

solicitations and purchase orders issued under the PA cited in 219.800.

219.812 [Removed]

■ 20. Section 219.812 is removed.

■ 21. Section 219.1101 is added to read as follows:

219.1101 General.

The determination to use or suspend the price evaluation adjustment for DoD acquisitions can be found at <http://www.acq.osd.mil/dpap/dars/classdev/index.htm>.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 22. Section 252.212–7001 is amended by revising the clause date and paragraphs (b)(2) and (3) to read as follows:

252.212–7001 Contract terms and conditions required to implement Statutes or Executive orders applicable to Defense acquisitions of commercial items.

* * * * *

CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS APPLICABLE TO DEFENSE ACQUISITIONS OF COMMERCIAL ITEMS (APR 2007)

* * * * *

(b) * * *
(2) 252.219–7003, Small Business Subcontracting Plan (DoD Contracts) (APR 2007) (15 U.S.C. 637).

(3) 252.219–7004, Small Business Subcontracting Plan (Test Program) (APR 2007) (15 U.S.C. 637 note).

* * * * *

■ 23. Section 252.219–7003 is amended by revising the section heading, the clause title and date, the introductory text preceding paragraph (a), and paragraph (g) to read as follows:

252.219–7003 Small business subcontracting plan (DoD contracts).

* * * * *

SMALL BUSINESS SUBCONTRACTING PLAN (DOD CONTRACTS) (APR 2007)

This clause supplements the Federal Acquisition Regulation 52.219–9, Small Business Subcontracting Plan, clause of this contract.

* * * * *

(g) In those subcontracting plans which specifically identify small businesses, the Contractor shall notify the Administrative Contracting Officer of any substitutions of firms that are not small business firms, for the small business firms specifically identified in the subcontracting plan. Notifications shall be in writing and shall occur within a reasonable period of time after award of the subcontract. Contractor-specified formats shall be acceptable.

■ 24. Section 252.219–7004 is amended by revising the section heading, the clause title and date, and paragraph (d) to read as follows:

252.219–7004 Small business subcontracting plan (test program).

* * * * *

SMALL BUSINESS SUBCONTRACTING PLAN (TEST PROGRAM) (APR 2007)

* * * * *

(d) The failure of the Contractor or subcontractor to comply in good faith with (1) the clause of this contract entitled “Utilization of Small Business Concerns,” or (2) an approved plan required by this clause, shall be a material breach of the contract.

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 222

RIN 0750–AF59

Defense Federal Acquisition Regulation Supplement; Wage Determinations (DFARS Case 2006–D043)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update procedures for obtaining Department of Labor wage determinations for construction and service contracts. The DFARS amendments are consistent with changes made to the Federal Acquisition Regulation.

EFFECTIVE DATE: April 26, 2007.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0328; facsimile (703) 602–0350. Please cite DFARS Case 2006–D043.

SUPPLEMENTARY INFORMATION:

A. Background

Item IV of Federal Acquisition Circular 2005–10, published at 71 FR 36930 on June 28, 2006, amended the Federal Acquisition Regulation to implement the Wage Determinations OnLine internet Website as the source for obtaining Department of Labor wage

determinations for construction and service contracts.

This final rule makes the following corresponding DFARS changes:

- Revises the heading of sections 222.001 and 222.1008.
- Relocates text addressing use of the Service Contract Act Directory of Occupations, from 222.1008–2 to 222.1008–1, and updates the text to reflect the replacement of Standard Form 98a with the electronic e98 process.

- Removes obsolete text at 222.1008–7 and 222.1014.

In addition, this final rule adds DFARS section 222.404–2, which contains a reference to internal DoD procedures for obtaining clarification of proper application of construction wage rate schedules.

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

B. Regulatory Flexibility Act

This rule will not have a significant cost or administrative impact on contractors or offerors, or a significant effect beyond the internal operating procedures of DoD. Therefore, publication for public comment under 41 U.S.C. 418b is not required. However, DoD will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2006–D043.

