

(1) Whether all costs reimbursed to the mentor firm under the agreement were reasonably incurred to furnish assistance to the protégé in accordance with the mentor-protégé agreement and applicable regulations and procedures; and

(2) Whether the mentor and protégé accurately reported progress made by the protégé in employment, revenues, and participation in DoD contracts during the Program participation term and for 2 fiscal years following the expiration of the Program participation term.

(b) A checklist for annual performance reviews is available at [http://www.acq.osd.mil/sadbu/mentor\\_protege](http://www.acq.osd.mil/sadbu/mentor_protege).

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## DEPARTMENT OF DEFENSE

### 48 CFR Part 236

[DFARS Case 2003-D035]

#### Defense Federal Acquisition Regulation Supplement; Construction and Architect-Engineer Services

**AGENCY:** Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update text pertaining to selection of firms for architect-engineer contracts. This rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

**EFFECTIVE DATE:** December 15, 2004.

**FOR FURTHER INFORMATION CONTACT:** Mr. Euclides Barrera, Defense Acquisition Regulations Council, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0296; facsimile (703) 602-0350. Please cite DFARS Case 2003-D035.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS

Transformation initiative is available at <http://www.acq.osd.mil/dp/dars/transf.htm>.

This final rule is a result of the DFARS Transformation initiative. The changes in this rule—

- Revise DFARS 236.602-1 to remove procedures for establishment of evaluation criteria in the selection of firms for architect-engineer contracts. This text has been relocated to the new DFARS companion resource, Procedures, Guidance, and Information (PGI), available at <http://www.acq.osd.mil/dpap/dars/pgi>.

- Remove unnecessary text on preselection boards and selection authorities at DFARS 236.602-2 and 236.602-4.

- Amend DFARS 236.604 to reflect replacement of Standard Form 254, Architect—Engineer and Related Services Questionnaire, with Standard Form 330, Architect-Engineer Qualifications.

DoD published a proposed rule at 69 FR 35568 on June 25, 2004. DoD received no comments on the proposed rule. Therefore, DoD has adopted the proposed rule as a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

##### B. Regulatory Flexibility Act

DoD certifies 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 changes in the rule represent no substantive change to policy with regard to selection of firms for architect-engineer contracts.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any 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 236

Government procurement.

**Michele P. Peterson,**  
*Executive Editor, Defense Acquisition Regulations Council.*

■ Therefore, 48 CFR Part 236 is amended as follows:

■ 1. The authority citation for 48 CFR Part 236 continues to read as follows:

**Authority:** 41 U.S.C. 421 and 48 CFR Chapter 1.

## PART 236—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

■ 2. Section 236.602-1 is revised to read as follows:

### 236.602-1 Selection criteria.

(a) Establish the evaluation criteria before making the public announcement required by FAR 5.205(c) and include the criteria and their relative order of importance in the announcement. Follow the procedures at PGI 236.602-1(a).

### 236.602-2 and 236.602-4 [Removed]

■ 3. Sections 236.602-2 and 236.602-4 are removed.

■ 4. Section 236.604 is amended by revising paragraph (c)(ii) to read as follows:

### 236.604 Performance evaluation.

\* \* \* \* \*

(c) \* \* \*

(ii) File and use the DD Form 2631, Performance Evaluation (Architect-Engineer), in a manner similar to the SF 330, Architect-Engineer Qualifications, Part II.

[FR Doc. 04-27350 Filed 12-14-04; 8:45 am]

BILLING CODE 5001-08-P

## DEPARTMENT OF DEFENSE

### 48 CFR Part 237

[DFARS Case 2003-D107]

#### Defense Federal Acquisition Regulation Supplement; Firefighting Services Contracts

**AGENCY:** Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD has adopted as final, without change, an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 331 of the National Defense Authorization Act for Fiscal Year 2004. Section 331 provides authority for contractor performance of firefighting functions at military installations or facilities for periods of one year or less, if the functions would otherwise have to be performed by members of the armed forces who are not readily available due to a deployment.

**EFFECTIVE DATE:** December 15, 2004.

**FOR FURTHER INFORMATION CONTACT:** Ms. Robin Schulze, Defense Acquisition Regulations Council, OUSD (AT&L) DPAP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0326; facsimile (703) 602-0350. Please cite DFARS Case 2003-D107.

