

52.246-24 Limitation of liability-high-value items.

As prescribed in 46.805, insert the following clause:

* * * * *

52.246-25 Limitation of liability-services.

As prescribed in 46.805, insert the following clause:

* * * * *

112. Section 52.247-1 is amended by adding the introductory paragraph and removing paragraphs (a) and (b) to read as follows:

52.247-1 Commercial bill of lading notations.

As prescribed in 47.104-4, insert the following clause:

* * * * *

52.247-64 [Amended]

113. In the clause at section 52.247-64, the date is revised to read "(XXX 1995)"; in paragraph (d) remove the words "small purchases" and insert "contracts at or below the simplified acquisition threshold" in their place; and in paragraph (e)(1), remove the words "Small purchases" and insert "Contracts at or below the simplified acquisition threshold" in their place.

114. In sections 52.249-8, 52.249-9, and 52.249-10 the introductory paragraphs are revised to read as follows:

52.249-8 Default (Fixed-price supply and service).

As prescribed in 49.504(a)(1), insert the following clause:

* * * * *

52.249-9 Default (Fixed-price research and development).

As prescribed in 49.504(b), insert the following clause:

* * * * *

52.249-10 Default (Fixed-price construction).

As prescribed in 49.504(c)(1), insert the following clause:

* * * * *

PART 53—FORMS

115. Section 53.213 is amended by revising the heading, the introductory paragraph, and paragraphs (a), (c), and (e)(1) to read as follows:

53.213 Simplified acquisition procedures (SF's 18, 30, 44, 1165, OF's 347, 348).

The following forms are prescribed as stated below for use in simplified acquisition procedures, orders under existing contracts or agreements, and orders from required sources of supplies and services;

(a) SF 18 (Rev. 5/93), Request for Quotations. SF 18 prescribed in 53.215-1(a), shall be used in obtaining price, cost, delivery, and related information from suppliers as specified in 13.107(a).

* * * * *

(c) SF 44 (Rev. 10/83), Purchase Order Invoice Voucher. SF 44 is prescribed for use in simplified acquisition procedures, as specified in 13.505-3.

* * * * *

(e) * * *

(1) To accomplish acquisitions under simplified acquisition procedures, as specified in 13.505-1(a)(2).

* * * * *

116. Section 53.215-1 is amended by revising the introductory paragraph to read as follows:

53.215-1 Solicitation and receipt of proposals and quotations.

The following forms are prescribed, as stated below, for use in contracting by negotiation (except for construction, architect-engineer services, or acquisitions made using simplified acquisition procedures):

* * * * *

[FR Doc. 95-5451 Filed 3-3-95; 8:45 am]

BILLING CODE 6820-34-P

DEPARTMENT OF DEFENSE**GENERAL SERVICES ADMINISTRATION****NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

48 CFR Parts 2, 4, 5, 7, 8, 9, 12, 14, 15, 16, 32, 45, 52, and 53

[FAR Case 91-104]

Federal Acquisition Regulation; Electronic Contracting

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are proposing to amend the Federal Acquisition Regulation (FAR) to address the use of electronic commerce/electronic data interchange in Government contracting. This regulatory action was subject to Office of Management and Budget review pursuant to Executive Order No. 12866 dated September 30, 1993.

DATES: Comments should be submitted to the FAR Secretariat at the address

shown below on or before May 5, 1995, to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to:

General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW, Room 4037, Washington, DC 20405. Please cite FAR case 91-104 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Loeb at (202) 501-4547 in reference to this FAR case. For general information, contact the FAR Secretariat, Room 4037, GS Building, Washington, DC 20405 (202) 501-4755. Please cite FAR Case 91-104.

