

(2) Provide a copy of the remittance and supporting documentation to the Contracting Officer.

(End of clause)

\* \* \* \* \*

■ 14. Amend section 52.232–26 by revising the date of the clause and paragraph (c) to read as follows:

**52.232–26 Prompt Payment for Fixed-Price Architect-Engineer Contracts.**

\* \* \* \* \*

**PROMPT PAYMENT FOR FIXED-PRICE ARCHITECT-ENGINEER CONTRACTS (OCT 2008)**

\* \* \* \* \*

(c) *Overpayments.* If the Contractor becomes aware of a duplicate contract financing or invoice payment or that the Government has otherwise overpaid on a contract financing or invoice payment, the Contractor shall—

(1) Remit the overpayment amount to the payment office cited in the contract along with a description of the overpayment including the—

(i) Circumstances of the overpayment (*e.g.*, duplicate payment, erroneous payment, liquidation errors, date(s) of overpayment);

(ii) Affected contract number and delivery order number if applicable;

(iii) Affected contract line item or subline item, if applicable; and

(iv) Contractor point of contact.

(2) Provide a copy of the remittance and supporting documentation to the Contracting Officer.

(End of clause)

■ 15. Amend section 52.232–27 by revising the date of the clause and paragraph (l) to read as follows:

**52.232–27 Prompt Payment for Construction Contracts.**

\* \* \* \* \*

**PROMPT PAYMENT FOR CONSTRUCTION CONTRACTS (OCT 2008)**

\* \* \* \* \*

(l) *Overpayments.* If the Contractor becomes aware of a duplicate contract financing or invoice payment or that the Government has otherwise overpaid on a contract financing or invoice payment, the Contractor shall—

(1) Remit the overpayment amount to the payment office cited in the contract along with a description of the overpayment including the—

(i) Circumstances of the overpayment (*e.g.*, duplicate payment, erroneous payment, liquidation errors, date(s) of overpayment);

(ii) Affected contract number and delivery order number if applicable;

(iii) Affected contract line item or subline item, if applicable; and

(iv) Contractor point of contact.

(2) Provide a copy of the remittance and supporting documentation to the Contracting Officer.

(End of clause)

[FR Doc. E8–21382 Filed 9–16–08; 8:45 am]

BILLING CODE 6820–EP–S

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Part 12

[FAC 2005–27; FAR Case 2007–022; Item VII; Docket 2008–0001; Sequence 13]

RIN 9000–AL03

#### Federal Acquisition Regulation; FAR Case 2007–022, Subcontractor Requests for Bonds

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

**ACTION:** Final rule.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to clarify that the clause “Prospective Subcontractor Requests for Bonds” does not apply to commercial items.

**DATES:** *Effective Date:* September 17, 2008.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Jackson, Procurement Analyst, at (202) 208–4949 for clarification of content. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755. Please cite FAC 2005–27, FAR case 2007–022.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

The FAR clause at FAR 52.228–12, Prospective Subcontractor Requests for Bonds, implemented Section 806(a)(3) of Public Law 102–190, as amended, which specifies that, upon the request of a prospective subcontractor or supplier offering to furnish labor or material for the performance of a construction contract for which a payment bond has been furnished to the United States pursuant to the Miller Act, the contractor shall promptly provide a copy of such payment bond to the requestor. In conjunction with performance bonds, payment bonds are used in Government construction contracts to secure fulfillment of the contractor’s obligations under the contract and to assure that the contractor makes all payments, as required by law, to persons furnishing labor or material in performance of the contract. The FAR clause at 52.228–12,

which has an effective date of October 1, 1995, reflects the addition of Section 806(a)(3) of Pub. L. 102–190, as amended by Sections 2091 and 8105 of Pub. L. 103–355, at FAR 12.503(a) and 12.504(a). When the implementation of FAR 28.106–4 occurred, the appropriate incorporation of the FAR clause at 52.228–12, Prospective Subcontractor Requests for Bonds, was accomplished, but not the incorporation of the associated statutory citation in FAR 12.503 and 12.504.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

##### B. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule. This final rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Pub. L. 98–577, and publication for public comments is not required. However, the Councils will consider comments from small entities concerning the affected FAR Part 12 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAC 2005–27, FAR case 2007–022), in correspondence.

##### C. Paperwork Reduction Act

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

##### List of Subjects in 48 CFR Part 12

Government procurement.

Dated: September 9, 2008.

Al Matera,

Director, Office of Acquisition Policy.

