

(5) The purchasing office retains all contract administration functions.

(b) When an unsigned EPO is used—

(1) Appropriate clauses shall be incorporated by reference;

(2) Administrative information that is not needed by the supplier shall be placed only on copies intended for internal distribution;

(3) The same distribution shall be made of the unsigned EPO as is made of signed purchase orders; and

(4) No purchase order form is required.

(c) An unsigned EPO may be unpriced if it meets the conditions in 13.502.

#### 13.507 Provisions and clauses.

(a) Each purchase order (and each purchase order modification (see 13.503)) shall incorporate all clauses required for or applicable to the particular acquisition.

(b) The contracting officer shall insert the clause at 52.213-2, Invoices, in purchase orders that authorize advance payments (see 31 U.S.C. 3324(d)(2)) for subscriptions or other charges for newspapers, magazines, periodicals, or other publications (i.e., any publication printed, microfilmed, photocopied, or magnetically or otherwise recorded for auditory or visual usage).

(c) The contracting officer shall insert the clause at 52.213-3, Notice to Supplier, in unpriced purchase orders.

### PART 15—CONTRACTING BY NEGOTIATION

47. Section 15.106-1 is amended by revising paragraph (b)(1) to read as follows:

#### 15.106-1 Examination of Record clause.

\* \* \* \* \*

(b) \* \* \*

(1) The contract amount is at or below the simplified acquisition threshold;

\* \* \* \* \*

48. Section 15.106-2 is amended by revising the first sentence in paragraph (b) to read as follows:

#### 15.106-2 Audit-Negotiation clause.

\* \* \* \* \*

(b) The contracting officer shall insert the clause at 52.215-2, Audit-Negotiation, in solicitations and contracts when contracting by negotiation, unless the acquisition is made under simplified acquisition procedures. \* \* \*

49. Section 15.401 is amended by revising paragraph (a) to read as follows:

#### 15.401 Applicability.

\* \* \* \* \*

(a) Acquisitions made under simplified acquisition procedures (see part 13); and

\* \* \* \* \*

50. Section 15.602 is amended by revising paragraph (b) to read as follows:

#### 15.602 Applicability.

\* \* \* \* \*

(b) This subpart does not apply to acquisitions using simplified acquisition procedures (see part 13).

51. Section 15.804-2 is amended by revising the first sentence of paragraph (a)(3) introductory text; and (a)(4) and (a)(5) to read as follows:

#### 15.804-2 Requiring certified cost or pricing data.

(a) \* \* \*

\* \* \* \* \*

(3) The contracting officer may obtain certified cost or pricing data for pricing actions below the pertinent threshold in paragraph (a)(1) of this section provided the action exceeds the simplified acquisition threshold. \* \* \*

\* \* \* \* \*

(4) The contracting officer shall not require certified cost or pricing data when awarding a contract below the simplified acquisition threshold in part 13.

(5) When certified cost or pricing data are not required, the contracting officer may request partial or limited data to determine a reasonable price.

\* \* \* \* \*

52. Section 15.812-2 is amended by revising paragraph (a)(1) to read as follows:

#### 15.812-2 Contract clause.

(a) \* \* \*

(1) Acquisitions at or below the simplified acquisition threshold;

\* \* \* \* \*

53. Section 15.1001 is amended by revising the first sentence of paragraph (b)(1), and (c)(1) introductory text and (c)(3) to read as follows:

#### 15.1001 Notifications to unsuccessful offerors.

\* \* \* \* \*

(b) \* \* \* (1) When the proposal evaluation period for a solicitation not using simplified acquisition procedures in part 13 is expected to exceed 30 days, or when a limited number of offerors have been selected as being within the competitive range (see 15.609), the contracting officer, upon determining that a proposal is unacceptable, shall promptly notify the offeror. \* \* \*

\* \* \* \* \*

(c) *Postaward notices.* (1) After award of contracts resulting from solicitations

not using simplified acquisition procedures, the contracting officer shall notify unsuccessful offerors in writing or electronically, unless preaward notice was given under paragraph (b) of this section. The notice shall include—

\* \* \* \* \*

(3) Upon request, the contracting officer shall furnish the information described in 15.1001(c)(1) (i) through (v) to unsuccessful offerors in solicitations using simplified acquisition procedures in part 13.

### PART 16—TYPES OF CONTRACTS

54. Section 16.000 is amended by revising the first sentence to read as follows:

#### 16.000 Scope of part.

This part describes types of contracts that may be used in acquisitions other than those made under simplified acquisition procedures in part 13, unless otherwise authorized by agency procedures. \* \* \*

55. Section 16.103 is amended by revising paragraph (d)(1) to read as follows:

#### 16.103 Negotiating contract type.

\* \* \* \* \*

(d) \* \* \* (1) acquisitions made under simplified acquisition procedures in part 13, unless otherwise required under agency procedures,

\* \* \* \* \*

56. Section 16.105 is revised to read as follows:

#### 16.105 Solicitation provision.

The contracting officer shall complete and insert the provision at 52.216-1, Type of Contract, in a solicitation unless it is for—

(a) A fixed-price acquisition made under simplified acquisition procedures (see part 13); or

(b) Information or planning purposes.

### PART 19—SMALL BUSINESS PROGRAMS

#### 19.102 [Amended]

57. Section 19.102 is amended by removing paragraph (f)(3) and redesignating paragraphs (f)(4) through (f)(7) as (f)(3) through (f)(6).

58. Section 19.303 is amended by revising paragraph (a) to read as follows:

#### 19.303 Determining product or service classifications.

(a) The contracting officer shall determine the appropriate standard industrial classification code and related small business size standard and include them in solicitations above the micro-purchase threshold in 13.101.

\* \* \* \* \*