

Advisory Panel on Streamlining and Codifying Acquisition Regulations



Supplement to the
Section 809 Panel Interim Report
May 2017

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Acronym List

DLA	Defense Logistics Agency
DoD	Department of Defense
EO	Executive Order
EPA	Environmental Protection Agency
FAR	Federal Acquisition Regulation
FY	Fiscal Year
NFPA	National Fire Protection Association
NDAA	National Defense Authorization Act
UFC	Unified Facilities Criteria
U.S.C.	U.S. Code

INTRODUCTION

The Section 809 Panel is charged with making recommendations, including actionable changes to regulatory and statutory language, to improve the acquisition process of the Department of Defense (DoD). For the purposes of this report, *regulations* include regulations, executive orders, directives, policies, and procedures. The panel's enabling legislation directs it to

review the acquisition regulations applicable to the Department of Defense with a view toward streamlining and improving the efficiency and effectiveness of the defense acquisition process.

Some applicable regulations are DoD-specific; others apply governmentwide. These regulations can be found in the Federal Acquisition Regulation (FAR), executive orders, and other governmentwide directives. The panel will review all of the sources of regulations, to include statute, that affect defense acquisition, and will specify whether recommendations are specific to DoD or are intended to apply governmentwide. In some instances, the panel will put forth both a DoD-specific and a governmentwide option.

In its Interim Report, the panel identified problematic policies and requirements highlighted as case studies. The panel would be remiss if it did not propose concrete solutions to these specific problematic policies. The supplement is just the beginning for the panel—a small sample of what bogs down the defense acquisition process.

Going forward, the panel will take a comprehensive approach to weeding out regulatory and statutory underbrush that gets in the way of the DoD mission. Further, we will recommend entirely new pathways for approaching defense acquisition that promote innovation, agility, and speed across the whole range of goods and services required by the department.

RECOMMENDATIONS

Affirm agency mission as the primary goal of DoD acquisition.

Problem

A number of statutes, executive orders, and regulations to which DoD is subject promote public policies not directly tied to mission. The Section 809 Panel believes it is important to establish that mission comes first.

The panel's specific purview, as established in statute, is acquisition regulations. In the statement of guiding principles for the FAR, public policy objectives receive equal priority to delivering "on a timely basis the best value product or service to the customer." The Section 809 Panel has found instances in which public policy objectives do not align with mission requirements.

In its future work, the Section 809 Panel plans to make numerous recommendations for revising regulations (as well as statutes) to prioritize mission. Amending the FAR purpose statement to reflect this priority in advance of the panel's recommendations would facilitate timely implementation of that portion of the panel's work. The Section 809 Panel firmly believes problems should be addressed without a legislative fix whenever possible. Although the FAR Council has authority to make the needed change to the FAR purpose statement unilaterally, the Section 809 Panel recognizes that the process required to do so could preclude the ability to have the change in place before the panel issues its final report. In this case, to facilitate making the change expeditiously, the panel varies from its position, and recommends that Congress require the change in statute.

Background

The FAR Subpart 1.1, Purpose, Authority, Issuance, sets forth guiding principles for the federal acquisition system. The system is to "deliver on a timely basis the best value product or service to the customer, while maintaining the public's trust and fulfilling public policy objectives."

Findings

Some of the public policies promoted in the FAR or defense-specific regulations support the mission of DoD. Examples of such regulations include those aimed at preserving a domestic supply of critical defense articles and those aimed at promoting the ability of DoD to access innovative technologies developed by small businesses.

Other regulations promote public policies that do not directly relate to the mission. For example, the Presidential \$1 Coin Act of 2005 requires business operations performed on government premises to provide for accepting and dispensing \$1 coins. Whatever the merits of promoting the use of \$1 coins, the requirement does not relate to the agency mission. Nor does the requirement in the FAR to ban text messaging while driving (applicable to contractors on government business), yet the relevant FAR Clause, 52.223-18, must be included in all solicitations and contracts and in all subcontracts exceeding the micro-purchase threshold.

Although these and many other regulations are designed to further laudable public policy objectives, and individually may impose marginal costs, in the aggregate their effect places substantial burdens on

DoD both in terms of financial costs and fulfilling the agency mission. It is important to assess the costs and benefits of such regulations to industry, government, and the regulations' intended beneficiaries.

Conclusions

The primary goal of acquisition regulations should be to promote the mission of the agency, not to impede it. Many of the current regulations taken as a whole, and sometimes even individually, impede DoD's ability to acquire the goods and services it needs when it needs them and to maintain technological superiority on the battlefield.

Recommendations

Legislative Branch

- Enact a law requiring the FAR be revised so that references to fulfilling public policy objectives are stated as being a secondary objective of the federal acquisition system in any statement of the vision or guiding principles for the federal acquisition system or any statement of purposes of the FAR.

Regulatory Changes

- Revise FAR Part 1.

Implications for Other Agencies

- All other federal agencies would be affected by implementation of these recommendations.

Implementation

Statutory Implementation Language

1 **SEC. ___. REVISION TO PURPOSE STATEMENT IN FEDERAL ACQUISITION**

2 **REGULATION.**

3 The Federal Acquisition Regulation shall be revised to provide that, in any
4 statement of the vision for, or guiding principles for, the Federal Acquisition System or
5 any statement of the purposes of the Federal Acquisition System or the Federal
6 Acquisition Regulation, any reference to fulfilling public policy objectives shall be
7 stated as being a secondary objective of the Federal Acquisition System.

Statutory Mark-up

- None required.

Regulatory Mark-up

- Revise FAR Part 1 to comply with statute.

Increase contract time for fuel storage from 20 years to 30 years.

