

Inc., unless the agency making the purchase determines that the offered product or service provides the best value to the buying agency pursuant to Governmentwide procurement regulations issued pursuant to 41 U.S.C. 421(c)(1) that impose procedures, standards, and limitations of 10 U.S.C. 2410n. Section 637 became effective December 8, 2004. However, pursuant to Public Law 98-577 and FAR 1.501, the Councils will consider public comments received in response to this interim rule in the formation of the final rule.

List of Subjects in 48 CFR Parts 8 and 25

Government procurement.

Dated: April 1, 2005.

Rodney P. Lantier,

Director, Contract Policy Division, General Services Administration.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 8 and 25 as set forth below:

1. The authority citation for 48 CFR parts 8 and 25 is revised 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 8—REQUIRED SOURCES OF SUPPLIES AND SERVICES

2. Amend section 8.601 by adding paragraph (e) to read as follows:

8.601 General.

\* \* \* \* \*

(e) Agencies are encouraged to purchase FPI supplies and services to the maximum extent practicable.

3. Amend section 8.602 by—

a. Revising paragraph (a);

b. Revising the introductory text of paragraph (b), paragraphs (b)(4)(ii) and (b)(4)(iii); and adding paragraphs (b)(4)(iv) and (b)(4)(v);

c. Removing from paragraph (c) “8.605” and adding “8.605(b) through (g)” in its place; and

d. Removing paragraph (e) and redesignating paragraph (f) as paragraph (e).

The revised text reads as follows:

8.602 Policy.

(a) Agencies shall use the procedures in this subpart when purchasing supplies of the classes listed in the FPI Schedule.

(b) In accordance with 10 U.S.C. 2410n and Section 637 of Division H of the Consolidated Appropriations Act, 2005 (Pub. L. 108-447), agencies shall—

\* \* \* \* \*

(4) \* \* \*

(ii) Include FPI in the solicitation process and consider a timely offer from

FPI for award in accordance with the item description or specifications, and evaluation factors in the solicitation—

(A) If the solicitation is available through the Governmentwide point of entry (FedBizOpps), it is not necessary to provide a separate copy of the solicitation to FPI;

(B) If the solicitation is not available through FedBizOpps, provide a copy of the solicitation to FPI;

(iii) When using a multiple award schedule issued under the procedures in Subpart 8.4 or when using the fair opportunity procedures in 16.505—

(A) Establish and communicate to FPI the item description or specifications, and evaluation factors that will be used as the basis for selecting a source, so that an offer from FPI can be evaluated on the same basis as the contract or schedule holder; and

(B) Consider a timely offer from FPI;

(iv) Award to the source offering the item determined by the agency to provide the best value to the Government; and

(v) When the FPI item is determined to provide the best value to the Government as a result of FPI’s response to a competitive solicitation, follow the ordering procedures at http://www.unicor.gov.

\* \* \* \* \*

4. Amend section 8.605 by—

a. Removing the introductory text of paragraph (a);

b. Removing from the end of paragraph (e) the word “or”; and

c. Redesignating paragraph (f) as paragraph (g) and adding a new paragraph (f) to read as follows:

8.605 Exceptions.

\* \* \* \* \*

(f) Acquiring items that FPI offers exclusively on a competitive (non-mandatory) basis, as identified in the FPI Schedule; or

\* \* \* \* \*

PART 25—FOREIGN ACQUISITION

5. Amend section 25.401 by revising paragraph (a)(4) to read as follows:

25.401 Exceptions.

(a) \* \* \*

(4) Acquisitions from Federal Prison Industries, Inc., under Subpart 8.6, and acquisitions under Subpart 8.7, Acquisition from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled; and

\* \* \* \* \*

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 39

[FAC 2005-03; FAR Case 2004-020; Item II]

RIN 9000-AK05

Federal Acquisition Regulation; Section 508 Micropurchase Exemption

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 to convert the interim rule published in the Federal Register at 69 FR 59702, October 5, 2004, to a final rule without change. The final rule amends the Federal Acquisition Regulation (FAR) to extend the Electronic and Information Technology (Section 508) micropurchase exception from October 1, 2004 to April 1, 2005.

