

on contractor personnel granted access to classified information. Any contractor costs related to compliance with the rule should be included in the contract price.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 204 and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 204 and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 204 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 204—ADMINISTRATIVE MATTERS

2. Section 204.404–70 is amended by adding paragraph (c) to read as follows:

204.404–70 Additional contract clauses.

* * * * *

(c) Use the clause at 252.204–7005, Oral Attestation of Security Responsibilities, in solicitations and contracts that include the clause at FAR 52.204–2, Security Requirements.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 252.204–7005 is added to read as follow:

252.204–7005 Oral Attestation of Security Responsibilities.

As prescribed in 204.404–70(c), use the following clause: Oral Attestation of Security Responsibilities (Aug 1999)

(a) Contractor employees cleared for access to Top Secret (TS), Special Access Program (SAP), or Special Compartmented Information (SCI) shall attest orally that they will conform to the conditions and responsibilities imposed by law or regulation on those granted access. Reading aloud the first paragraph of Standard Form 312, Classified Information Nondisclosure Agreement, in the presence of a person designated by the Contractor for this purpose, and a witness, will satisfy this requirement. Contractor employees currently cleared for access to TS, SAP, or SCI may attest orally to their security

responsibilities when being briefed into a new program or during their annual refresher briefing. There is no requirement to retain a separate record of the oral attestation.

(b) If an employee refuses to attest orally to security responsibilities, the Contractor shall deny the employee access to classified information and shall submit a report to the Contractor's security activity.

(End of clause)

[FR Doc. 99–21417 Filed 8–18–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Parts 204, 219, AND 253

[DFARS Case 99–D011/98–D017]

Defense Federal Acquisition Regulation Supplement; Fiscal Year 2000 Contract Action Reporting Requirements

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to address contract action reporting requirements for fiscal year 2000. The rule makes changes to the Individual Contracting Action Report and the Monthly Contracting Summary of Actions \$25,000 or less.

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Rider, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–4245; telefax (703) 602–0350. Please cite DFARS Case 99–D011/98–D017.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule contains fiscal year 2000 requirements for completion of DD Form 350, Individual Contracting Action Report, and DD Form 1057, Monthly Contracting Summary of Actions \$25,000 or less. DoD uses these forms to collect statistical data on its contracting actions. This rule adds requirements for reporting of contracting actions with HUBZone small business concerns and very small business concerns; actions under Federal Supply Schedule contracts and fixed-price-award-fee contracts; and actions that support contingency, humanitarian, or peacekeeping operations.

DD Forms 350 and 1057, and other forms prescribed by the DFARS, are not included in the Code of Federal Regulations. The forms are available electronically via the World Wide Web at <http://web1.whs.osd.mil/icdhome/forms.htm>

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98–577 and publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 99–D011/98–D017.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 204, 219, and 253

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 204, 219, and 253 are amended as follows:

1. The authority citation for 48 CFR Parts 204, 219, and 253 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 204—ADMINISTRATIVE MATTERS

2. Section 204.670–2 is revised to read as follows:

204.670–2 Reportable contracting actions.

(a) Except as provided in paragraph (c) of this subsection, complete a DD Form 350 for the following types of contracting actions in accordance with the instructions in 253.204–70:

(1) Actions that obligate or deobligate more than \$25,000, including actions executed by DoD for purchase of land, or rental or lease of real property, and excluding actions summarized on DD Form 1057 in accordance with paragraph (b)(2) of this subsection.

(2) Actions that obligate or deobligate \$25,000 or less and are in designated industry group under the Small Business Competitiveness

Demonstration Program (see FAR subpart 19.10) or are under a very small business set-aside (see FAR subpart 19.9), except for—

- (i) Actions of \$500 or less;
- (ii) Foreign military sales;
- (iii) Orders or modifications under Federal schedules;
- (iv) Actions with government agencies;
- (v) Actions with non-U.S. business firms; and
- (vi) Actions where the place of performance is other than the United States and its outlying areas.

(b) Except as provided in paragraph (c) of this subsection, summarize the following types of contracting actions on the monthly DD Form 1057 in accordance with the instructions in 253.204-71:

- (1) Actions that obligate or deobligate \$25,000 or less, except actions reported on DD Form 350 in accordance with paragraph (a)(2) of this subsection.
- (2) Actions that obligate or deobligate more than \$25,000, but not more than \$200,000, and support—
 - (i) A contingency operation as defined in 10 U.S.C. 101(a)(13); or
 - (ii) A humanitarian or peacekeeping operation as defined in 10 U.S.C. 2302(7).

(c) Do not report the following types of contracting action on either the DD Form 350 or DD Form 1057:

- (1) Imprest fund transactions, SF 44 purchases, and micro-purchases obtained through use of the Government-wide commercial purchase card.
- (2) Transactions that cite only nonappropriated funds (Treat funds held in trust accounts for foreign governments as appropriated funds).
- (3) Transactions for purchase of land, or rental or lease of real property, when the General Services Administration (GSA) executes the contracting action.
- (4) Orders from GSA stock and the GSA Consolidated Purchase Program.
- (5) Transactions that involve Government bills of lading or transportation requests, except orders placed under Regional Storage Management Office basic ordering agreements.
- (6) Requisitions transferring supplies within or among the departments or agencies.
- (7) Pursuant to 204.670-6(b), orders placed by other contracting activities against indefinite-delivery contracts awarded by the—
 - (i) Military Sealift Command;
 - (ii) Defense Fuel Supply Center for petroleum and petroleum products; or
 - (iii) Defense Supply Center, Richmond, for petroleum products

204.670-9 [Removed]

3. Section 204.670-9 is removed.

PART 219—SMALL BUSINESS PROGRAMS

219.1006 [Amended]

4. Section 219.1006 is amended in paragraph (d) by removing “204.670-9” and adding in its place “204.670-2”.

PART 253—FORMS

5. Section 253.204-70 is revised to read as follows:

253.204-70 DD Form 350, Individual Contracting Action Report.

Policy on use of a DD Form 350 is in 204.670-2. This subsection contains instructions for completion of the DD Form 350.

(a) *Part A of the DD Form 350.* Part A identifies the report and the reporting activity. Complete all four blocks.

(1) Block A1, TYPE OF REPORT.

Enter one of the following codes:

- (i) *Code 0—Original.* Enter code 0 unless code 1 or code 2 applies.
- (ii) *Code 1—Cancelling.* A cancelling action cancels an existing DD Form 350 in accordance with departmental data collection point instructions.
- (iii) *Code 2—Correcting.* A correcting action corrects an existing DD Form 350 action in accordance with departmental data collection point instructions.

(2) Block A2, REPORT NO. Enter the six-position local control number (see 204.670-3(a)(4)). If block A1 is coded 1 or 2, use the prior report number rather than a new one.

(3) BLOCK A3, CONTRACTING OFFICE CODE. Enter the code assigned the contracting office by the departmental data collection point shown in 204.670-1(c).

(4) BLOCK A4, NAME OF CONTRACTING OFFICE. Enter sufficient detail to establish the identity of the contracting office.

(b) *Part B of the DD Form 350.* Part B identifies the transaction.

(1) BLOCK B1, CONTRACT IDENTIFICATION INFORMATION. Do not leave any parts of Block B1 blank.

(i) BLOCK B1A, CONTRACT NUMBER.

- (A) Enter—
 - (1) The DoD contract number; or
 - (2) For orders under contracts awarded by other Federal agencies, the contract number of that Federal agency as it appears in the contractual instrument.

(B) Do not leave spaces between characters, and do not enter dashes, slants, or any other punctuation marks.

(C) The DoD contract number is the basic (13 alphanumeric character)

procurement instruction identification number (PIIN) that was assigned in accordance with 204.7001 or constructed under an exception permitted by 204.7000. Do not enter any supplementary procurement instrument identification numbers as part of the contract number (these go in block B2).

(ii) BLOCK B1B, ORIGIN OF CONTRACT. Enter the code that indicates the agency that originated/assigned the contract number.