Fuel Storage from Interim Report p. 20

Problem

The 20-year limitation on the duration of DoD fuel storage contracts, in effect under Title 10 U.S. Code (U.S.C.) Sec. 2922, Contracts for Energy or Fuel for Military Installations, is out of date. The secretary of defense and the secretaries of the military departments have the authority to contract for “the storage, handling, or distribution of, liquid fuels or natural gas.”¹ The statute authorizes a maximum contract of 5 years, with options to renew the contract for additional 5-year periods up to 20 years total. Modern fuel storage infrastructure is capable of operating for up to 30 years without any operational interruption.²

Background

The initial version of Section 2922 of Title 10, enacted on August 3, 1956 as Pub. L. No. 968 § 416, contained language that does not exist today. The 1956 version explicitly tied the authority to contract for liquid fuel infrastructure to DoD’s need for a secure fuel supply. The original statute limited the fuel contract authority to “facilities which conform to the criteria prescribed by the Secretary of Defense for protection, including dispersal, and also are included in a program approved by the Secretary of Defense for the protection of petroleum facilities.”³

Later statutory changes altered the scope of the authority under the provision. Congress amended the statute three times between 1982 and 1993. Amendments in 1982 and 1990 modified and then eliminated reporting requirements to Congress. The 1993 amendment struck all language referring to protected petroleum facilities and broadened the authority under the section to encompass natural gas, as well as liquid fuels. In effect, the Fiscal Year (FY) 1994 National Defense Authorization Act (NDAA) modernized the law by acknowledging the emergence of an additional energy source since the 1950s and removing security-related language. Though Congress modernized other aspects of the statute, the maximum length of contract extensions remained unchanged at a cumulative 20 years.⁴

After the 1993 revision of Section 2922, DoD initiated contracts with the expectation contractors would dismantle the fuel infrastructure when the contract terminated. In recent years, however, the administering agency, Defense Logistics Agency (DLA) Energy, has identified this practice as inefficient because the fuel facilities have not reached their lifespans.⁵ With many contracts authorized by the statute nearing their conclusion, agency staff members face a potential disruption of fuel services, as well as a potential inefficient use of government resources.⁶

¹ Liquid Fuels and Natural Gas: Contracts For Storage, Handling, Or Distribution, 10 U.S.C. § 2922.

² Environmental Protection Agency, Email Response to Questions, as quoted by Beth Evans, “EPA Biofuel Storage Rule Marks ‘New Round’ of Federal Requirements,” *Platts Oilgram News*, November 22, 2010, <http://www.platts.com/latest-news/oil/newyork/epa-biofuel-storage-rule-marks-new-round-of-federal-6617352>. Yale Environmental Health and Safety, *Underground Storage Tanks*, accessed April 21, 2017, <http://ehs.yale.edu/sites/default/files/files/underground-storage-tanks.pdf>.

³ An Act to Authorize Certain Construction at Military Installations, and for Other Purposes, Pub. L. No. 968, 70 Stat. 1018 (1956).

⁴ National Defense Authorization Act for Fiscal Year 1994, Pub. L. No. 103-160, 107 Stat. 1711 (1993).

⁵ Defense Logistics Agency Energy, briefing to Section 809 Panel professional staff, February 2, 2017.

⁶ *Ibid.*

DLA Energy currently oversees 51 Section 2922-authorized contracts that total roughly \$1.5 billion in value. The agency administers 32 contractor-owned, contractor-operated terminal operations contracts, valued at \$1.1 billion, that allow for providing fuel support services not located on military service installations. Section 2922 contracts account for approximately 70 percent of DLA Energy's terminal operations budget. The agency also administers 19 contractor-owned, contractor-operated military service contracts, with a total value of \$363 million, which provide fuel support services on military installations, whereby the contractor builds and owns a fuel facility (albeit one located on government property) but only provides services to DLA Energy. The most common Section 2922 contracts are fuel operating service contracts for storage and bulk/retail operations, as well as contracts for military fuels such as JP-8, JP-5, and F-76. According to DLA Energy, the agency uses Section 2922 seven to eight times annually, including one or two new contracts per year.⁷

Findings

Section 2922's 20-year contractual limit no longer reflects the physical realities of fuel infrastructure. The fuel infrastructure landscape has changed dramatically since 1956 as described below:⁸

- Environmental Protection Agency (EPA) and accompanying efforts from other federal, state, local, and private institutions have generated technological advances in fuel storage safety to comply with a stricter regulatory framework. EPA has synchronized fuel infrastructure standards with health and environmental protection objectives.
- Double-wall tanks and secondary containment requirements are now mandatory for fuel tanks. Leak detection and automatic tank gauging technology have become commonplace.
- Newfound anticorrosion techniques have offered improved protection to underground fuel storage tanks.
- DoD's development of the Unified Facilities Criteria (UFC) program, an effort to coordinate technical criteria and standards for the department's real property facilities, has led to the standardization of certain fuel infrastructure facilities under the department's auspices.⁹
- The commercial fuel sector itself has voluntarily standardized certain design, construction, and operational elements through the efforts of the National Fire Protection Association (NFPA).¹⁰

⁷ Defense Logistics Agency Energy, written answers to questions posed by Section 809 Panel, February 2, 2017.

⁸ "Frequent Questions About Underground Storage Tanks," Environmental Protection Agency, accessed April 21, 2017, <https://www.epa.gov/ust/frequent-questions-about-underground-storage-tanks>. Wayne Geyer, *Secondary Containment Options for Aboveground and Underground Tanks*, Steel Tank Institute, accessed April 21, 2017, <https://www.steeltank.com/Portals/0/Articles/Secondary%20Containment%20Options%20for%20Aboveground%20and%20Underground%20Tanks.pdf?ver=2009-05-31-010754-563>.

⁹ Department of Defense Unified Facilities Criteria, *Design: Petroleum Fuel Facilities*, accessed April 26, 2017, http://www.wbdg.org/FFC/DOD/UFC/ufc_3_460_01_2010_c2.pdf.

¹⁰ Environmental Protection Agency, *Underground Storage Tank Flood Guide*, accessed April 26, 2017, <https://www.epa.gov/sites/production/files/2014-03/documents/ustfloodguide.pdf>.

