

DD Form 1555 is authorized until the form is available through normal supply channels.) This includes all those required to file a DD Form 1555 under paragraph (b) (2) or (3) of this section and, with the exception of the Secretary, Under Secretary, and Assistant Secretaries of the Air Force, those required to file under paragraph (b) (1) of this section. (See paragraph (d) (2) of this section for civilian Presidential appointees.)

(2) The superior will give the DD Forms 1555 to the individual concerned for completion. He will insure that the individual completes and submits it, and all the required supplementary statements.

(3) When the superior receives a completed DD Form 1555 he will forward it directly to the local deputy counselor for filing if all the entries thereon are "none." In all other cases, the superior will review the DD Form in the light of the provisions of this part (particularly §§ 920.3, 920.9, and 920.15) and of the individual's duties and responsibilities. Except as provided in paragraph (n) of this section, he will then forward the DD Form 1555 directly to the local deputy counselor with the following endorsement:

I have reviewed the attached DD Form 1555 of _____ in the light of AFR 30-30 and of his duties and responsibilities. In my opinion, the DD Form 1555 discloses no conflict of interest or the appearance thereof. I will not call upon _____, in the performance of his official duties, to participate in any matter the outcome of which would have a direct and predictable effect on any of the non-governmental organizations listed on his DD Form 1555, unless a written determination that he may participate is made in accordance with paragraph 15d(1) of AFR 30-30 [§ 920.15(d) (1) of this section].

In an appropriate case, the superior will consult with the local deputy counselor before preparing his indorsement. After such consultation, the superior may add to his indorsement any necessary explanations of why, in his opinion, there is no conflict or appearance thereof.

(4) On receipt of the DD Form 1555, the deputy counselor will review it in the light of provisions of this part, the individual's position description, and the indorsement of the superior. If he finds no reason to question the superior's indorsement described in subparagraph (3) of this paragraph, he will file the DD Form 1555 together with the superior's indorsement and the individual's position description. If the deputy counselor is not satisfied that there is no conflict of interest or appearance thereof, he will so inform the individual's superior, either orally or in writing, with a request for further consideration.

(n) *Resolution of a conflict or appearance of conflict of interest.* (1) In any case in which the superior is unable to complete the indorsement described in paragraph (m) (3) of this section, and in any case coming within the last sentence of paragraph (m) (4) of this section, the superior, in consultation with the deputy

counselor, will discuss the conflict or appearance of conflict of interest with the individual concerned. If the conflict or appearance of conflict of interest persists and is not resolved as a result of discussion, the superior, in consultation with the deputy counselor will prepare and give the individual concerned written notice that there is a conflict or apparent conflict of interest, pointing out the reasons therefor. The notice will also inform the individual concerned that he is entitled to submit to the superior a written indorsement explaining the conflict or appearance of conflict.

(2) On receiving the individual's indorsement, the superior will forward the entire file to the local deputy counselor with the indorsement described in paragraph (m) (3) of this section if the superior concludes that the conflict or appearance of conflict is resolved. The deputy counselor will file the entire correspondence if he agrees with the superior's conclusion.

(3) If either the superior or the deputy counselor, after review of the explanation made by the employee in his indorsement, concludes that the conflict or appearance of conflict is not resolved, the commander will review the entire matter and, if he concludes that a conflict or appearance of a conflict does exist, will resolve it if possible.

(4) In any case arising at any echelon below Hq. U.S. Air Force level in which the commander concludes that there is a conflict or appearance of conflict of interest which is not resolved, he will forward the entire file, with detailed information and recommendations, through command channels to Hq. USAF (AFJAG) Washington, D.C. 20330, for resolution. Intermediate commands will attempt to resolve each case without forwarding it to Hq. U.S. Air Force.

(5) The Judge Advocate General, USAF, will forward to the General Counsel of the Air Force any case involving a conflict or appearance of a conflict which is not resolved by him or at a lower echelon. If the General Counsel is unable to resolve any case, he will refer the matter, with his recommendations, to the Under Secretary of the Air Force for decision.

(o) *How to resolve a conflict or apparent conflict of interest.* The resolution of a conflict or apparent conflict of interest either on review at the local level or after referral to Hq. U.S. Air Force, shall be effected promptly so that the conflict or appearance of conflict is ended. The resolution of the conflict or appearance of conflict may be accomplished by one or more means, such as changes in assigned duties, divestment of the conflicting interest, disqualification for a particular assignment, or disciplinary or administrative action. The resolution, whether by disciplinary action or otherwise, shall be effected in accordance with applicable laws, Executive Orders, and regulations.

(p) *Processing of supplementary statements and information furnished by*

other persons. Supplementary statements submitted pursuant to paragraph (g) of this section, and information furnished by persons other than the officer or employee filing the DD Form 1555 pursuant to paragraph (e) (5) of this section, will be processed in accordance with paragraphs (m) to (o) of this section, applicable to DD Form 1555.

(q) *Supplemental regulation.* When considered necessary to insure the timely filing and proper legal review of DD Forms 1555, commanders may issue supplemental regulations consistent with this section.

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief,
Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 66-8804; Filed, Aug. 12, 1966; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-11A, Revised Schedule A of Aug. 15, 1966]

M-11A—COPPER AND COPPER-BASE ALLOYS

Revision of Schedule A—Set-Aside Percentages

This amendment of Schedule A to BDSA Order M-11A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment further changes Revised Schedule A of May 13, 1966, to BDSA Order M-11A, as amended December 18, 1956, by increasing the set-aside percentage for unalloyed plate, sheet, strip, and rolls from 6 to 7 percent, for alloyed plate, sheet, strip, and rolls from 6 to 7 percent, for alloyed seamless tube and pipe from 16 to 33 percent, for copper wire mill products (other than magnet wire) from 6 to 8 percent, and for copper foundry products from 3 to 4 percent, and by decreasing the set-aside percentage for alloyed rod, bar, shapes, and wire from 11 to 10 percent, and for copper magnet wire from 15 to 11 percent. This amendment applies to authorized controlled material orders calling for delivery after September 30, 1966.

Schedule A to BDSA Order M-11A is hereby further amended to read as follows:

SCHEDULE A TO BDSA ORDER M-11A

Set-Aside Percentages (see sec. 6(f) of BDSA Order M-11A).
Base period—Calendar Year 1964 (see sec. 2(o) of BDSA Order M-11A).

Product	Percentage for orders calling for delivery after Sept. 30, 1966 ¹
Brass mill products:	
Unalloyed:	
Plate, sheet, strip, and rolls.....	7
Rod, bar, shapes, and wire.....	6
Seamless tube and pipe.....	(²)
Alloyed:	
Plate, sheet, strip, and rolls.....	7
Rod, bar, shapes, and wire.....	10
Seamless tube and pipe.....	33
Military ammunition cups and discs.....	(²)
Copper wire mill products:	
Copper wire and cable:	
Bare and tinned.....	8
Weatherproof.....	8
Magnet wire.....	11
Insulated building wire.....	8
Paper and lead power cable.....	8
Paper and lead telephone cable.....	8
Asbestos cable.....	8
Portable and flexible cord.....	8
Communications wire and cable.....	8
Shipboard cable.....	8
Automotive and aircraft wire and cable.....	8
Insulated power cable.....	8
Signal and control cable.....	8
Coaxial cable.....	8
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use.....	8
Copper foundry products.....	4
Unalloyed copper powder mill products.....	(²)
Copper-base alloy powder mill products.....	(²)

¹ Schedule A revised as of May 13, 1966, to BDSA Order M-11A, as amended Dec. 18, 1956, applies to orders calling for delivery prior to Oct. 1, 1966.

