

INSTRUCTIONS

1. This form is authorized for use in the acquisition of supplies and services, excluding construction, in lieu of Standard Form 25 (Performance Bond). Any deviation from this form will require the written approval of the Administrator of General Services.
2. Insert the full legal name and business address of the Principal in the space designated "Principal" on the face of the form. An authorized person shall sign the bond. Any person signing in a representative capacity (e.g., an attorney-in-fact) must furnish evidence of authority if that representative is not a member of the firm, partnership, or joint venture, or an officer of the corporation involved.
3. (a) Corporations executing the bond as sureties must appear on the Department of the Treasury's list of approved sureties and must act within the limitations listed therein.

(b) When individual sureties are involved, a completed Affidavit of Individual Surety (Standard Form 28) for each individual surety shall accompany the bond. The Government may require the surety to furnish additional substantiating information concerning its financial capability.
4. Corporations executing the bond shall affix their corporate seals. Individuals shall execute the bond opposite the word "Corporate Seal"; and shall affix an adhesive seal if executed in Maine, New Hampshire, or any other jurisdiction requiring adhesive seals.
5. Type the name and title of each person signing this bond in the space provided.
6. In its application to negotiated contracts, the terms "bid" and "bidder" shall include "proposal" and "offeror".

STANDARD FORM 35 (REV. DATE) BACK

[FR Doc. 2016-16248 Filed 7-13-16; 8:45 a.m.]
BILLING CODE 6820-14-C

DEPARTMENT OF DEFENSE

GENERAL SERVICES
ADMINISTRATION

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION

48 CFR Parts 4 and 52

[FAC 2005-89; Item V; Docket No. 2016-0052; Sequence No. 3]

Federal Acquisition Regulation;
Technical Amendments

AGENCY: 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: July 14, 2016.

FOR FURTHER INFORMATION CONTACT: Ms.
Hada Flowers, Regulatory Secretariat
Division (MVCB), 1800 F Street NW.,
2nd Floor, Washington, DC 20405, 202-
501-4755. Please cite FAC 2005-89,
Technical Amendments.

SUPPLEMENTARY INFORMATION: In order to
update certain elements in 48 CFR parts
4 and 52 this document makes editorial
changes to the FAR.

List of Subjects in 48 CFR Parts 4 and
52

Government procurement.

Dated: June 30, 2016.

William Clark,

Director, Office of Government-wide
Acquisition Policy, Office of Acquisition
Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA
amend 48 CFR parts 4 and 52, as set
forth below:

- 1. The authority citation for 48 CFR
parts 4 and 52 continues to read as
follow:

Authority: 40 U.S.C. 121(c); 10 U.S.C.
chapter 137; and 51 U.S.C. 20113.

PART 4—ADMINISTRATIVE MATTERS

- 2. Amend section 4.1801 by revising
the definition of "Commercial and
Government Entity (CAGE) code" to
read as follows:

4.1801 Definitions.

* * * * *

Commercial and Government Entity
(CAGE) code means—

(1) An identifier assigned to entities
located in the United States or its
outlying areas by the Defense Logistics
Agency (DLA) Commercial and
Government Entity (CAGE) Branch to
identify a commercial or government
entity; or

(2) An identifier assigned by a
member of the North Atlantic Treaty
Organization (NATO) or by the NATO
Support and Procurement Agency
(NSPA) to entities located outside the
United States and its outlying areas that
the DLA Commercial and Government
Entity (CAGE) Branch records and
maintains in the CAGE master file. This
type of code is known as a NATO CAGE
(NCAGE) code.

■ 3. Amend section 4.1803 by revising paragraph (b) to read as follows:

4.1803 Verifying CAGE codes prior to award.

* * * * *

(b) For entities not required to be registered in SAM, the contracting officer shall validate the CAGE code using the CAGE code search feature at <https://cage.dla.mil>.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 4. Amend section 52.204–16 by—

- a. Revising the date of the provision;
- b. In paragraph (a), revising the definition of “Commercial and Government Entity (CAGE) code”;
- c. Removing from paragraph (c)(1) the word “Contractor” and adding “Commercial” in its place; and
- d. Revising paragraphs (c)(2) and (3), and (d).

The revisions read as follows:

52.204–16 Commercial and Government Entity Code Reporting.

