

provide greater flexibilities for contracting officers when selecting sources of pricing data.

**DATES:** *Effective Date:* December 7, 2007.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ernest Woodson, Procurement Analyst, at (202) 501-3775 for clarification of content. The TTY Federal Relay Number for further information is 1-800-877-8973. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501-4755. Please cite FAC 2005-21, FAR case 2007-001.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

FAR 22.404-12(c)(2) allows the contracting officer to include in the contract a separately specified pricing method that permits an adjustment to the contract price or contract labor unit price at the exercise of each option to extend the term of the contract. References to published pricing sources are included to assist the contracting officer in identifying pricing data to support the pricing method used to calculate the contract pricing adjustment. This final rule revises the language at FAR 22.404-12(c)(2) that references published pricing sources available to the contracting officer. The FAR currently references a single commercial product and the intent of this change is to not show favor to any commercial product. The revised language deletes the specified product and allows the contracting officer to choose any commercial product.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

##### B. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule. This final rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Public Law 98-577, and publication for public comments is not required. However, the Councils will consider comments from small entities concerning the affected FAR Part 22 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAC 2005-21, FAR case 2007-001), in correspondence.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information

collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

#### List of Subjects in 48 CFR Part 22

Government procurement.

Dated: October 31, 2007.

**Al Matera,**

*Director, Office of Acquisition Policy.*

■ Therefore, DoD, GSA, and NASA amend 48 CFR part 22 as set forth below:

#### PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

■ 1. The authority citation for 48 CFR part 22 continues to read as follows:

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

■ 2. Amend section 22.404-12 by revising the third sentence of paragraph (c)(2) to read as follows:

**22.404-12 Labor standards for contracts containing construction requirements and option provisions that extend the term of the contract.**

\* \* \* \* \*

(c) \* \* \*

(2) \* \* \* An example of a contract

pricing method that the contracting officer might separately specify is incorporation in the solicitation and resulting contract of the pricing data from an annually published unit pricing book (e.g., the U.S. Army Computer-Aided Cost Estimating System or similar commercial product), which is multiplied in the contract by a factor proposed by the contractor (e.g., .95 or 1.1). \* \* \*

\* \* \* \* \*

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#### DEPARTMENT OF DEFENSE

##### GENERAL SERVICES ADMINISTRATION

##### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Parts 1, 25, 52, and 53

[FAC 2005-21; Item VIII; Docket FAR-2007-0003; Sequence 3]

#### Federal Acquisition Regulation; Technical Amendments

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

**ACTION:** Final rule.

**SUMMARY:** This document makes amendments to the Federal Acquisition Regulation (FAR) in order to make editorial changes.

**DATES:** *Effective Date:* November 7, 2007.

**FOR FURTHER INFORMATION CONTACT:** The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 501-4755, for information pertaining to status or publication schedules. Please cite FAC 2005-21, Technical Amendments.

#### List of Subjects in 48 CFR Parts 1, 25, 52, and 53

Government procurement.

Dated: October 31, 2007.

**Al Matera,**

*Director, Office of Acquisition Policy.*

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 1, 25, 52, and 53 as set forth below:

■ 1. The authority citation for 48 CFR parts 1, 25, 52, and 53 continues to read as follows:

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

#### PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

##### 1.106 [Amended]

■ 2. Amend section 1.106 by removing FAR Segments 52.210-8 with OMB Control Number “9000-0018”, 52.210-9 with OMB Control Number “9000-0016”, 52.210-10 with OMB Control Number “9000-0017”, and 52.212-1 and 52.212-2 with OMB Control Number “9000-0043”; and adding, in numerical order, FAR Segments 52.211-8 and 52.211-9 with OMB Control Number “9000-0043”.

#### PART 25—FOREIGN ACQUISITION

##### 25.003 [Amended]

■ 3. Amend section 25.003 in the definition “Caribbean Basin country end product” by removing from paragraph (1)(ii)(B) “<http://www.customs.ustreas.gov/impexpo/impexpo.htm>” and adding “<http://www.usitc.gov/tata/hts/>” in its place.

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

##### 52.212-5 [Amended]

■ 4. Amend section 52.212-5 by—  
 ■ a. Revising date of the clause to read “(Nov 2007)”;  
 ■ b. Removing from paragraph (b)(8)(i) “(Sep 2007)” and adding “(Nov 2007)” in its place; and  
 ■ c. Removing from paragraph (b)(28) “(Aug 2007)” and adding “(Nov 2007)” in its place.

■ 5. Amend section 52.219–9 by revising the date of the clause and paragraph (d)(1) to read as follows:

**52.219–9 Small Business Subcontracting Plan.**

\* \* \* \* \*  
SMALL BUSINESS SUBCONTRACTING  
PLAN (Nov 2007)

\* \* \* \* \*  
(d) \* \* \*  
(1) Goals, expressed in terms of percentages of total planned subcontracting dollars, for the use of small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns as subcontractors. The offeror shall

include all subcontracts that contribute to contract performance, and may include a proportionate share of products and services that are normally allocated as indirect costs. In accordance with 43 U.S.C. 1626:

\* \* \* \* \*

**52.225–5 [Amended]**

■ 6. Amend section 52.225–5 by revising date of the clause to read “(Nov 2007)” and in paragraph (a) in the definition “Caribbean Basin country end product” by removing from paragraph (1)(ii)(B) “<http://www.customs.ustreas.gov/impoexpo/impoexpo.htm>” and adding “<http://www.usitc.gov/tata/hts/>” in its place.