² No reserve space provided. Producers of these products are nevertheless required to accept authorized controlled material orders for such products in accordance with the provisions of DMS Regulation No. 1 and this order. However, section 6(f) of Order M-11A does not apply to such authorized controlled material orders.

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, P.L. 89-482, 80 Stat. 235.)

This revised schedule shall take effect August 15, 1966.

BUSINESS AND DEFENSE SERVICES
ADMINISTRATION,
FOREST D. HOCKERSMITH,
Acting Administrator.

[F.R. Doc. 66-8653; Filed, Aug. 12, 1966; 8:45 a.m.]

[BDSA Order M-11A, Dir. 2, Amdt. 2, Aug. 15, 1966]

M-11A—COPPER AND COPPER-BASE ALLOYS

Domestic Refined Copper Set-Aside

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this

amendment there was consultation with industry representatives and consideration was given to their recommendation.

This amendment affects Direction 2 to BDSA Order M-11A, of February 23, 1966, as amended, by changing the reserved portion of production, as set forth in section 8 of that direction, as amended by Amendment 1, of May 27, 1966, from thirteen percent (13%) to eighteen percent (18%). Amendment 1 of Direction 2 to BDSA Order M-11A, May 27, 1966, is superseded by this Amendment 2.

Section 8 of Direction 2 to BDSA Order M-11A, February 23, 1966, is hereby amended to read as follows:

Sec. 8. Reserved portion of production (set-aside).

From the date of opening his books in any month for the acceptance of rated orders for domestic refined copper, each producer of domestic refined copper shall reserve at least eighteen percent (18%) of his average monthly production of domestic refined copper (as defined in sec. 2(i) of this direction) for the acceptance of such rated orders calling for delivery in the immediately following month until the quantity of domestic refined copper for which he has accepted such rated orders is equal to at least the quantity thereof he is required to reserve, as indicated above; however, he need not accept such orders after the 10th day of that month even though he may not have accepted rated orders equivalent to the reserved quantity by that date: *Provided, however*, That DX rated orders must be accepted in accordance with the provisos contained in sec. 6 (2) and (5) above.

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, P.L. 89-482, 80 Stat. 235.)

This amendment shall become effective August 15, 1966.

BUSINESS AND DEFENSE SERVICES
ADMINISTRATION,
FORREST D. HOCKERSMITH,
Acting Administrator.

[F.R. Doc. 66-8688; Filed, Aug. 12, 1966; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 19—U.S. Information Agency MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments are made to Chapter 19 of Title 41.

PART 19-1—GENERAL

Subpart 19-1.1—Introduction

Sections 19-1.101 and 19-1.104 are revised to read as follows:

§ 19-1.101 Establishment of USIA procurement policies and procedures.

This subpart establishes U.S. Information Agency (USIA) procurement policies and procedures (Chapter 19) as pre-

scribed by the Director of USIA, to provide uniform policies and procedures applicable to procurement of personal property and nonpersonal services (including construction) and the procurement of real property by lease, for all USIA activities.

§ 19-1.104 Applicability.

Chapter 19 applies to all purchases and contracts made by the U.S. Information Agency for the procurement of personal property and nonpersonal services (including construction) and the procurement of real property by lease, within the United States.

Subpart 19-1.2 is added as follows:

Subpart 19-1.2—Definition of Terms

Sec.	Definitions.
19-1.201	Chief, Contract and Procurement Division.
19-1.206	Government.
19-1.250	Agency.
19-1.251	Director.
19-1.252	USIA.
19-1.253	USIS.
19-1.254	Overseas Establishment.
19-1.255	AR/CO.
19-1.257	Subcontract.
19-1.258	Services.

AUTHORITY: The provisions of this Subpart 19-1.2 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 19-1.201 Definitions.

For the purposes of this chapter, the following terms have the meanings set forth in this subpart, unless otherwise indicated.

§ 19-1.206 Chief, Contract and Procurement Division.

The Chief of the Contract and Procurement Division, the "Head of the procuring activity," is also designated the "Chief Contracting Officer" and, in some cases, the "Agency Contracting Officer."

§ 19-1.250 Government.

"Government" means the Government of the United States of America, and shall be deemed to include any department or organizational component thereof, including the Agency.

§ 19-1.251 Agency.

"Agency" means the U.S. Information Agency, acting through any of its duly authorized officials.

§ 19-1.252 Director.

"Director" means the head or any assistant head of the Agency (see § 1-1.204 of this title).

§ 19-1.253 USIA.

"USIA" means the U.S. Information Agency.

§ 19-1.254 USIS.

"USIS" means U.S. Information Service, the name by which the Agency is known overseas.

§ 19-1.255 Overseas Establishment.

"Overseas Establishment" means USIS post or media extension.

§ 19-1.256 AR/CO.

"AR/CO" means Authorized Representative of the Contracting Office (see § 1.5305).

§ 19-1.257 Subcontract.

"Subcontract," in addition to other legal definition, is intended to include any prime contractor's purchase order accepted by a vendor, unless otherwise provided in the prime contract.

§ 19-1.258 Services.

"Services" means nonpersonal services.

Subpart 19-1.3 is revised as follows:

Subpart 19-1.3—General Policies

Sec.	
19-1.302	Procurement sources.
19-1.302-3	Contracts between the Government and Government employees or business concerns substantially owned or controlled by Government employees.
19-1.302-51	Contracts between the Government and former Government employees.
19-1.305-3	Deviations from Federal Specifications.
19-1.313	Records of contract actions.
19-1.317	Noncollusive bids and proposals.
19-1.354	Execution of contracts.
19-1.355	Violations of law.

AUTHORITY: The provisions of this Subpart 19-1.3 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 19-1.302 Procurement sources.**§ 19-1.302-3 Contracts between the Government and Government employees or business concerns substantially owned or controlled by Government employees.****(a) [Reserved]**

(b) (1) Any exception, as described in § 1-1.302-3(a) of this title, must be supported by written findings and a determination signed by the Director. In these cases, the "Director" means only the Director or Acting Director of the Agency and does not include Assistant Directors.

(2) The Agency may purchase, rent, license, or otherwise acquire materials in which Agency employees have a financial interest, only after obtaining a written waiver signed by the Director. If the Agency employee is the author or originator of copyrighted material, it must be established that there is no real or apparent conflict of interest between his official duties and his rights to any royalties. To prevent such conflict, the Agency shall endeavor to obtain the employee's waiver of any royalty payments. In addition, the employee would be expected to discourage publicity regarding Agency use of his material.

§ 19-1.302-51 Contracts between the Government and former Government employees.

Negotiated contracts may be entered into with ex-employees of the Agency or with firms in which ex-employees are known to have a substantial interest, within a period of 2 years subsequent to the termination of employment, only with the written approval of the Director.

§ 19-1.305-3 Deviations from Federal Specifications.

Any deviation from a Federal Specification contemplated under § 1-1.305-3 of this title shall be submitted to the Chief of the Contract and Procurement Division of the Agency, for approval prior to use. The request shall include a statement describing the deviation, with justification therefor and, where applicable, a recommendation for revision or amendment of the specification.

§ 19-1.313 Records of contract actions.