SUPPLEMENTARY INFORMATION:**A. Background**

A proposed rule was published in the **Federal Register** at 58 FR 69588, December 30, 1993. The rule proposed amendments to the FAR to remove any barriers to the use of electronic data interchange in Government contracting. Thirty-six comments from ten respondents were received during the public comment period. After evaluating the public comments, the Councils agreed to publish another proposed rule, because significant changes to the rule published on December 30, 1993, were deemed to be necessary. The changes include:

- Revision of the definition of "in writing" or "written" at 2.101 to include electronically transmitted and stored information.
- Revision of the definition of "signature" at 2.101 for clarity and to include electronic symbols.
- Addition of a definition of "electronic commerce" at 4.301.
- Amendment of section 5.101 to permit the use of electronic dissemination, available to the public at the contracting office, to satisfy the requirement for public display of proposed contract actions.
- Amendment of section 5.102 to permit contracting officers to furnish solicitations directly to the electronic address of a small business concern.
- Amendment of sections 12.103, 14.304-1, 52.212-1, 52.212-2, 52.214-7, 52.214-23, 52.214-32, 52.214-33, 52.215-10, and 52.215-36 to accommodate the use of electronic systems which batch-process communications overnight and, therefore, require receipt of information one day in advance to ensure timely delivery to the designated address.
- Revision of paragraph (a) of section 14.205-1 to eliminate the requirement

for establishment of solicitation mailing lists when using electronic commerce methods which transmit solicitations or presolicitation notices automatically to all interested sources participating in electronic contracting with the purchasing activity.

—Addition of new regulations at 14.406 and 15.607(d) to establish procedures for handling unreadable electronic bids and proposals.

This proposed rule and the proposed rule published under FAR Case 94-770, Simplified Acquisition Procedures/FACNET, are interdependent and are meant to be considered jointly.

B. Regulatory Flexibility Act

The proposed rule is expected to have a positive impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because it encourages broader use of electronic contracting, thereby improving industry access to Federal contracting opportunities. An Initial Regulatory Flexibility Analysis (IRFA) has been prepared and may be obtained from the FAR Secretariat. A copy of the IRFA has been submitted to the Chief Counsel for Advocacy of the Small Business Administration. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected FAR parts will also be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and should cite 5 U.S.C. 601 *et seq.* (FAR case 91-104) in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed rule does not impose any information collection requirements which 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 2, 4, 5, 7, 8, 9, 12, 14, 15, 16, 32, 45, 52, and 53:

Government procurement.

Dated: February 21, 1995.

C. Allen Olson,

Director, Office of Federal Acquisition Policy.

Therefore, it is proposed that 48 CFR Parts 2, 4, 5, 7, 8, 9, 12, 14, 15, 16, 32, 45, 52, and 53 be amended as set forth below:

1. The authority citation for 48 CFR Parts 2, 4, 5, 7, 8, 9, 12, 14, 15, 16, 32, 45, 52, and 53 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 2—DEFINITIONS OF WORDS AND TERMS

2. Section 2.101 is amended by adding, in alphabetical order, the definitions, "In writing" or "written" and "Signature" or "signed" to read as follows:

2.101 Definitions.

* * * * *

In writing or *written* means any worded or numbered expression which can be read, reproduced, and later communicated, and includes electronically transmitted and stored information.

* * * * *

Signature or *signed* means the discrete, verifiable symbol of an individual which, when affixed to a writing with the knowledge and consent of the individual, indicates a present intention to authenticate the writing. This includes electronic symbols.

* * * * *

PART 4—ADMINISTRATIVE MATTERS

3. Section 4.101 is revised to read as follows:

4.101 Contracting officer's signature.

Only contracting officers shall sign contracts on behalf of the United States. The contracting officer's name and official title shall be typed, stamped, or printed on the contract. The contracting officer normally signs the contract after it has been signed by the contractor. The contracting officer shall ensure that the signer(s) have authority to bind the contractor (see specific requirements in 4.102 of this subpart).

4.201 [Amended]

4. Section 4.201 is amended in paragraph (a) by removing the parenthetical "(see 4.101(b))"; in paragraph (b)(1) by removing the parenthetical "'stamped 'DUPLICATE ORIGINAL,' see 4.101(b))"; and in paragraph (d) by revising the parenthetical to read "(see 30.601(b))".