**SUPPLEMENTARY INFORMATION:****A. Background**

DoD published an interim DFARS rule at 69 FR 35532 on June 25, 2004, to implement Section 331 of the National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108-136). Section 331 amended 10 U.S.C. 2465 to permit the award of contracts for firefighting functions at military installations or facilities, for periods of one year or less, if the functions would otherwise have to be performed by members of the armed forces who are not readily available by reason of a deployment. DoD received no comments on the interim rule. Therefore, DoD has adopted the interim rule as a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

**B. Regulatory Flexibility Act**

DoD certifies 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 application of the rule is limited to firefighting functions at military installations or facilities for periods of one year or less, when members of the armed forces are not readily available to perform the functions due to a deployment.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply, because the rule does not impose any 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 237**

Government procurement.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

**Interim Rule Adopted as Final Without Change**

■ Accordingly, the interim rule amending 48 CFR Part 237, which was published at 69 FR 35532 on June 25, 2004, is adopted as a final rule without change.

[FR Doc. 04-27347 Filed 12-14-04; 8:45 am]

**BILLING CODE 5001-08-P**

**DEPARTMENT OF ENERGY****48 CFR Parts 909 and 970**

**RIN 1991-AB64**

**Acquisition Regulation: Work for Others**

**AGENCY:** Department of Energy.

**ACTION:** Interim final rule with request for comment.

**SUMMARY:** The Department of Energy (DOE) is amending the Department of Energy Acquisition Regulation (DEAR) to provide policy and procedures regarding work for non-DOE entities performed by DOE contractors who manage and operate DOE-owned or -leased facilities. The regulation is also being revised to make an administrative change concerning debarment and suspension officials. The contractor requirements previously found in DOE Order 481.1B, "Work for Others (Non-Department of Energy Funded Work)," are being relocated to the DEAR to ensure that authorization to perform non-DOE funded work is provided by DOE in a consistent and uniform manner. No other change in the DOE's Work for Others policy is being made.

**DATES:** Effective Date: January 14, 2005.

Comment Date: Interested persons may submit comments on this interim final rule by January 14, 2005.

**ADDRESSES:** This rule is available and comments may be submitted on line at <http://www.regulations.gov>. Comments may be submitted electronically to [richard.langston@hq.doe.gov](mailto:richard.langston@hq.doe.gov). Comments may be mailed to Richard Langston, Mail Code ME-61, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585 or phone (202) 287-1339.

**FOR FURTHER INFORMATION CONTACT:** Andrew Geary, U.S. Department of Energy, Office of Procurement and Assistance Management, ME-62, 1000 Independence Avenue, SW., Washington, DC 20585 at (202) 287-1507 or electronically at [andrew.geary@hq.doe.gov](mailto:andrew.geary@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:**

I. Background.

II. Section-by-Section Analysis.

III. Procedural Requirements.

A. Review Under Executive Order 12866.

B. Review Under Executive Order 12988.

C. Review Under the Regulatory Flexibility Act.

D. Review Under the Paperwork Reduction Act.

E. Review Under the National Environmental Policy Act.

F. Review Under Executive Order 13132.

G. Review Under the Unfunded Mandates Reform Act of 1995.

H. Review Under the Treasury and General Government Appropriations Act, 1999.

I. Review Under the Small Business Regulatory Enforcement Fairness Act of 1996.

J. Review Under Executive Order 13211.

K. Review Under the Treasury and General Government Appropriations Act, 2001.

L. Approval by the Office of the Secretary of Energy.

**I. Background**

DOE, including the National Nuclear Security Administration (NNSA), owns or sponsors major scientific research and development, and manufacturing facilities throughout the United States that are managed and operated by contractors. DOE permits these contractors to perform non-DOE work for other Federal agencies and non-Federal entities on a fully reimbursable basis when such work is authorized by law and the work requires DOE's unique technologies and capabilities.

Performance of this work is conducted under DOE's Work for Others Program. The Work for Others Program makes available for use special or unique services or facilities that are otherwise unavailable in the private sector. The Work for Others Program requires that funding for Work for Others projects be provided by a non-DOE sponsor. Performance of this work has allowed DOE and its management and operating contractors to assist other Federal agencies in accomplishing their missions and has provided assistance to non-Federal entities to solve complex and challenging technological issues.

DOE allows such work to be conducted by contractors provided that:

(1) DOE's laboratories and facilities do not compete directly with the domestic private sector;

(2) The acceptance and performance of work complies with applicable statutes and regulations;

(3) Work is fully funded by the non-DOE entity requesting work to be performed; and,

(4) The work to be performed is consistent with or complimentary to DOE missions and the missions of the facility where the work will be performed.

The purpose of this rule is to establish a uniform contract clause that will provide authority to DOE's management and operating contractors to perform fully reimbursable work under the terms and conditions set forth in their contracts.

This rule amends Part 970 of the DEAR which governs DOE contracts with entities that manage and operate DOE-owned or -leased facilities. The rule applies to contracts when the contractor performs fully reimbursable