(a) The documents, memoranda, and summary statements contemplated by § 1-1.313 of this title shall include but not be limited to the following, unless the Contracting Officer determines certain elements are not required:

- (1) A copy of the procurement request;
- (2) A copy of any required Determinations and Findings, or other statement and justification for negotiation;
- (3) A list of sources solicited or a justification for limiting such sources;
- (4) A copy of any determination to set-aside the procurement for small business or for a labor-surplus area;
- (5) A copy of the Invitation for Bids or Request for Proposals, including any plans or specifications or references thereto;

(6) All bids or proposals received with an abstract thereof;

(7) The bidders' Statement of Contingent Fees;

(8) All preaward surveys;

(9) Selection of the successful Contractor, including—

- (i) The reasons for selection,
- (ii) The Contracting Officer's determination of the Contractor's responsibility, and
- (iii) Any Small Business Administration Certificate of Competency;

(10) All price and cost data submitted or used, including Certificate of Current Cost or Pricing Data;

(11) A full record of negotiations, including but not limited to—

- (i) Participants,
- (ii) Dates of meetings or phone calls,
- (iii) Government-furnished materials or facilities to be provided,
- (iv) Subcontracting,
- (v) Terms and conditions agreed to,
- (vi) Deviations, if any, from prescribed contract clauses,
- (vii) Technical recommendations, and
- (viii) Justification for final price;

(12) Justification for type of contract used;

(13) Any exceptions or exemptions from the Buy American Act or from the Agency's Foreign Purchases policy (see Subpart 6.50 of this chapter);

(14) A copy of contract award;

(15) Evidence of legal review required, and copy of comments, if any, made by legal counsel;

(16) All pertinent correspondence;

(17) Copies of all change orders, and supplements, with supporting documents;

(18) Comprehensive termination data;

(19) Copies of royalty reports received;

(20) Final release upon completion of the contract;

(21) Required approvals of contract; and

(22) Any additional documents considered necessary to present a complete résumé of the contract action.

(b) Complete record of all advertised and negotiated contract action will be preserved for the period required by records management instructions.

(c) This § 19-1.313 does not apply in the case of small purchases.

(d) Memoranda, for documenting actions taken, should not duplicate information evident in other file documents except where clarification is required. Copies of all negotiation memoranda will be submitted to the Chief of the Contract and Procurement Division. All memoranda will be signed, and the drafting date will be indicated.

§ 19-1.317 Noncollusive bids and proposals.**(a)-(d) [Reserved]**

(e) The Chief, Contract and Procurement Division, is authorized to make the determinations described in paragraph (d) of the Certification of Noncollusion prescribed in § 1-1.317 of this title.

§ 19-1.354 Execution of contracts.

Contracts, purchase orders, delivery orders, Government bills of lading, and other types of purchasing documents will be executed only by officials holding valid, written delegations or redelegations of procurement authority issued by the Director or other officer of the Agency designated in writing to make such delegations or redelegations. All purchasing documents, including amendments, will show the actual date of each signature required for their execution, and the Agency office executing such documents shall maintain a record of the actual date the documents were released to the vendor or contractor.

§ 19-1.355 Violations of law.

(a) In the event procurement personnel have reason to believe there is evidence of violation of law of any nature whatsoever in bids or proposals received, they will prepare a complete report for forwarding to the Office of the General Counsel through the Chief of the Contract and Procurement Division.

(b) In case of possible violation of antitrust laws, the report will be prepared in accordance with such guidance as provided in the Federal Procurement Regulations (see Subpart 1-1.9 of this title).

Subpart 19-1.6 is added as follows:

Subpart 19-1.6—Debarred, Suspended, and Ineligible Bidders

Sec.	
19-1.602	Establishment and maintenance of a list of concerns or individuals debarred, suspended, or declared ineligible.
19-1.604	Causes and conditions applicable to determination of debarment by an executive agency.

AUTHORITY: The provisions of this Subpart 19-1.6 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 19-1.602 Establishment and maintenance of a list of concerns or individuals debarred, suspended, or declared ineligible.

The Contract Review and Procedures Staff of the Agency will maintain a consolidated list as indicated in § 1-1.602 of this title. The list will not be classified but will be marked "For Official Use Only." It will be coordinated with the Bidders Mailing List (see § 1-2.205 of this title), and appropriate notations will be made on both lists, when additions or deletions are necessary.

§ 19-1.604 Causes and conditions applicable to determination of debarment by an executive agency.

Personnel of the Agency who find that a firm or an individual should be added to the Debarred, Suspended, or Ineligible Bidders List, as indicated in Subpart 1-1.6 of this title, shall notify the Contract Review and Procedures Staff promptly. Debarment shall be made only upon approval of the Chief of the Contract and Procurement Division of the Agency.

Subpart 19-1.7 is added as follows:

Subpart 19-1.7—Small Business Concerns

§ 19-1.704 Agency program, direction and operation.

The Chief of the Contract and Procurement Division is responsible for developing and supervising the USIA Small Business Program, as may be required for compliance with Subpart 1-1.7 of this title.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Subpart 19-1.9 is added as follows:

Subpart 19-1.9—Reporting Possible Antitrust Violations

§ 19-1.902 Documents to be transmitted.

The Contracting Officer will submit a report, including the documents listed in § 1-1.902 of this title and any other pertinent documentary material, with his findings to the Chief of the Contract and Procurement Division.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Subpart 19-1.53 is added as follows:

Subpart 19-1.53—Procurement Authority and Responsibility

- | | |
|-----------|--|
| Sec. | |
| 19-1.5301 | General. |
| 19-1.5302 | Designation of Contracting Officers. |
| 19-1.5303 | General authority of Contracting Officers. |
| 19-1.5304 | General responsibility of Contracting Officers. |
| 19-1.5305 | Contracting Officers' representatives. |
| 19-1.5306 | Responsibility for assuring the availability of funds. |
| 19-1.5307 | Standards of conduct. |

AUTHORITY: The provisions of this Subpart 19-1.53 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 19-1.5301 General.

(a) This subpart deals with the authority to designate Contracting Officers and sets forth the general authorities and responsibilities of such officers (see § 1-3.801(b) of this title).

(b) An employee ordinarily binds the Government only when his actions are in accordance with authority actually granted to him. Contracting Officers are agents of the Government and shall act in accordance with law, regulations including FPR and IAPR, other pertinent directives, and sound business judgment, and within the limits of their prescribed duties and authorities.

§ 19-1.5302 Designation of Contracting Officers.

(a) Contracting Officers, as defined in § 1-1.207 of this title, shall be those employees in whom contracting authority is vested by the Director or his designees by means of appropriate delegations of authority and by redelegations of authority. The authority of such Contracting Officers shall be in accordance with the applicable delegations or redelegations of authority and with this Subpart 19-1.53.

(b) Delegations and redelegations of authority are generally directive on specific positions, rather than specific individuals. When a specific position carries delegated or redelegated contracting authority, an individual appointed to such a position is, therefore, a Contracting Officer. Such appointments are normally made by means of administrative personnel actions. When an individual is designated as a Contracting Officer by an instrument other than a personnel action, a copy of the designating instrument shall be forwarded to the appropriate personnel office for inclusion in the file of the individual affected. Designations shall be rescinded in the same manner upon termination of the assignment (but special assignments may be self-rescinding, as, for example, an assignment made in terms of the life of a specific contract, in which case a separate rescission instrument would not be required).

(c) In view of the high degree of individual responsibility and authority vested in Contracting Officers, care shall be exercised to insure that only well qualified individuals are appointed or designated and retained in such positions. Accordingly, the performance of their duties as Contracting Officers is subject to continuing review and evaluation.

§ 19-1.5303 General authority of Contracting Officers.

A contracting Officer is authorized to enter into, modify, and take other appropriate action with respect to contracts, within the limits of his prescribed duties and authority.

§ 19-1.5304 General responsibility of Contracting Officers.