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 222

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR part 222 is amended as follows:

PART 222—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

■ 1. The authority citation for 48 CFR part 222 continues to read as follows:

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

■ 2. Section 222.001 is amended by revising the section heading to read as follows:

222.001 Definitions.

* * * * *

■ 3. Section 222.404–2 is added to read as follows:

222.404–2 General requirements.

(c)(5) Follow the procedures at PGI 222.404–2(c)(5) when seeking clarification of the proper application of construction wage rate schedules.

■ 4. Section 222.1008 is revised to read as follows:

222.1008 Procedures for obtaining wage determinations.

■ 5. Section 222.1008–1 is added to read as follows:

222.1008–1 Obtaining wage determinations.

Follow the procedures at PGI 222.1008–1 regarding use of the Service Contract Act Directory of Occupations when preparing the e98.

222.1008–2, 222.1008–7, and 222.1014 [Removed]

■ 6. Sections 222.1008–2, 222.1008–7, and 222.1014 are removed.

[FR Doc. E7–7908 Filed 4–25–07; 8:45 am]

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DEPARTMENT OF DEFENSE**Defense Acquisition Regulations System****48 CFR Parts 222 and 252**

RIN 0750–AF65

Defense Federal Acquisition Regulation Supplement; Military Construction on Guam (DFARS Case 2006–D065)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove text addressing a statutory prohibition on the use of nonimmigrant aliens to perform work under contracts for military construction on Guam. The statutory prohibition was repealed by Section 2810 of the National Defense Authorization Act for Fiscal Year 2007. **EFFECTIVE DATE:** April 26, 2007.

FOR FURTHER INFORMATION CONTACT: Ms. Felisha Hitt, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0310; facsimile (703) 602–0350. Please cite DFARS Case 2006–D065.

SUPPLEMENTARY INFORMATION:**A. Background**

10 U.S.C. 2864 contained a prohibition on the performance of work by persons with nonimmigrant status under contracts for military construction on Guam. Section 2810 of the National Defense Authorization Act for Fiscal Year 2007 (Pub. L. 109–364) repealed 10 U.S.C. 2864. Therefore, this final rule revises DFARS Subpart 222.73 to remove references to the prohibition of 10 U.S.C. 2864. The statutory prohibition on the use of nonimmigrant aliens under contracts for base operations support on Guam (Pub. L. 105–85, Section 390) is still in effect and continues to be implemented in DFARS Subpart 222.73.

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

B. Regulatory Flexibility Act

This rule will not have a significant cost or administrative impact on contractors or offerors, or a significant effect beyond the internal operating procedures of DoD. Therefore, publication for public comment under 41 U.S.C. 418b is not required. However, DoD will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2006–D065.

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 Parts 222 and 252

Government procurement.

Michele P. Peterson,
Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR parts 222 and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 222 and 252 continues to read as follows:

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

PART 222—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

■ 2. Section 222.7300 is revised to read as follows:

222.7300 Scope of subpart.

This subpart—

(a) Implements Section 390 of the National Defense Authorization Act for Fiscal Year 1998 (Pub. L. 105–85); and

(b) Applies to contracts for base operations support on Guam that—

(1) Are awarded as a result of a competition conducted under OMB Circular A–76; and

(2) Are entered into or modified on or after November 18, 1997.

■ 3. Section 222.7301 is amended by revising paragraph (a) to read as follows:

222.7301 Prohibition on use of nonimmigrant aliens.

(a) Any alien who is issued a visa or otherwise provided nonimmigrant status under Section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)) is prohibited from performing work under a contract for base operations support on Guam.

* * * * *

■ 4. Section 222.7302 is revised to read as follows:

222.7302 Contract clause.

Use the clause at 252.222–7005, Prohibition on Use of Nonimmigrant Aliens—Guam, in solicitations and contracts subject to this subpart.

222.7303 [Removed]

■ 5. Section 222.7303 is removed.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**252.222–7005 [Amended]**

■ 6. Section 252.222–7005 is amended in the introductory text by removing “222.7303” and adding in its place “222.7302”.

[FR Doc. E7–7912 Filed 4–25–07; 8:45 am]

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