

## Headquarters Policy Flash

**FLASH #99-10**

**DATE:** June 22, 1999  
**TO:** Distribution  
**FROM:** Office of Procurement and Assistance Policy (MA-51)  
Office of Procurement and Assistance Management

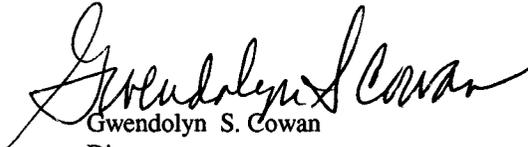
**SUBJECT:** *Federal Acquisition Circular (FAC) 97-12*

**SUMMARY** This Flash provides a summary of the 7 items included in the recently issued FAC 97-12, published in the Federal Register on June 17, 1999 (64 FR 32740). The effective date for each item is noted in the summary. The full text of FAC 97-12 is available on the Internet at <http://www.arnet.gov/far>.

1. **Taxpayer Identification Numbers (Effective June 17, 1999)**  
The interim rule published as Item I of the FAC 97-09 is converted to a final rule without change. The rule amends FAR Parts 1, 4, 13, 14, 15, and 52 to implement Subsection (i) of the Debt Collection Improvement Act of 1996 and Section 1022 of the Taxpayer Relief Act of 1997; and to clarify the Government requirements for reporting contract and payment information to the Internal Revenue Service (IRS).

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2. **Use of Brand Name Item Descriptions (Effective August 16, 1999)**  
This final rule amends FAR Parts 11, 37, and 52 to clarify guidance for the use of brand name purchase descriptions. While indicating that performance specifications are the preferred method for describing the Government's needs, this final rule permits the use of brand name or equal purchase descriptions. The rule clarifies how brand name or equal purchase descriptions are structured, i.e., salient functional, physical, or performance characteristics must be part of the description.
3. **SBA's 8(a) Business Development Program (Effective June 17, 1999)** This interim rule amends FAR Parts 12, 19, and 52 to implement changes made in the Small Business Administration's 8(a) Business Development (8(a)BD) Program regulation contained in 13 CFR parts 121, 124, and 134 regarding the eligibility procedures for admission to the 8(a)BD and contractual assistance programs. These changes involve administrative matters concerning requirement offerings, contract execution, contract administration, and SBA appeals.
4. **Competition Under Multiple Award Task and Delivery Order Contracts (Effective August 16, 1999)**  
This final rule amends the procedures for placing orders under multiple award contracts at FAR 16.505(b). The amendment emphasizes that agencies shall use only fair methods when placing orders. For example, the contracting officer shall not employ allocation or designation of any preferred awardee(s) that would result in less than fair consideration being given to all awardees prior to placing each order.
5. **Application of the Brooks Act (Effective August 16, 1999)**  
This final rule amends FAR Part 36 to remove the reference to the National Imagery and Mapping Agency (NIMA) at FAR 36.601-4(a)(4) to indicate the type of mapping services that must not be procured pursuant to FAR Subpart 36.6.
6. **Restrictions on the Acquisition of Information Technology (Effective June 17, 1999)**  
This final rule revises FAR 39.101 to implement Division A, Section 101(h), Title VI, Section 622 of the Omnibus Appropriations and Authorization Act for Fiscal Year 1999. Section 622 provides that no appropriated funds may be used to acquire information technology that does not comply with FAR 39.106 (Year 2000 Compliance), unless the agency's Chief Information Officer (CIO) determines that noncompliance with 39.106 is necessary to the function and operation of the agency or the acquisition is required by a contract in effect before October 21, 1998.
7. **Technical Amendments (Effective June 17, 1999)**  
Amendments are being made at 1.106, 9.505, 12.301, 19.803, 19.806, 22.609, 31.205-6, 42.203, 52.204-6, 52.212-1, 52.212-3, 52.213-4, 52.215-2, 52.219-1, 52.219-8, 52.219-14, 52.219-22, 53.214 and 53.215-1 to update references and make editorial changes.

  
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Director