(a) Contracting Officers are primarily responsible for assurance that contracts are authorized by law, for the execution and administration of contracts, for

safeguarding the interest of the United States in contractual relationships, and for determining the facts under contracts.

(b) Contracting Officers shall personally sign all contracts and modifications entered into by them. The signing of original contractual documents shall not be accomplished by facsimile stamps or by proxy. However, the use of reproduced signatures on reproduced copies after the Contracting Officers have manually signed the master and other originals is acceptable.

(c) Contracting Officers are responsible for the legal, technical, and administrative sufficiency of the contracts they make. To this end, they shall secure necessary legal, technical, and financial advice within USIA.

(d) Contracting Officers are responsible for assuring contract compliance on the part of the Contractor.

§ 19-1.5305 Contracting Officers' representatives.

(a) Any properly qualified Government employee or group of employees, or a firm or individual under contract to the Government for this purpose, may be designated to act as the Authorized Representative of a Contracting Officer. Such designation shall be in writing and shall define the scope and limitations of the Authorized Representative's authority.

(b) A designation authorized by this § 19-1.5305 may be made by instructions referring to particular contractual instruments or categories of instruments and may empower the Authorized Representative to take any or all action thereunder which could lawfully be taken by the Contracting Officer to the extent not specifically prohibited by the terms of the contractual instrument involved or this § 19-1.53505. In no event shall an Authorized Representative, by virtue only of his designation as such, be empowered to execute or agree to any contract or modification thereof; such powers must be specifically included as a part of, or supplement to, the designation.

(c) A Contracting Officer may assign administration of a specific contractual instrument to another Contracting Officer, provided the assignee Contracting Officer's delegated authority permits, and the Contractor shall be so notified. Such an assignment shall define the extent to which part or all of the original Contracting Officer's authority is transferred but shall not pass on to the successor any authorities which would exceed the limitations imposed on the successor by existing directives.

§ 19-1.5306 Responsibility for assuring the availability of funds.

Prior to the incurrence of an obligation, Contracting Officers shall assure themselves that adequate funds are available.

§ 19-1.5307 Standards of conduct.

All personnel engaged in procurement and related activities shall conduct business in a manner above reproach in every respect. Transactions relating to

expenditure of public funds require the highest degree of public trust to protect the interests of the Government. While many Federal laws and regulations place restrictions on the actions of governmental personnel, the latter's official conduct must, in addition, be such that the individual would have no reticence about making a full public disclosure thereof.

Part 19-2 is added as follows:

PART 19-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 19-2.2—Solicitation of Bids

Sec.

- 19-2.203 Methods of soliciting bids.
- 19-2.203-1 Mailing or delivering to prospective bidders.
- 19-2.204 Records of invitations for bids and records of bids.
- 19-2.205 Bidders mailing lists.
- 19-2.205-1 Establishment of lists.
- 19-2.205-5 Release of bidders mailing lists.

Subpart 19-2.3—Submission of Bids

- 19-2.304 Modification of withdrawal of bids.

Subpart 19-2.4—Opening of Bids

- 19-2.401 Receipt and safeguarding of bids.
- 19-2.402 Opening of bids.
- 19-2.403 Recording of bids.
- 19-2.406 Mistakes in bids.
- 19-2.406-3 Other mistakes disclosed before award.
- 19-2.406-4 Disclosure of mistakes after award.
- 19-2.407 Award.
- 19-2.407-3 Discounts.
- 19-2.407-5 Other factors to be considered.
- 19-2.407-7 Statement and certificate of award.
- 19-2.407-8 Protests against award.

AUTHORITY: The provisions of this Part 19-2 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 19-2.2—Solicitation of Bids

§ 19-2.203 Methods of soliciting bids.

§ 19-2.203-1 Mailing or delivering to prospective bidders.

The initial distribution of invitations for bids and preinvitation notices shall be made to firms on Agency bidders mailing lists and to all others whom the Contracting Officer may select.

§ 19-2.204 Records of invitations for bids and records of bids.

Each branch of the Contract and Procurement Division shall maintain a record of each invitation for bids issued and distributed by it as well as a record of all bids. The prospective bidders listed for each invitation shall be furnished with applicable amendments or notices, and a record will be kept of their distribution. Records of bids shall be kept in accordance with the procedures set forth in § 2.403.

§ 19-2.205 Bidders mailing lists.

§ 19-2.205-1 Establishment of lists.

Bidders mailing lists shall be established and maintained by the Contract Review and Procedures Staff for use in all Agency procurement activities and requirement offices. Lists shall include

all eligible and qualified bidders who have requested listing or whom Contracting Officers consider eligible and qualified to furnish the requirements of a particular procurement. The latter shall be requested to submit a completed Standard Form 129 and an Agency Form IA-407A, Commodity and Service Code Lists. Agency procurement activities and requirement offices should recommend the establishment of additional lists for anticipated requirements of non-listed commodities or services and furnish the names and addresses of prospective bidders.

§ 19-2.205-5 Release of bidders mailing lists.

(a) [Reserved]

(b) Except as provided in § 1-2.205-5 (b) of this title, the list of prospective bidders, to whom invitations for bids were sent, shall not be released outside the Agency and shall not be made available for inspection to individuals, firms, or trade organizations. Lists may, however, be made available to other Government agencies.

Subpart 19-2.3—Submission of Bids

§ 19-2.304 Modification or withdrawal of bids.

(a) Bid modifications received prior to time of opening shall be processed in the same manner as bids and shall be attached to the bid envelope.

(b) The receipt required for withdrawal of a bid (see § 1-2.304 of this title) shall read as follows:

I certify that I am a bona fide, fully authorized ☐ agent, ☐ official, ☐ employee, ☐ representative of _____

whose bid on IFB No. _____ is scheduled for opening on _____. I hereby withdraw that bid from consideration.

(Name)

(Date)

I hereby acknowledge return of the above-mentioned bid.

(Name)

(Date)

Subpart 19-2.4—Opening of Bids

§ 19-2.401 Receipt and safeguarding of bids.

(a) All bid envelopes or modifications thereto shall be date stamped immediately upon receipt and then promptly delivered unopened to the issuing office. Bids received by the issuing office from the mail room shall be recorded on the applicable mailing list and kept in a locked cabinet until the time for public opening of bids. Bids delivered by messenger shall be marked by the recipient with the date and time of receipt.

§ 19-2.402 Opening of bids.

(a) Public bid openings shall be held at the time and place announced in invitations for bids by the Contracting Officer or his designee. Bid openings shall be opened to business representatives, mem-

bers of the press, and the general public, and a record made of their attendance. The names of bidders or their representatives in attendance shall be recorded in the appropriate column of the Abstract of Bids.

(b) The information required to be abstracted on Agency Form IA-22, Abstract of Bids, shall be read aloud by the official in charge of the bid opening. Duplicate copies of bids shall be made available for public examination until the Abstract of Bids is completed and made available in lieu thereof. Bids submitted in an original only shall be made available for examination in accordance with § 1-2.402(c) of this title.

(c) The official in charge of a bid opening shall not discuss the relative merits of bids or issue any statements relative to award or mistakes in bids. Answers to protests of bidders and inquiries regarding award shall be deferred until after the completion of the bid opening and evaluations by the Contracting Officer.

§ 19-2.403 Recording of bids.

(a) Agency Form IA-22, Abstract of Bids, shall be used to record bids at the time and place of bid opening. Upon completion of the tabulation, normally within 24 hours, the bid opening officer shall certify on the abstract that he opened and read all bids received and verified all entries made thereon. Late bids determined to be eligible shall be included on the abstract.