(A) *Code A—DoD.*

(B) *Code B—NASA.*

(C) *Code C—Other Non-DoD Agency.*

(2) BLOCK B2, MODIFICATION, ORDER OR OTHER ID NUMBER. Enter the supplementary procurement instrument identification number (if there is one) that was assigned in accordance with 204.7004 or as permitted by 204.7000. It can be up to 19 characters. Usually calls and orders have a four-position number (see 204.7004(d)); modifications to contracts and agreements have a six-position modification number (see 204.7004(c)); and modifications to calls and orders have a two-position modification number (see 204.7004(e)). When reporting modifications to calls and orders, enter both the call/order number and the modification number.

(3) BLOCK B3, ACTION DATE.

(i) Enter the year, month, and day of the effective date for fiscal obligation purposes.

(ii) Enter four digits for the year, two digits for the month, and two digits for the day. Use 01 through 12 for January through December. For example, enter January 2, 2003, as 20030102.

(4) BLOCK B4, COMPLETION DATE.

(i) Enter the year, month, and day of the last contract delivery date or the end of the performance period. If the contract is incrementally funded, report the completion date for the entire contract. Report the completion date associated with an option quantity when the option is exercised.

(ii) Enter four digits for the year, two digits for the month, and two digits for the day. Use 01 through 12 for January through December. For example, enter January 2, 2003, as 20030102.

(5) BLOCK B5, CONTRACTOR IDENTIFICATION INFORMATION.

(i) Use data that relates to the contractor whose name and address appear in the contract document (Block 7 of the SF 26, Award/Contract; Block 8 of the SF 30, Amendment of Solicitation/Modification of Contract; Block 15A of the SF 33, Solicitation, Offer and Award; or Block 9 of the DD Form 1155, Order for Supplies or Services), except—

(A) For contracts placed with the Small Business Administration under Section 8(a) of the Small Business Act, use data that relates to the company that will be performing the work;

(B) For Federal schedule orders, use data that applies to the contractor whose name appears on the schedule (not the data for the agent to whom orders may be sent); and

(C) For contracts with the Canadian Commercial Corporation (CCC), use data for the appropriate CCC office.

(ii) Some of the parts of Block B5 may not apply to the action being reported. Follow the instructions for each part.

(A) BLOCK B5A, CONTRACTOR IDENTIFICATION NUMBER.

(1) Enter the contractor's 9-position Data Universal Numbering System (DUNS) number or 13-position DUNS+4 number (see FAR 4.602(d) and 4.603 and DFARS subpart 204.73).

(2) For all actions with UNICOR/Federal Prison Industries, use DUNS number 62-662-7459.

(3) For U.S. Army Contracting Command, Europe, consolidated reporting of vouchers for utilities from municipalities, use DUNS number 15-390-6193 (see 204.670-6(b)(1)).

(B) BLOCK B5B, GOVERNMENT AGENCY. Enter one of the following codes:

(1) *Code Y—Yes.* Enter code Y when the contractor is a Federal/State/local government agency of the United States and outlying areas (see 204.670-1(d)). Do not use code Y when the government agency is an educational institution.

(2) *Code N—No.* Enter code N when code Y does not apply.

(C) BLOCK B5C, CAGE, CODE. Enter the 5-position Commercial and Government Entity (CAGE) code that identifies the contractor plant or establishment. If the CAGE code is not already available in the contracting office and the apparent awardee does not respond to the provision at 252.204-7001, Commercial and Government Entity (CAGE) Code Reporting, use the procedures at 204.7202-1 to obtain one.

(D) BLOCK B5D, CONTRACTOR NAME AND DIVISION NAME. Enter the contractor's name as stated in the offer and resultant contract. Include its division name.

(E) BLOCK B5E, CONTRACTOR ADDRESS. Enter the contractor's address as stated in the offer and resultant contract. Include street address (and/or P.O. Box), city/town, state/country, and ZIP code, if applicable. Do not enter foreign postal codes.

(F) BLOCK B5F, TIN. Enter the contractor's taxpayer identification number (see FAR Subpart 4.9). Leave Block B5F blank if the contractor is

(1) Registered in the Central Contractor Registration database (see Subpart 204.73);

(2) A nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the trade or business in the United States; and does not have an office or place of business or a fiscal paying agent in the United States;

(3) An agency or instrumentality of a foreign government; or

(4) An agency or instrumentality of the Federal Government.

(G) BLOCK B5G, PARENT TIN. Enter the contractor's parent company (common parent) TIN (see FAR Subpart 4.9 and 52.204-3. If the contractor does not have a parent company or the parent company meets the exemption for Block B5F, leave Block B5G blank.

(H) BLOCK B5H, PARENT NAME. If a parent company TIN is entered in Block B5G, enter in Block B5H the name of the parent company (common parent). Leave Block B5H blank if there is no parent company or the parent company is exempted from the requirement to have a TIN.

(6) BLOCK B6, PRINCIPAL PLACE OF PERFORMANCE.

(i) The place, or places, where the contract will be performed may be specified by the Government or listed by the contractor in response to the solicitation provision at FAR 52.214-14, Place of Performance—Sealed Bidding, or FAR 52.215-6, Place of Performance. Use data for the contractor's principal place of performance, which is generally the—

(A) Final assembly point for items manufactured under supply contracts;

(B) Location from where shipments from stock are made under supply contracts;

(C) Actual construction site for construction contracts;

(D) Planned construction site for architect-engineer contracts;

(E) Place of mining for mined supplies; or

(F) Place (including military installations) where a service is performed for service contracts.

(ii) When there is more than one location for any of paragraphs (b)(6)(i)(A) through (F) of this subsection (e.g., more than one construction site), use the location involving the largest dollar amount of the acquisition. Do not show more than one location in Block B6.

(iii) If places of performance are too varied or not known, or if commercial procedures were used, enter the contractor's home office location.

(iv) Follow the instructions for each part of Block 6 that applies to the action being reported.

(A) BLOCK B6A, CITY OR PLACE CODE.

(1) For places in the United States and outlying areas, enter the numeric place code, which can be found in the Federal Information Processing Standards (FIPS) Publication (PUB) 55, Guideline: Codes for Named Populated Places, Primary Country Divisions, and Other Locational Entities of the United States and Outlying Areas. Leave Block B6A blank for places outside the United States and outlying areas.

(2) If the city or locality is not listed, look in FIPS PUB 55 for the county code of the principal place of performance. Enter that code in Block B6A. Use 50000 for Washington, DC, with a State code of 11.

(3) Paragraph 5.2, Entry Selection With the Aid of the Class Code, of FIPS PUB 55 will help in selecting the correct code. Sometimes, a class code should be used in addition to a place code to accurately identify the place of performance. Do not use place codes when the first position of the class code is X or Z.

(B) BLOCK B6B, STATE OR COUNTRY CODE.

(1) For places in the United States and outlying areas, enter the numeric State code, which can be found in FIPS PUB 55 or FIPS Pub 5, Codes for the Identification of the States, the District of Columbia and the Outlying Areas of the United States and Associated Areas.

(2) For places outside the United States and outlying areas, enter the alpha country code from FIPS PUB 10, Countries, Dependencies, Areas of Special Sovereignty, and Their Principal Administrative Divisions.

(C) BLOCK B6C, CITY OR PLACE AND STATE OR COUNTRY NAME.

Enter the name of the principal place of performance. Do not leave block B6C blank.

(7) BLOCK B7, TYPE OBLIGATION.

Enter one of the following codes:

(i) *Code 1—Obligation.* Enter code 1 if the contracting action obligates funds.

(ii) *Code 2—Deobligation.* Enter code 2 if the contracting action deobligates funds.

(8) BLOCK B8, TOTAL DOLLARS.

Enter the net amount of funds (whole dollars only) obligated or deobligated by the contracting action. Do not leave Block B8 blank.

(9) BLOCK B9, FOREIGN MILITARY SALE.

Enter one of the following codes. If only part of the contracting action is a foreign military sale, separately report the parts (see 204.670-6(c)).

(i) *Code Y—Yes.* Enter code Y when the contracting action is under a foreign military sales arrangement, or under any other arrangement when a foreign

country or international organization is bearing the cost of the acquisition.

(ii) *Code N—No*. Enter code N when code Y does not apply.

(10) BLOCK B10, MULTIYEAR CONTRACT. Enter one of the following codes:

(i) *Code Y—Yes*. Enter code Y when the contracting action is a multiyear contract as defined at FAR 17.103. Do not report contracts containing options as multiyear unless the definition at FAR 17.103 applies to the contract.