- The 1988 expansion of the Comprehensive Environmental Response, Compensation, and Liability Act formalized technical requirements for fuel tanks and paved the way for a uniform set of national standards regarding leak detection, prevention, and corrective action that is now in effect.¹¹

As noted by EPA, fuel storage technology has evolved to the point that the industry standard for fuel facility lifecycle extends to 30 years.¹²

DoD is already integrating this new reality of modern fuel storage into its infrastructure system. Recent projects have met their goals by updating the department's fuel storage facilities to "meet all applicable United Facilities Criteria, NFPA and American Petroleum Institute design requirements," as well as adopting the latest "leak detection, cathodic protection and secondary containment" requirements.¹³

The department's Section 2922 contracting authority has not evolved in tandem with its fuel infrastructure facilities. Synchronizing contract length to the 30-year fuel tank lifespan could produce substantial savings.¹⁴

Conclusions

Section 2922 no longer reflects the reality of the fuel infrastructure system. Extending the maximum Section 2922 timeframe from 20 years to 30 years for both new and existing contracts would address this problem in a cost-effective manner. This approach could achieve substantial savings in the near term based on reduced infrastructure costs for existing contracts and updated economic analysis reports for new contracts.¹⁵

¹¹ Technical Standards and Corrective Action Requirements For Owners and Operators of Underground Storage Tanks (UST), 53 FR 37194, September 23, 1988, <https://www.gpo.gov/fdsys/pkg/CFR-2014-title40-vol27/pdf/CFR-2014-title40-vol27-part280.pdf>.

¹² Environmental Protection Agency, Email Response to Questions, as quoted by Beth Evans, "EPA Biofuel Storage Rule Marks 'New Round' of Federal Requirements," *Platts Oilgram News*, November 22, 2010, <http://www.platts.com/latest-news/oil/newyork/epa-biofuel-storage-rule-marks-new-round-of-federal-6617352>.

¹³ "Fuel Storage Tank Replacement," Burns & McDonnell, accessed February 8, 2017, <http://www.burnsmcd.com/projects/fuel-storage-tank-replacement>. Hassan Sahudin, Bill Shehane and Alan Strecker, Burns & McDonnell, *Refueling the Lifespan*, accessed February 8, 2017, file:///D:/User/My%20Documents/Downloads/articleRefuelingTheLifespa.pdf.

¹⁴ According to DLA Energy, the agency could achieve up to \$28 million in total savings by extending the length of four, 20-year contracts that are set to terminate in the next 2 years. The agency estimates that it could achieve up to \$25 million in additional savings by applying a 30-year timeframe to 11 economic analysis reports that it has completed—based upon the 20-year timeframe—for impending contracts under Section 2922. By contrast, if the statute remains in its present form, DLA Energy indicated it would face infrastructure replacement costs between \$6.5 million and \$7.5 million for each new contract award on a Section 2922 contract. DLA Energy, response to questions posed by Section 809 Panel, March 16, 2017.

¹⁵ DLA Energy, response to questions posed by Section 809 Panel, March 16, 2017.

Recommendations

Legislative Branch

- Extend the maximum length of Section 2922 fuel storage contracts to 30 years.
- Allow existing contracts to be extended to the 30-year maximum by adding a statement to the *effective date* clause that says the 30-year maximum “may be applied to a contract entered into before that date if the total contract period under the contract (including options) has not expired as of the date of any extension of such contract period by reason of such amendment.”

Executive Branch

- Update any pertinent regulation.

Implications for Other Agencies

- None.

Implementation

Statutory Implementation Language

1 **SEC. ____.** EXTENSION FROM 20 TO 30 YEARS OF MAXIMUM TOTAL PERIOD
2 **FOR DEPARTMENT OF DEFENSE CONTRACTS FOR STORAGE,**
3 **HANDLING, OR DISTRIBUTION OF LIQUID FUELS AND**
4 **NATURAL GAS.**

5 (a) EXTENSION.—Section 2922(b) of title 10, United States Code, is amended by
6 striking “20 years” and inserting “30 years”.

7 (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with
8 respect to contracts entered into on or after the date of the enactment of this Act and
9 may be applied to a contract entered into before that date if the total contract period
10 under the contract (including options) has not expired as of the date of any extension of
11 such contract period by reason of such amendment.

Statutory Mark-up

§2922. Liquid fuels and natural gas: contracts for storage, handling, or distribution

(a) **AUTHORITY TO CONTRACT.**—The Secretary of Defense and the Secretary of a military department may each contract for storage facilities for, or the storage, handling, or distribution of, liquid fuels or natural gas.

(b) **PERIOD OF CONTRACT.**—The period of a contract entered into under subsection (a) may not exceed 5 years. However, the contract may provide options for the Secretary to renew the contract for additional periods of not more than 5 years each, but not for more than a total of ~~20 years~~ **30 years**.

(c) OPTION TO PURCHASE FACILITY. — A contract under this section may contain an option for the purchase by the United States of the facility covered by the contract at the expiration or termination of the contract, without regard to subsections (a) and (b) of section 3324 of title 31, and before approval of title to the underlying land by the Attorney General.

Regulatory Mark-up

- Update any pertinent regulation.

Eliminate the requirement for contractors to use recycled paper.

Recycled Paper from Interim Report p. 24

Problem

The 1998 NDAA put in place the 30 percent postconsumer-waste requirement for DoD. The FY 2017 NDAA repealed the requirement in statute, yet Executive Order (EO) 13693, Planning for Federal Sustainability in the Next Decade,¹⁶ and the related FAR parts and clause still stand. These regulations constitute an unnecessary contract clause requirement.

Background

Previous executive orders have required use of recycled paper, including EO 13423, Strengthening Federal Environmental, Energy, and Transportation Management¹⁷ and EO 13514, Federal Leadership in Environmental, Energy, and Economic Performance.¹⁸ These EOs were revoked by EO 13693.

Although Congress repealed the statutory requirement for contractors to use 30 percent postconsumer-waste paper, DoD is bound by this requirement because EO 13693 stands. Based on the EO, FAR 4.3, Paper Documents, and FAR 11.303, Special Requirements for Paper, mandate that contractors use 30 percent postconsumer-waste content paper.

Findings

The government increasingly conducts recordkeeping and documentation means.¹⁹ This change in approach may have contributed to a decrease in the use of paper societywide. According to industry experts, “the amount of paper going to landfills is estimated to have declined by more than half since 2003.”²⁰

Conclusions

Administrative changes noted above have produced the desired reduction in paper consumed in conducting government business, which renders the clause requirement in FAR 4.303 unnecessary. It is important to note that although many acquisition regulations, including these, aim to further arguably laudable public policy objectives; the aggregate effect of hundreds of similar regulations is costly for DoD.