(b) Immediately upon mailing notices of awards, a copy of the abstract indicating the successful bidder(s) shall be delivered to the Contract Review and Procedures Staff for placement in the Abstract of Bid register where it shall be available for examination by the public. The original abstract with all related correspondence shall be placed in the official contract file.

(c) The invitation mailing list shall, upon award, be coded to indicate action to be taken with respect to the master Bidders Mailing List. The original shall be placed in the official contract file and the duplicate delivered to the Contract Review and Procedures Staff. Lists shall be coded as follows:

	Code
Received award	A
Submitted a bid	B
Submitted a late bid (returned)	L
Failed to respond	X
Failed to bid, retain	XR
New, place on list	N

In the event of a split award, all successful bidders shall be coded "A."

§ 19-2.406 Mistakes in bids.

§ 19-2.406-3 Other mistakes disclosed before award.

(a) The Chief, Contract and Procurement Division, is the designated authority to make administrative determinations regarding withdrawal or correction of bids.

(b) Evidence in support of an alleged mistake, together with the data set forth in § 1-2.406-3(d) (3) of this title, will be referred to the Chief, Contract and Procurement Division, for a determination.

§ 19-2.406-4 Disclosure of mistakes after award.

(a) The Chief, Contract and Procurement Division, is the designated authority to make administrative determinations with respect to mistakes disclosed after award.

(b) Whenever a mistake is alleged or disclosed after award and the Contracting Officer proposes the contract be rescinded or reformed, he shall furnish the Chief, Contract and Procurement Division, with the Contractor's statement, evidence, and the data set forth in § 1-2.406-4(f)(2) of this title, upon which to base a determination.

§ 19-2.407 Award.

§ 19-2.407-3 Discounts.

Offers of discounts for prompt payment in less than 20 calendar days will not be considered in the evaluation of bids.

§ 19-2.407-5 Other factors to be considered.

(a) Award to a bidder who offers to furnish foreign-made products will be dependent upon price factors mentioned in § 6.500 of this chapter.

(b) A bid which is qualified or deviates from the specifications of a single item need not be rejected provided the invitation does not restrict the Agency's right to award by item. Certain items or groups of items may be rejected as non-responsive, whereas those which are not qualified or do not deviate from the specifications may be considered for award.

§ 19-2.407-7 Statement and certificate of award.

When an award is to be made to other than the low bidder, the names of all low bidders and the amounts of their bids shall be listed on the Statement and Certificate of Award, Standard Form 1036. The Contracting Officer also shall state, on the Standard Form 1036, the reason for rejection of each lower bid and acceptance of the higher offer.

§ 19-2.407-8 Protests against award.

(a) In the event that a protest against the making of an award has been lodged directly with the Comptroller General, a determination to make an award pursuant to § 1-2.407-8(b)(3) of this title by the Contracting Officer will be made only upon receipt of written approval of the Chief, Contract and Procurement Division.

(b) When a protest is received after award of a contract, the Contracting Officer will prepare a statement with respect to all the pertinent facts in the case and prepare a reply to the protest. The reply will be submitted for the concurrence of the Chief, Contract and Procurement Division, and the Office of the General Counsel.

Part 19-3 is added as follows:

PART 19-3—PROCUREMENT BY NEGOTIATION

Subpart 19-3.1—Use of Negotiation

Sec.
19-3.150 Selection of sources.

Subpart 19-3.3—Determinations, Findings, and Authorities

Sec.
19-3.305 Form and requirements of determinations and findings.

Subpart 19-3.4—Types of Contracts

19-3.405 Cost-reimbursement type contracts.
19-3.405-5 Cost-plus-a-fixed-fee contract.
19-3.406 Other types of contracts.
19-3.406-1 Time and materials contract.
19-3.408 Letter contract.
19-3.450 Oral contract.

Subpart 19-3.6—Small Purchases

19-3.602 Policy.
19-3.603 Competition.
19-3.603-1 Solicitation.
19-3.604 Imprest funds (petty cash) method.
19-3.604-6 Procurement and payment.
19-3.605 Purchase order forms.
19-3.605-3 Agency order forms.
19-3.606 Blanket purchase arrangements.
19-3.606-5 Agency implementation.

AUTHORITY: The provisions of this Part 19-3 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 19-3.1—Use of Negotiation

§ 19-3.150 Selection of sources.

In the selection of sources for requests for proposals, procurement personnel will use the bidders mailing lists to the fullest extent and will be guided by § 2.205 of this chapter.

Subpart 19-3.3—Determinations, Findings, and Authorities

§ 19-3.305 Form and requirements of determinations and findings.

(a) The form of determinations and findings is not prescribed beyond the requirements in § 1-3.305 of this title except that they must all be in writing and signed by an Agency official. Any determination and findings signed by an official other than the Contracting Officer will be initialed by the Contracting Officer when inserted in a contract file as a supporting document.

Subpart 19-3.4—Types of Contracts

§ 19-3.405 Cost-reimbursement type contracts.

§ 19-3.405-5 Cost-plus-a-fixed-fee contract.

(a) and (b) [Reserved]
(c) **Limitations.** (1) The "estimated cost of the contract, exclusive of the fee, as determined by the Agency head," required by section 304(b) of the Act (41 U.S.C. 254(b)), will be prepared in writing for signature by the Chief, Contract and Procurement Division.

(2) Indirect or overhead costs, in cost-plus-a-fixed-fee contracts, which are calculated as a stipulated percentage of direct labor or other costs, are prohibited except where there is a provision for a subsequent adjustment to the actual indirect costs.

§ 19-3.406 Other types of contracts.

§ 19-3.406-1 Time and materials contract.

(a) and (b) [Reserved]
(c) **Limitations.** The determination, that no other type of contract will suit-

ably serve, will be made in a memorandum with supporting findings for the contract file and signed by the Contracting Officer.

§ 19-3.408 Letter contract.

(a) and (b) [Reserved]

(c) **Limitations.** (1) The determination, that no other type of contract is suitable, will be made in a memorandum with supporting findings for the contract file and signed by the Chief of the Contract and Procurement Division.

(2) [Reserved]

(3) A letter contract should be superseded by a definitive contract within 3 months of the effective date of the letter contract. Any extension beyond 3 months must be approved by the Chief of the Contract and Procurement Division.

(4) The maximum liability of the Government under a letter contract shall not exceed 50 percent of the total estimated cost of the project or procurement as established by the head of the Agency, except upon a written determination with supporting findings, signed by the Chief of the Contract and Procurement Division, that it is in the best interest of the Government.

§ 19-3.450 Oral contract.

Oral contracts may be made by an authorized Agency Contracting Officer only, in cases of unusual urgency where delivery of a letter contract is not possible, if the agreement would otherwise be a valid written contract. The oral agreement must be reduced to writing as soon as possible and will be subject to the same Agency process of clearances and approvals as any other written contract. The exercise of this authority must be justified in a memorandum for the Chief of the Contract and Procurement Division, and a copy of the memorandum will be placed in the contract file.

Subpart 19-3.6—Small Purchases

§ 19-3.602 Policy.

Agency procurement personnel will be guided by Subchapter E of the Federal Property Management Regulations—Supply and Procurement—Parts 101-25 through 101-31, as well as by Subpart 1-3.6 of this title and this Subpart 19-3.6.

§ 19-3.603 Competition.

§ 19-3.603-1 Solicitation.

(a)-(c) [Reserved]

(d) Quotations as a result of oral solicitation will be recorded on Form IA-25 (Rev.). Use of this form will not be required to document routine single-item purchases which may be recorded on the requisition provided such record contains all information called for on Form IA-25.