(ii) *Code N—No*. Enter code N when code Y does not apply.

(11) BLOCK B11, TOTAL MULTIYEAR VALUE. Enter the total estimated multiyear contract value (in whole dollars) only at the time of initial obligation of multiyear funds for a new letter contract or a new definitive contract (Block B13A is coded 1 or 3 and Block B13D is blank). For all other codes in Block B13A, enter a numeric value of zero in Block B11.

(12) BLOCK B12, PRINCIPAL PRODUCT OR SERVICE. B12 contains five parts. Do not leave any parts of Block B12 blank.

(i) BLOCK B12A, FSC or SVC CODE. Enter the 4-character Federal supply classification (FSC) or service code that describes the contract effort. To find the code, look in Section I of the Department of Defense (DoD) Procurement Coding Manual (MN02). There are three categories of codes to choose from. In some cases, use a 4-character code from a list of 4-character codes; in other cases, construct a code using the instructions in the Manual. If more than one category or code applies to the contracting action, enter the one that best identifies the product or service representing the largest dollar value.

(A) *Supplies*. If the contracting action is for the purchase (not lease or rental) of supplies, enter an FSC code in block B12A. FSC codes are all numeric. Look in Section I, Part C, of the DoD Procurement Coding Manual (MN02). The Department of Defense Federal Supply Classification Cataloging Handbook (H2) may also help with the correct 4-digit code.

(B) *Services*. If the contracting action is for services (except research, development, test, and evaluation), construction, or lease or rental of equipment or facilities, enter a service code in block B12A.

(C) *Research, Development, Test, and Evaluation (RDT&E)*. If the contracting action is for RDT&E (as defined in FAR 35.001 and 235.001), enter an RDT&E code in block B12A. Look in Section I, Part A, of the DoD Procurement Coding Manual (MN02). All RDT&E codes

should begin with the letter "A." Do not use an RDT&E code for—

(1) Purchase, lease, or rental of equipment, supplies, or services separately purchased in support of RDT&E work, even if RDT&E funds are cited. Instead, use an FSC or Service code under the instructions in paragraph (b)(12)(i)(A) or (B) of this subsection; or

(2) Orders under Federal schedule contracts. Instead, uses an FSC or Service code under the instructions in paragraph (b)(12)(i)(a) or (B) of this subsection.

(ii) BLOCK B12B, DOD CLAIMANT PROGRAM CODE. Enter a code that identifies the commodity described in Block B12E. These codes are in Section III of the DoD Procurement Coding Manual (MN02). If more than one code applies to the contracting action, enter the one that best identifies the product or service representing the largest dollar value. If the description in Block B12E is for—

(A) Research and development (R&D), enter the code that best represents the objective of the R&D. For example, if the objective of the R&D is a guided missile, enter code A20. If the R&D cannot be identified to any particular objective, enter code S10;

(B) Ship repair, inspect and repair as necessary (IRAN), modification of aircraft, overhaul of engines, or similar maintenance, repair, or modification services, enter the code that best identifies the program;

(C) Equipment rental (including rental of automatic data processing equipment), enter code S10;

(D) Utility services, enter code S10;

(E) Services that cannot be identified to any listed program, enter code S10; or

(F) Supplies or equipment that cannot be identified to any listed program, enter code C9E.

(iii) BLOCK B12C, PROGRAM, SYSTEM OR EQUIPMENT CODE.

(A) Enter a code that describes the program, weapons system, or equipment. These codes are in Section II of the DoD Procurement Coding Manual (MN02). If there is no code that applies to the contracting action, enter three zeros. If more than one code applies to the action, enter the one that best identifies the product or service representing the largest dollar value.

(B) If the contracting action is funded by the Ballistic Missile Defense Organization, enter code CAA.

(C) If the contracting action supports environmental cleanup programs, enter one of the codes listed in Section II of the DoD Procurement Coding Manual (MN02) under the heading "Description

and Use of Program Codes—Environmental Cleanup Programs."

(D) Defense Logistics Agency activities must use the code assigned by the sponsoring military department.

(iv) BLOCK B12D, SIC CODE. Enter the standard industrial classification (SIC) code for the acquisition (as opposed to the SIC of the contractor). Use the SIC code in effect at the time of award. These codes are in the OMB Standard Industrial Classification Manual. If more than one code applies to the contracting action, enter the one that best identifies the product or service representing the largest dollar value.

(v) BLOCK B12E, NAME/DESCRIPTION. Enter the name or a brief description of the commodity or service. If the description is classified, enter only the word "Classified." Do not, however, use "Classified" when a code name (e.g., Minuteman, Polaris, Trident, Pershing) or an identifying program number (e.g., WS-107A) can be used.

(13) BLOCK B13, KIND OF CONTRACTING ACTION. Some of the parts of Block B13 may not apply to the action being reported. Follow instructions for each part. When the contracting action is a modification, complete Blocks B13A and B13D.

(i) BLOCK B13A, CONTRACT/ORDER. Enter one of the following codes:

(A) *Code 1—Letter Contract*. Enter code 1 when the contracting action is a letter contract or a modification to a letter contract that has not been definitized.

(B) *Code 3—Definitive Contract*.

(1) Enter code 3 when the contracting action is the award or modification of a definitive contract or a modification that definitizes a contract. Code 3 includes the following:

(i) Definitive contract awards under the Small Business Administration 8(a) program.

(ii) Notices of award.

(iii) Lease agreements.

(iv) Indefinite-delivery-definitive-quantity contracts (FAR 52.216-20).

(v) Indefinite-delivery-indefinite-quantity contracts (FAR 52.216-22) when funds are obligated by the contract itself.

(2) Code 3 excludes orders from the Procurement List (see codes 6 and 8).

(C) *Code 4—Order under an Agreement*. Enter code 4 when the contracting action is an order or definitization of an order under an agreement other than a blanket purchase agreement. Examples include an order exceeding \$25,000 under a basic ordering agreement or a master ship repair agreement and a job order when

the contract is created by issuing the order. A call under a blanket purchase agreement associated with a Federal schedule (see FAR 8.404(b)(4)) is coded 6. A call under other blanket purchase agreements, pursuant to FAR 13.303, is coded 9. When the contracting action is a modification to an order described in code 4 instructions, enter code 4 in B13A.

(D) *Code 5—Order under Indefinite-Delivery Contract (IDC)*. Enter code 5 when the contracting action is an order, including a task or delivery order, under an indefinite-delivery contract awarded by a Federal agency. For example, enter code 5 for an order under a GSA indefinite-delivery contract, such as a GSA area-wide contract for utility services, that is not a Federal schedule. When the contracting action is a modification to an order described in code 5 instructions, enter code 5 in B13A.

(E) *Code 6—Order/Call under Federal Schedule*. Enter code 6 if the contracting action is an order under a GSA or VA Federal Supply Schedule, or a call against a blanket purchase agreement established under a GSA or VA Federal Supply Schedule (see FAR 8.404). Code 6 includes orders under Federal Supply Schedules for items on the Procurement List. When the contracting action is a modification to an order or call described in code 6 instructions, enter code 6 in B13A.

(F) *Code 8—Order from Procurement List*. Enter code 8 if the contracting action is an action placed with Federal Prison Industries (UNICOR) or a JWOD Participating Nonprofit Agency in accordance with FAR Subpart 8.6 or 8.7. Use code 6 for orders from the Procurement List under Federal schedules. When the contracting action is a modification to an action described in code 8 instructions, enter code 8 in B13A.

(G) *Code 9—Purchase Order/Call*. Enter code 9 if the contracting action, including an action in a designated industry group under the Small Business Competitiveness Demonstration Program (see FAR Subpart 19.10), is an award pursuant to FAR Part 13, except when the contracting action is a blanket purchase agreement call pursuant to FAR 8.404(b)(4) (see code 6). When the contracting action is a modification to a purchase order or call described in code 9 instructions, enter code 9 in B13A.

(ii) BLOCK B13B, TYPE OF INDEFINITE-DELIVERY CONTRACT. If Block B13A is coded 3 and the ninth position of B1A is coded D, complete Block B13B. If Block B13A is coded 5,

complete Block B13B. Otherwise, leave Block B13B blank.

