

DEPARTMENT OF LABOR**Office of the Secretary****48 CFR Parts 2901 through 2953**

RIN 1291-AA34

Revision to the Department of Labor Acquisition Regulations**AGENCY:** Office of the Secretary, Labor.**ACTION:** Notice of proposed rulemaking.

SUMMARY: This document sets forth a revised Department of Labor Acquisition Regulation (DOLAR). The Department of Labor Acquisition Regulation implements and supplements the Federal Acquisition Regulation (FAR). The DOLAR was last revised in 1986, and is significantly out-of-date. The regulation has been substantially revised to: Update references to obsolete policies, procedures, and organizations; incorporate electronic links to reference such as revised provisions of the FAR, U.S. Code, and the Code of Federal Regulations; incorporate Office of Federal Procurement Policy Letters, and Executive Orders; and establish revised procedures that follow current established best practices. The DOLAR provides a definition for "Agency Head", which is inconsistent with the internal Department of Labor Manual Series (DLMS) Chapters 2-800 and 2-900 that establishes DOL procurement operating procedures and policies. Future changes to the DLMS will comport with this definition.

DATES: Interested parties should submit comments on the proposed rule at the address, shown below, on or before October 14, 2003 to be considered in the formulation of the final rule.

ADDRESSES: Comments may be submitted by email to:

OASAMRegComments@dol.gov.

Otherwise comments may be mailed to Jeffrey Saylor, Director, Division of Acquisition Management Services, 200 Constitution Ave., NW., Room N-5425, Washington, DC 20210-0001.

FOR FURTHER INFORMATION CONTACT: Jeffrey Saylor, Director, Division of Acquisition Management Services, telephone (202) 693-7285.

SUPPLEMENTARY INFORMATION: These comprehensive revisions to Parts 2901 through 2954 incorporate changes to the language and structure of the regulations and also update provisions to correspond with the current Federal Acquisition Regulation and Department of Labor policies.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 605(b)) requires that, for each rule with a "significant economic impact on a substantial number of small entities," an analysis shall be prepared describing the rule's impact on small entities and identifying any significant alternatives to the rule that would minimize the economic impact on small entities. This proposed rule revises and updates existing contracting procedures and does not make any major changes to the DOLAR that would have a significant economic impact on a substantial number of small businesses.

Executive Order 12866

This rule is considered by the Department of Labor to be a significant regulatory action under Executive Order 12866, section 3(f), Regulatory Planning and Review. Accordingly, this regulation has been submitted to the Office of Management and Budget for review.

Unfunded Reform Mandates Act of 1995

The Unfunded Reform Mandates Act of 1995 (Public Law 104-4) requires agencies to prepare several analytic statements before proposing any rule that may result in annual expenditures of \$100 million by State, local, Indian Tribal governments or the private sector. The proposed changes to the DOLAR would not result in expenditures of this magnitude.

Paperwork Reduction Act

The proposed changes to the DOLAR will not impose additional reporting or record-keeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The DOL forms identified in 2953.1 are used for internal review and are not public use documents.

Congressional Review of Agency Rulemaking

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, (5 U.S.C. 804). This NPRM, if published as a final rule, would not: result in an annual effect on the economy of \$100 million or more; result in an increase in cost or prices; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 13132: Federalism

The proposed changes to the DOLAR will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

List of Subjects in 48 CFR Parts 2901 through 2953

Government procurement.

For the reasons stated in the preamble, the Department of Labor proposes to amend 48 CFR Chapter 29 by revising Parts 2901 through 2953, to read as set forth below.

Signed at Washington, DC this 1st day of August 2003.

Elaine L. Chao,
Secretary of Labor.
Sec.

CHAPTER 29—DEPARTMENT OF LABOR
(Parts 2901 to 2953)**SUBCHAPTER A—GENERAL****PART 2901—DEPARTMENT OF LABOR ACQUISITION REGULATION SYSTEM**

2901.1 Purpose, Authority, Issuance.

2901.2 Administration.

2901.4 Deviations From the FAR and DOLAR.

2901.6 Career Development, Contracting Authority, and Responsibilities.

2901.7 Determinations and Findings.

PART 2902—DEFINITIONS OF WORDS AND TERMS

2902.1 Definitions.

PART 2903—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

2903.1 Safeguards.

2903.2 Contractor Gratuities to Government Personnel.

2903.6 Contracts With Government Employees or Organizations Owned or Controlled by Them.

PART 2904—ADMINISTRATIVE MATTERS

2904.6 Contract Reporting.

2904.8 Government Contract Files.

SUBCHAPTER B—ACQUISITION PLANNING**PART 2905—PUBLICIZING CONTRACT ACTIONS**

2905.1 Dissemination of Information.

2905.2 Synopsis of Proposed Contract Actions.

2905.4 Release of Information.

2905.5 Paid Advertisements.