§ 19-3.604 Imprest funds (petty cash) method.

§ 19-3.604-6 Procurement and payment.

(a) Small purchases utilizing imprest funds may be made only by employees authorized by the Chief of the Contract and Procurement Division in a written

relegation of this specific type of procurement authority.

(b) The cost of cash purchases must be kept within reasonable bounds by ordinary shopping procedures of price comparison (competition), and the buyer must take advantage of any obtainable discounts.

§ 19-3.605 Purchase order forms.

§ 19-3.605-3 Agency order forms.

Where Standard Forms 147 and 148 are not appropriate, Agency order forms prescribed in Subpart 16-3 of this chapter shall be used.

§ 19-3.606 Blanket purchase arrangements.

§ 19-3.606-5 Agency implementation.

(a) The use of limited charge accounts, for all Agency offices and installations having responsibility for maintaining their own supply points, is a preferred Agency procedure. Blanket purchase arrangements will be made and the necessary procurement authority re-delegated by the Chief of the Contract and Procurement Division when offices which provide their own supplies can make numerous purchases of a wide variety of regularly needed items from local vendors.

(b) Blanket purchase arrangements will be in writing, signed by both the vendor and an official of the Agency office concerned, and filed with the appropriate paying office. The writing may be in the form of simple offer and acceptance letter and will ordinarily cover the vendor's complete line of merchandise or services available at his published list prices less any obtainable discounts, limited in time to one calendar quarter and in amount by \$2,500 or less. More than one arrangement may be advisable where the volume of purchases warrants such competitive arrangements. Charge tickets will be made for each order and delivered to the responsible office with receipt of the goods indicated thereon by the receiving office. Monthly invoices will be compared by the responsible office with delivery receipts prior to certification for payment.

Part 19-6 is added as follows:

PART 19-6—FOREIGN PURCHASES

Subpart 19-6.1—Buy American Act—Supply and Service Contracts

Sec.

19-6.103 Exceptions.

19-6.103-3 Unreasonable cost or inconsistency with the public interest.

19-6.105 Excepted articles, materials, and supplies.

Subpart 19-6.50—Other Price Differentials

19-6.5001 General.

AUTHORITY: The provisions of this Part 19-6 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 19-6.1—Buy American Act—Supply and Service Contracts

§ 19-6.103 Exceptions.

§ 19-6.103-3 Unreasonable cost or inconsistency with the public interest.

(a) It has been determined by the Director that the application of the Buy

American Act to the purchase of books, maps, periodicals, newspapers, and other publications and films not published in the United States would be inconsistent with the public interest. Therefore, such items may be procured from foreign sources.

(b) Contracting Officers are authorized to make determinations of unreasonable cost or inconsistency with the public interest on other domestic source end products, both prior to entering into contracts and in the course of contract administration, provided that in the latter case the Government receives adequate consideration. A copy of each determination will be included in the contract file.

§ 19-6.105 Excepted articles, materials, and supplies.

Contracting Officers are authorized to make determinations of nonavailability (see § 1-6.103-2 of this title), both prior to entering into contracts and in the course of contract administration, provided that in the latter case the Government receives adequate consideration. A copy of each determination will be included in the contract file.

Subpart 19-6.50—Other Price Differentials

§ 19-6.5001 General.

(a) Agency policy for procurement from foreign sources for use outside the United States requires the application of price differentials favoring materials and equipment produced in the United States. The individual requests for proposals or invitations for bids will indicate the extent of applicable differentials.

(b) The Agency will, to the maximum extent consistent with effective discharge of its program responsibilities, forgo or postpone the purchase of materials and equipment which are not obtainable as domestic source end products (as defined in § 1-6.101(d) of this title), or the award of contracts for nonpersonal services (including construction) to other than U.S. citizens or firms which are more than 50 percent owned by U.S. citizens, except where payment may be made with excess foreign currencies (as designated by the Treasury Department) at no greater cost than corresponding domestic source end products or contracts with U.S. citizens or firms more than 50 percent owned by U.S. citizens.

Part 19-15 is added as follows:

PART 19-15—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 19-15.50—Cost Principles and Procedures

Sec.

19-15.5000 Cost-reimbursed air travel.

19-15.5000-1 Use of American and foreign airlines.

AUTHORITY: The provisions of this Subpart 19-15.50 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 19-15.5000 Cost-reimbursed air travel.

It is the policy of the Agency to require the use of less than first-class air

accommodations for all cost-reimbursed travel, except when less than first-class accommodations are not reasonably available to meet necessary mission requirements. For example, less than first-class accommodations are considered not reasonably available where less than first-class accommodations would:

(a) Increase the duration of a flight (one way) by 25 percent or more;

(b) Increase the total elapsed travel time of a trip by 25 percent or more;

(c) Require flights on regular commercial routes in excess of 14 hours, including scheduled stopovers of less than 8 hours, without a 24-hour interruption of the trip for rest;

(d) Result in additional costs which would offset the transportation savings;

(e) Offer accommodations which are not adequate for the medical needs of the traveler.

The term "less than first-class," in relation to air travel accommodations, means all categories for which the cost to the Government is less than for first-class accommodations. The difference in cost between first-class air accommodations and less than first-class accommodations is an allowable cost except as provided for in this section.

§ 19-15.5000-1 Use of American and foreign airlines.

It is the policy of the Agency to require the use of American flag airlines for all cost-reimbursed air travel except when travel on American flag airlines is not reasonably available. For example, travel on American flag airlines is not considered reasonably available when:

(a) There is no regularly scheduled American flag airline between authorized points of origin and destination; or

(b) To use a combination of foreign and American flag airlines would increase costs over costs on only foreign lines (including reimbursement for traveler's time) by 50 percent or more; or

(c) Travel by an American flag airline could not be performed in time to carry out the mission to be performed.

Part 19-16 is added as follows:

PART 19-16—PROCUREMENT FORMS

Subpart 19-16.1—Forms for Advertised Supply Contracts

Sec.

19-16.104 Terms, conditions, and provisions.

Subpart 19-16.2—Forms for Negotiated Supply Contracts

19-16.250 General provisions, negotiated supply contracts.

19-16.250-1 General Provisions (Service Contract) (Form IA-355).

19-16.250-2 Request for Proposals and Proposal (Negotiated Fixed-Price Contract) (Form IA-408).

19-16.250-3 Award Notice (Form IA-351).

19-16.250-4 Amendment of Contract (Form IA-19).

Subpart 19-16.3—Purchase and Delivery Order Forms

19-16.350 U.S. Information Agency purchase and delivery order forms.

- Sec.
19-16.350-1 Purchase Order (Form IA-24).
19-16.350-2 Order for Materials and Services under Contract (Form IA-135).
19-16.350-3 Requisition-Purchase Order-Invoice (For Professional Services) (Form IA-44).

Subpart 19-16.8—Miscellaneous Forms

- 19-16.802 Bidder's Mailing List Application.
19-16.850 Other Agency forms.
19-16.850-1 Department of Labor form letter (Walsh-Healey Public Contracts Act).
19-16.850-2 Department of Labor poster (Walsh-Healey Public Contracts Act).
19-16.850-3 Notice of Award of Contract.
19-16.850-4 Notice to Labor Unions or Other Organizations of Workers.
19-16.860 USIA forms.
19-16.860-1 Bidder's Commodity and Service Code Lists (Form IA-407A).
19-16.860-2 Telephone Bid Tabulation (Form IA-25).
19-16.860-3 Memorandum of Loan (Form IA-431).
19-16.860-4 Certificate of Export letter (Form IAL-368).