* * * * *

Commercial and Government Entity Code Reporting (Jul 2016)

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Commercial and Government Entity (CAGE) code means—

(1) An identifier assigned to entities located in the United States or its outlying areas by the Defense Logistics Agency (DLA) Commercial and Government Entity (CAGE) Branch to identify a commercial or government entity; or

(2) An identifier assigned by a member of the North Atlantic Treaty Organization (NATO) or by the NATO Support and Procurement Agency (NSPA) to entities located outside the United States and its outlying areas that the DLA Commercial and Government Entity (CAGE) Branch records and maintains in the CAGE master file. This type of code is known as a NATO CAGE (NCAGE) code.

(c) * * *

(2) The DLA Commercial and Government Entity (CAGE) Branch. If registration in SAM is not required for the subject procurement, and the offeror does not otherwise register in SAM, an offeror located in the United States or its outlying areas may request that a CAGE code be assigned by submitting a request at <https://cage.dla.mil>.

(3) The appropriate country codification bureau. Entities located outside the United States and its outlying areas may obtain an NCAGE code by contacting the Codification Bureau in the foreign entity’s country if that country is a member of NATO or a sponsored nation. NCAGE codes may be obtained from the NSPA at <https://eportal.nspa.nato.int/AC135Public/scage/CageList.aspx> if the foreign entity’s country is not a member of NATO or a sponsored nation. Points of contact for codification bureaus, as well as

additional information on obtaining NCAGE codes, are available at <http://www.nato.int/structur/AC/135/main/links/contacts.htm>.

(d) Additional guidance for establishing and maintaining CAGE codes is available at <https://cage.dla.mil>.

* * * * *

■ 5. Amend section 52.204–17 by—
 ■ a. Revising the date of the provision; and

■ b. In paragraph (a), revising the definition of “Commercial and Government Entity (CAGE) code”.

The revisions read as follows:

52.204–17 Ownership or Control of Offeror.

* * * * *

Ownership or Control of Offeror (Jul 2016)

* * * * *

Commercial and Government Entity (CAGE) code means—

(1) An identifier assigned to entities located in the United States or its outlying areas by the Defense Logistics Agency (DLA) Commercial and Government Entity (CAGE) Branch to identify a commercial or government entity; or

(2) An identifier assigned by a member of the North Atlantic Treaty Organization (NATO) or by the NATO Support and Procurement Agency (NSPA) to entities located outside the United States and its outlying areas that the DLA Commercial and Government Entity (CAGE) Branch records and maintains in the CAGE master file. This type of code is known as a NATO CAGE (NCAGE) code.

* * * * *

■ 6. Amend section 52.204–18 by—
 ■ a. Revising the date of the clause;

■ b. In paragraph (a), revising the definition of “Commercial and Government Entity (CAGE) code”;

■ c. Removing from paragraph (b) the word “DLA Contractor” and adding “DLA Commercial” in its place; and

■ d. Revising paragraphs (c) through (e);
 The revisions read as follows:

52.204–18 Commercial and Government Entity Code Maintenance.

* * * * *

Commercial and Government Entity Code Maintenance (Jul 2016)

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Commercial and Government Entity (CAGE) code means—

(1) An identifier assigned to entities located in the United States or its outlying areas by the Defense Logistics Agency (DLA) Commercial and Government Entity (CAGE) Branch to identify a commercial or government entity; or

(2) An identifier assigned by a member of the North Atlantic Treaty Organization (NATO) or by the NATO Support and

Procurement Agency (NSPA) to entities located outside the United States and its outlying areas that the DLA Commercial and Government Entity (CAGE) Branch records and maintains in the CAGE master file. This type of code is known as a NATO CAGE (NCAGE) code.

* * * * *

(c) Contractors located in the United States or its outlying areas that are not registered in SAM shall submit written change requests to the DLA Commercial and Government Entity (CAGE) Branch. Requests for changes shall be provided at <https://cage.dla.mil>. Change requests to the CAGE master file are accepted from the entity identified by the code.

(d) Contractors located outside the United States and its outlying areas that are not registered in SAM shall contact the appropriate National Codification Bureau (points of contact available at <http://www.nato.int/structur/AC/135/main/links/contacts.htm>) or NSPA at <https://eportal.nspa.nato.int/AC135Public/scage/CageList.aspx> to request CAGE changes.

(e) Additional guidance for maintaining CAGE codes is available at <https://cage.dla.mil>.

■ 7. Amend section 52.204–20 by—

■ a. Revising the date of the provision; and

■ b. In paragraph (a), revising the definition “Commercial and Government Entity (CAGE) code”.

The revisions read as follows:

52.204–20 Predecessor of Offeror.

