- (c) The head of the agency, with the concurrence of the Administrator of OFPP, has certified to the Congress that the agency has implemented full FACNET.
- (d) Eligible contracts do not include any class or classes of contracts that the Federal Acquisition Regulatory Council determines, after October 13, 1997, are not suitable for acquisition through FACNET.

### 4.505-3 Governmentwide certification.

The Federal Government is considered to have implemented Governmentwide FACNET if:

- (a) During the preceding fiscal year, at least 75 percent of eligible contracts entered into by executive agencies that exceeded the micro-purchase threshold and did not exceed the simplified acquisition threshold were made via full FACNET; and
- (b) The Administrator of OFPP has certified implementation of governmentwide FACNET to the Congress.

### 4.505-4 Contract actions excluded.

For purposes of calculating the percentage of FACNET use referred to in 4.505–2 and 4.505–3, actions issued against established contracts, such as delivery orders, task orders, and in scope modifications shall not be included.

### 4.506 Exemptions.

The following contracts are exempted from the use of FACNET, as specified below, and shall not be considered when determining compliance with the requirements to implement FACNET:

- (a) Interim FACNET.
- (1) Classes of procurements exempted by the head of the contracting activity after a written determination is made that FACNET processing of those procurements is not cost effective or practicable; and specific purchases for which the contracting officer determines that it is not practicable or cost effective to process via FACNET. Such determinations shall be centrally maintained at the contracting activity.
- (2) Contracts that do not require notice under subpart 5.202.
- (b) Full FACNÈT—Contracts made by a contracting activity (or a portion of a contracting activity), if the activity is exempted from use of FACNET by the head of the agency or the Under Secretary of Defense for Acquisition and Technology for the Department of Defense. Any such exemption shall be based on a written determination that FACNET processing is not cost effective or practicable for the contracting activity, or portions thereof.

Determinations shall be maintained in the office of the senior procurement executive or the Under Secretary of Defense for Acquisitions and Technology for the Department of Defense.

## 4.507 Contract actions using simplified acquisition procedures.

Contracting officers shall refer to section 13.106 for evaluation and documentation requirements when awarding contracts using simplified acquisition procedures.

9. Section 4.800 is revised to read as follows:

### 4.800 Scope of subpart.

This subpart prescribes requirements for establishing, maintaining, and disposing of contract files for all contractual actions. The application of this subpart to contracts made using the simplified acquisition procedures covered by Part 13 is optional. (See also documentation requirements in 13.106–2).

10. Section 4.804–1 is amended by revising paragraphs (a)(1) and (a)(2) to read as follows:

## 4.804–1 Closeout by the office administering the contract.

- (a) \* \* \*
- (1) Files for contracts using simplified acquisition procedures should be considered closed when the contracting officer receives evidence of receipt of property and final payment, unless otherwise specified by agency regulations.
- (2) Files for firm-fixed-price contracts other than those using simplified acquisition procedures should be closed within 6 months after the date in which the contracting officer receives evidence of physical completion.
- 11. Section 4.804–2 is amended by revising paragraph (a) to read as follows:

# 4.804–2 Closeout of the contracting office files if another office administers the contract.

(a) Contract files for contracts using simplified acquisition procedures should be considered closed when the contracting officer receives evidence of receipt of property and final payment, unless otherwise specified by regulation.

12. Section 4.805 is amended in the table in paragraph (b) by revising the entries in the "Document" column of paragraphs (b)(5), (10), (11), and (13) to

read as follows:

### 4.805 Storage, handling and disposal of contract files.

(b) \* \* \*

Document				Reten- tion period
*	*	*	*	*
(5) Unsuccessful offers or quotations that pertain to contracts using sim- plified acquisition procedures				
*	*	*	*	*
(10) Records or documents other than those in paragraphs 4.805(b) (1)–(9) of this section pertaining to contracts using simplified acquisition procedures				
*	*	*	*	*
(11) Records or documents other than those in paragraphs 4.805(b) (1)–(10) of this section pertaining to contracts using simplified acquisition procedures				
*	*	*	*	*
(13) Solicited and unsolicited unsuccessful offers and quotations above the appropriate simplified acquisition threshold in Part 13				
*	*	*	*	*

# PART 5—PUBLICIZING CONTRACT ACTIONS

13. Section 5.002 is amended by revising paragraph (c) to read as follows:

### 5.002 Policy.

\* \* \* \* \*

- (c) Assist small business concerns, small disadvantaged business concerns, and women owned small businesses in obtaining contracts and subcontracts.
- 14. Section 5.101 is amended by revising paragraphs (a) introductory text, (a)(1), and (a)(2) introductory text and (a)(2)(ii) to read as follows:

## 5.101 Methods of disseminating information.

\* \* \* \* \*

- (a) As required by the Small Business Act (U.S.C. 637(e)) and the Office of Federal Procurement Policy Act (41 U.S.C. 416), and unless the contract action is being made by a contracting activity that has been certified as having implemented a system with interim (until December 31, 1999) or full (after December 31, 1999) FACNET and the contract action will be made through FACNET, contracting officers shall disseminate information on proposed contract actions as follows:
- (1) For contract actions expected to exceed \$25,000, by synopsizing in the