

# presidential documents

## Title 3—The President

Executive Order 11994

June 1, 1977

### United States Foreign Intelligence Activities

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the National Security Act of 1947, as amended, and as President of the United States of America, in order to conform certain references in Executive Order No. 11905 to organizational changes made by Executive Order No. 11985 with respect to the direction and control of intelligence activities, it is hereby ordered as follows:

SECTION 1. Section 3(d) of Executive Order No. 11905, as amended by Executive Order No. 11985, is amended as follows:

(a) Delete subparagraph (1)(i) and insert in lieu thereof:

“(i) Chair the PRC when it carries out the duties assigned in Section 3(b) of this Order.”.

(b) Delete in subparagraph (1)(iii) “CFI” and substitute therefor “PRC”.

(c) Delete in paragraph (2) “(Committee on Foreign Intelligence)”.

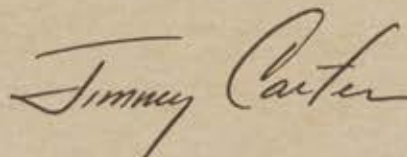
SEC. 2. Section 4 of Executive Order No. 11905, as amended by Executive Order No. 11985, is amended as follows:

(a) Delete in paragraph (a)(6) “CFI” and “Operations Group” and substitute therefor “PRC” and “SCC” respectively.

(b) Delete in subparagraph (e)(1)(iii) “CFI” and substitute therefor “PRC”.

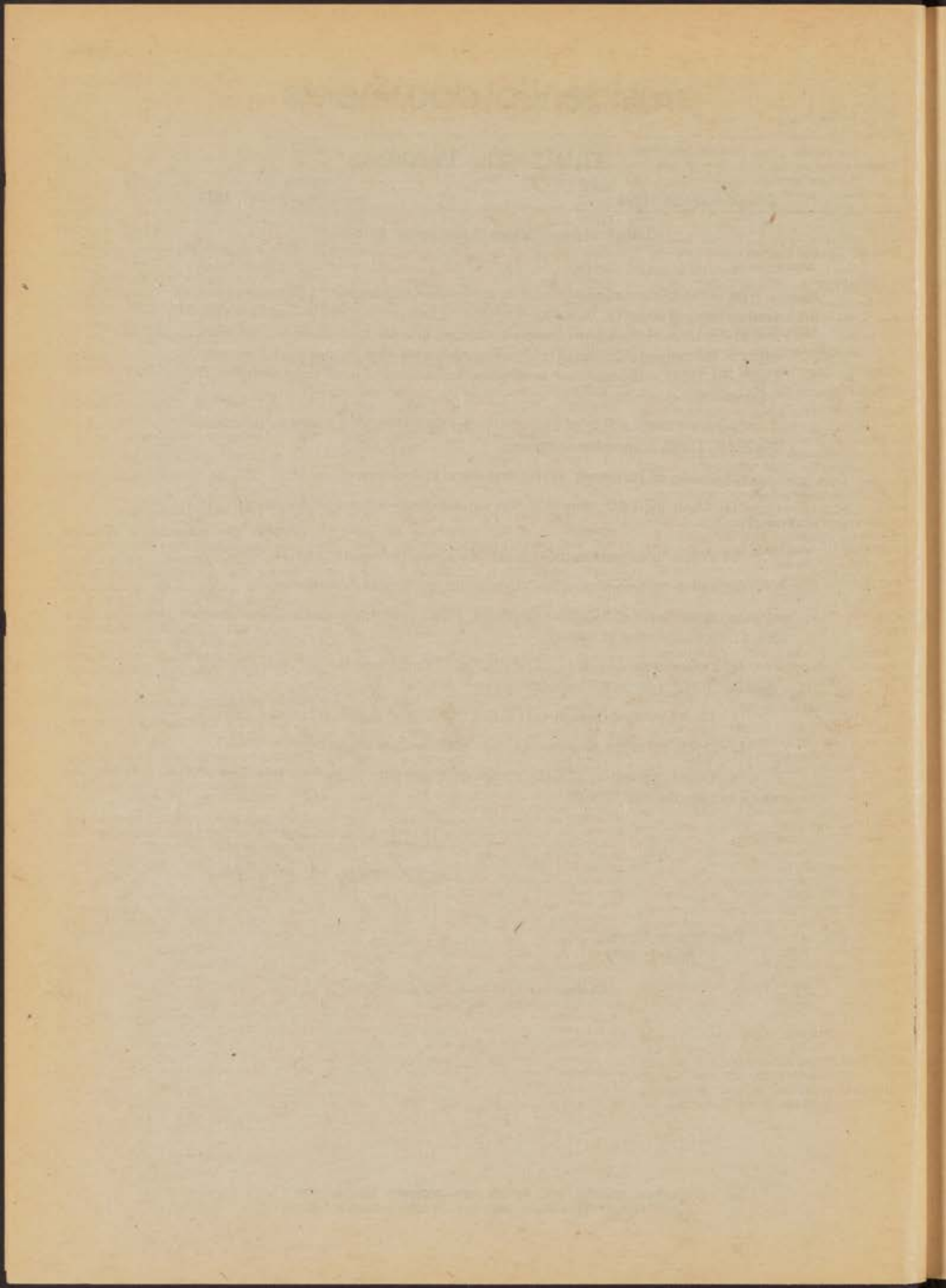
(c) Delete in subparagraph (e)(1)(v) “CFI” and substitute therefor “PRC”.