¹⁶ Planning for Federal Sustainability in the Next Decade, EO 13693, Sec.3(i)(v) (2015).

¹⁷ Signed January 24, 2007.

¹⁸ Signed October 5, 2009.

¹⁹ Electronic recordkeeping “provides long-term cost savings (reducing the need for parallel recordkeeping systems, i.e., paper and electronic). While there are costs associated with implementing and maintaining electronic recordkeeping, ERK can reduce or avoid costs for many areas associated with paper filing, including the costs for storage space, materials (e.g., paper, folders, cabinets), and labor.” “Why Federal Agencies Need to Move Towards Electronic Recordkeeping,” National Archives, accessed April 20, 2017, <https://www.archives.gov/records-mgmt/policy/prod1afn.html>.

²⁰ “Paper Recovery & Landfill,” Paper Recycles, accessed April 20, 2017, <http://www.paperrecycles.org/statistics/paper-recovery-landfill>.

RECYCLED PAPER OPTION 1: MAKE CHANGE FOR DoD ONLY

Recommendations

Legislative Branch

- None required.

Executive Branch

- Revise the provision in EO 13693²¹ as it applies to DoD, that maintains the 30 percent postconsumer-waste requirement to comport with the repeal of that requirement in the FY 2017 NDAA.
- Update the FAR to reflect the current controlling EO.
- Make corresponding changes to the guidance at FAR 4.3, FAR 11.303 and the clause at 52.204-4, Printed or Copied Double-Sided on Recycled Paper.

Implications for Other Agencies

- None.

Implementation

Statutory Implementation Language

- None required.

Statutory Mark-up

- None required.

Regulatory Mark-up

Executive Order

Sec. 3(i)(v) of Executive Order 13693

(v) reducing copier and printing paper use and, *except for the Department of Defense*, acquiring uncoated printing and writing paper containing at least 30 percent postconsumer recycled content or higher as designated by future instruction under section 4(e) of this order;

FAR

FAR Subpart 4.3 -- Paper Documents

4.300 -- Scope of Subpart.

This subpart provides policies and procedures on contractor-submitted paper documents.

²¹ Planning for Federal Sustainability in the Next Decade, EO 13693, Sec.3(i)(v) (2015).

RECYCLED PAPER OPTION 1: MAKE CHANGE FOR DOD ONLY

4.301 – Definition.

“Printed or copied double-sided,” as used in this subpart, means printing or reproducing a document so that information is on both sides of a sheet of paper.

(a) Section 3(a) of E.O. 13423-13693, *Strengthening Federal Environmental, Energy, and Transportation Management Planning of Federal Sustainability in the Next Decade*, directs agencies to ~~implement waste prevention~~ *promote sustainable acquisition and procurement*. In addition, section 2(e) of E.O. 13514, *Federal Leadership in Environmental, Energy, and Economic Performance*, ~~directs agencies to eliminate waste~~. Electronic commerce methods (see 4.502) and double-sided printing and copying are best practices for ~~waste prevention~~ *sustainable acquisition and procurement*.

(b) When electronic commerce methods (see 4.502) are not used, agencies shall require contractors to submit paper documents to the Government relating to an acquisition printed or copied double-sided, *and except for submissions to the Department of Defense*, on at least 30 percent postconsumer fiber paper whenever practicable. If the contractor cannot print or copy double-sided, it shall print or copy single-sided, *and except for submissions to the Department of Defense*, on at least 30 percent postconsumer fiber paper.

4.303 – Contract Clause.

Insert the clause at 52.204-4, Printed or Copied Double-Sided on Recycled Paper, in solicitations and contracts that exceed the simplified acquisition threshold.

11.303 – Special Requirements for Paper.

(a) The following applies when agencies, *except the Department of Defense*, acquire paper in the United States (as defined in 23.001):

(1) Section 3(i)(v)2(d)(ii) of Executive Order 13423-13693, *Planning of Federal Sustainability in the Next Decade Strengthening Federal Environmental, Energy, and Transportation Management*, *requires a reduction in copier and printer use and requires acquisition of uncoated printing and writing paper containing at least 30 percent postconsumer fiber*. ~~establishes a 30 percent postconsumer fiber content standards for agency paper use. Section 2(d)(ii) requires that an agency's paper products must meet or exceed the minimum content standard.~~

(2) Section 2(e)(iv) of Executive Order 13514 ~~requires acquisition of uncoated printing and writing paper containing at least 30 percent postconsumer fiber.~~

RECYCLED PAPER OPTION 1: MAKE CHANGE FOR DoD ONLY

(b) Exceptions. If paper under paragraphs (a)(1) ~~or (a)(2)~~ of this section containing at least 30 percent postconsumer fiber is not reasonably available, does not meet reasonable performance requirements, or is only available at an unreasonable price, then the agency must purchase--

(1) Printing and writing paper containing no less than 20 percent postconsumer fiber; or

(2) Paper, other than printing and writing paper, with the maximum practicable percentage of postconsumer fiber that is reasonably available at a reasonable price and that meets reasonable performance requirements.

52.204-4 -- Printed or Copied Double-Sided on Postconsumer Fiber Content Paper.

As prescribed in 4.303, insert the following clause:

Printed or Copied Double-Sided on Postconsumer Fiber Content Paper (~~May 2011~~ **Date**)

(a) Definitions. As used in this clause—

Postconsumer fiber means—

(1) Paper, paperboard, and fibrous materials from retail stores, office buildings, homes, and so forth, after they have passed through their end-usage as a consumer item, including: used corrugated boxes; old newspapers; old magazines; mixed waste paper; tabulating cards; and used cordage; or

(2) All paper, paperboard, and fibrous materials that enter and are collected from municipal solid waste; but not

(3) Fiber derived from printers' over-runs, converters' scrap, and over-issue publications.

(b) ~~When not using electronic commerce methods to submit information or data to the Government,~~ **When not using electronic commerce methods to submit information or data to the Government,** the Contractor is required to submit paper documents, such as offers, letters, or reports that are printed or copied double-sided on paper **and, except for submissions to the Department of Defense,** containing at least 30 percent postconsumer fiber, whenever practicable, ~~when not using electronic commerce methods to submit information or data to the Government.~~

(End of Clause)

RECYCLED PAPER OPTION 2: MAKE CHANGE GOVERNMENTWIDE

Recommendations*Legislative Branch*

- None required.