AUTHORITY: The provisions of this Part 19-16 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 19-16.1—Forms for Advertised Supply Contracts

- § 19-16.104 Terms, conditions, and provisions.

Whenever General Provisions (Supply Contract) (Standard Form 32) are used, Supplemental Provisions (Supply Contract) (Agency Form IA-332) shall be used in conjunction therewith.

Subpart 19-16.2—Forms for Negotiated Supply Contracts

- § 19-16.250 General provisions, negotiated supply contracts.

General Provisions (Supply Contract), Standard Form 32, is prescribed for use in negotiated supply contracts. When used, it should be supplemented by the provision contained in Agency Form IA-332 in accordance with § 16.104.

- § 19-16.250-1 General Provisions (Service Contract) (Form IA-355).

Form IA-355 is prescribed for use in connection with service contracts (excluding construction) whenever Standard Form 32, General Provisions (Supply Contract), is inappropriate.

- § 19-16.250-2 Request for proposals and proposals.

The following forms (together with authorized contract provisions) shall be used in connection with the negotiation of fixed-price contracts for supplies or services (other than personal) when desirable to begin negotiations by soliciting offers which, if there is a written acceptance by the Agency, would create a binding contract without further action.

(1) Request for Proposals and Proposal (Negotiated Fixed-Price Contract), Form IA-408.

(2) Schedule, Request for Proposals and Proposal, Form IA-408A.

(3) Acceptance of Proposal (Negotiated Fixed-Price Contract), Form IA-408B.

(4) Continuation Sheet, SF-148 (when required with IA-408A and 408B).

- § 19-16.250-3 Award Notice (Form IA-351).

Form IA-351 is prescribed for use in connection with narrative contracts and with other type contracts when required internally for fiscal accounting and receiving report purposes.

- § 19-16.250-4 Amendment of Contract (Form IA-19).

Form IA-19 is prescribed for use whenever it becomes necessary to amend a contract.

Subpart 19-16.3—Purchase and Delivery Order Forms

- § 19-16.350 U.S. Information Agency purchase and delivery order forms.

The Agency forms prescribed in this § 19-16.350 shall be used when purchases are authorized or required to be made by purchase order or delivery order in accordance with Subpart 1-3.6 of this title, small purchase procedures.

- § 19-16.350-1 Purchase Order (Form IA-24).

Forms IA-24 and 24A (continuation sheet) are prescribed for use when Standard Forms 147 and 148 are inapplicable (see § 3.605-3 of this chapter).

- § 19-16.350-2 Order for Materials and Services under Contract (Form IA-135).

Forms IA-135 and 135A (continuation sheet) are prescribed for use by media purchasing activities when placing orders against Agency open-end contracts.

- § 19-16.350-3 Requisition-Purchase Order-Invoice (For Professional Services) (Form IA-44).

Form IA-44 is prescribed for use by media purchasing activities to obtain talent vendor services (narration, scriptwriting—translation) when authorized pursuant to a specific redelegation of authority.

Subpart 19-16.8—Miscellaneous Forms

- § 19-16.802 Bidder's Mailing List Application.

Whenever a Standard Form 129 is furnished to a prospective bidder, a copy of Agency Form IA-407A, Bidder's Commodity and Service Code Lists, shall also be furnished to obtain information necessary for placement of applicant on the Agency's Bidder's Mailing Lists.

- § 19-16.850 Other Agency forms.

The forms listed in this § 19-16.850 shall be used in compliance with direc-

tives of the applicable regulatory agency of the Government and in accordance with Chapter 1 of this title.

- § 19-16.850-1 Department of Labor form letter (Walsh-Healey Public Contracts Act).

Form WH-12, a Department of Labor form letter, is prescribed for use in accordance with § 1-12.604 of this title.

- § 19-16.850-2 Department of Labor poster (Walsh-Healey Public Contracts Act).

Form PC-13, a Department of Labor poster, is prescribed for use in accordance with § 1-12.604 of this title.

- § 19-16.850-3 Notice of Award of Contract.

Standard Form 99, Notice of Award of Contract, is prescribed for use in accordance with § 1-12.604 of this title.

- § 19-16.850-4 Notice to Labor Unions or Other Organizations of Workers.

Standard Form 38, Notice to Labor Unions or Other Organizations of Workers, is prescribed for use in accordance with § 1-12.805-3 of this title.

- § 19-16.860 USIA forms.

This § 19-16.860 prescribes Agency forms, other than procurement contract forms, to be used in the procurement process.

- § 19-16.860-1 Bidder's Commodity and Service Code Lists (Form IA-407A).

Form IA-407A is prescribed for use in conjunction with Standard Form 129, Bidder's Mailing List Application, in accordance with § 16.802.

- § 19-16.860-2 Telephone Bid Tabulation (Form IA-25).

Form IA-25 is prescribed for use in accordance with § 3.603-1 of this chapter.

- § 19-16.860-3 Memorandum of Loan (Form IA-431).

Form IA-431 is prescribed for use to obtain the loan of items from private owners, business firms, and nonprofit institutions for use in the Agency's exhibit program.

- § 19-16.860-4 Certificate of Export letter (Form IAL-368).

Form IAL-368, a USIA Certificate of Export letter, is prescribed for use to furnish manufacturer-vendors with proof of export for items purchased exclusive of Manufacturer's Excise Tax.

Effective date: These regulations shall become effective on the date of their publication in the FEDERAL REGISTER.

Issued: August 10, 1966.

BEN POSNER,
Assistant Director, United
States Information Agency
(Administration).

[F.R. Doc. 66-8846; Filed, Aug. 12, 1966; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 6—PATENT REGULATIONS

Subpart B—Licenses

MISCELLANEOUS AMENDMENTS

Part 6B, Title 43, Subtitle A, of the Code of Federal Regulations is amended as follows:

1. Section 6.51 is revised to read as follows:

§ 6.51 Purpose.

It is the purpose of the regulations in this subpart to secure for the people of the United States the full benefits of Government research and investigation in the Department of the Interior (a) by providing a simple procedure under which the public may obtain licenses to use patents and inventions in which the Secretary of the Interior has transferable interests and which are available for licensing; and (b) by providing adequate protection for the inventions until such time as they may be made available for licensing without undue risk of losing patent protection to which the public is entitled.

2. Section 6.52 is revised as follows:

§ 6.52 Patents.

Patents in which the Secretary of the Interior has transferable interests, and under which he may issue licenses or sublicenses, are classified as follows:

3. Section 6.54 is revised to read as follows:

§ 6.54 Use or manufacture by or for the Government.

A license is not required with respect to the manufacture or use of any invention assigned or required to be assigned without restrictions or qualifications to the United States when such manufacture or use is by or for the Government for governmental purposes. A license or sublicense may be required, however, for such manufacture or use in the case of Class B patents or patent rights when the terms under which the Secretary of the Interior acquires interests therein necessitate the issuance of a license or sublicense in such circumstances.

4. Section 6.55, paragraph (a) is revised to read as follows:

§ 6.55 Terms of licenses or sublicenses.

(a) No license or sublicense shall be granted under any patent in which the Secretary of the Interior has transferable interests, except as set forth under these regulations, the terms and conditions of which shall be expressly stated in such license and sublicense. The terms of licenses and sublicenses issued under this subpart shall not be unreasonably restrictive.

5. Section 6.55, paragraph (b), subparagraph (2), is revised to read as follows:

§ 6.55 Terms of licenses or sublicenses.