(A) *Code A—Requirements Contract (FAR 52.216-21)*.

(B) *Code B—Indefinite-Quantity Contract (FAR 52.216-22)*.

(C) *Code C—Definite-Quantity Contract (FAR 52-216-20)*.

(iii) BLOCK B13C, MULTIPLE/SINGLE AWARD IDC(S). If Block B13B is coded A, B, or C, complete Block B13C. Otherwise, leave Block B13C blank.

(A) *Code M—Multiple Award*. Enter code M if the contracting action is a task or delivery order under a multiple award indefinite-delivery contract.

(B) *Code S—Single Award*. Enter code S if the contracting action is a task or delivery order under a single award indefinite-delivery contract.

(iv) BLOCK B13D, MODIFICATION. If the contracting action is a modification, enter one of the following codes. Otherwise, leave Block B13D blank.

(A) *Code A—Additional Work (new agreement)*. Enter code A when the contracting action is a bilateral supplemental agreement that obligates funds for additional work requiring a justification and approval (J&A).

(B) *Code B—Additional Work (other)*. Enter code B when the contracting action is a modification of an existing contract (including a letter contract) that is not covered by code A or by codes C through H (see Code H for exercise of an option). Code B includes actions that—

(1) Initiate an incremental yearly buy under a multiyear contract;

(2) Amend a letter or other contract to add work that does not require a J&A; or

(3) Order under a priced exhibit or production list.

(C) *Code C—Funding Action*. Enter code C when the contracting action is a modification (to a letter or other contract) for the sole purpose of obligating or deobligating funds. This includes—

(1) Incremental funding (other than incremental yearly buys under multiyear contracts, which are coded B);

(2) Changes to the estimated cost on cost-reimbursement contracts;

(3) Repricing actions covering incentive price revisions;

(4) Economic price adjustments; and

(5) Initial citation and obligation of funds for a contract awarded in one fiscal year but not effective until a subsequent fiscal year.

(D) *Code D—Change Order*. Enter code D if the contracting action is a change order issued under the "Changes," "Differing Site Conditions," or similar clauses in existing contracts.

(E) *Code E—Termination for Default*. Enter code E if the contracting action is

a modification that terminates all or part of the contract for default.

(F) *Code F—Termination for Convenience*. Enter code F if the contracting action is a modification that terminates all or part of the contract for convenience.

(G) *Code G—Cancellation*. Enter code G if the contracting action is a modification that cancels the contract. Do not use code G to cancel a prior DD Form 350 (see Block A1).

(H) *Code H—Exercise of an Option*. Enter code H if the contracting action is an exercise or an option.

(I) *Code J—Definitization of a Letter Contract*. Enter code J if the contracting action is the definitization of a letter contract, and enter code 3 in Block B13A.

(14) BLOCK B14, CICA APPLICABILITY. Enter one of the following codes:

(i) *Code A—Pre-CICA*. Enter code A if the action resulted from a solicitation issued before April 1, 1985.

Modifications within the original scope of work of such awards and orders under pre-CICA indefinite-delivery type contracts also are coded A.

(ii) *Code B—CICA Applicable*. Enter code B if—

(A) The action resulted from a solicitation issued on or after April 1, 1985, or is a modification coded A in Block B13D issued on or after April 1, 1985; and

(B) Neither code C nor code D applies.

(iii) *Code C—Simplified Acquisition Procedures Other than FAR Subpart 13.5*. Enter code C if the action resulted from use of the procedures in FAR Part 13, other than those in Subpart 13.5.

(iv) *Code D—Simplified Procedures Pursuant to FAR Subpart 13.5*. Enter code D if the action resulted from use of the procedures in FAR Subpart 13.5.

(c) *Part C of the DD Form 350*.

(1) Part C gathers data concerning contracting procedures, use of competition, financing, and statutory requirements other than socioeconomic (which are in Part D).

(2) Do not complete part C if the contracting action is an action with a government agency, i.e., Block B5B (Government Agency) is coded Y (Yes). If Block B13A is coded 6, do not complete any blocks in Part C except Block C3, and Blocks C13A and C13B when they apply.

(3) In completing Part C, the codes to be used described either the contracting action being reported or the original contract, depending on the codes reported in Blocks B13A and B13D.

(i) If Block B13A is coded 1, 2, 3, 4, 6, or 9 and Block B13D is coded A or is blank, code the blocks in Part C with

reference to the action being reported. Otherwise, code the blocks with reference to the original contract.

(ii) If there are no codes for the original contract because a DD Form 350 was not required at the time, the original action is no longer available, the definition of the original code has changed, or a data element has been added to the system after the original contract report, use codes that best describe the original contracting action.

(4) Complete Part C blocks as follows:

(i) BLOCK C1, SYNOPSIS. Enter one of the following codes:

(A) *Code A—Synopsis Only*. Enter code A if only a synopsis of the proposed action was prepared and transmitted to the Commerce Business Daily in accordance with FAR subpart 5.2.

(B) *Code B—Combined Synopsis/Solicitation*. Enter code B if a combined synopsis/solicitation of the proposed action was prepared and transmitted to the Commerce Business Daily in accordance with FAR subpart 5.2 and 12.603.

(C) *Code N—No*. Enter code N if a synopsis was not prepared.

(ii) BLOCK C2, REASON NOT SYNOPSIS. Enter one of the following codes if Block C1 is coded N. Otherwise, leave Block C2 blank.

(A) *Code A—Urgency*. Enter code A if the action was not synopsisized due to urgency (see FAR 6.302-2).

(B) *Code B—Use of FACNET*. Enter code B if the action was not synopsisized because the acquisition was made through FACNET or another means that provided access to the notice of proposed action through the single, Governmentwide point of entry (see FAR 5.202(a)(13)).

(C) *Code Z—Other Reason*. Enter code Z if the action was not synopsisized due to some other reason.

(iii) BLOCK C3, EXTENT COMPETED. Enter one of the following codes:

(A) *Code A—Competed Action*. Enter code A when—

(1) The contracting action is an action under a Federal schedule contract (Block B13A is coded 6);

(2) Competitive procedures were used to fulfill the request for full and open competition (see FAR subpart 6.1);

(3) Full and open competition procedures after exclusion of sources were used in order to establish or maintain alternative sources, to set aside an acquisition for small business or HUBZone small business, or to compete Section 8(a) awards (see FAR subpart 6.2);

(4) Statutory authorities for other than full and open competition were used (see FAR subpart 6.3) and more than

one offer was received (if only one offer was received, use code D);

(5) The contracting action resulted from a contract awarded prior to the Competition in Contracting Act that used two-step sealed bidding or other sealed bidding, or that was negotiated competitively; or

(6) Simplified acquisition procedures were used and competition was obtained.

(B) *Code B—Not Available for Competition*. Enter code B for—

(1) Awards for utilities or utility systems, excluding long distance telecommunications services, when only one supplier can furnish the service (see FAR 6.302-1(b)(3));

(2) Brand name commercial products for authorized resale;

(3) Acquisitions authorized or required by statute to be awarded to a specified source pursuant to FAR 6.302-5(b)(2) or (4), e.g., qualified nonprofit agencies employing people who are blind or severely disabled (see FAR subpart 8.7) or 8(a) program (see FAR subpart 19.8);

(4) International agreements and Foreign Military Sales when the acquisition is to be reimbursed by a foreign country that requires that the product or services be obtained from a particular firm as specified in official written direction such as a Letter of Offer and Acceptance; and

(5) Other contract actions when the Director of Defense Procurement has determined that there is no opportunity for competition.

(Note: Even though Part C is not completed for actions with a government agency, the database will automatically include these actions in the category of not available for competition.)

(C) *Code C—Follow-On to Competed Action*. Enter code C when the action pertains to an acquisition placed with a particular contractor to continue or augment a specific competed program when such placement was necessitated by prior acquisition decisions.

(D) *Code D—Not Competed*. Enter code D when codes A, B, and C do not apply.

(iv) BLOCK C4, SEA TRANSPORTATION. Enter one of the following codes when Block B1B is coded A, Block B5B is coded N, and block B13A is coded other than 9. Otherwise, leave Block C4 blank.