■ Therefore, DoD, GSA, and NASA amend 48 CFR part 12 as set forth below:

#### PART 12—ACQUISITION OF COMMERCIAL ITEMS

■ 1. The authority citation for 48 CFR part 12 continues to read as follows:

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

■ 2. Amend section 12.503 by revising the section heading and adding paragraph (a)(7) to read as follows:

**12.503 Applicability of certain laws to Executive agency contracts for the acquisition of commercial items.**

(a) \* \* \*

(7) Section 806(a)(3) of Pub. L. 102–190, as amended by Sections 2091 and 8105 of Pub. L. 103–355, Payment Protections for Subcontractors and Suppliers (see 28.106–6).

\* \* \* \* \*

■ 3. Amend section 12.504 by adding paragraph (a)(13) to read as follows:

**12.504 Applicability of certain laws to subcontracts for the acquisition of commercial items.**

(a) \* \* \*

(13) Section 806(a)(3) of Pub. L. 102–190, as amended by Sections 2091 and 8105 of Pub. L. 103–355, Payment Protections for Subcontractors and Suppliers (see 28.106–6).

\* \* \* \* \*

[FR Doc. E8–21381 Filed 9–16–08; 8:45 am]

BILLING CODE 6820–EP–S

**DEPARTMENT OF DEFENSE****GENERAL SERVICES  
ADMINISTRATION****NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION****48 CFR Part 13**

[FAC 2005–27; FAR Case 2008–002; Item VIII; Docket 2008–0001; Sequence 11]

RIN 9000–AL02

**Federal Acquisition Regulation; FAR Case 2008–002, Extension of Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items**

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

**ACTION:** Final rule.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to implement Section 822 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110–181).

**DATES:** *Effective Date:* September 17, 2008.

**FOR FURTHER INFORMATION CONTACT** Mr. Michael Jackson, Procurement Analyst, at (202) 208–4949 for clarification of content. For information pertaining to status or publication schedules, contact

the FAR Secretariat at (202) 501–4755. Please cite FAC 2005–27, FAR case 2008–002.

**SUPPLEMENTARY INFORMATION:****A. Background**

This final rule amends the FAR to implement Section 822 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110–181). Section 822 amends Section 4202(e) of the Clinger-Cohen Act of 1996 (division D of Pub. L. 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) by extending until January 1, 2010, the timeframe in which an agency may use simplified procedures to purchase commercial items in amounts greater than the simplified acquisition threshold, but not exceeding \$5,500,000 (\$11 million for acquisitions as described in 13.500(e)).

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**B. Regulatory Flexibility Act**

The Regulatory Flexibility Act does not apply to this rule. This final rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Pub. L. 98–577, and publication for public comments is not required. However, the Councils will consider comments from small entities concerning the affected FAR Part 13 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAC 2005–27, FAR case 2008–002), in all correspondence.

**C. Paperwork Reduction Act**

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

**List of Subjects in 48 CFR Part 13**

Government procurement.

Dated: September 9, 2008.

**Al Matera,**

*Director, Office of Acquisition Policy.*

■ Therefore, DoD, GSA, and NASA amend 48 CFR part 13 as set forth below:

**PART 13—SIMPLIFIED ACQUISITION PROCEDURES**

■ 1. The authority citation for 48 CFR part 13 continues to read as follows:

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

**13.500 [Amended]**

■ 2. Amend section 13.500 by removing from paragraph (d) “January 1, 2008” and adding “January 1, 2010” in its place.

[FR Doc. E8–21380 Filed 9–16–08; 8:45 am]

BILLING CODE 6820–EP–S

**DEPARTMENT OF DEFENSE****GENERAL SERVICES  
ADMINISTRATION****NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION****48 CFR Part 16**

[FAC 2005–27; FAR Case 2008–006; Item IX; Docket 2008–01, Sequence 5]

RIN 9000–AL05

**Federal Acquisition Regulation; FAR Case 2008–006, Enhanced Competition for Task and Delivery Order Contracts—Section 843 of the Fiscal Year 2008 National Defense Authorization Act**

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

**ACTION:** Interim rule with request for comments.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on an interim rule amending the Federal Acquisition Regulation (FAR) to implement the Fiscal Year 2008 National Defense Authorization Act, Section 843 “Enhanced Competition for Task and Delivery Order Contracts” (FY08 NDAA). Section 843 of the FY08 NDAA stipulates several requirements regarding enhancing competition within Federal contracting.

**DATES:** *Effective Date:* September 17, 2008.

*Applicability date:* FAR 16.503 and 16.504, as amended by this rule, are applicable to single award task or delivery order contracts awarded on or after May 27, 2008. FAR 16.505, as amended by this rule, is applicable to orders awarded on or after May 27, 2008 on existing contracts as well as new contracts.

*Comment Date:* Interested parties should submit written comments to the FAR Secretariat on or before November 17, 2008 to be considered in the formulation of a final rule.