5. Section 4.500, as proposed to be added in FAR Case 94-770 published elsewhere in this issue of the **Federal Register**, is amended by adding, in alphabetical order, definitions for "Electronic commerce" and "Electronic data interchange" to read as follows:

4.500 Definitions.

Electronic commerce means a paperless process including electronic mail, electronic bulletin boards, electronic funds transfer, electronic data interchange, and similar techniques for accomplishing business transactions. The use of terms commonly associated

with paper transactions (e.g., "copy", "document", "page", "printed", "sealed envelope" and "stamped") shall not be interpreted to restrict the use of electronic commerce.

Electronic data interchange means a technique for electronically transferring and storing formatted information between computers utilizing established and published formats and codes, as authorized by the applicable Federal Information Processing Standards.

PART 5—PUBLICIZING CONTRACT ACTIONS

6. Section 5.101 is amended by adding a new last sentence to paragraph (a)(2) introductory text and by adding paragraph (a)(2)(iv) to read as follows:

5.101 Methods of disseminating information.

* * * * *

(a) * * *

(2) * * * Electronic dissemination

available to the public at the contracting office may be used to satisfy the public display requirement.

* * * * *

(iv) Contracting offices utilizing electronic systems for public posting shall periodically publicize the methods for accessing such information.

* * * * *

7. Section 5.102(a)(4)(i) is revised to read as follows:

5.102 Availability of solicitations.

(a) * * *

(4) * * *

(i) A copy of the solicitation and specifications. In the case of solicitations disseminated by electronic data interchange, solicitations may be furnished directly to the electronic address of the small business concern;

* * * * *

8. Section 5.207 is amended by adding a new paragraph (c)(2)(xvi) to read as follows:

5.207 Preparation and transmittal of synopses.

* * * * *

(c) * * *

(2) * * *

(xvi) If the solicitation will be made available to interested parties through electronic data interchange, provide any information necessary to obtain and respond to the solicitation electronically.

* * * * *

PART 7—ACQUISITION PLANNING

7.304 [Amended]

9. Section 7.304(b)(3) is amended in the first sentence by adding ", or

electronic equivalent," after the word "envelope".

10. Section 7.306(a)(1)(i) is revised to read as follows:

7.306 Evaluation.

* * * * *

(a)(1) * * *

(i) Open the sealed cost comparison on which the cost estimate for Government performance has been entered;

* * * * *

PART 8—REQUIRED SOURCES OF SUPPLIES AND SERVICES

11. Section 8.405-2 is amended by revising the first sentence of the introductory text to read as follows:

8.405-2 Order placement.

Ordering offices may use Optional Form 347, an agency-prescribed form, or an established electronic communications format to order items from schedules and shall place orders directly with the contractor within the limitations specified in each schedule. * * *

* * * * *

8.705-3 [Amended]

12. Section 8.705-3(a) is amended in the first sentence by removing the word "letter" and inserting "written" in its place.

PART 9—CONTRACTOR QUALIFICATIONS

9.206-3 [Amended]

13. Section 9.206-3(b) is amended in the first sentence by removing "requested copies of the solicitation" and inserting "expressed interest in the acquisition" in its place.

PART 12—CONTRACT DELIVERY OR PERFORMANCE

14. Section 12.103(e) is revised to read as follows:

12.103 Supplies or services.

* * * * *

(e) In invitations for bids, if the delivery schedule is based on the date of the contract, and a bid offers delivery based on the date the contractor receives the contract or notice of award, the contracting officer shall evaluate the bid by adding 5 calendar days (as representing the normal time for arrival through ordinary mail). If the contract or notice of award will be transmitted electronically, (1) the solicitation shall so state; and (2) the contracting officer shall evaluate delivery schedule based on the date of contract receipt or notice of award, by adding one working day.