(A) *Code Y—Yes—Positive Response to DFARS 252.247-7022 or 252.212-7000(c)(2)*. Enter code Y when the contractor's response to the provision at 252.247-7022, Representation of Extent of Transportation by Sea, or 252.212-7000(c)(2), Offeror Representations and

Certifications—Commercial Items, indicates that the contractor anticipates that some of the supplies being provided may be transported by sea.

(B) *Code N—No—Negative Response to DFARS 252.247-7022 or 252.212-7000(c)(2)*. Enter code N when the contractor's response to the provision at 252.247-7022 or 252.212-7000(c)(2) indicates that the contractor anticipates that none of the supplies being provided will be transported by sea.

(C) *Code U—Unknown—No Response or Provision Not Included in Solicitation*. Enter code U when the contractor did not complete the representation at 252.247-7022 or 252.212-7000(c)(2) or the solicitation did not include either provision.

(v) BLOCK C5, TYPE OF CONTRACT.

(A) If the action is a letter contract, including modifications and amendments to letter contracts, enter the code that describes the anticipated type of contract the letter contract will become when it is definitized.

(B) If there is more than one type of contract involved in the contracting action, enter the code that matches the type with the most dollars. If the type with the least dollars exceeds \$500,000, fill out separate DD Forms 350 (with different report numbers) for each type.

(C) Enter one of the following codes:

(1) *Code A—Fixed-Price*

Redetermination.

(2) *Code J—Firm-Fixed-Price*.

(3) *Code K—Fixed-Price Economic Price Adjustment*.

(4) *Code L—Fixed-Price Incentive*.

(5) *Code M—Fixed-Price-Award-Fee*.

(6) *Code R—Cost-Plus-Award-Fee*.

(7) *Code S—Cost Contract*.

(8) *Code T—Cost-Sharing*.

(9) *Code U—Cost-Plus-Fixed Fee*.

(10) *Code V—Cost-Plus-Incentive-Fee*.

(11) *Code Y—Time-and-Materials*.

(12) *Code Z—Labor-Hour*.

(vi) BLOCK C6, NUMBER OF

OFFERORS SOLICITED.

(A) Leave Block C6 blank if—

(1) The original contract resulted from a solicitation issued before April 1, 1985 (i.e., before the effective date of the Competition in Contracting Act);

(2) Block B1B is coded B or C and Block B13A is coded 5; or

(3) Block B13A is coded 6.

(B) Otherwise, enter—

(1) *Code 1—One*. Enter code 1 if only one offeror was solicited; or

(2) *Code 2—More than One*. Enter code 2 if more than one offeror was solicited.

(vii) BLOCK C7, NUMBER OF

OFFERS RECEIVED.

(A) Leave Block C7 blank if—

(1) The original contract resulted from a solicitation issued before April 1, 1985

(i.e., before the effective date of the Competition in Contracting Act); or
(2) Block B13A is coded 6, Order/Call Under Federal Schedule.

(B) Otherwise, enter the specific number of offers received (001-999).

(viii) BLOCK C8, SOLICITATION PROCEDURES.

(A) Leave Block C8 blank if—

(1) The original contract resulted from a solicitation issued before April 1, 1985 (i.e., before the effective date of the Competition in Contracting Act);

(2) The action is pursuant to simplified acquisition procedures (Block B13A is coded 9); or

(3) The action is an order or call under a Federal schedule (Block B13A is coded 6).

(B) Otherwise, enter one of the following codes:

(1) *Code A—Full and Open Competition—Sealed Bid.* Enter code A if the action resulted from an award pursuant to FAR 6.102(a).

(2) *Code B—Full and Open Competition—Competitive Proposal.* Enter code B if the action resulted from an award pursuant to FAR 6.102(b).

(3) *Code C—Full and Open Competition—Combination.* Enter code C if the action resulted from an award using a combination of competitive procedures (e.g., two-step sealed bidding) pursuant to FAR 6.102(c).

(4) *Code D—Architect-Engineer.* Enter code D if the action resulted from selection of sources for architect-engineer contracts pursuant to FAR 6.102(d)(1).

(5) *Code E—Basic Research.* Enter code E if the action resulted from competitive selection of basic research proposals pursuant to FAR 6.102(d)(2).

(6) *Code F—Multiple Award Schedule.* Enter code F if the action is an award of a multiple award schedule pursuant to FAR 6.102(d)(3) or an order against such a schedule.

(7) *Code G—Alternative Sources.* Enter code G if the action resulted from use of competitive procedures but excluded a particular source pursuant to FAR 6.202(a).

(8) *Code K—Set-Aside.* Enter code K if the action resulted from any—

(i) Set-aside for small business concerns (see FAR Subpart 19.5), including small business innovation research (SBIR) actions;

(ii) Set-aside for small disadvantaged business concerns;

(iii) Set-aside for HUBZone small business concerns (see FAR 19.1305);

(iv) Set-aside for very small business concerns (see FAR 19.904);

(v) Set-aside (including portions of broad agency announcements) for historically black colleges and

universities or minority institutions (see 226.7003 and 235.016);

(vi) Competition among Section 8(a) firms under FAR 19.805 (report noncompetitive 8(a) awards as code N).

(9) *Code M—Reserved.*

(10) *Code N—Other Full and Open Competition.* Enter code N if the action resulted from use of other than full and open competition pursuant to FAR subpart 6.3. This includes awards to qualified nonprofit agencies employing people who are blind or severely disabled (see FAR subpart 8.7) or noncompetitive awards to the Small Business Administration under Section 8(a) of the Small Business Act (see FAR 6.302-5(b)).

(ix) BLOCK C9, AUTHORITY FOR OTHER THAN FULL AND OPEN COMPETITION.

(A) Leave Block C9 blank if the original contract resulted from a solicitation issued before April 1, 1985 (i.e., before the effective date of the Competition in Contracting Act).

(B) Enter one of the following codes if Block C8 is coded N. otherwise, leave Block C9 blank.

(1) *Code 1A—Unique Source.* Enter code 1A if the action was justified pursuant to FAR 6.302-1(b)(1).

(2) *Code 1B—Follow-On Contract.* Enter code 1B if the action was justified pursuant to FAR 6.302-1(a)(2)(ii) or (iii).

(3) *Code 1C—Unsolicited Research Proposal.* Enter code 1C if the action was justified pursuant to FAR 6.302-1(a)(2)(i).

(4) *Code 1D—Patent/Data Rights.* Enter code 1D if the action was justified pursuant to FAR 6.302-1(b)(2).

(5) *Code 1E—Utilities.* Enter code 1E if the action was justified pursuant to FAR 6.302-1(b)(3).

(6) *Code 1F—Standardization.* Enter code 1F if the action was justified pursuant to FAR 6.302-1(b)(4).

(7) *Code 1G—Only One Source—Other.* Enter code 1G if the action was justified pursuant to FAR 6.302-1 in a situation other than the examples cited in codes 1A through 1F.

(8) *Code 1A—Urgency.* Enter code 2A if the action was justified pursuant to FAR 6.302-2.

(9) *Code 3A—Particular Sources.* Enter code 3A if the action was justified pursuant to FAR 6.302-3(a)(2).

(10) *Code 4A—International Agreement.* Enter code 4A if the action was justified pursuant to FAR 6.302-4.

(11) *Code 5A—Authorized by Statute.* Enter code 5A if the action was justified pursuant to FAR 6.302-5(a)(2)(i).

(12) *Code 5B—Authorized Resale.* Enter code 5B if the action was justified pursuant to FAR 6.302-5(a)(2)(ii).

(13) *Code 6A—National Security.*

Enter code 6A if the action was justified pursuant to FAR 6.302-6.

(14) *Code 7A—Public Interest.* Enter code 7A if the action was taken pursuant to FAR 6.302-7.

(x) BLOCK C10, SUBJECT TO LABOR STANDARDS STATUTES. Enter one of the following codes. When Block B13A is coded 6, leave Block C10 blank.

(A) *Code A—Walsh-Healey Act.* Enter code A when the contracting action is subject to the provisions of FAR subpart 22.6.

(B) *Code C—Service Contract Act.* Enter code C when the contracting action is subject to the provisions of the Service Contract Act (see FAR part 37).

(C) *Code D—Davis-Bacon Act.* Enter code D when the contracting action is subject to the Davis-Bacon Act (see FAR 22.403-1).