**52.225–17 [Amended]**

■ 7. Amend section 52.225–17 by removing from the introductory text “25.1103(d)”, and adding “25.1103(c)” in its place.

**PART 53—FORMS**

**53.213 [Amended]**

■ 8. Amend section 53.213 by removing from paragraph (f) “OF 347 (Rev. 3/2005)” and “OF 348 (Rev. 10/83 Ed.)” and adding “OF 347 (Rev. 4/06)” and “OF 348 (Rev. 4/06)” in its place, respectively.

■ 9. Revise section 53.302–347 to read as follows:

**53.302–347 Order for Supplies or Services.**

<b>ORDER FOR SUPPLIES OR SERVICES</b>						PAGE	OF	PAGES
<b>IMPORTANT: Mark all packages and papers with contract and/or order numbers.</b>								
1. DATE OF ORDER		2. CONTRACT NO. (If any)		6. SHIP TO:				
3. ORDER NO.		4. REQUISITION/REFERENCE NO.		a. NAME OF CONSIGNEE				
5. ISSUING OFFICE (Address correspondence to)				b. STREET ADDRESS				
7. TO:				c. CITY		d. STATE	e. ZIP CODE	
a. NAME OF CONTRACTOR				f. SHIP VIA				
b. COMPANY NAME				8. TYPE OF ORDER				
c. STREET ADDRESS				<input type="checkbox"/> a. PURCHASE REFERENCE YOUR: _____ Please furnish the following on the terms and conditions specified on both sides of this order and on the attached sheet, if any, including delivery as indicated.		<input type="checkbox"/> b. DELIVERY -- Except for billing instructions on the reverse, this delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above-numbered contract.		
d. CITY		e. STATE	f. ZIP CODE		10. REQUISITIONING OFFICE			
9. ACCOUNTING AND APPROPRIATION DATA								
11. BUSINESS CLASSIFICATION (Check appropriate box(es))						12. F.O.B. POINT		
<input type="checkbox"/> a. SMALL		<input type="checkbox"/> b. OTHER THAN SMALL		<input type="checkbox"/> c. DISADVANTAGED		<input type="checkbox"/> g. SERVICE-DISABLED VETERAN-OWNED		
<input type="checkbox"/> d. WOMEN-OWNED		<input type="checkbox"/> e. HUBZone		<input type="checkbox"/> f. EMERGING SMALL BUSINESS				
13. PLACE OF		14. GOVERNMENT B/L NO.		15. DELIVER TO F.O.B. POINT ON OR BEFORE (Date)		16. DISCOUNT TERMS		
a. INSPECTION		b. ACCEPTANCE						
<b>17. SCHEDULE (See reverse for Rejections)</b>								
ITEM NO. (a)	SUPPLIES OR SERVICES (b)			QUANTITY ORDERED (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)	QUANTITY ACCEPTED (g)
18. SHIPPING POINT		19. GROSS SHIPPING WEIGHT		20. INVOICE NO.				
21. MAIL INVOICE TO:								
a. NAME								
b. STREET ADDRESS (or P.O. Box)								
c. CITY		d. STATE	e. ZIP CODE					17(h) TOT (Cont. pages)
22. UNITED STATES OF AMERICA BY (Signature)				23. NAME (Typed)				
				TITLE: CONTRACTING/ORDERING OFFICER				

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**OPTIONAL FORM 347** (REV. 4/2006)  
Prescribed by GSA/FAR 48 CFR 53.213(f)

**SUPPLEMENTAL INVOICING INFORMATION**

If desired, this order (or a copy thereof) may be used by the Contractor as the Contractor's invoice, instead of a separate invoice, provided the following statement, (signed and dated) is on (or attached to) the order: "Payment is requested in the amount of \$\_\_\_\_\_. No other invoice will be submitted." However, if the Contractor wishes to submit an invoice, the following information must be provided: contract number (if any), order number, item number(s), description of supplies or service, sizes, quantities, unit prices, and extended totals. Prepaid shipping costs will be indicated as a separate item on the invoice. Where shipping costs exceed \$10 (except for parcel post), the billing must be supported by a bill of lading or receipt. When several orders are invoiced to an ordering activity during the same billing period, consolidated periodic billings are encouraged.

**RECEIVING REPORT**

Quantity in the "Quantity Accepted" column on the face of this order has been: ☐ inspected, ☐ accepted, ☐ received by me and conforms to contract. Items listed below have been rejected for the reasons indicated.

SHIPMENT NUMBER	PARTIAL		DATE RECEIVED	SIGNATURE OF AUTHORIZED U.S. GOV'T REP.	DATE
	FINAL				
TOTAL CONTAINERS		GROSS WEIGHT	RECEIVED AT	TITLE	

**REPORT OF REJECTIONS**

ITEM NO.	SUPPLIES OR SERVICES	UNIT	QUANTITY REJECTED	REASON FOR REJECTION

OPTIONAL FORM 347 (REV. 4/2006) **BACK**

■ 10. Revise section 53.302-348 to read as follows:

**53.302-348 Order for Supplies or Services Schedule—Continuation.**

BILLING CODE 6820-EP-S

ORDER FOR SUPPLIES OR SERVICES  
SCHEDULE - CONTINUATION

PAGE NO.

IMPORTANT: Mark all packages and papers with contract and/or order numbers.

DATE OF ORDER

CONTRACT NO.

ORDER NO.

ITEM NO. (a)	SUPPLIES OR SERVICES (b)	QUANTITY ORDERED (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)	QUANTITY ACCEPTED (g)

TOTAL CARRIED FORWARD TO 1ST PAGE (ITEM 17h))

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