Item VII—Preaward Survey (DFARS Case 95–D016)

This final rule revises DFARS 209.106–1 to delete the requirement for the contracting officer to contact the cognizant contract administration activity when the contracting officer is unable to make a determination of responsibility for a low-dollar value acquisition. Guidance regarding sources of information to support determinations of responsibility can be found at FAR 9.105–1(c).

Item VIII—Qualification Requirements (DFARS Case 95–D011)

This final rule revises DFARS 209.202 to delegate authority for approval of qualification requirements, except those pertaining to Qualified Products Lists (QPLs) or Qualified Manufacturers Lists (QMLs), to the chief of the contracting office. QPLs and QMLs are managed in accordance with DoD Manual 4120.3– M, Defense Standardization Program Policies and Procedures.

Item IX—Institutions of Higher Education (DFARS Case 94–D310)

This interim rule was issued by Departmental Letter 95-007, effective March 6, 1995. The rule adds a new section and contract clause at DFARS 209.470 and 252.209-7005 to implement Section 558 of the Fiscal Year 1995 Defense Authorization Act (Pub. L. 103-337). Section 558 provides that no funds available to DoD may be provided by grant or contract to any institution of higher education that has a policy of denying, or which effectively prevents the Secretary of Defense from obtaining for military recruiting purposes, entry to campuses, access to students on campuses, or access to directory information pertaining to students.

Item X—Audit (DFARS Case 95-D705)

This final rule amends DFARS 215.804-8, 235.015-71, 237.7204, 252.239-7010, and C-204.3, and deletes the clause at 252.215-7001, to reflect revisions to the FAR published as Item I of Federal Acquisition Circular (FAC) 90-31 on August 16, 1995. Item I of FAC 90–31 (1) revised the policy pertaining to contractor records retention at FAR 4.703; (2) deleted the clause at FAR 52.215-1, Examination of Records by Comptroller General; and (3) revised the clauses at FAR 52.214-26, Audit and Records—Sealed Bidding, and 52.215-2, Audit and Records-Negotiation, to provide for examination of records by the Comptroller General.

Item XI—Field Pricing Report (DFARS Case 95–D010)

This final rule amends DFARS 215.805–5 to increase, from \$1 million to \$10 million, the dollar threshold for requesting field pricing reports for costtype proposals from offerors without significant estimating system deficiencies.

Item XII—Comprehensive Small Business Subcontracting Plans (DFARS Case 95–D002)

This final rule was issued by Departmental Letter 95–015, effective July 10, 1995. The rule amends DFARS 219.702 and the clause at 252.219–7004 to implement Section 7103 of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103–355). Section 7103 extends, through September 30, 1998, the test program for contractor use of comprehensive small business subcontracting plans.

Item XIII—Subcontracting Plans for Nonprofit Agencies for the Blind or Severely Disabled (DFARS Case 94– D312)

The interim rule issued by Departmental Letter 95–004, on February 27, 1995, is converted to a final rule without change. The rule amends DFARS 219.703 to implement Section 804 of the Fiscal Year 1995 Defense Authorization Act (Pub. L. 103– 337). Section 804 extends, through September 30, 1997, the authority for contractors to claim credit toward their small business subcontracting goals for subcontracts with qualified nonprofit agencies for the blind or severely disabled.

Item XIV—Evaluation Preference for Small Disadvantaged Business Concerns (DFARS Case 95–D008)

This final rule was issued by Departmental Letter 95–017, effective August 22, 1995. The rule amends DFARS 219.7001 to state that the evaluation preference for small disadvantaged business concerns shall not be used in acquisitions for long distance telecommunications services.

Item XV—Environmentally Sound Products (DFARS Case 95–D303)

This final rule adds a new section at DFARS 223.404 to (1) designate the approving official for acquisition of EPA designated items which do not meet EPA or agency minimum recovered material standards; and (2) require agency collection and consolidation of annual contractor certifications pertaining to the use of recovered materials.

Item XVI—Hazardous Materials (DFARS Case 94–D309)

The interim rule issued by Departmental Letter 95-006, on March 6, 1995, is revised and finalized. The rule amends DFARS Subpart 223.71 and the clause at 252.223-7006 to implement Section 325 of the Fiscal Year 1995 Defense Authorization Act (Pub. L. 103-337). Section 325 provides an additional exception to the statutory prohibition on storage and disposal of non-DoD-owned toxic and hazardous materials on military installations. The final rule differs from the interim rule in that it revises alternate paragraph (d) of the clause at 252.223-7006 to clarify requirements for flowdown of the clause to subcontractors.

Item XVII—Determinations Under the Buy American Act (DFARS Case 94– D313)

The interim rule issued by Departmental Letter 95–011, dated July 3, 1995, is converted to a final rule without change. The rule amends DFARS 225.102 to implement Section 812 of the Fiscal Year 1995 Defense Authorization Act (Pub. L. 103–337). Section 812 adds several factors to the series of factors at 10 U.S.C. 2533 that must be considered when deciding whether to grant a public interest exception to the Buy American Act. In addition, the rule changes the approval levels for granting such exceptions.

Item XVIII—Australian Memorandum of Agreement (DFARS Case 95–D013)

This final rule amends DFARS 225.872-1 to add Australia to the list of countries whose defense products are not subject to the restrictions of the Buy American Act/Balance of Payments Program. The rule implements a Memorandum of Agreement Concerning Reciprocal Defense Procurement, dated April 19, 1995, between the United States and Australia, and a determination made by the Deputy Secretary of Defense, on April 29, 1995, that it is inconsistent with the public interest to apply the restrictions of the Buy American Act to the acquisition of defense equipment produced or manufactured in Australia.

Item XIX—Restriction on Procurement of Goods (DFARS Case 94–D314)

The interim rule published as Item XIV of DAC 91–7 is revised and finalized. The rule implements the foreign source restrictions of 10 U.S.C. 2534. The interim rule differs from the final rule in that it revises DFARS 225.7007–4, 225.7010–3, and 225.7016–3 to refer to, rather than repeat, the waiver criteria at 225.7004–4.