(D) *Code Z—Not Applicable.* Enter code Z when codes A, C, and D do not apply.

(xi) BLOCK C11, COST OR PRICING DATA. Enter one of the following codes when Block B1B is coded A. Otherwise, leave Block C11 blank.

(A) *Code Y—Yes—Obtained.* Enter code Y when cost or pricing data were obtained (see FAR 15.403-4) and certified in accordance with FAR 15.406-2.

(B) *Code N—No—Not Obtained.* Enter code N when neither code Y nor code W applies.

(C) *Code W—Not Obtained—Waived.* Enter code W when cost or pricing data were not obtained because the requirement was waived (see FAR 15.403-1(c)(4)).

(xii) BLOCK C12, CONTRACT FINANCING. Enter one of the following codes identifying whether or not progress payments (PP), advance payments (AP), or other financing methods were used.

(A) *Code A—FAR 52.232-16.* Enter code A if the contract contains the clause at FAR 52.232-16, Progress payments.

(B) *Code B—Reserved.*

(C) *Code C—Percentage of Completion PP.* Enter code C if the contract provides for progress payments based on percentage or stage of completion, which is only permitted on contracts for construction, for shipbuilding, or for ship conversion, alteration, or repair (see 232.102(e)(2)).

(D) *Code D—Unusual PP or AP.* Enter code D if the contract provides unusual progress payments or advance payments (see FAR subpart 32.4 and 32.501-2).

(E) *Code E—Commercial Financing.* Enter code E if the contract provides for commercial financing payments (see FAR subpart 32.2)

(F) *Code F—Performance-Based Financing.* Enter code F if the contract provides for performance-based financing payments (see FAR subpart 32.10).

(G) *Code Z—Not Applicable.* Enter code Z when codes A through F do not apply.

(xiii) BLOCK C13, FOREIGN TRADE DATA.

(A) The term "United States (U.S.)," as used in Block C13, excludes the Trust Territory of Palau (see 204. 670-1 for definition of United States and outlying areas).

(B) BLOCK C13A, PLACE OF MANUFACTURE. Complete Block C13A only if the contracting action is for a foreign end product or a service provided by a foreign concern. Otherwise, leave Block C13A blank.

(1) *Code A—U.S.* Enter code A if the contracting action is for—

(i) A foreign end product that is manufactured in the United States but still determined to be foreign because 50 percent or more of the cost of its components is not mined, produced, or manufactured inside the United States or inside qualifying countries; or

(ii) Services performed in the United States by a foreign concern.

(2) *Code B—Foreign.* Enter code B if the contracting action is for—

(i) Any other foreign end product; or

(ii) Services performed outside the United States by a foreign concern.

(C) BLOCK C13B, COUNTRY OF ORIGIN CODE.

(1) Complete Block C13B only if Block C13A is coded A or B. Otherwise, leave Block C13B blank.

(2) Enter the code from FIPS PUB 10, Countries, Dependencies, Areas of Special Sovereignty, and Their Principal Administrative Divisions, that identifies the country where the foreign product is coming from or where the foreign company providing the services is located. If more than one foreign country is involved, enter the code of the foreign country with the largest dollar value of work under the contract.

(xiv) BLOCK C14, COMMERCIAL ITEMS. Enter one of the following codes:

(A) *Code Y—Yes.* Enter code Y if the contract contains the clause at FAR 52.212-4, Contract Terms and Conditions-Commercial Items.

(B) *Code N—No.* Enter code N if code Y does not apply.

(d) *Part D of the DD Form 350.*

(1) Do NOT complete part D if the contracting action is with a government agency, i.e., Block B5B is coded Y.

(2) If the action is an order or call under a Federal schedule, complete only Blocks D1 and D6.

(3) Use the codes in Blocks B13A and B13D to determine whether the codes in Part D will describe the contracting action being reported or the original contract.

(i) Code Part D to describe the contracting action being reported when—

(A) Block B13A is coded, 1, 3, 4, or 9 and Block B13D is coded A or is blank; or

(B) Block B5B is coded N, Block B13A is coded, 8, and Block B13D is coded A or is blank.

(ii) Otherwise, code Part D to describe the original contract. If there are no codes for the original contract because a DD Form 350 was not required at the time, the original action is no longer available, the definition of the original code has changed, or a data element has been added to the system after the original contract report, use codes that best describe the original contracting action.

(4) Determine the status of the concern (e.g., size and ownership) by referring to FAR part 19 and DFARS part 219. For an order or call under a Federal schedule, refer to the schedule or comply with departmental instructions.

(5) Complete Part D blocks as follows:

(i) BLOCK D1, TYPE OF CONTRACTOR.

(A) BLOCK D1A, TYPE OF ENTITY. Enter one of the following codes:

(1) *Code A—Small Disadvantaged Business Performing in U.S.* Enter code A if the contractor is a small disadvantaged business concern as defined in 219.001 and the place of performance is within the United States and outlying areas.

(2) *Code B—Other Small Business Performing in U.S.* Enter code B if the contractor is a small business concern as defined in FAR 19.001, other than a small disadvantaged business concern, and the place of performance is within the United States and outlying areas.

(3) *Code C—Large Business Performing in U.S.* Enter code C if the contractor is a domestic large business concern and the place of performance is within the United States and outlying areas.

(4) *Code D—JWOD Participating Nonprofit Agency.* Enter code D if the contractor is a qualified nonprofit agency employing people who are blind or severely disabled (see FAR 8.701) and the place of performance is within the United States and outlying areas.

(5) *Code F—Hospital.* Enter code F if the contractor is a hospital and the place of performance is within the United States and outlying areas.

(6) *Code L—Foreign Concern/Entity.* Enter code L if the contractor is a foreign concern, the Canadian Commercial Corporation, or a non-U.S.-chartered nonprofit institution.

(7) *Code M—Domestic Firm Performing Outside U.S.* Enter code M if the contractor is a domestic concern or a domestic nonprofit institution and the place of performance is outside the United States and outlying areas.

(8) *Code U—Historically Black College or University or Minority Institution (HBCU/MI).* Enter code U if the contractor is an HBCU/MI as defined at 252.226-7000 and the place of performance is within the United States and outlying areas.

(9) *Code V—Other Educational.* Enter code V if the contractor is an educational institution that does not qualify as an HBCU/MI and the place of performance is within the United States and outlying areas.

(10) *Code Z—Other Nonprofit.* Enter code Z if the contractor is a nonprofit institution (defined in FAR 31.701) that does not meet any of the criteria in codes D, F, U, or V and the place of performance is within the United States and outlying areas.

(B) BLOCK D1B, HUBZONE REPRESENTATION. Enter one of the following codes when Block D1A is coded A or B. Otherwise, leave Block D1B blank.

(1) *Code Y—Yes.* Enter code Y if the contractor represented that it is a HUBZone small business concern (see FAR 19.1303).

(2) *Code N—No.* Enter code N if code Y does not apply.

(ii) BLOCK D2, REASON NOT AWARDED TO SMALL DISADVANTAGED BUSINESS (SDB). Enter one of the following codes when Block D1A is coded B or C. Otherwise, leave Block D2 blank.

(A) *Code A—No Known SDB Source.*

(B) *Code B—SDB Not Solicited.* Enter code B when there was a known SDB source, but it was not solicited.

(C) *Code C—SDB Solicited/No Offer.* Enter code C when an SDB was solicited but it did not submit an offer, or its offer was not sufficient to cover the total quantity requirement so it received a separate award for the quantity offered.

(D) *Code D—SDB Solicited/Offer Not Low.* Enter code D when an SDB offer was not the low offer or an SDB was not willing to accept award of a partial small business set-aside portion of an action at the price offered.

(E) *Code Z—Other Reason.* Enter code Z when an SDB did not receive the award for any other reason or when Block B1B is coded B or C and Block B13A is coded 5.

(iii) BLOCK D3, REASON NOT AWARDED TO SMALL BUSINESS (SB). Enter one of the following codes when Block D1A is coded C. Otherwise, leave D3 blank. (The term "small business" includes all categories of small businesses.)

(A) *Code A—No Known SB Source.*

(B) *Code B—SB Not Solicited.* Enter code B when there was a known small business source, but it was not solicited.