(The term "working day" excludes weekends and U.S. Federal holidays.) If the offered delivery date computed with mailing or transmittal time is later than the delivery date required by the invitation for bids, the bid shall be considered nonresponsive and rejected. If award is made, the delivery date will be the number of days offered in the bid after the contractor actually receives the notice of award.

PART 14—SEALED BIDDING

15. Section 14.201-6(e)(1) is revised to read as follows:

14.201-6 Solicitation provisions.

* * * * *

(e) * * *

(1) 52.214-9, Failure to Submit Bid, except when using electronic data interchange methods not requiring solicitation mailing lists; and

* * * * *

14.202-1 Bidding time.

16. Section 14.202-1(b)(6) is amended by removing the word "mailing" and inserting "transmittal" in its place.

17. Section 14.202-2(a)(1) is revised to read as follows:

14.202-2 Telegraphic bids.

(a) * * *

(1) The date for the opening of bids will not allow bidders sufficient time to submit bids in the prescribed format; or

* * * * *

14.202-8 Electronic bids.

In accordance with Subpart 4.5, contracting officers may authorize use of electronic commerce for submission of bids. If electronic bids are authorized, the solicitation shall specify the electronic commerce method(s) that bidders may use.

19. Section 14.203-1 is revised to read as follows:

14.203-1 Transmittal to prospective bidders.

Invitations for bids or presolicitation notices shall be transmitted as specified in 14.205, and shall be provided to others in accordance with 5.102. When a contracting office is located in the United States, any solicitation sent to a prospective bidder located at a foreign address shall be sent by electronic data interchange or international air mail if security classification permits.

20. Section 14.205-1(a) is revised to read as follows:

14.205-1 Establishment of lists.

(a) Solicitation mailing lists shall be established by contracting activities to

assure access to adequate sources of supplies and services. This rule need not be followed, however, when (1) the requirements of the contracting office can be obtained through use of the simplified acquisition procedures (see Part 13), (2) the requirements are nonrecurring, or (3) electronic commerce methods are used which transmit solicitations or presolicitation notices automatically to all interested sources participating in electronic contracting with the purchasing activity. Lists may be established as a central list for use by all contracting offices within the contracting activity, or as local lists maintained by each contracting office.

* * * * *

21. Section 14.209(b) is amended by adding a second sentence to read as follows:

14.209 Cancellation of invitations before opening.

* * * * *

(b) * * * For bids received

electronically, the data received shall not be viewed and shall be purged from primary and backup data storage systems.

* * * * *

22. Section 14.301 is amended by adding paragraph (e) to read as follows:

14.301 Responsiveness of bids.

(e) Bids submitted by electronic commerce shall be considered only if the electronic commerce method was specifically stipulated or permitted by the solicitation.

23. Section 14.303 is amended by revising the first sentence of paragraph (a) and adding (c) to read as follows:

14.303 Modification or withdrawal of bids.

(a) Bids may be modified or withdrawn by any method authorized by the solicitation, if notice is received in the office designated in the solicitation not later than the exact time set for opening of bids. * * *

* * * * *

(c) Upon withdrawal of an electronically transmitted bid, the data received shall not be viewed and shall be purged from primary and backup data storage systems.

24. Section 14.304-1 is amended by removing the word "either" at the end of the paragraph (a) introductory text, by removing the word "or" at the end of paragraph (a)(2), by removing the period at the end of paragraph (a)(3) and inserting "; or" in its place, and by adding paragraph (a)(4) to read as follows:

14.304-1 General.

* * * * *

(a) * * *
 (4) It was transmitted through an electronic commerce method authorized by the solicitation and was received by the Government not later than 5:00 PM one working day prior to the date specified for receipt of bids.

* * * * *
 25. Section 14.401(a) is amended by revising the second sentence to read as follows:

14.401 Receipt and safeguarding of bids.

(a) * * * Except as provided in paragraph (b) of this section, the bids shall not be opened or viewed, and shall remain in a locked bid box, a safe, or in a secured, restricted-access electronic bid box. * * *

* * * * *
 26. Section 14.402-3(a)(1) is revised to read as follows:

14.402-3 Postponement of openings.

