suppliers contacted, and other pertinent data.

(e) Purchasing offices shall retain data supporting purchases using simplified acquisition procedures to the minimum extent and duration necessary for management review purposes. (See Subpart 4.8)

36. 13.107 is revised to read as follows:

13.107 Solicitation forms.

(a) Except when quotations are solicited via FACNET or orally, Standard Form 18, Request for Quotations (illustrated in 53.301–18), is available, but not required, for use by all agencies.

(b) Optional Form 336, Continuation Sheet, may be used with Standard Form 18 when additional space is needed.

(c) If Standard Form 18 is not used for written solicitations, contracting officers may request quotations using an agency-designed form, an agency-approved automated format, or electronically.

(d) Each agency-designed request for quotations form shall conform with Standard Form 18, insofar as practical.

(e) When using an unsigned electronic purchase orders (see 13.506) for transmission of a request for quotations, the provisions and clauses applicable to the solicitation shall be incorporated by reference.

37. 13.108 is revised to read as follows:

13.108 Legal effect of quotations.

(a) A quotation is not an offer and, consequently, cannot be accepted by the Government to form a binding contract (see 15.402(e)). Therefore, issuance by the Government of an order for supplies or services in response to a suppliers quotation does not establish a contract. The order is an offer by the Government to the supplier to buy certain supplies or services upon specified terms and conditions. A contract is established when the supplier accepts the offer or begins performance.

(b) When appropriate, the contracting officer may request the supplier to indicate acceptance of an order by notification to the Government, preferably in writing. In other circumstances, the supplier may indicate acceptance by furnishing the supplies or services ordered or by proceeding with the work to the point where substantial performance has

occurred.

(c) If the Government issues an order resulting from a quotation, the Government may (by written notice to the supplier, at any time before acceptance occurs) withdraw, amend, or cancel its offer. (See 13.504 for

procedures on termination or cancellation of purchase orders.)

38. 13.109 is revised to read as follows:

13.109 Agency use of indefinite delivery contracts.

Costs and processing time for acquisitions at or below the simplified acquisition threshold may be reduced through the use of indefinite delivery contracts (see Subpart 16.5) that permit delivery orders to be placed by several contracting or ordering offices in one or more executive agencies. Therefore contracting offices are encouraged to seek opportunities to cooperate with each other to achieve efficiency and economy through the use of indefinite delivery contracts.

39. 13.110 is added to read as follows:

13.110 Federal Acquisition Streamlining Act of 1994 (FASTA) list of inapplicable laws.

(a) The following laws are inapplicable to all contracts and subcontracts (if otherwise applicable to subcontractors) at or below the simplified acquisition threshold:

simplified acquisition threshold: (1) 41 U.S.C. 57(a) & (b) (Anti-Kickback Act of 1986)(Only the requirement for the incorporation of the contractor procedures for the prevention and detection of violations, and the contractual requirement for contractor cooperation in investigations are inapplicable.)

(2) 40 U.S.C. 27 (Miller Act) (but see Part 28)

(3) 40 U.S.C. 329 (Contract Work Hours and Safety Standards Act— Overtime Compensation)

(4) 41 U.S.C. 701(a)(1) (Section 5152 of the Drug Free Workplace Act of 1988)

(5) 42 U.S.C. 6962 (Solid Waste Disposal Act) (Only the requirement for providing the estimate of material utilized for the performance of the contract which is recovered materials is inapplicable.)

(6) 10 U.S.C. 2306(b) and 41 U.S.C. 254(a) (Contract Clause Regarding Contingent Fees.)

(7) 10 U.S.C. 2313 and 41 U.S.C. 254(c) (Authority to Examine Books and Records of Contractors.)

(8) 10 U.S.C. 2384(b) (Requirement to Identify Suppliers and Sources of

(9) 10 U.S.C. 2393(d) (Prohibition Against Doing Business with Certain Offerors or Contractors.)

(10) 10 U.S.C. 2402 and 41 U.S.C. 253g (Prohibition on Limiting Subcontractor Direct Sales to the United States.)

(11) 10 U.S.C. 2408(a) (Prohibition on Persons Convicted of Defense Related Felonies.)

(12) 10 U.S.C. 2410b (Contractor Inventory Accounting System Standards.)

(13) 10 U.S.C. 2534 (Miscellaneous Procurement Limitations.)

(b) The Federal Acquisition
Regulatory Council will include any law enacted after October 13, 1994 that sets forth policies, procedures, requirements, or restrictions for the procurement of property or services on the list set forth in 13.110(a), unless the FAR Council makes a written determination that it is in the best interests of the government that the enactment should apply to contracts or subcontracts not greater than the simplified acquisition threshold.

(c) The provisions of 13.110(b) do not apply to laws that:

(1) provide for criminal or civil penalties; or

(2) specifically state that notwithstanding the language of Section 4101, Pub. L. 103–355, the enactment will be applicable to contracts or subcontracts in amounts not greater than the simplified acquisition threshold.

(d) Any individual may petition the Administrator for Federal Procurement Policy to include any applicable provision of law not included on the list set forth in 13.110(a) unless the FAR Council has already determined in writing that the law is applicable.

(e) The Administrator of OFPP will include the law on the list in 13.110(a) unless the FAR Council makes a determination that it is applicable within sixty days of receiving the petition.

40. Subpart 13.2 is revised to read as follows:

Subpart 13.2—Blanket Purchase Agreements

Sec.

13.201 General.

13.202 [Reserved]

13.203 Establishment of Blanket Purchase Agreements.

13.203-1 General.

13.203-2 Clauses.

13.204 Purchases under Blanket Purchase Agreements.

13.205 Review procedures.

13.206 Completion of Blanket Purchase Agreements.

13.201 General.

(a) A blanket purchase agreement (BPA) is a simplified method of filling anticipated repetitive needs for supplies or services by establishing "charge accounts" with qualified sources of supply (see Subpart 16.7 for additional coverage of agreements).

(b) BPAs should be established at the appropriate level responsible for