(C) *Code C—SB Solicited/No Offer.* Enter code C when a small business concern was solicited but it did not submit an offer, or its offer was not sufficient to cover the total quantity requirement so it received a separate award for the quantity offered.

(D) *Code D—SB Solicited/Offer Not Low.* Enter code D when a small business offer was not the low or most advantageous offer or a small business concern was not willing to accept award of a set-aside portion of an action at the price offered by the Government.

(E) *Code Z—Other Reason.* Enter code Z when a small business did not receive the award for any other reason or when Block B1B is coded B or C and Block B13A is coded 5.

(iv) BLOCK D4, PREFERENCE PROGRAM.

(A) BLOCK D4A, TYPE OF SB SET-ASIDE. Enter one of the following codes:

(1) *Code A—None.* Enter code A if there was no small business set-aside (see FAR 19.502). Note that set-asides for historically black colleges and universities and minority institutions (HBCUs/MIs) are not small business set-asides. Use code A for HBCU/MI set-asides and complete Block D4C.

(2) *Code B—Total SB Set-Aside.* Enter code B if the action was a total set-aside for small business (see FAR 19.502-2), including actions reserved exclusively for small business concerns pursuant to FAR 13.003(b)(1), or if the action resulted from the Small Business Innovation Research Program.

(3) *Code C—Partial SB Set-Aside.* Enter code C if the action was a partial set-aside for small business (see FAR 19.502-3).

(4) *Code E—Total SDB Set-Aside.* Enter code E if the action was a total set-aside for small disadvantaged businesses.

(5) *Code F—Very Small Business Set-Aside.* Enter code F if the action was a set-aside for very small businesses (see FAR subpart 19.9).

(6) *Code Y—Emerging Small Business Set-Aside.* Enter code Y if the action was an emerging small business set-aside within a designated industry group under the Small Business

Competitiveness Demonstration Program (see FAR subpart 19.10).

(B) BLOCK D4B, TYPE OF SDB SET-ASIDE/SDB PREFERENCE. Enter one of the following codes, even if Block D4A is coded E:

(1) *Code A—None.* Enter code A if no SDB preference was given or award was not to an SDB.

(2) *Code B—Section 8(a).* Enter code B if the contract was awarded to—

(i) The Small Business Administration under Section 8(a) of the Small Business Act (see FAR subpart 19.8); or

(ii) An 8(a) contractor under the direct award procedures at 219.811.

(3) *Code C—Total SDB Set-Aside.*

Enter code C if the action was an SDB set-aside and award was to an SDB.

(4) *Code D—SDB Price Evaluation Adjustment—Unrestricted.* Enter code D if the action was unrestricted but an SDB received an award as a result of a price evaluation adjustment (see FAR subpart 19.11).

(5) *Code E—SDB Preferential Consideration—Partial SB Set-Aside.*

Enter code E if the action was a partial set-aside for small business and preferential consideration resulted in an award to an SDB.

(C) BLOCK D4C, HBCU/MI SET-ASIDE. Enter one of the following codes:

(1) *Code A—None.* Enter code A if the action was not set aside for HBCUs or MIs.

(2) *Code B—HBCU or MI—Total Set-Aside.* Enter code B if the action was a total set-aside for HBCUs and MIs (see 226.7003).

(3) *Code C—HBCU or MI—Partial Set-Aside.* Enter code C if the action was a partial set-aside for HBCUs or MIs under a broad agency announcement (see 235.016).

(D) BLOCK D4D, TYPE OF HUBZONE PREFERENCE. Enter one of the following codes:

(1) *Code A—None.* Enter code A if no preference was given to HUBZone small business concerns.

(2) *Code B—Set-Aside.* Enter code B if the contractor received the award as a result of a HUBZone set-aside (see FAR 19.1305).

(3) *Code C—Price Evaluation Preference.* Enter code C if the contractor received the award as a result of a HUBZone price evaluation preference (see FAR 19.1307).

(4) *Code D—Sole Source Award.* Enter Code D if the contractor received the award as a result of a HUBZone sole source action (see FAR 19.1306).

(E) BLOCK D4E, PREMIUM PERCENT.

(1) Complete Block D4E if Block B1B is coded A and—

(i) Block D4B is coded C, D, or E;

(ii) Block D4C is coded B or C; or

(iii) Block D4D is coded C.

(2) Otherwise, leave Block D4E blank.

(3) Calculate the premium percentage per 219.202-5 and enter it as a three-digit number rounded to the nearest tenth, e.g., enter 7.55% as 076. If no premium was paid, enter three zeros (000).

(v) BLOCK D5, ETHNIC GROUP.

(A) Complete Block D5 if the action is with an SDB. Otherwise, leave Block D5 blank.

(B) Enter the code from the following list that corresponds to the ethnic group marked by the contractor in the solicitation provision at FAR 52.219-1, Small Business Program Representations, or FAR 52.212-3(c).

(1) *Code A—Asian-Indian American.*

(2) *Code B—Asian-Pacific American.*

(3) *Code C—Black American.*

(4) *Code D—Hispanic American.*

(5) *Code E—Native American.*

(6) *Code F—Other SDB Certified/Determined by SBA.*

(7) *Code Z—No Representation.*

(vi) BLOCK D6, WOMEN-OWNED BUSINESS. Enter one of the following codes:

(A) *Code Y—Yes.* Enter code Y if—

(1) The contractor's response to FAR 52.204-5, 52.212-3(c), or 52.219-1(b) indicates that it is a women-owned business; or

(2) Block B13A is coded 6 and the Federal schedule indicates that the contractor is a women-owned business.

(B) *Code N—No.* Enter code N if—

(1) The contractor's response to FAR 52.204-5, 52.212-3(c), or 52.219-1(b) indicates that it is not a women-owned business; or

(2) Block B13A is coded 6 and the Federal schedule indicates that the contractor is not a women-owned business.

(C) *Code U—Uncertified.* Enter code U if the information is not available because the contractor did not complete the representation under FAR 52.204-5, 52.212-3(c), or 52.19-1(b).

(vii) BLOCK D7, SMALL BUSINESS INNOVATION RESEARCH (SBIR) PROGRAM. Enter one of the following codes. When Block B1B is coded B or C and Block B13A is coded 5, leave Block D7 blank.

(A) *Code A—Not a SBIR Program Phase I/II/III.* Enter code A if the action is not in support of a Phase I, II, or III SBIR Program.

(B) *Code B—SBIR Program Phase I Action.* Enter code B if the action is related to a Phase I contract in support of the SBIR Program.

(C) *Code C—SBIR Program Phase II Action.* Enter code C if the action is

related to a Phase II contract in support of the SBIR Program.

(D) *Code D—SBIR Program Phase III Action.* Enter D if the action is related to a Phase III contract in support of the SBIR Program.

(viii) **BLOCK D8, SUBCONTRACTING PLAN—SB, SDB, OR HBCU/MI.** Enter one of the following codes:

(A) *Code A—Plan Not Included—No Subcontracting Possibilities.* Enter code A if a subcontracting plan was not included in the contract because subcontracting possibilities do not exist (see FAR 19.705–2(c)).

(B) *Code B—Plan Not Required.* Enter code B if no subcontracting plan was required (e.g., because the action did not meet the dollar thresholds in FAR 19.702(a)).

(C) *Code C—Plan Required, Incentive Not Included.* Enter code C if the action includes a subcontracting plan, but does not include additional incentives (see FAR 19.708(c)).

(D) *Code D—Plan Required, Incentive Included.* Enter code D if the action includes a subcontracting plan and also includes additional incentives (see FAR 19.708(c) and 219.708(c)).

(ix) **BLOCK D9, SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.** Enter one of the following codes. When Block B13A is coded 5 or Block B13D is coded B, C, D, E, F, or G and the original action was awarded before the program began, enter code N in Block D9. When Block B1B is coded B or C and Block B13A is coded 5, enter code N in Block D9.

(A) *Code Y—Yes.* Enter code Y if this is an action with a U.S. business concern, in either the four designated industry groups or the ten targeted industry categories under the Small Business Competitiveness Demonstration Program (see FAR subpart 19.10 and DFARS subpart 219.10), where the principal place of performance is in the United States or outlying areas.