(a) * * *
 (1) The contracting officer has reason to believe that the bids of an important segment of bidders have been delayed in the mails, or in the communications system specified for transmission of bids, for causes beyond their control and without their fault or negligence (e.g., flood, fire, accident, weather conditions, strikes, or Government equipment blackout or malfunction when bids are due); or

14.406 through 14.408 [Redesignated as 14.407 through 14.409; new 14.406 added.]

27. Sections 14.406, 14.406-1 through 14.406-4; 14.407, 14.407-1 through 14.407-8; and 14.408, 14.408-1 and 14.408-2 are redesignated as 14.407, 14.407-1 through 14.407-4; 14.408, 14.408-1 through 14.408-8; and 14.409, 14.409-1 and 14.409-2, respectively, and a new section 14.406 is added to read as follows:

14.406 Receipt of an unreadable electronic bid.

If a bid received at the Government facility by electronic data interchange is unreadable to the degree that conformance to the essential requirements of the invitation for bids cannot be ascertained, the contracting officer immediately shall notify the bidder that the bid will be rejected unless the bidder provides clear and convincing evidence—

- (a) Of the content of the bid as originally submitted; and
- (b) That the unreadable condition of the bid was caused by Government software or hardware error, malfunction, or other Government mishandling.

27A. Section 14.407-2 is amended by adding paragraph (c) to read as follows:

14.407-2 Apparent clerical mistakes.

* * * * *
 (c) Correction of bids submitted by electronic data interchange shall be effected by including in the electronic solicitation file the original bid, the verification request, and the bid verification.

PART 15—CONTRACTING BY NEGOTIATION

28. Section 15.402 is amended by adding paragraph (k) to read as follows:

15.402 General.

(k) In accordance with Subpart 4.5, contracting officers may authorize use of electronic commerce for submission of offers. If electronic offers are authorized, the solicitation shall specify the electronic commerce method(s) that offerors may use.

29. Section 15.407(d)(3) is revised to read as follows:

15.407 Solicitation provisions.

(d) * * *
 (3) Insert in RFP's the provision at 52.215-15, Failure to Submit Offer, except when using electronic data interchange methods not requiring solicitation mailing lists; and

* * * * *
 30. Section 15.410(b) is revised to read as follows:

15.410 Amendment of solicitations before closing date.

(b) The contracting officer shall determine if the closing date needs to be changed when amending a solicitation. If the time available before closing is insufficient, prospective offerors or quoters shall be notified by electronic data interchange, telegram, or telephone of an extension of the closing date. Telephonic and telegraphic notices shall be confirmed in the written amendment to the solicitation. The contracting officer shall not award a contract unless any amendments made to an RFP have been issued in sufficient time to be considered by prospective offerors.

* * * * *
 31. Section 15.412 is amended by revising the heading and adding paragraph (h) to read as follows:

15.412 Late proposals, modifications, and withdrawals of proposals.

(h) Upon withdrawal of an electronically transmitted proposal, the data received shall not be viewed and shall be purged from primary and backup data storage systems.

32. Section 15.607 is amended by adding paragraph (d) to read as follows:

15.607 Disclosure of mistakes before award.

(d) If a proposal received at the Government facility in electronic format is unreadable to the degree that conformance to the essential requirements of the solicitation cannot be ascertained from the document, the contracting officer immediately shall notify the offeror and provide the opportunity for the offeror to submit clear and convincing evidence—

- (1) Of the content of the proposal as originally submitted; and
- (2) That the unreadable condition of the proposal was caused by Government software or hardware error, malfunction, or other Government mishandling.

