

(End of clause)

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

As prescribed in 27.409(j), insert the following clause:

TECHNICAL DATA DECLARATION, REVISION, AND WITHHOLDING OF PAYMENT—MAJOR SYSTEMS (DEC 2007)

(a) *Scope of declaration.* The Contractor shall provide, in accordance with 41 U.S.C. 418a (d)(7), the following declaration with respect to all technical data that relate to a major system and that are delivered or required to be delivered under this contract or that are delivered within 3 years after acceptance of all items (other than technical data) delivered under this contract unless a different period is set forth in the contract. The Contracting Officer may release the Contractor from all or part of the requirements of this clause for specifically identified technical data items at any time during the period covered by this clause.

(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 may, at any time during the period covered by this clause, direct correction of any deficiencies that are not in compliance with contract requirements. The corrections shall be made at the expense of the Contractor. Unauthorized markings on data shall not be considered a deficiency for the purpose of this clause, but will be treated in accordance with paragraph (e) of the Rights in Data—General clause included in this contract.

(c) *Technical data revision.* The Contractor also shall, at the request of the Contracting Officer, revise technical data that are subject to this clause to reflect engineering design changes made during the performance of this contract and affecting the form, fit, and function of any item (other than technical data) delivered under this contract. The Contractor may submit a request for an equitable adjustment to the terms and conditions of this contract for any revisions to technical data made pursuant to this paragraph.

(d) *Withholding of payment.* (1) At any time before final payment under this contract the Contracting Officer may withhold payment as a reserve up to an amount not exceeding \$100,000 or 5 percent of the amount of this contract, whichever is less, if the Contractor fails to—

(i) Make timely delivery of the technical data;

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

(iii) Make the corrections required by paragraph (b)(2) of this clause; or

(iv) Make revisions requested under paragraph (c) of this clause.

(2) The Contracting Officer may withhold the reserve until the Contractor has complied with the direction or requests of the Contracting Officer or determines that the deficiencies relating to delivered data, arose out of causes beyond the control of the Contractor and without the fault or negligence of the Contractor.

(3) The withholding of any reserve under this clause, or the subsequent payment of the reserve, shall not be construed as a waiver of any Government rights.

(End of clause)

**52.227–22 [Amended]**

■ 26. Amend section 52.227–22 by removing from the introductory paragraph “27.409(r)” and adding “27.409(k)” in its place.

**52.227–23 [Amended]**

■ 27. Amend section 52.227–23 by removing from the introductory paragraph “27.409(s)” and adding “27.409(l)” in its place.

[FR Doc. 07–5475 Filed 11–6–07; 8:45 am]

BILLING CODE 6820–EP–S

**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Parts 2, 4, 5, and 13**

[FAC 2005–21; FAR Case 2006–015; Item IV; Docket 2007–0001; Sequence 10]

RIN 9000–AK68

**Federal Acquisition Regulation; FAR Case 2006–015, Federal Computer Network (FACNET) Architecture**

**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 (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to delete references to FACNET.

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

**FOR FURTHER INFORMATION CONTACT** Mr. Ernest Woodson, Procurement Analyst, at (202) 501–3775 for clarification of content. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755.

Please cite FAC 2005–21, FAR case 2006–015.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

The Councils published a proposed rule with request for comments in the **Federal Register** at 72 FR 4675 on February 1, 2007, to amend the FAR to remove FACNET references and provide the opportunity to recognize the evolution of alternative technologies and processes, etc., that Federal agencies are using and will use to satisfy their acquisition needs without removing the use of FACNET for Federal agencies that may use the system. The comment period closed April 2, 2007. No public comments were received on the rule. The Councils have agreed to adopt the proposed rule as final without change.

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**

DoD, GSA, and NASA certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule addresses the deletion of a term used to describe a system for the electronic data interchange of acquisition information between the private sector and the Federal Government without removing the use of the system. The rule does not present new requirements that impose a burden on contractors. No comments were received with regard to an impact on small business.

**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 Parts 2, 4, 5, and 13.**

Government procurement.

Dated: October 31, 2007.

**Al Matera,**

*Director, Office of Acquisition Policy.*

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 2, 4, 5, and 13 as set forth below:

■ 1. The authority citation for 48 CFR parts 2, 4, 5, and 13 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 2—DEFINITIONS OF WORDS AND TERMS**

**2.101 [Amended]**

■ 2. Amend section 2.101(b)(2) by removing the definition “Federal Acquisition Computer (Network FACNET) Architecture.”

