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major system acquisitions when the waiver is in the interest of national defense or if the warranty obtained would not be cost beneficial. A waiver may be granted provided that the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science and Transportation of the Senate, and the Committee on Merchant Marine and Fisheries of the House of Representatives are notified, in writing, of the Secretary's intention to waive the warranty requirements and the reasons supporting such a determination prior to granting the waiver. The request for Secretarial waiver shall include, at a minimum:

(1) A brief description of the major system and its stage of production (e.g., the number of units delivered and anticipated to be delivered during the life of the program);

(2) The specific waiver requested, the duration of the waiver if it is to involve more than one contract, and the rationale for the waiver; and

(3) All documentation supporting the request for waiver, such as a cost-benefit analysis.

(b) The waiver request shall be forwarded to the Secretary, via the Office of Acquisition and Grant Management (M-60). The USCG shall maintain a written record of each waiver granted and the Congressional notification and report made, together with supporting documentation.

**PART 1247—TRANSPORTATION**

**Subpart 1247.1—General**

Sec.

1247.104-370 Contract clause.

**Subpart 1247.3—Transportation in Supply Contracts**

1247.305 Solicitation provisions, contract clauses, and transportation factors.

1247.305-70 Solicitation provisions.

1247.305-71 Contract clause.

**Subpart 1247.5—Ocean Transportation by U.S.-Flag Vessels**

1247.506 Procedures.

AUTHORITY: 5 U.S.C. 301; 41 U.S.C. 418(b); 48 CFR 3.1.

**48 CFR Ch. 12 (10-1-02 Edition)**

SOURCE: 59 FR 40287, Aug. 8, 1994, unless otherwise noted.

**Subpart 1247.1—General**

**1247.104-370 Contract clause.**

The contracting officer shall insert the clause at (TAR) 48 CFR 1252.247-70, Acceptable Service at Reduced Rates, to implement the requirements of (FAR) 48 CFR 47.104-3.

[59 FR 40287, Aug. 8, 1994, as amended at 61 FR 50250, Sept. 25, 1996]

**Subpart 1247.3—Transportation in Supply Contracts**

**1247.305 Solicitation provisions, contract clauses, and transportation factors.**

**1247.305-70 Solicitation provisions.**

The contracting officer shall insert the following provisions in solicitations, as applicable:

(a) (TAR) 48 CFR 1252.247-71, F.o.b. Origin Information, with Alternates I or II, as applicable, shall be inserted in accordance with (FAR) 48 CFR 47.305-3(b);

(b) (TAR) 48 CFR 1252.247-72, F.o.b. Origin Only, shall be inserted in accordance with (FAR) 48 CFR 47.305-3(e);

(c) (TAR) 48 CFR 1252.247-73, F.o.b. Destination Only, shall be inserted in accordance with (FAR) 48 CFR 47.305-4(b);

(d) (TAR) 48 CFR 1252.247-74, Shipments to Ports and Air Terminals, with Alternates I, II, and III, shall be inserted in accordance with (FAR) 48 CFR 47.305-6(a)(1) through (a)(4);

(e) (TAR) 48 CFR 1252.247-75, F.o.b. Designated Air Carrier's Terminal, Point of Exportation, implements the requirements of (FAR) 48 CFR 47.305-6(a)(5); and

(f) (TAR) 48 CFR 1252.247-76, Nomination of Additional Ports, implements the requirements of (FAR) 48 CFR 47.305-6(d).

[59 FR 40287, Aug. 8, 1994, as amended at 61 FR 50250, Sept. 25, 1996]

**1247.305-71 Contract clause.**

The contracting officer shall insert the clause at (TAR) 48 CFR 1252.247-77, Supply Movement in the Defense

## Department of Transportation

## 1252.101

Transportation System, in contracts to implement the requirements of (FAR) 48 CFR 47.305-6(f)(1).

