

**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 are exempted from the use of FACNET as specified 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 office.

(2) Contracts that do not require notice under subpart 5.2.

(b) *Full FACNET.* Contracts awarded by a contracting office (or a portion of a contracting office), if the office is exempted from use of FACNET by the head of the agency, or the Secretary of Defense for the military departments and defense agencies. Any such exemption shall be based on a written determination that FACNET processing is not cost-effective or practicable for the contracting office, or portions thereof. Determinations shall be maintained in the office of the senior procurement executive, or the Under Secretary of Defense for Acquisition and Technology for the military departments and defense agencies.

**4.507 Contract actions using simplified acquisition procedures.**

Contracting officers shall refer to section 12.106 for evaluation and documentation requirements when awarding contracts using simplified acquisition procedures.

10. Section 4.800 is revised to read as follows:

**4.800 Scope of subpart.**

This subpart prescribes requirements for establishing, maintaining, an disposing of contract files for all contractual actions. The application of this subpart to contracts awarded using the simplified acquisition procedures covered by part 13 is optional. (See also documentation requirements in 12.106-2.)

11. 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 on which the contracting officer receives evidence of physical completion.

\* \* \* \* \*

12. 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 agency regulation.

\* \* \* \* \*

13. 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 the introductory text of (b)(13) to read as follows:

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

\* \* \* \* \*

(b) \* \* \*

Document	Retention Period
(5) Unsuccessful offers or quotations that pertain to contracts using simplified 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 not using simplified acquisition procedures. ....	* * * * *

Document	Retention Period
(13) Solicited and unsolicited unsuccessful offers and quotations above the simplified acquisition threshold in part 13: .....	* * * * *

**PART 5—PUBLICIZING CONTRACT ACTIONS**

14. Section 5.101 is amended by revising paragraphs (a)(1), (a)(2) introductory text, and (a)(2)(ii) to read as follows:

**5.101 Methods of disseminating information.**

\* \* \* \* \*

(a) \* \* \*

(1) For proposed contract actions expected to exceed \$25,000, by synthesizing in the Commerce Business Daily (CBD) (see 5.201); and

(2) For proposed contract actions expected to exceed \$10,000 (\$5,000 for Defense activities), but not expected to exceed \$25,000, by displaying in a public place at the contracting office issuing the solicitation, an unclassified notice of the solicitation or a copy of the solicitation satisfying the requirements of 5.207 (c) and (f). The notice shall include a statement that all responsible sources may submit a quotation which, if timely received, shall be considered by the agency. Such information shall be posted not later than the date the solicitation is issued, and shall remain posted for at least 10 days or until after quotations have been opened, whichever is later.

\* \* \* \* \*

(ii) The contracting officer need not comply with the display requirements of this section when the exemptions at 5.202(a)(1), (5) through (9), or (11) apply, or when oral or FACNET solicitations are used. The exemption from display requirements does not relieve the contracting officer from the responsibility to consider all quotations timely received from responsible sources.

\* \* \* \* \*

15. Section 5.202 is amended by removing "or" at the end of (a)(11) and the period at the end of (a)(12) and inserting a semicolon in its place; and adding paragraphs (a)(13) and (a)(14) to read as follows:

**5.202 Exceptions.**

\* \* \* \* \*

(a) \* \* \*

(13) The contract action is for an amount expected to exceed \$25,000 but