Executive Branch

- Revise the provisions of EO 13693 to rescind the 30 percent postconsumer-waste requirement.
- Update the FAR to reflect the current controlling EO.
- Make corresponding changes to the guidance at FAR 4.3, FAR 11.303 and the clause at 52.204-4.

Implications for Other Agencies

- All agencies would be relieved of an unnecessary contract clause requirement.

Implementation*Statutory Implementation Language*

- None required.

Statutory Mark-up

- None required.

*Regulatory Mark-up**Executive Order*

Sec. 3(i)(v) of Executive Order 13693

(v) reducing copier and printing paper use and acquiring uncoated printing and writing paper containing at least 30 percent postconsumer recycled content or higher as designated by future instruction under section 4(e) of this order;

FAR

FAR Subpart 4.3 -- Paper Documents

4.300 -- Scope of Subpart.

This subpart provides policies and procedures on contractor-submitted paper documents.

4.301 – Definition.

“Printed or copied double-sided,” as used in this subpart, means printing or reproducing a document so that information is on both sides of a sheet of paper.

RECYCLED PAPER OPTION 2: MAKE CHANGE GOVERNMENTWIDE

(a) Section 3(a) of E.O. 13423-13693, ~~Strengthening Federal Environmental, Energy, and Transportation Management~~ *Planning of Federal Sustainability in the Next Decade*, directs agencies to ~~implement waste prevention~~ *promote sustainable acquisition and procurement*. In addition, section 2(e) of E.O. 13514, *Federal Leadership in Environmental, Energy, and Economic Performance*, ~~directs agencies to eliminate waste~~. Electronic commerce methods (see 4.502) and double-sided printing and copying are best practices for ~~waste prevention~~ *sustainable acquisition and procurement*.

(b) When electronic commerce methods (see 4.502) are not used, agencies shall require contractors to submit paper documents to the Government relating to an acquisition printed or copied double-sided on at least 30 percent postconsumer fiber paper whenever practicable. ~~If the contractor cannot print or copy double-sided, it shall print or copy single-sided on at least 30 percent postconsumer fiber paper.~~

4.303 – Contract Clause.

Insert the clause at 52.204-4, *Printed or Copied Double-Sided on Recycled Paper*, in solicitations and contracts that exceed the simplified acquisition threshold.

11.303 – Special Requirements for Paper.

(a) The following applies when agencies acquire paper in the United States (as defined in 23.001):

(1) ~~Section 2(d)(ii) of Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management, establishes a 30 percent postconsumer fiber content standards for agency paper use. Section 2(d)(ii) requires that an agency's paper products must meet or exceed the minimum content standard. 3(i)(v) of Executive Order 13693, Planning of Federal Sustainability in the Next Decade, requires a reduction in copier and printer use.~~

(2) ~~Section 2(e)(iv) of Executive Order 13514 requires acquisition of uncoated printing and writing paper containing at least 30 percent postconsumer fiber.~~

(b) ~~Exceptions. If paper under paragraphs (a)(1) or (a)(2) of this section containing at least 30 percent postconsumer fiber is not reasonably available, does not meet reasonable performance requirements, or is only available at an unreasonable price, then the agency must purchase—~~

(1) ~~Printing and writing paper containing no less than 20 percent postconsumer fiber; or~~

(2) ~~Paper, other than printing and writing paper, with the maximum practicable percentage of postconsumer fiber that is reasonably available at a reasonable price and that meets reasonable performance requirements.~~

52.204-4 -- *Printed or Copied Double-Sided on Postconsumer Fiber Content Paper*.

RECYCLED PAPER OPTION 2: MAKE CHANGE GOVERNMENTWIDE

As prescribed in 4.303, insert the following clause:

Printed or Copied Double-Sided on Postconsumer Fiber Content Paper (May 2011 *Date*)

~~(a) Definitions. As used in this clause—~~

~~Postconsumer fiber means—~~

~~(1) Paper, paperboard, and fibrous materials from retail stores, office buildings, homes, and so forth, after they have passed through their end usage as a consumer item, including: used corrugated boxes; old newspapers; old magazines; mixed waste paper; tabulating cards; and used cordage; or~~

~~(2) All paper, paperboard, and fibrous materials that enter and are collected from municipal solid waste; but not~~

~~(3) Fiber derived from printers' over runs, converters' scrap, and over issue publications.~~

~~(b) The Contractor is required to submit paper documents, such as offers, letters, or reports that are printed or copied double-sided on paper containing at least 30 percent postconsumer fiber, whenever practicable, when not using electronic commerce methods to submit information or data to the Government.~~

(End of Clause)

Eliminate FAR section on texting while driving.

Texting While Driving from Interim Report p. 25

Problem

The FAR encourages policies to ban text messaging by government contractor employees while driving on government business. This policy may no longer be needed due to changes in state laws and may be implemented by agencies through means other than contract clauses, such as DoD installation driving rules. This policy requires an unnecessary contract clause.

Background

On October 1, 2009, President Barack Obama issued EO 13513, Federal Leadership on Reducing Text Messaging While Driving, which includes language to encourage contractors to employ practices and policies to ban texting while driving and resulted in the addition to the FAR of Subpart 23.11, Encouraging Contractor Policies to Ban Text Messaging While Driving. This amendment also was added to FAR Clause 52.223-18, Encouraging Contractor Policies to Ban Text Messaging While Driving, which must be included in all solicitations and contracts and in all subcontracts exceeding the micro-purchase threshold.

Findings

Since EO 13513 was issued, the norms surrounding cell phone use while driving have evolved, making the provisions of Subpart 23.11 and Clause 52.223-18 no longer necessary.

- DoD issued directives to prohibit the use of cell phones while driving (with the exception of hands-free use) on all military installations.²²
- Installation rules and regulations governing cell phone use are posted at installation entry points.²³
- Forty-six states; Washington, D.C.; Puerto Rico; Guam; and the U.S. Virgin Islands ban text messaging for all drivers.²⁴

Conclusions

Because most states and DoD now ban cell phone usage and/or texting while driving, FAR Clause 52.223-18 is no longer necessary, and should be deleted. Federal agencies have means of encouraging behavior to meet the requirements of the EO (as is the case at DoD installations as noted above) without a contract clause requirement. Although many acquisition regulations, including this one, are designed to further arguably laudable public policy objectives, the Section 809 Panel wishes to emphasize that the aggregate effect of hundreds of similar regulations is costly for DoD.