(d) Delete in paragraph (f)(2) the words “Committee on Foreign Intelligence” and substitute therefor “PRC”.



THE WHITE HOUSE,  
June 1, 1977.

[FR Doc.77-16054 Filed 6-2-77;3:55 pm]



# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 41—Public Contracts and Property Management

### CHAPTER 4—DEPARTMENT OF AGRICULTURE

#### PART 4-2—PROCUREMENT BY FORMAL ADVERTISING

##### Miscellaneous Amendments

AGENCY: Department of Agriculture.

ACTION: Final rule.

**SUMMARY:** This amendment prescribes new procedures and contract provision for evaluating additive and deductive bid items in formally advertised construction contracts. The clause is being adopted from the standards contained in the Armed Services Procurement Regulations as recommended by the Comptroller General. This amendment is intended to eliminate the difficulties encountered in evaluating bids with "add" and "deduct" items.

**DATE:** This rule is effective on June 6, 1977.

#### FOR FURTHER INFORMATION CONTACT:

Douglas I. Metzger, Procurement, Grants and Agreements Management Staff, Office of Operations, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-7527).

**SUPPLEMENTARY INFORMATION:** This amendment involves matters relating to agency management and contracting and, while not subject by law to the notice and public procedure requirements for rule making under 5 U.S.C. 553, is subject to the Secretary's Statement of Policy (36 FR 13804). The amendment corrects or clarifies existing policy. No useful purpose would be served by public participation, and it is found upon good cause, in accordance with the Secretary's Policy Statement, that notice and other public procedures with respect to the amendment are impracticable and unnecessary.

1. Section 4-2.201 is amended by adding a new paragraph (c) as follows:

#### § 4-2.201 Preparation of invitations for bids.

(c) *Construction contracts.*—(1) Additive or deductive items. When it appears that funds available for a project may be insufficient for all the desired features of construction, the contracting officer may provide in the invitation for

a first or base bid item covering the work generally as specified and for one or more additive or deductive bid items which progressively add or omit specified features of the work in a stated order of priority. In such case, the invitation shall include a provision substantially as set forth below, and the low bidder and the bid items to be awarded shall be determined as therein provided.

(2) The contracting officer, prior to the opening of bids, shall determine and record in the contract file the amount of funds available for the project. The amount so recorded shall be controlling for determining the low bidder, who will receive award for the bid items considered in the evaluation, or for the base bid and any other combination of bid items. *Provided* That award on such combination of bid items does not exceed the amount offered by any other conforming responsible bidder for the same combination of bid items.

#### ADDITIVE OR DEDUCTIVE ITEMS

The low bidder for purposes of award shall be the conforming responsible bidder offering the low aggregate amount for the first or base bid item, plus or minus (in the order of priority listed in the schedule) those additive or deductive bid items providing the most features of the work within the funds determined by the Government to be available before bids are opened. If addition of another bid item in the listed order of priority would make the award exceed such funds for all bidders, it shall be skipped and the next subsequent additive bid item in a lower amount shall be added if award thereon can be made within such funds. For example, when the amount available is \$100,000 and a bidder's base bid and four successive additives are \$85,000, \$10,000, \$8,000, \$6,000, and \$4,000, the aggregate amount of the bid for purposes of award would be \$99,000 for the base bid plus the first and fourth additives, the second and third additives being skipped because each of them would cause the aggregate bid to exceed \$100,000. In any case all bids shall be evaluated on the basis of the same additive or deductive bid items, determined as above provided. The listed order of priority need be followed only for determining the low bidder. After determination of the low bidder as stated, award in the best interests of the Government may be made to him on his base bid and any combination of his additive or deductive bid for which funds are determined to be available at the time of the award, provided that award on such combination of bid items does not exceed the amount offered by any other conforming responsible bidder for the same combination of items.

(5 U.S.C. 301, 46 U.S.C. 486(c).)

Done at Washington, D.C., this 27th day of May 1977.

E. ALVAREZ,  
Director, Office of Operations.  
[FR Doc. 77-15827 Filed 6-3-77; 8:45 am]

## Title 7—Agriculture

### CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

#### PART 401—FEDERAL CROP INSURANCE

##### Subpart—Regulations for the 1969 and Succeeding Crop Years

##### COTTON CROP INSURANCE

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Revision of appendix.

**SUMMARY:** The appendix of counties designated as eligible for cotton crop insurance is being revised. The revision will update the current regulations by designating the counties in which cotton crop insurance will be available to producers during the 1977 crop year. This action is necessary in order to make cotton crop insurance available on 1977 crop cotton and will enable cotton producers in these counties to obtain crop insurance.

**EFFECTIVE DATE:** January 21, 1977.

#### FOR FURTHER INFORMATION CONTACT:

Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-3197).

7 CFR 401.1 is amended by revising the appendix of counties designated for cotton crop insurance to read as follows:

#### APPENDIX—COUNTIES DESIGNATED FOR COTTON CROP INSURANCE: 1977 CROP YEAR

Pursuant to the authority contained in 7 CFR 401.101 of the above-identified regulations, as amended, the following counties have been designated for cotton crop insurance for the 1977 crop year.

#### ALABAMA

Blount	Hale
Cherokee	Jackson
Chilton	Lauderdale
Colbert	Lawrence
Conecuh	Limestone
Covington	Madison
Cullman	Marshall
Dallas	Morgan
DeKalb	Pickens
Escambia	Shelby
Etowah	Tuscaloosa