DATES: Effective Date: April 11, 2005.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat at (202) 501-4755 for information pertaining to status or publication schedules. For clarification of content, contact Ms. Linda Nelson, Procurement Analyst, at (202) 501-1900 or Ms. Angelena Moy, Case Manager, at (703) 602-1302. Please cite FAC 2005-03, FAR case 2004-020.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends the Federal Acquisition Regulation. DoD, GSA, and NASA published an interim rule in the Federal Register at 69 FR 59702, October 5, 2004. One respondent submitted public comments. The comments submitted were deemed outside the scope of the rule. The Councils concluded that the interim rule should be converted to a final rule without change.

The extension of the micropurchase exception until April 1, 2005, will provide agencies time to update their agency’s purchase card training modules on the 508 requirements and implement necessary training of personnel. Free online training developed by GSA, in collaboration with the Section 508 Executive Steering

Committee, is also available at <http://www.section508.gov>.

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 Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration 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 keeps the status quo by continuing the micropurchase exemption to Section 508 until April 1, 2005. The extension of the micropurchase exception will not cause a significant impact on the disability community or industry.

### 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 39

Government procurement.

Dated: April 1, 2005.

**Rodney P. Lantier,**

*Director, Contract Policy Division, General Services Administration.*

#### Interim Rule Adopted as Final Without Change

■ Accordingly, the interim rule amending 48 CFR part 39, which was published at 69 FR 59702, October 5, 2004, is adopted as a final rule without change.

[FR Doc. 05-6866 Filed 4-8-05; 8:45 am]

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## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Part 52

[FAC 2005-03; Item III]

#### 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 corrections.

**DATES:** *Effective Date:* April 11, 2005.

**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 2005-03, Technical Amendments.

#### List of Subjects in 48 CFR Part 52

Government procurement.

Dated: April 1, 2005.

**Rodney P. Lantier,**

*Director, Contract Policy Division, General Services Administration.*

■ Therefore, DoD, GSA, and NASA amend 48 CFR part 52 as set forth below:

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

■ 1. The authority citation for 48 CFR part 52 is revised to read as follows:

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

##### 52.212-5 [Amended]

■ 2. Amend section 52.212-5 by revising the date of the clause to read “(APR 2005)”; and by removing from paragraph (b)(26) “(DEC 2003)” and adding “(MAR 2005)” in its place.

##### 52.213-4 [Amended]

■ 3. Amend section 52.213-4 by revising the date of the clause to read “(APR 2005)”; and by removing from paragraph (a)(1)(iv) “(DEC 2003)” and adding “(MAR 2005)” in its place.

##### 52.219-18 [Amended]

■ 4. Amend section 52.219-18, in Alternate I, by removing “(Nov 1989)” and adding “(Apr 2005)” in its place; removing “subparagraph (a)(4)” and adding “paragraph (a)(3)” in its place; and removing the paragraph designation “(4)” and adding “(3)” in its place.

##### 52.225-13 [Amended]

■ 5. Amend section 52.225-13 by removing from the clause heading “(DEC 2003)” and adding “(MAR 2005)” in its place.

[FR Doc. 05-6867 Filed 4-8-05; 8:45 am]

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## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Chapter 1

#### Federal Acquisition Regulation; Small Entity Compliance Guide

**AGENCIES:** 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 the Secretary of Defense, the Administrator of General Services and the Administrator for the National Aeronautics and Space Administration. 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 rules appearing in Federal Acquisition Circular (FAC) 2005-03 which amend the 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 2005-03 which precedes this document. These documents are also available via the Internet at <http://www.acqnet.gov/far>.

**FOR FURTHER INFORMATION CONTACT:** Laurieann Duarte, FAR Secretariat, (202) 501-4755. For clarification of content, contact the analyst whose name appears in the table below.