

Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

## B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule substitutes efficient electronic databases for solicitation mailing lists and the SF 129, Solicitation Mailing List Application. Continued reliance on the SF 129 would unnecessarily promote inefficiency associated with paper-based processes. The successful phase-out of the paper-based *Commerce Business Daily* in favor of reliance on FedBizOpps demonstrates that the Federal contracting community, including small businesses, is successfully transitioning to greater use of electronic tools and their associated efficiencies to conduct business.

## C. Paperwork Reduction Act

The Paperwork Reduction Act no longer applies because the final rule eliminates reporting and recordkeeping requirements currently approved under OMB Control Number 9000-0002. This rule will reduce the current OMB inventory by 464,000 hours.

## List of Subjects in 48 CFR Parts 1, 5, 14, 19, 22, 36, 52, and 53

Government procurement.

Dated: July 16, 2003.

**Laura Auletta,**

*Director, Acquisition Policy Division.*

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 1, 5, 14, 19, 22, 36, 52, and 53 as set forth below:

■ 1. The authority citation for 48 CFR parts 1, 5, 14, 19, 22, 36, 52, and 53 is revised to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

## PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

### 1.106 [Amended]

■ 2. Amend section 1.106 in the table following the introductory paragraph by removing from FAR segment 14.205 its corresponding OMB Control Number “9000-0002” and adding “9000-0037” in its place; and by removing the FAR segments “14.205-4(c)” and “SF 129” and their corresponding OMB Control

Numbers “9000-0037” and “9000-0002”, respectively.

## PART 5—PUBLICIZING CONTRACT ACTIONS

■ 3. Amend section 5.205 by revising the fourth sentence of paragraph (a) to read as follows:

### 5.205 Special situations.

(a) \* \* \* Contracting officers must consider potential sources which respond to advance notices for a subsequent solicitation. \* \* \*

\* \* \* \* \*

### 5.403 [Amended]

■ 4. Amend section 5.403 in paragraph (a) by removing “(a) *Individual requests.*”; and by removing paragraph (b).

## PART 14—SEALED BIDDING

### 14.103-1 [Amended]

■ 5. Amend section 14.103-1 by removing paragraph (b) and redesignating paragraphs “(c)” and “(d)” as “(b)” and “(c)”, respectively.

■ 6. Amend section 14.201-6 by revising paragraph (e) to read as follows:

### 14.201-6 Solicitation provisions.

\* \* \* \* \*

(e) Insert in all invitations for bids, except those for construction, the provision at 52.214-10, Contract Award-Sealed Bidding.

\* \* \* \* \*

■ 7. Amend section 14.203-1 by revising the first sentence to read as follows:

### 14.203-1 Transmittal to prospective bidders.

Invitations for bids or presolicitation notices must be provided in accordance with 5.102. \* \* \*

■ 8. Revise section 14.205 and its section heading to read as follows:

### 14.205 Presolicitation notices.

In lieu of initially forwarding complete bid sets, the contracting officer may send presolicitation notices to concerns. The notice shall—

(a) Specify the final date for receipt of requests for a complete bid set;

(b) Briefly describe the requirement and furnish other essential information to enable concerns to determine whether they have an interest in the invitation; and

(c) Normally not include drawings, plans, and specifications. The return date of the notice must be sufficiently in advance of the mailing date of the invitation for bids to permit an accurate estimate of the number of bid sets

required. Bid sets shall be sent to concerns that request them in response to the notice.

### 14.205-1 through 14.205-5 [Removed]

■ 9. Remove sections 14.205-1 through 14.205-5.

### 14.211 [Amended]

■ 10. Amend section 14.211 in the first sentence of paragraph (a) by removing “14.205-4(c)” and adding “14.205” in its place.

■ 11. Amend section 14.503-1 by revising the introductory text of paragraph (a) to read as follows:

### 14.503-1 Step one.

(a) Requests for technical proposals shall be synopsized in accordance with Part 5. The request must include, as a minimum, the following:

\* \* \* \* \*

## PART 19—SMALL BUSINESS PROGRAMS

### 19.202-2 [Amended]

■ 12. Amend section 19.202-2 by removing paragraph (a) and redesignating paragraphs “(b)” and “(c)” as “(a)” and “(b)”, respectively.

### 19.202-4 [Amended]

■ 13. Amend section 19.202-4 by removing paragraph (c) and redesignating paragraph (d) as (c).

### 19.402 [Amended]

■ 14. Amend section 19.402 in paragraph (c)(3) by removing the words “on solicitation mailing lists or”.

## PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

■ 15. Amend section 22.1009-2 by revising paragraph (b) to read as follows:

### 22.1009-2 Attempt to identify possible places of performance.

\* \* \* \* \*

(b) Databases available via the Internet for lists of prospective offerors and contractors.

\* \* \* \* \*

## PART 36—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

### 36.213-3 [Amended]

■ 16. Amend section 36.213-3 in the parenthetical in paragraph (d) by removing “14.205 and”.