(b) * * *

(2) Licenses and sublicenses shall be nontransferable. Upon a satisfactory showing that the Government or public will be benefited thereby, they may be granted to properly qualified applicants royalty-free. If no such showing is made, they shall be granted only upon a reasonable royalty or other consideration, the amount or character of which is to be determined by the Solicitor. A cross-licensing agreement may be considered adequate consideration.

Effective date. Because it is in the public's interest that these amendments be issued in order to clarify the Department's policy and procedure on Patents and Patent Regulations, these amendments will become effective on publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 8, 1966.

[F.R. Doc. 66-8783; Filed, Aug. 12, 1966;
8:45 a.m.]

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4073]

[New Mexico 0560179]

NEW MEXICO

Partial Revocation of Public Water Reserve

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive Order of July 10, 1919, creating Public Water Reserve No. 65 is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

GROUP I (PATENTED LANDS)

T. 3 N., R. 17 E.,
Sec. 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 13, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 14, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 25, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 4 N., R. 17 E.,
Sec. 34, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 2 N., R. 18 E.,
Sec. 3, lot 2;
Sec. 4, lot 4.
T. 3 N., R. 18 E.,
Sec. 18, lot 4;
Sec. 19, NE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 31, lot 4;
Sec. 33, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 2 N., R. 19 E.,
Sec. 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 1 S., R. 19 E.,
Sec. 12, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

GROUP II (PUBLIC LAND)

T. 3 N., R. 17 E.,
Sec. 13, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 14, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 3 N., R. 18 E.,
Sec. 17, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 19, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

The areas described aggregate 641.34 acres of privately owned lands and 240 acres of public domain.

2. The lands are within an area of 5 to 40 miles southeast of the town of Vaughn, N. Mex., in southwestern Guadalupe County and northeastern Lincoln County, N. Mex. Elevations range from 4,800 to 6,000 feet. The terrain varies from rolling hills to low rolling terrain with many sinkholes throughout the area. The soils over most portions are thin and range from reddish sandy loams to black silty loams in the sinkholes. There are numerous gravelly to rocky outcrops on the higher areas. Vegetative cover consists of a good to fair turf of native grasses, snake-weed, yucca and some scattered cholla cacti.

3. At 10 a.m. on September 13, 1966, the public domain, identified as Group II above, shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on September 13, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The land will be open to location for nonmetalliferous minerals at 10 a.m. on September 13, 1966. It has been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws for metalliferous minerals.

The State of New Mexico has waived the preference right of applications granted to certain States by R.S. 2276, as amended (43 U.S.C. 852).

Inquiries concerning the land shall be addressed to Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

August 8, 1966.

[F.R. Doc. 66-8832; Filed, Aug. 12, 1966;
8:47 a.m.]

[Public Land Order 4074]

[Anchorage 025267, 032051]

ALASKA

Revocation of Public Land Order No. 1462

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1462 of August 7, 1957, which withdrew the following described lands for administration or transfer under the act of May 4, 1956 (70 Stat. 130), is hereby revoked:

ANCHORAGE 025267

SEWARD MERIDIAN

T. 13 N., R. 3 W.,
Sec. 13, lot 47.
Containing 2.50 acres.

ANCHORAGE 032051

Lot 1, U.S. Survey 3198.
Containing 1.73 acres.

The areas described aggregate 4.23 acres.

2. Until 10 a.m. on October 8, 1966, the State of Alaska shall have a preferred right to select the lands as provided by the act of July 28, 1956 (70 Stat. 709), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9. After that time the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirement of applicable law. All valid applications received at or prior to 10 a.m. on October 8, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the U.S. mining laws at 10 a.m. on October 8, 1966. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Anchorage District and Land Office, Bureau of Land Management, Anchorage, Alaska.

HARRY R. ANDERSON,

Assistant Secretary of the Interior.

AUGUST 8, 1966.

[F.R. Doc. 66-8833; Filed, Aug. 12, 1966;
8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Wheeler National Wildlife Refuge, Ala.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of squirrels, foxes, and crows is permitted on the entire land area of the refuge. This open area, comprising approximately 13,850 acres, is delineated on a map available at the

refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels, foxes, and crows, subject to the following conditions:

(1) The open season for hunting the game listed above extends from October 8 through October 15, 1966, October 9 excluded, from daybreak to sunset.

(2) The use of dogs is not permitted.

(3) No shooting is allowed within 100 yards of private residences adjoining the refuge boundary.

(4) Shotgun shells with larger than number 6 shot are prohibited.

(5) A Federal permit is required to enter the refuge with firearms. It may be obtained by writing to the Wheeler National Wildlife Refuge, Box 1643, Decatur, Ala. 35601, prior to October 3, 1966, or by applying in person at the refuge office on October 3, 1966, between the hours 7:30 a.m. and 4:30 p.m. A maximum of 1,100 permits will be issued.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 15, 1966.

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of raccoons, opossums, and foxes only is permitted on the entire land area of the refuge. This open area, comprising approximately 13,850 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of raccoons, opossums, and foxes, subject to the following conditions:

(1) The open season for hunting raccoons, opossums, and foxes on the refuge extends from February 1, 1967, through February 18, 1967, excluding February 5 and 12, 1967.

(2) Hunting shall be limited to the hours between 7 p.m. and 5 a.m. only.

(3) The use of dogs is permitted.

(4) Shotguns only may be used and must not exceed 28 gauge in size.

(5) Axes, saws, and shotgun shells with larger than number 8 shot are prohibited. No live timber may be cut.

(6) A Federal permit is required to enter the refuge with firearms. It may be obtained by writing to the Wheeler National Wildlife Refuge, Box 1643, Decatur, Ala. 35601, prior to February 1, 1967, or by applying at the refuge office during the period February 1 to 18, 1967, between the hours 7:30 a.m. and 4:30 p.m., Saturdays and Sundays excluded. A maximum of 350 permits will be issued. Only one permit will be required per hunting party.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32,

and are effective through February 18, 1967.

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of quail, crows and foxes only is permitted on approximately 40 percent of the refuge area. This open area, comprising approximately 13,850 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail, crows, and foxes, subject to the following conditions:

(1) The open season for hunting quail, crows, and foxes will be on February 18 and 20, 1967, only.

(2) During the above open season, hunting shall be limited to the hours between 8 a.m. and 5 p.m.

(3) The use of dogs is permitted.

(4) No shooting is allowed within 100 yards of private residences adjoining the refuge boundary.

(5) Only shotguns with not larger than number 7½ shot may be used. Shells with larger shot sizes are prohibited.

(6) A Federal permit is required to enter the refuge with firearms. It may be obtained by writing to the Wheeler National Wildlife Refuge, Box 1643, Decatur, Ala. 35601, prior to February 13, 1967, or by applying in person at the refuge office on February 13, 1967, between the hours of 7:30 a.m. and 4:30 p.m. A maximum of 300 permits will be issued.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 20, 1967.

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of rabbits, foxes, and crows is permitted on the entire land area of the refuge. This open area, comprising approximately 13,850 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits, foxes, and crows, subject to the following conditions:

(1) The open season for hunting rabbits, foxes, and crows on the refuge extends from February 22, 1967, through February 28, 1967, excluding February 26, 1967.

(2) Hunting shall be limited to the hours between 8 a.m. and 5 p.m. only.

(3) The use of dogs is permitted.

(4) Shotguns only with not larger than number 6 shot may be used. Larger shot sizes are prohibited.

(5) No shooting is allowed within 100 yards of buildings adjoining the refuge boundary.

(6) A Federal permit is required to enter the refuge with firearms. It may