²² DoD Traffic Safety Program, DODI 6055.04, Enclosure 3 paragraph 6(d)(2) (2013)
<http://dtic.mil/whs/directives/corres/pdf/605504p.pdf>.

²³ "DoD to Restrict Cell Phone Use on Military Bases," Department of Defense, accessed May 8, 2017,
<http://archive.defense.gov/news/newsarticle.aspx?id=14689>

²⁴ "Cellphones and Texting," Insurance Institute Highway Safety Highway Loss Data Institute, accessed May 8, 2017,
<http://www.iihs.org/iihs/topics/laws/cellphonelaws>.

TEXTING WHILE DRIVING OPTION 1: MAKE CHANGE FOR DoD ONLY

Recommendations

Legislative Branch

- None required.

Executive Branch

- Exempt DoD from FAR Subpart 23.11 and FAR Clause 52.223-18.

Implications for Other Agencies

- None.

Implementation

Amend FAR Subpart 23.11 and the clause at 52.223-18 as detailed below:

Subpart 23.11--Encouraging Contractor Policies to Ban Text Messaging While Driving
23.1101 -- Purpose.

This subpart implements the requirements of the Executive Order (E.O.) 13513, dated October 1, 2009 (74 FR 51225, October 6, 2009), Federal Leadership on Reducing Text Messaging while Driving.

23.1102 -- Applicability.

This subpart applies to all solicitations and contracts, *except Department of Defense solicitations and contracts.*

23.1103 -- Definitions.

As used in this subpart—

“Driving” —

(1) Means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light, stop sign, or otherwise.

(2) Does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.

“Text messaging” means reading from or entering data into any handheld or other electronic device, including for the purpose of short message service texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication. The term does not include glancing at or listening to a navigational device that is secured in a commercially designed holder affixed to the vehicle, provided that the destination and route are programmed into the device either before driving or while stopped in a location off the roadway where it is safe and legal to park.

23.1104 -- Policy.

Agencies shall encourage contractors and subcontractors to adopt and enforce policies that ban text messaging while driving—

- (a) Company-owned or -rented vehicles or Government-owned vehicles; or
- (b) Privately-owned vehicles when on official Government business or when performing any work for or on behalf of the Government.

TEXTING WHILE DRIVING OPTION 1: MAKE CHANGE FOR DOD ONLY

23.1105 -- Contract Clause.

The contracting officer shall insert, *except into Department of Defense solicitations and contracts*, the clause at 52.223-18, Encouraging Contractor Policies to Ban Text Messaging While Driving, in all solicitations and contracts.

52.223-18 – Encouraging Contractor Policies to Ban Text Messaging While Driving.

As prescribed in 23.1105, insert the following clause:

Encouraging Contractor Policies to Ban Text Messaging While Driving (Aug 2011)

(a) Definitions. As used in this clause--

“Driving” –

(1) Means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light, stop sign, or otherwise.

(2) Does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.

“Text messaging” means reading from or entering data into any handheld or other electronic device, including for the purpose of short message service texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication. The term does not include glancing at or listening to a navigational device that is secured in a commercially designed holder affixed to the vehicle, provided that the destination and route are programmed into the device either before driving or while stopped in a location off the roadway where it is safe and legal to park.

(b) This clause implements Executive Order 13513, Federal Leadership on Reducing Text Messaging while Driving, dated October 1, 2009.

(c) The Contractor is encouraged to—

(1) Adopt and enforce policies that ban text messaging while driving—

(i) Company-owned or -rented vehicles or Government-owned vehicles; or

(ii) Privately-owned vehicles when on official Government business or when performing any work for or on behalf of the Government.

(2) Conduct initiatives in a manner commensurate with the size of the business, such as—

(i) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and

(ii) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

(d) Subcontracts. The Contractor shall insert the substance of this clause, including this paragraph (d), in all subcontracts that exceed the micro-purchase threshold.

TEXTING WHILE DRIVING OPTION 2: MAKE CHANGE GOVERNMENTWIDE

Recommendations

Legislative Branch

- None required.

Executive Branch

- Delete FAR Subpart 23.11 and FAR Clause 52.223-18.

Implications for Other Agencies

- All agencies would be relieved of an unnecessary contract clause requirement.

Implementation

Statutory Implementation Language

- None required.

Statutory Mark-up

- None required.

Regulatory Mark-up

Delete FAR Subpart 23.11 and the clause at 52.223-18 in their entirety:

~~Subpart 23.11 [Reserved]—Encouraging Contractor Policies to Ban Text Messaging While Driving 23.1101—Purpose:~~

~~This subpart implements the requirements of the Executive Order (E.O.) 13513, dated October 1, 2009 (74 FR 51225, October 6, 2009), Federal Leadership on Reducing Text Messaging while Driving.~~

~~23.1102—Applicability:~~

~~This subpart applies to all solicitations and contracts.~~

~~23.1103—Definitions:~~

~~As used in this subpart—~~

~~“Driving”—~~

~~(1) Means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light, stop sign, or otherwise.~~

~~(2) Does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.~~

~~“Text messaging” means reading from or entering data into any handheld or other electronic device, including for the purpose of short message service texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication. The term does not include glancing at or listening to a navigational device that is secured in a commercially designed holder affixed to the vehicle, provided that the destination and route are programmed into the device either before driving or while stopped in a location off the roadway where it is safe and legal to park.~~

~~23.1104—Policy:~~

TEXTING WHILE DRIVING OPTION 2: MAKE CHANGE GOVERNMENTWIDE

~~Agencies shall encourage contractors and subcontractors to adopt and enforce policies that ban text messaging while driving—~~

- ~~(a) Company owned or rented vehicles or Government owned vehicles; or~~
- ~~(b) Privately owned vehicles when on official Government business or when performing any work for or on behalf of the Government.~~