(B) *Code N—No.* Enter code N if code Y does not apply.

(x) **BLOCK D10, SIZE OF SMALL BUSINESS.**

(A) Complete Block D10 only when Block D9 is coded Y and the contractor is a small business (Block D1 is coded A or B). Otherwise, leave Block D10 blank.

(B) Enter one of the following codes for the size of the business (number of employees or average annual gross revenue) as represented by the contractor in the solicitation provision at FAR 52.219–19, Small Business Concern Representation for the Small Business Competitiveness Demonstration Program:

(1) *Code A—50 or fewer employees.*

(2) *Code B—51–100 employees.*

(3) *Code C—101–250 employees.*

(4) *Code D—251–500 employees.*

(5) *Code E—501–750 employees.*

(6) *Code F—751–1,000 employees.*

(7) *Code G—Over 1,000 employees.*

(8) *Code M—\$1,000,000 or less.*

(9) *Code N—\$1,000,001–\$2,000,000.*

(10) *Code P—\$2,000,001–\$3,500,000.*

(11) *Code R—\$3,500,001–\$5,000,000.*

(12) *Code S—\$5,000,001–\$10,000,000.*

(13) *Code T—\$10,000,001–\$17,000,000.*

(14) *Code U—Over 17,000,000.*

(xi) **BLOCK D11, EMERGING SMALL BUSINESS.**

(A) Complete this block only if Block D9 is coded Y and the contracting action is in one of the four designated industry groups, not one of the targeted industry categories. Otherwise, leave Block D11 blank.

(B) Enter one of the following codes:

(1) *Code Y—Yes.* Enter code Y if the contractor represents in the provision at FAR 52.219–19, Small Business Concern Representation for the Small Business Competitiveness Demonstration Program, that it is an emerging small business concern.

(2) *Code N—No.* Enter code N if code Y does not apply.

(e) *Part E of the DD Form 350.* Part E gathers data on specialized items that may not become permanent reporting elements.

(1) **BLOCK E1, CONTINGENCY, HUMANITARIAN, OR PEACEKEEPING OPERATION.**

(i) Enter code Y in Block E1 if the contracting action exceeds \$200,000 and is in support of—

(A) A contingency operation as defined in 10 U.S.C. 101(a)(13); or

(B) A humanitarian or peacekeeping operation as defined in 10 U.S.C. 2302(7).

(ii) Otherwise, leave Block E1 blank.

(2) **BLOCK E2, COST ACCOUNTING STANDARDS CLAUSE.** Enter code Y in Block E2 if the contract includes a Cost Accounting Standards clause (see FAR Part 30). Otherwise, leave Block E2 blank.

(3) **BLOCK E3–BLOCK E8.** Reserved.

(f) *Part F of the DD Form 350.* Part F identifies the reporting official.

(1) **BLOCK F1, NAME OF CONTRACTING OFFICER OR REPRESENTATIVE.** Enter the name (Last, First, Middle Initial) of the contracting officer or representative.

(2) **BLOCK F2, SIGNATURE.** The person identified in Block F1 must sign.

(3) **BLOCK F3, TELEPHONE NUMBER.** Enter the telephone number (with area code) for the individual in Block F1. Installations with Defense

Switched Network (NSN) must enter the DSN number.

(4) **BLOCK F4, DATE.** Enter the date that the DD Form 350 Report is submitted. Enter four digits for the year, two digits for the month, and two digits for the day. Use 01 through 12 for January through December. For example, enter January 2, 2003, as 20030102.

6. Section 253.204–71 is amended by revising paragraph (g) to read as follows:

253.204–71 DD Form 1057, Monthly Contracting Summary of Actions \$25,000 or Less.

* * * * *

(g) *Section, E, Selected Socioeconomic Statistics.*

(1) **BLOCK E1, SMALL BUSINESS (SB) SET-ASIDE.**

(i) Enter the total number and dollar value of contracting actions that were small business set-aside actions, including awards to SDBs reported in Blocks E2c and E2d. Do not include orders under Federal schedules that are reported in Block E3 or E5.

(ii) If the action is an emerging small business set-aside (see FAR 19.1006(c)), use the most appropriate sub-block.

(iii) Enter the subtotals for the number and total dollar value of actions for—

(A) Block E1a, SB Set-Aside Using Simplified Acquisition procedures. Enter actions pursuant to FAR 13.003(b)(1).

(B) Block E1b, SB Set-Aside. Enter actions pursuant to FAR 19.502.

(2) **BLOCK 32, SMALL DISADVANTAGED BUSINESS (SDB) ACTIONS.**

(i) Enter the total number and dollar value of actions that were SDB actions. Do not include orders under Federal schedules that are reported in Block E3 or E5.

(ii) Enter the subtotals for the number and dollar value for—

(A) Block E2a, Through SBA—Section 8(a). Enter actions with the Small Business Administration pursuant to Section 8(a) of the Small Business Act (see FAR subpart 19.8) or under the 8(a) direct award procedures at 219.811.

(B) Block E2b, SDB Set-Aside/SDB Preference/Evaluation Adjustment. Enter actions resulting from—

(1) A set-aside for SDB concerns;

(2) Application of an SDB price preference or evaluation adjustment (see FAR subpart 19.11); or

(3) SDB preferential consideration.

(C) Block E2c, SB Set-Aside Using Simplified Acquisition Procedures. Enter actions pursuant to FAR 13.003(b)(1) when award is to an SDB, but a preference or evaluation adjustment was not applied.

(D) Block E2d, SB Set-Aside. Enter Actions under FAR 19.502 when award is to an SDB, but a preference or evaluation adjustment was not applied nor was preferential consideration given.

(E) Block E2e, Other. Enter awards to SDB concerns when award is to an SDB not reported in Blocks E2a through E2d.

(3) BLOCK E3, SDB FEDERAL SCHEDULE ORDERS. Enter the total number and dollar value of contracting actions that were orders under Federal schedules with SDBs.

(4) BLOCK E4, WOMEN-OWNED SMALL BUSINESS. Enter the total number and dollar value of contracting actions with women-owned small businesses (see FAR 19.304(a)). Do not include orders under Federal schedules that are reported in Block E5.

(5) BLOCK E5, WOMEN-OWNED SMALL BUSINESS FEDERAL SCHEDULE ORDERS. Enter the total number and dollar value of contracting actions that were orders under Federal schedules with women-owned small businesses.

(6) BLOCK E6, HBCU/MI. Enter the total number and dollar value of contracting actions with HBCU/MIs pursuant to subpart 226.70.

(7) BLOCK E7, JWOD PARTICIPATING NONPROFIT AGENCIES. Enter the total number and

dollar value of contracting actions with qualified nonprofit agencies employing people who are blind or severely disabled for supplies or services from the Procurement List pursuant to FAR subpart 8.7.

(8) BLOCK E8, EXEMPT FROM SMALL BUSINESS ACT REQUIREMENTS. Enter the total number and dollar value of contracting actions exempt from the set-aside requirements of the Small Business Act (see FAR 19.502-1).

(9) BLOCK E9, HUBZONE.

(i) Enter the total number and dollar value of contracting actions that were awarded to HUBZone small business concerns in each of the following categories:

(A) Block E9a, HUBZone Set-Aside.

(B) Block E9b, HUBZone Price Evaluation Preference.

(C) Block E9c, HUBZone Sole Source.

(D) Block E9d, HUBZone Concern-Other. Use this category when the award is to a HUBZone small business concern and Blocks E9a, E9b, and E9c do not apply.

(ii) Do not include orders under Federal schedules that are reported in Block E3 or E5. Do not total the values for Block E9.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 396

Inspection, Repair, and Maintenance

CFR Correction

In Title 49 of the Code of Federal Regulations, parts 200 to 399, revised as of Oct. 1, 1998, on page 900, § 396.19 is corrected by reinstating the correct text of paragraph (b) to read as follows:

§ 396.19 Inspector qualifications.

* * * * *

(b) Evidence of that individual's qualifications under this section shall be retained by the motor carrier for the period during which that individual is performing annual motor vehicle inspections for the motor carrier, and for one year thereafter. However, motor carriers do not have to maintain documentation of inspector qualifications for those inspections performed either as part of a State periodic inspection program or at the roadside as part of a random roadside inspection program.

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