[59 FR 40287, Aug. 8, 1994, as amended at 61 FR 50250, Sept. 25, 1996]

### Subpart 1247.5—Ocean Transportation by U.S.-Flag Vessels

#### 1247.506 Procedures.

(d) Reports concerning cargo preference shipments/ocean shipments (see (FAR) 48 CFR 47.506(d)) shall, as a minimum, contain the information and follow the procedures within subparagraph (c) of (FAR) 48 CFR 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels.

## PART 1252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

### Subpart 1252.1—Instructions for Using Provisions and Clauses

Sec.

1252.101 Using part 1252.

### Subpart 1252.2—Texts of Provisions and Clauses

1252.209-70 Disclosure of conflicts of interest.

1252.210-90 Bar coding requirement. (USCG)

1252.211-70 Brand name or equal.

1252.211-71 Index for specifications.

1252.211-90 Bar coding requirement. (USCG)

1252.213-90 Evaluation factor for Coast Guard performance of bar coding requirement. (USCG)

1252.215-70 Key personnel and/or facilities.

1252.216-70 Evaluation of offers subject to an economic price adjustment clause.

1252.216-71 Determination of award fee.

1252.216-72 Performance evaluation plan.

1252.216-73 Distribution of award fee.

1252.216-74 Settlement of letter contract.

1252.217-71 Delivery and shifting of vessel.

1252.217-72 Performance.

1252.217-73 Inspection and manner of doing work.

1252.217-74 Subcontracts.

1252.217-75 Lay days.

1252.217-76 Liability and insurance.

1252.217-77 Title.

1252.217-78 Discharge of liens.

1252.217-79 Delays.

1252.217-80 Department of Labor safety and health regulations for ship repairing.

1252.217-81 Guarantee.

1252.219-70 Small business and small disadvantaged business subcontracting reporting.

1252.220-90 Local hire. (USCG)

1252.222-70 Strikes or picketing affecting timely completion of the contract work.

1252.222-71 Strikes or picketing affecting access to a DOT facility.

1252.223-70 Removal or disposal of hazardous substances—applicable licenses and permits.

1252.223-71 Accident and fire reporting.

1252.223-72 Protection of human subjects.

1252.228-70 Loss of or damage to leased aircraft.

1252.228-71 Fair market value of aircraft.

1252.228-72 Risk and indemnities.

1252.228-90 Notification of Miller Act payment bond protection. (USCG)

1252.231-70 Date of incurrence of costs.

1252.236-70 Special precautions for work at operating airports.

1252.237-70 Qualifications of employees.

1252.237-71 Certification of data.

1252.237-72 Prohibition on advertising.

1252.237-90 Requirements. (USCG)

1252.237-91 Area of performance. (USCG)

1252.237-92 Performance and delivery. (USCG)

1252.237-93 Subcontracting. (USCG)

1252.237-94 Termination for default. (USCG)

1252.237-95 Group interment. (USCG)

1252.237-96 Permits. (USCG)

1252.237-97 Facility requirements. (USCG)

1252.237-98 Preparation history. (USCG)

1252.237-99 Award to single offeror. (USCG)

1252.242-70 Dissemination of information—educational institutions.

1252.242-71 Contractor testimony.

1252.242-72 Dissemination of contract information.

1252.242-73 Contracting officer's technical representative.

1252.245-70 Government property reports.

1252.247-70 Acceptable service at reduced rates.

1252.247-71 F.o.b. origin information.

1252.247-72 F.o.b. origin only.

1252.247-73 F.o.b. destination only.

1252.247-74 Shipments to ports and air terminals.

1252.247-75 F.o.b. designated air carrier's terminal, point of exportation.

1252.247-76 Nomination of additional ports.

1252.247-77 Supply movement in the Defense Transportation System.

#### APPENDIX TO PART 1252

AUTHORITY: 5 U.S.C. 301; 41 U.S.C. 418(b); 48 CFR 3.1.

SOURCE: 59 FR 40288, Aug. 8, 1994, unless otherwise noted.

### Subpart 1252.1—Instructions for Using Provisions and Clauses

#### 1252.101 Using part 1252.

(b) *Numbering—(2)(i) Provisions or clauses that supplement the FAR. (A)*