~~23.1105—Contract Clause.~~

~~The contracting officer shall insert the clause at 52.223-18, Encouraging Contractor Policies to Ban Text Messaging While Driving, in all solicitations and contracts.~~

~~52.223-18 [Reserved]—Encouraging Contractor Policies to Ban Text Messaging While Driving.~~

~~As prescribed in 23.1105, insert the following clause:~~

~~Encouraging Contractor Policies to Ban Text Messaging While Driving (Aug 2011)~~

~~(a) Definitions. As used in this clause—~~

~~“Driving”—~~

- ~~(1) Means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light, stop sign, or otherwise.~~
- ~~(2) Does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.~~

~~“Text messaging” means reading from or entering data into any handheld or other electronic device, including for the purpose of short message service texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication. The term does not include glancing at or listening to a navigational device that is secured in a commercially designed holder affixed to the vehicle, provided that the destination and route are programmed into the device either before driving or while stopped in a location off the roadway where it is safe and legal to park.~~

~~(b) This clause implements Executive Order 13513, Federal Leadership on Reducing Text Messaging while Driving, dated October 1, 2009.~~

~~(c) The Contractor is encouraged to—~~

- ~~(1) Adopt and enforce policies that ban text messaging while driving—~~
 - ~~(i) Company owned or rented vehicles or Government owned vehicles; or~~
 - ~~(ii) Privately owned vehicles when on official Government business or when performing any work for or on behalf of the Government.~~
- ~~(2) Conduct initiatives in a manner commensurate with the size of the business, such as—~~
 - ~~(i) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and~~
 - ~~(ii) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.~~

~~(d) Subcontracts. The Contractor shall insert the substance of this clause, including this paragraph (d), in all subcontracts that exceed the micro purchase threshold.~~

Eliminate the requirement to accept and dispense dollar coins at government business operations.

\$1 Coins from Interim Report p. 25

Problem

Section 5112(p)(1) of Title 31, U.S.C., Denominations, Specifications, And Design Of Coins, requires that business operations performed on federal government premises provide for accepting and dispensing of existing and proposed dollar coins. This policy requires an unnecessary contract clause.

Background

The Presidential \$1 Coin Act of 2005 (Pub. L. No. 109–145) was signed into law in December 2005. The reasoning, as stated in Title I, Section 101(1), was: “There are sectors of the United States economy, including public transportation, parking meters, vending machines and low-dollar value transactions, in which the use of a \$1 coin is both useful and desirable for keeping costs and prices down.” The Act included a provision requiring business operations on government premises to provide for accepting and dispensing any existing and proposed dollar coins as part of operations beginning January 1, 2006.

Findings

The dollar coin requirement in law, as implemented through the FAR, may not have achieved the desired result. A 2013 Government Accountability Office study of the issue noted the U.S. Treasury’s decision to cease production of the coin in 2011 and elaborated on inventory management issues facing the Federal Reserve. These issues were due to two intertwined factors: coin production increases after Congress passed the law and continued lack of broad use by the public. The study suggested that low demand might stem at least in part from the fact that the dollar bill is still available.²⁵

Conclusions

Although Congress aimed to promote efficiencies by mandating use of dollar coins in business operations on government premises, this goal appears not to have been achieved. The broader point is that although many acquisition requirements, including this one, are designed to further arguably laudable public policy objectives, the aggregate effect of hundreds of similar regulations is costly for DoD.

²⁵ Government Accountability Office, *U.S. Currency: Coin Inventory Management Needs Better Performance Information*, GAO-14-110, accessed April 20, 2017, <http://www.gao.gov/assets/660/658599.pdf>.

\$1 COIN OPTION 1: MAKE CHANGE FOR DoD ONLY*Legislative Branch*

- Amend the statutory requirement at 31 U.S.C. § 5112(p)(1) to provide an exception for business operations under DoD contracts.

Executive Branch

- Amend the FAR at 37.116, Accepting and Dispensing of \$1 Coin, and its related clause at 52.237-11, Accepting and Dispensing of \$1 Coin, to exempt DoD.

Implications for Other Agencies

- None.

Implementation*Statutory Implementation Language*

1 **SEC. ____ . EXCEPTION FOR DEPARTMENT OF DEFENSE CONTRACTS FROM**
 2 **REQUIREMENT THAT BUSINESS OPERATIONS CONDUCTED**
 3 **UNDER GOVERNMENT CONTRACTS ACCEPT AND DISPENSE \$1**
 4 **COINS.**

5 Paragraph (1) of section 5112(p) of title 31, United States Code, is amended by adding at
 6 the end the following new flush sentence:

7 “This paragraph does not apply with respect to business operations conducted by any
 8 entity under a contract with the Department of Defense.”.

*Statutory Mark-up***Section 5112(p)(1) of title 31, United States Code**

(added by section 104 of the Presidential \$1 Coin Act of 2005 (P.L. 109-145; 119 Stat. 2669; Dec. 22, 2005) and amended by Public Law 110-147 (121 Stat. 1817; Dec. 21, 2007))

(p) REMOVAL OF BARRIERS TO CIRCULATION OF \$1 COIN. —

(1) ACCEPTANCE BY AGENCIES AND INSTRUMENTALITIES. — Beginning January 1, 2006, all agencies and instrumentalities of the United States, the United States Postal Service, all nonappropriated fund instrumentalities established under title 10, United States Code, all transit systems that receive operational subsidies or any disbursement of funds from the Federal Government, such as funds from the Federal Highway Trust Fund, including the Mass Transit Account, and all entities that operate any business, including vending machines, on any premises owned by the United States or under the control of any agency or

\$1 COIN OPTION 1: MAKE CHANGE FOR DoD ONLY

instrumentality of the United States, including the legislative and judicial branches of the Federal Government, shall take such action as may be appropriate to ensure that by the end of the 2-year period beginning on such date—

(A) any business operations conducted by any such agency, instrumentality, system, or entity that involve coins or currency will be fully capable of—

(i) accepting \$1 coins in connection with such operations; and

(ii) other than vending machines that do not receive currency denominations higher than \$1, dispensing \$1 coins in connection with such operations; and

(B) displays signs and notices denoting such capability on the premises where coins or currency are accepted or dispensed, including on each vending machine.

This paragraph does not apply with respect to business operations conducted by any entity under a contract for the Department of Defense.