14.407-1, 14.407-3, 14.407-4, 14.408-6, 14.409, 15.607, 15.608 [Amended]

33. In addition to the amendments set forth above, newly-redesignated sections 14.407 through 14.409, 15.607, and 15.608 are further amended by updating the internal references as follows:

Section	Remove	Insert
14.407-1	14.406	14.407
14.407-3 intro. text ..	14.406-3	14.407-3
	14.406-2	14.407-2
14.407-3 (e), (h) & (i).	14.406-3	14.407-3
14.407-4(f)	14.406-4	14.407-4
14.408-6(c)	14.407-6	14.408-6
14.409-2	14.408-1	14.409-1
15.607(a)	14.406	14.407
15.608(c)	14.407-3	14.408-3

PART 16—TYPES OF CONTRACTS

34. Section 16.506(c) is revised to read as follows:

16.506 Ordering.

(c) Orders may be placed by electronic commerce methods when permitted under the contract.

PART 32—CONTRACTING FINANCING

35. Section 32.503-1(b) is revised to read as follows:

32.503-1 Contractor requests.

(b) Comply with the instructions appropriate to the applicable form, and the contract terms; and

PART 45—GOVERNMENT PROPERTY

36. Section 45.606-5 is amended by revising in paragraphs (b) (3) and (4) to read as follows:

45.606-5 Instructions for preparing and submitting schedules of contractor inventory.

* * * * *

(b) * * *

(3) The standard inventory schedule forms may be electronically reproduced by contractors pursuant to 53.105, provided no change is made to the name, content or sequence of the data elements. All essential elements of data must be included and the form must be signed.

(4) The appropriate continuation sheet shall be used when more space is needed.

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

37. Section 52.212-1 is amended by revising the date in the heading of the clause and the fourth sentence in paragraph (b), and removing "(R 7-104.92(b) 1974 APR)", "(R 1-1.316-5)" and "(R 1-1.316-4(c))" after "(End of clause)" to read as follows:

52.212-1 Time of Delivery.

* * * * *

TIME OF DELIVERY (DATE)

* * * * *

(b) * * * However, the Government will evaluate an offer that proposes delivery based on the Contractor's date of receipt of the contract or notice of award by adding (i) five calendar days for delivery of the award though the ordinary mails, or (ii) one working day if the solicitation states that the contract or notice of award will be transmitted electronically. (The term "working day" excludes weekends and U.S. Federal holidays.) * * *

(End of clause)

* * * * *

38. Section 52.212-2 is amended by revising the date in the heading of the clause and the fourth sentence in paragraph (b), and removing "(R 7-104.92(c) 1974 APR)", "(R 1-1.316-5(c))" and "(R 1-1.316-4(c))" following "(End of clause)" to read as follows:

52.212-2 Desired and Required Time of Delivery.

* * * * *

DESIRED AND REQUIRED TIME OF DELIVERY (DATE)

* * * * *

(b) * * * However, the Government will evaluate an offer that proposes delivery based on the Contractor's date of receipt of the contract or notice of award by adding (i) five calendar days for delivery of the award

through the ordinary mails, or (ii) one working day if the solicitation states that the contract or notice of award will be transmitted electronically. (The term "working day" excludes weekends and U.S. Federal holidays.) * * *

(End of clause)

* * * * *

39. Section 52.214-5 is amended by revising the date in the heading of the provision and adding paragraph (d) to read as follows:

52.214-5 Submission of Bids.

* * * * *

SUBMISSION OF BIDS (DATE)

* * * * *

(d) Bids submitted by electronic commerce shall be considered only if the electronic commerce method was specifically stipulated or permitted by the solicitation.

40. Section 52.214-7 is amended by revising the date in the provision heading, at the end of paragraph (a)(2) by removing "or," at the end of paragraph (3) by removing the period and inserting "; or" in its place, and adding paragraph (4) to read as follows:

52.214-7 Late Submissions, Modifications, and Withdrawals of Bids.

* * * * *

LATE SUBMISSIONS, MODIFICATIONS, AND WITHDRAWALS OF BIDS (DATE)

(a) * * *

(4) Was transmitted through an electronic commerce method authorized by the solicitation and was received by the government not later than 5:00 PM, one working day prior to the date specified for receipt of bids.

