) of this section within 5 working days after the action becomes effective;

(2) Notify GSA within 5 working days after modifying or rescinding an action;

(3) Notify GSA of the names and addresses of agency organizations that are to receive the list and the number of copies to be furnished to each;

(4) In accordance with internal retention procedures, maintain records relating to each debarment, suspension, or proposed debarment taken by the agency;

(5) Establish procedures to provide for the effective use of the List of Parties Excluded from Federal Procurement and Nonprocurement Programs, including internal distribution thereof, to ensure that the agency does not solicit offers from, award contracts to, or consent to subcontracts with contractors on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs, except as otherwise provided in this subpart; and

(6) Direct inquiries concerning listed contractors to the agency or other authority that took the action.

(d) The List of Parties Excluded from Federal Procurement and Nonprocurement Programs is available as follows:

(1) The printed version is published monthly. Copies may be obtained by purchasing a yearly subscription.

(i) Federal agencies may subscribe through their organization's printing and distribution office.

(ii) The public may subscribe by writing the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or by calling the Government Printing Office Inquiry and Order Desk at (202) 512-1800.

(2) The electronic version is updated daily and is available via—

(i) The internet at <http://epls.arnet.gov>; or

(ii) Electronic bulletin board. Dial (202) 219-0132. The settings are N-8-1-F.

(e) For general questions about entries on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs or additional information on accessing the electronic bulletin board, call GSA at (202) 501-4873 or 501-4740.

**9.405 [Amended]**

7. Amend section 9.405 in paragraph (d)(4) by removing the word "List" and adding "List of Parties Excluded from Federal Procurement and Nonprocurement Programs" in its place.

**PART 15—CONTRACTING BY NEGOTIATION**

8. Amend section 15.404-1 by revising the last sentence of paragraph (a)(7) to read as follows:

**15.404-1 Proposal analysis techniques.**

(a) \* \* \*

(7) \* \* \* They are available via the internet at <http://www.acq.osd.mil/dp/cpf>.

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

**52.212-1 [Amended]**

9. Amend section 52.212-1 by revising the date of the clause to read "(MAR 2000)"; and in paragraph (i)(2)(ii)(B) by removing "<http://www.dodssp.daps.mil>" and adding "<http://assist.daps.mil>" in its place.

**52.217-9 [Amended]**

10. Amend section 52.217-9 by revising the date of the clause to read "(MAR 2000)"; and in paragraph (b) by removing "provision" and adding "clause" in its place.

**52.219-23 [Amended]**

11. Amend the introductory text of Alternate II in section 52.219-23 by removing "(b)(i)" both times it appears and adding "(b)(1)(i)" in their places.

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**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Chapter 1**

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

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

**ACTION:** Small Entity Compliance Guide.

**SUMMARY:** This document is issued under the joint authority of the Secretary of Defense, the Administrator of General Services and the Administrator for the National Aeronautics and Space Administration. This *Small Entity Compliance Guide* has been prepared in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of

1996 (Public Law 104–121). It consists of a summary of rules appearing in Federal Acquisition Circular (FAC) 97–16 which amend the FAR. The rule marked with an asterisk (\*) indicates that a regulatory flexibility analysis has been prepared in accordance with 5 U.S.C. 604. Interested parties may obtain further information regarding these rules by referring to FAC 97–16

which precedes this document. These documents are also available via the Internet at <http://www.arnet.gov/far>.

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

LIST OF RULES IN FAC 97–16

Item	Subject	FAR case	Analyst
I .....	Small Business Competitiveness Demonstration Program (Interim) .....	1999–012	Moss.
II .....	Progress Payments and Related Financing Policies * .....	1998–400 (98–400)	Olson.

**Item I—Small Business Competitiveness Demonstration Program (FAR Case 1999–012)**

This interim rule amends FAR Subpart 19.10 to clarify language pertaining to the Small Business Competitiveness Demonstration (Comp. Demo.) Program, consistent with revisions to the Program that were contained in an OFPP and SBA joint final policy directive dated May 25, 1999.

The interim rule—

- Advises the contracting officer to consider the 8(a)

Program and HUBZone Program, in addition to small business set-asides, for acquisitions of \$25,000 or less in one of the four designated industry groups that will not be set aside for emerging small business concerns.

- Adds FAR 19.1006, Exclusions, to specify acquisitions to which Subpart 19.10 does not apply. None of the Small Business Comp. Demo. policies and procedures apply to orders under the Federal Supply Schedule Program or to contracts awarded to educational and nonprofit institutions or governmental entities.

This interim rule only will affect contracting officers at participating agencies when acquiring supplies or

services subject to the procedures of the Small Business Comp. Demo. Program. The participating agencies are: Department of Agriculture; Department of Defense, except the National Imagery and Mapping Agency; Department of Energy; Department of Health and Human Services; Department of the Interior; Department of Transportation; Department of Veterans Affairs; Environmental Protection Agency; General Services Administration; and National Aeronautics and Space Administration.

**Item II—Progress Payments and Related Financing Policies (FAR Case 1998–400) (98–400)**

This final rule revises certain financing policies at FAR Part 32, Contract Financing, and related contract provisions at FAR Part 52. The rule—

- Emphasizes that performance-based payments are the preferred method of contract financing. Performance-based payments are contract financing payments made after achievement of predetermined goals, such as performance objectives or defined events. Contracting officers should consider performance-based payments and deem their use impracticable before deciding to provide customary progress payments;

- Permits contracting officers to provide contract financing on contracts awarded to large businesses if the individual contract is \$2 million or more. Previously, the threshold in the FAR for financing a contract with a large business was \$1 million;

- Permits a large business to bill the Government for subcontract costs that the large business has incurred but not actually paid, if certain conditions are met. Previously, the FAR permitted only small business concerns to bill for subcontract costs that have been incurred but not paid;

- Permits the contracting officer to use performance-based payments in contracts for research and development, and in contracts awarded through competitive negotiation procedures; and

- Is effective on March 27, 2000. However, it is mandatory only for solicitations issued on or after May 26, 2000. Contracting officers may, at their discretion, include the clauses and provisions in this rule in solicitations issued before that date.

Dated: March 20, 2000.

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