**PART 4—ADMINISTRATIVE MATTERS**

■ 3. Amend section 4.502 by revising paragraph (b)(2) to read as follows:

**4.502 Policy.**

\* \* \* \* \*

(b) \* \* \*

(2) Are implemented only after considering the full or partial use of existing infrastructures;

\* \* \* \* \*

**PART 5—PUBLICIZING CONTRACT ACTIONS**

**5.101 [Amended]**

■ 4. Amend section 5.101 by removing from paragraph (a)(2)(ii) the words “or Federal Acquisition Computer Network (FACNET)”.

■ 5. Amend section 5.102 by revising paragraph (a)(3) to read as follows:

**5.102 Availability of solicitations.**

(a) \* \* \*

(3) The contracting officer must ensure that solicitations transmitted using electronic commerce are forwarded to the GPE to satisfy the requirements of paragraph (a)(1) of this section.

\* \* \* \* \*

■ 6. Amend section 5.201 by revising paragraph (b)(2) to read as follows:

**5.201 General.**

\* \* \* \* \*

(b) \* \* \*

(2) When transmitting notices using electronic commerce, contracting officers must ensure the notice is forwarded to the GPE.

\* \* \* \* \*

**5.203 [Amended]**

■ 7. Amend section 5.203 in paragraph (b) by removing the words “via FACNET or for which” and adding the word “where” in its place.

**PART 13—SIMPLIFIED ACQUISITION PROCEDURES**

**13.104 [Amended]**

■ 8. Amend section 13.104 by removing from paragraph (b) the words “using either FACNET or”.

■ 9. Amend section 13.105 by revising paragraph (a) to read as follows:

**13.105 Synopsis and posting requirements.**

(a) The contracting officer must comply with the public display and synopsis requirements of 5.101 and 5.203 unless an exception in 5.202 applies.

\* \* \* \* \*

■ 10. Amend section 13.106–1 by revising paragraph (f) to read as follows:

**13.106–1 Soliciting competition.**

\* \* \* \* \*

(f) *Inquiries.* An agency should respond to inquiries received through any medium (including electronic commerce) if doing so would not interfere with the efficient conduct of the acquisition.

**13.106–2 [Amended]**

■ 11. Amend section 13.106–2 by removing from paragraph (b)(4) introductory text the words “FACNET or”.

**13.106–3 [Amended]**

■ 12. Amend section 13.106–3 by removing from paragraph (c) the words “FACNET or”.

**13.307 [Amended]**

■ 13. Amend section 13.307 by removing from paragraph (b)(1) “via FACNET,” and the comma after “electronically”.

[FR Doc. 07–5479 Filed 11–6–07; 8:45 am]

**BILLING CODE 6820–EP–S**

**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Parts 4, 15, 17, 22, and 52**

[FAC 2005–21; FAR Case 2001–004; Item V; Docket 2007–0001, Sequence 6]

RIN 9000–AK82

**Federal Acquisition Regulation; FAR Case 2001–004, Exemption of Certain Service Contracts from the Service Contract Act (SCA)**

**AGENCIES:** Department of Defense (DoD), General Services Administration (GSA),

and National Aeronautics and Space Administration (NASA).

**ACTION:** Interim rule with request for comments.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on an interim rule amending the Federal Acquisition Regulation (FAR) to revise the current SCA exemption and to add a SCA exemption for contracts for certain additional services that meet specific criteria.

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

*Comment Date:* Interested parties should submit written comments to the FAR Secretariat on or before January 7, 2008 to be considered in the formulation of a final rule.

**ADDRESSES:** Submit comments identified by FAC 2005–21, FAR case 2001–004, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. To search for any document, first select under “Step 1,” “Documents with an Open Comment Period” and select under “Optional Step 2,” “Federal Acquisition Regulation” as the agency of choice. Under “Optional Step 3,” select “Rules”. Under “Optional Step 4,” from the drop down list, select “Document Title” and type the FAR case number “2001–004”. Click the “Submit” button. Please include your name and company name (if any) inside the document.

You may also search for any document by clicking on the “Search for Documents” tab at the top of the screen. Select from the agency field “Federal Acquisition Regulation”, and type “2001–004” in the “Document Title” field. Select the “Submit” button.

- Fax: 202–501–4067.

- Mail: General Services Administration, Regulatory Secretariat (VIR), 1800 F Street, NW, Room 4035, ATTN: Laurieann Duarte, Washington, DC 20405.

*Instructions:* Please submit comments only and cite FAC 2005–21, FAR case 2001–004, in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>. Please include your name and company name (if any) inside the document.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ernest Woodson, Procurement Analyst, at (202) 501–3775 for clarification of content. Please cite FAC 2005–21, FAR case 2001–004. For information pertaining to status or publication