* * * * *

(End of provision)

41. Section 52.214-9 is amended by revising the introductory text, the date in the heading of the provision, the second sentence of the provision, and removing "(R SF 33A, Para 6, 1978 JAN)" after "(End of provision)" to read as follows:

52.214-9 Failure to Submit Bid.

As prescribed in 14.201-6(e)(1), insert the following provision in invitations for bids:

FAILURE TO SUBMIT BID (DATE)

* * * Instead, they should advise the issuing office by letter, postcard, or established electronic commerce methods, whether they want to receive future solicitations for similar requirements. * * *

(End of provision)

42. Section 52.214-23 is amended by revising the date in the heading of the provision, at the end of paragraph (3) by removing the period and adding "or" in its place, redesignating paragraph (4) as (5), and adding a new paragraph (4) to read as follows:

52.214-23 Late Submissions, Modifications, and Withdrawals of Technical Proposals Under Two-Step Sealed Bidding.

* * * * *

LATE SUBMISSIONS, MODIFICATIONS, AND WITHDRAWALS OF TECHNICAL PROPOSALS UNDER TWO-STEP SEALED BIDDING (DATE)

(a) * * *

(4) Was transmitted through an electronic commerce method authorized by the solicitation and was received by the Government not later than 5:00 PM one working day prior to the date specified for receipt of technical proposals; or

* * * * *

43. Section 52.214-32 is amended by revising the date in the heading of the provision and paragraph (a) to read as follows:

52.214-32 Late Submissions, Modifications, and Withdrawals of Bids (Overseas).

* * * * *

LATE SUBMISSIONS, MODIFICATIONS, AND WITHDRAWALS OF BIDS (OVERSEAS) (DATE)

(a) Any bid received at the office designated in the solicitation after the exact time specified for receipt will not be considered unless it is received before award is made and it—

(1) Was sent by mail or, if authorized by the solicitation, was sent by telegram or via facsimile, and it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation; or

(2) Was transmitted through an electronic commerce method authorized by the solicitation and was received by the Government not later than 5:00 p.m. one working day prior to the date specified for receipt of bids. The term "working day" excludes weekends and U.S. Federal holidays.

* * * * *

44. Section 52.214-33 is amended by revising the date in the heading of the provision, at the end of paragraph (a)(1) by removing the word "or", redesignating paragraph (2) as (3), and adding a new paragraph (2) to read as follows:

52.214-33 Late Submissions, Modifications, and Withdrawals of Technical Proposals Under Two-Step Sealed Bidding (Overseas).

* * * * *

LATE SUBMISSIONS, MODIFICATIONS, AND WITHDRAWALS OF TECHNICAL PROPOSALS UNDER TWO-STEP SEALED BIDDING (OVERSEAS) (DATE)

(a) * * *

(2) Was transmitted through an electronic commerce method authorized by the solicitation and was received by the Government not later than 5:00 p.m. one

working day prior to the date specified for receipt of technical proposals. The term "working day" excludes weekends and U.S. Federal holidays; or

* * * * *

45. Section 52.215-9 is amended by revising the date in the provision heading, redesignating paragraph (d) as (e), and adding a new paragraph (d) to read as follows:

52.215-9 Submission of Offers.

* * * * *

SUBMISSION OF OFFERS (DATE)

* * * * *

(d) Offers submitted by electronic commerce shall be considered only if the electronic commerce method was specifically stipulated or permitted by the solicitation.

* * * * *

46. Section 52.215-10 is amended by revising the introductory text and the date in the provision heading, at the end of (a)(3) by removing the word "or", redesignating paragraph (4) as (5), and adding a new paragraph (4) to read as follows:

52.215-10 Late Submissions, Modifications, and Withdrawals of Proposals.

As prescribed in 15.407(c)(6), insert the following provision:

LATE SUBMISSIONS, MODIFICATIONS, AND WITHDRAWALS OF PROPOSALS (DATE)

(a) * * *

(4) Was transmitted through an electronic commerce method authorized by the solicitation and was received by the Government not later than 5:00 p.m. one working day prior to the date specified for receipt of proposals; or

* * * * *

47. Section 52.215-15 is revised to read as follows:

52.215-15 Failure to Submit Offer.