* * * * *

Predecessor of Offeror (Jul 2016)

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Commercial and Government Entity (CAGE) code means—

(1) An identifier assigned to entities located in the United States or its outlying areas by the Defense Logistics Agency (DLA) Commercial and Government Entity (CAGE) Branch to identify a commercial or government entity; or

(2) An identifier assigned by a member of the North Atlantic Treaty Organization (NATO) or by the NATO Support and Procurement Agency (NSPA) to entities located outside the United States and its outlying areas that the DLA Commercial and Government Entity (CAGE) Branch records and maintains in the CAGE master file. This type of code is known as a NATO CAGE (NCAGE) code.

* * * * *

■ 8. Amend section 52.212–3 by revising the date of the provision, and removing from the introductory text “Web site accessed through <http://www.acquisition.gov>” and adding “Web site located at <https://www.sam.gov/portal>” in its place.
 The revision reads as follows:

52.212–3 Offeror Representations and Certifications—Commercial Items.

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Offeror Representations and Certifications—Commercial Items (Jul 2016)

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[FR Doc. 2016–16249 Filed 7–13–16; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR 2016–0051, Sequence No. 3]

Federal Acquisition Regulation; Federal Acquisition Circular 2005–89; Small Entity Compliance Guide

AGENCY: 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 DOD, GSA, and NASA. 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 the rules appearing in Federal Acquisition Circular (FAC) 2005–89, which amends the Federal Acquisition Regulation (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 2005–89, which precedes this document. These documents are also available via the Internet at <http://www.regulations.gov>.

DATES: July 14, 2016.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact the analyst whose name appears in the table below. Please cite FAC 2005–89 and the FAR case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755.

RULES LISTED IN FAC 2005–89

Item	Subject	FAR Case	Analyst
*I	Small Business Subcontracting Improvements	2014–003	Uddowla.
II	OMB Circular Citation Update	2014–023	Hopkins.
III	FPI Blanket Waiver Threshold	2016–008	Uddowla.
*IV	Revision to Standard Forms for Bonds	2015–025	Hopkins.
V	Technical Amendments

SUPPLEMENTARY INFORMATION:

Summaries for each FAR rule follow. For the actual revisions and/or amendments made by these rules, refer to the specific item numbers and subjects set forth in the documents following these item summaries. FAC 2005–89 amends the FAR as follows:

Item I—Small Business Subcontracting Improvements (FAR Case 2014–003)

This final rule amends the FAR to implement SBA’s final rule published at 78 FR 42391 on July 16, 2013. The rule will implement the statutory requirements set forth in section 1321 and 1322 of the Small Business Jobs Act of 2010, (Pub. L. 111–240), as well as other requirements aimed at improving subcontracting regulations to increase small business opportunities. This rule accomplishes the following:

(1) Requires prime contractors to make good faith efforts to utilize their proposed small business subcontractors during performance of a contract to the same degree the prime contractor relied on the small business in preparing and submitting its bid or proposal. To the extent a prime contractor is unable to make a good faith effort to utilize its small business subcontractors as

described above, the prime contractor is required to explain, in writing, within 30 days of contract completion, to the contracting officer the reasons why it was unable to do so.

(2) Authorizes contracting officers to calculate subcontracting goals in terms of total contract dollars in addition to the required goals in terms of total subcontracted dollars.

(3) Provides contracting officers with the discretion to require a subcontracting plan in instances where a small business rerepresents its size as an other than small business.

(4) Requires subcontracting plans even for modifications under the subcontracting plan threshold if said modifications would cause the contract to exceed the plan threshold.

(5) Requires prime contractors to assign North American Industry Classification System (NAICS) codes to subcontracts.

(6) Restricts prime contractors from prohibiting a subcontractor from discussing payment or utilization matters with the contracting officer.

(7) Requires prime contractors to resubmit a corrected subcontracting report within 30 days of receiving the

contracting officer’s notice of report rejection.

(8) Requires prime contractors to provide the socioeconomic status of the subcontractor in the notification to unsuccessful offerors for subcontracts.

(9) Requires prime contracts with subcontracting plans on task and delivery order contracts to report order level subcontracting information after November 2017.

(10) Facilitates funding agencies receiving small business subcontracting credit.

(11) On indefinite-delivery, indefinite-quantity contracts, allows the contracting officer to establish subcontracting goals at the order level (but not a new subcontracting plan).

This rule may have a positive economic impact on any small business entity that wishes to participate in the Federal procurement arena as a subcontractor.

Item II—OMB Circular Citation Update (FAR Case 2014–023)

This final rule amends the FAR to update outdated OMB Circular citation references. On December 26, 2013, the Office of Management and Budget (OMB) published new guidance at 2