Regulatory Mark-up

Revise the FAR policy at 37.116 and its related clause at 52.237-11:

37.116 –Accepting and Dispensing of \$1 Coin.

37.116-1 -- Presidential \$1 Coin Act of 2005.

This section implements Section 104 of the Presidential \$1 Coin Act of 2005 (31 U.S.C. 5112(p)(1)), which seeks to remove barriers to the circulation of \$1 coins. Section 104 requires that business operations performed on Government premises (*other than under Department of Defense contracts*) provide for accepting and dispensing of existing and proposed \$1 coins as part of operations on and after January 1, 2008. Pub. L. No. 110–147 amended 31 U.S.C. 5112(p)(1)(A) to allow an exception from the \$1 coin dispensing capability requirement for those vending machines that do not receive currency denominations greater than \$1.

37.116-2 -- Contract clause.

Insert the clause at 52.237-11, Accepting and Dispensing of \$1 Coin, in solicitations and contracts for the provision of services that involve business operations conducted in U.S. coins and currency (*other than business operations conducted under a contract for the Department of Defense*), including vending machines, on any premises owned by the United States or under the control of any agency or instrumentality of the United States.

\$1 COIN OPTION 2: MAKE CHANGE GOVERNMENTWIDE**Recommendations***Legislative Branch*

- Amend the statutory requirement at 31 U.S.C. § 5112(p)(1) to provide an exception for business operations under contracts with the United States.

Executive Branch

- Delete FAR 37.116 and its related clause at 52.237-11.

Implications for Other Agencies

- All agencies would be relieved of an unnecessary contract clause requirement.

Implementation*Statutory Implementation Language*

**SEC. __. EXCEPTION FOR BUSINESS OPERATIONS CONDUCTED UNDER
GOVERNMENT CONTRACTS FROM APPLICABILITY OF GENERAL
REQUIREMENT FOR ACCEPTANCE OF \$1 COINS.**

Paragraph (1) of section 5112(p) of title 31, United States Code, is amended by adding at the end the following new flush sentence:

“This paragraph does not apply with respect to business operations conducted by any entity under a contract with an agency or instrumentality of the United States, including any nonappropriated fund instrumentality established under title 10, United States Code.”.

*Statutory Mark-up***Section 5112(p)(1) of title 31, United States Code**

(added by section 104 of the Presidential \$1 Coin Act of 2005 (P.L. 109-145; 119 Stat. 2669; Dec. 22, 2005) and amended by Public Law 110-147 (121 Stat. 1817; Dec. 21, 2007))

(p) REMOVAL OF BARRIERS TO CIRCULATION OF \$1 COIN.—

(1) ACCEPTANCE BY AGENCIES AND INSTRUMENTALITIES.—Beginning January 1, 2006, all agencies and instrumentalities of the United States, the United States Postal Service, all nonappropriated fund instrumentalities established under title 10, United States Code, all transit systems that receive operational subsidies or any disbursement of funds from the

\$1 COIN OPTION 2: MAKE CHANGE GOVERNMENTWIDE

Federal Government, such as funds from the Federal Highway Trust Fund, including the Mass Transit Account, and all entities that operate any business, including vending machines, on any premises owned by the United States or under the control of any agency or instrumentality of the United States, including the legislative and judicial branches of the Federal Government, shall take such action as may be appropriate to ensure that by the end of the 2-year period beginning on such date—

(A) any business operations conducted by any such agency, instrumentality, system, or entity that involve coins or currency will be fully capable of—

(i) accepting \$1 coins in connection with such operations; and

(ii) other than vending machines that do not receive currency denominations higher than \$1, dispensing \$1 coins in connection with such operations; and

(B) displays signs and notices denoting such capability on the premises where coins or currency are accepted or dispensed, including on each vending machine.

This paragraph does not apply with respect to business operations conducted by any entity under a contract with an agency or instrumentality of the United States, including any nonappropriated fund instrumentality established under title 10, United States Code.

Regulatory Mark-up

Delete the FAR policy at 37.116 and its related clause at 52.237-11:

37.116 – **[Reserved]** Accepting and Dispensing of \$1 Coin.

37.116-1—Presidential \$1 Coin Act of 2005.

~~This section implements Section 104 of the Presidential \$1 Coin Act of 2005 (31 U.S.C. 5112(p)(1)), which seeks to remove barriers to the circulation of \$1 coins. Section 104 requires that business operations performed on Government premises provide for accepting and dispensing of existing and proposed \$1 coins as part of operations on and after January 1, 2008. Pub. L. 110-147 amended 31 U.S.C. 5112(p)(1)(A) to allow an exception from the \$1 coin dispensing capability requirement for those vending machines that do not receive currency denominations greater than \$1.~~

37.116-2—Contract clause.

~~Insert the clause at 52.237-11, Accepting and Dispensing of \$1 Coin, in solicitations and contracts for the provision of services that involve business operations conducted in U.S. coins and currency, including vending machines, on any premises owned by the United States or under the control of any agency or instrumentality of the United States~~

\$1 COIN OPTION 2: MAKE CHANGE GOVERNMENTWIDE

52.237-11 – ~~[Reserved] Accepting and Dispensing of \$1 Coin.~~

~~As prescribed in 37.116-2, insert the following clause:~~

~~Accepting and Dispensing of \$1 Coin (Sep 2008)~~

~~(a) This clause applies to service contracts that involve business operations conducted in U.S. coin and currency, including vending machines, on any premises owned by the United States or under the control of any agency or instrumentality of the United States. All such business operations must be compliant with the requirements in paragraphs (b) and (c) of this clause on and after January 1, 2008.~~

~~(b) All business operations conducted under this contract that involve coins or currency, including vending machines, shall be fully capable of—~~

~~(1) Accepting \$1 coins in connection with such operations; and~~

~~(2) Dispensing \$1 coins in connection with such operations, unless the vending machine does not receive currency denominations greater than \$1.~~

~~(c) The Contractor shall ensure that signs and notices are displayed denoting the capability of accepting and dispensing \$1 coins with business operations on all premises where coins or currency are accepted or dispensed, including on each vending machine.~~



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SECTION 809 Panel Streamlining & Costing Acquisitions