



## **Recommendation 70-5**

### **Practices and Procedures Under the Renegotiation Act of 1951**

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(Adopted June 2-3, 1970)

#### **Recommendation**

##### *1. Criteria for Determining Excessive Profits*

The Renegotiation Board should publish in an appropriate form specific information describing the manner in which it applies each of the statutory factors. In the case of statutory factors for which the Board applies quantitative norms, a guide or statement specifically describing those norms should be published. In the case of statutory factors for which quantitative norms are not ordinarily applied, the Board should publish complete descriptions of the specific matters it has taken into account in its application of these statutory factors and the relative importance it has given to such matters. In both cases, the information to be provided should, insofar as practicable, be categorized by industry or other relevant grouping.

##### *2. Summaries of Facts and Reasons; Statements of Facts and Reasons*

The Renegotiation Board should improve the caliber of the Summary of Facts and Reasons and the Statement of Facts and Reasons furnished to a contractor. The Summary or Statement should contain a complete analysis and explanation of the manner in which the Board arrived at its determination and should reflect the data in the Board's files upon which it has relied. This could be readily accomplished if Summaries and Statements were principally based upon the internal reports and memoranda contained in the Board's files in each case. Information concerning third parties which otherwise would be privileged or confidential upon which the Board has relied in reaching a determination should be included in a Summary or Statement of Facts and Reasons if the information can be disclosed without impairing its proprietary value or identifying its source.

##### *3. Performance Reports*

The Renegotiation Board should make available, upon request of a contractor, all reports it has received from procurement agencies and other parties relating to the contractor's performance under contracts subject to renegotiation for the fiscal year under consideration. The Board should delete from such performance reports only those parts which either: (a) have



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been classified by the originating agency for reasons of national defense or foreign policy; or (b) contain information pertaining to third persons which is privileged or confidential and which federal law prohibits from being disclosed.

### **Citations:**

\_\_ FR \_\_\_\_ (2012)

1 ACUS 43

**Notes:** (1) This recommendation was not published previously in the Federal Register. (2) The Renegotiation Act has expired; see Pub. L. 94-431, 92 Stat. 1043.