As prescribed in 15.507(d)(3), insert the following provision:

FAILURE TO SUBMIT OFFER (DATE)

Recipients of this solicitation not responding with an offer should not return this solicitation, unless it specifies otherwise. Instead, they should advise the issuing office by letter, postcard, or established electronic commerce methods, whether they want to receive future solicitations for similar requirements. If a recipient does not submit an offer and does not notify the issuing office that future solicitations are desired, the recipient's name may be removed from the applicable mailing list.

(End of provision)

48. Section 52.215-36 is amended by revising the date in the provision heading, at the end of paragraph (a)(1) by removing the word "or", redesignating paragraph (2) as (3), and adding a new paragraph (2) to read as follows:

52.215-36 Late Submissions, Modifications, and Withdrawals of Proposals (Overseas).

* * * * *

LATE SUBMISSIONS, MODIFICATIONS, AND WITHDRAWALS OF PROPOSALS (OVERSEAS) (DATE)

(a) * * *

(2) Was transmitted through an electronic commerce method authorized by the solicitation and was received by the Government not later than 5:00 p.m. one working day prior to the date specified for receipt of proposals; or

* * * * *

(End of provision)

52.223-3 [Amended]

49. Section 52.223-3, Alternate I, is amended by removing "(NOV 1991)" and inserting "(DATE)" in its place, and in the second sentence of paragraph (i)(1) by removing the word "mail" and inserting "transmit" in its place.

50. Section 52.242-12 is amended by revising the date in the clause heading and everything after the first sentence of the clause to read as follows:

52.242-12 Report of Shipment (REPSHIP).

* * * * *

REPORT OF SHIPMENT (REPSHIP) (DATE)

* * * The Government bill of lading, commercial bill of lading or letter or other document that contains all of the following shall be addressed and sent promptly to the receiving transportation officer by United States mail or authorized electronic commerce method.

(End of clause)

51. Section 52.242-13 is amended by revising the date in the clause and the first sentence of the clause to read as follows:

52.242-13 Bankruptcy.

* * * * *

BANKRUPTCY (DATE)

In the event the Contractor enters into proceedings relating to bankruptcy, whether voluntary or involuntary, the Contractor agrees to furnish, by certified mail or electronic commerce method authorized by

the contract, written notification of the bankruptcy to the Contracting Officer responsible for administering the contract. * * *

52. Section 52.247-48 is amended by revising the introductory text, the date in the clause heading, redesignating the introductory text of the clause and paragraphs (a), (b), and (c) as (a), (1), (2), and (3), respectively, adding new paragraph (b), and removing "(R 7-104.76 1968 JUN)" after "(End of clause)" to read as follows:

52.247-48 F.o.b. Destination—Evidence of Shipment.

As prescribed in 47.305-4(c), insert the following clause:

F.O.B. DESTINATION—EVIDENCE OF SHIPMENT (DATE)

* * * * *

(b) Electronic transmission of the information required by paragraph (a) of this clause is acceptable.

(End of clause)

PART 53—FORMS

53. Section 53.105 is revised to read as follows:

53.105 Computer generation.

(a) Agencies may computer-generate the Standard and Optional Forms prescribed in the FAR without exception approval (see 53.103), provided:

(1) the form is in an electronic format that complies with Federal Information Processing Standards, or

(2) there is no change to the name, content, or sequence of the data elements, and the form carries the Standard or Optional Form number and edition date.

(b) The forms prescribed by this regulation may be computer generated by the public. Unless prohibited by agency regulations, forms prescribed by agency FAR supplements may also be computer generated by the public. Computer generated forms shall either comply with Federal Information Processing Standards or shall retain the name, content, or sequence of the data elements, and shall carry the Standard or Optional Form or agency number and edition date (see 53.111).

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