

PARTS 219 AND 252—[AMENDED]

1. The authority citation for 48 CFR Parts 219 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

219.501 (S-70), 219.502-2-70, 219.502-4, 219.506, 219.508, and 219.508-70 [Suspended]

2. Sections 219.501(S-70), 219.502-2-70, 219.502-4, 219.504(b)(i), 219.506, 219.508(e), and 219.508-70, are suspended.

252.219-7002 [Suspended]

3. Section 252.219-7002 is suspended.

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GENERAL SERVICES ADMINISTRATION

48 CFR Parts 501, 504, 507, 508, 509, 515, 516, 519, 528, 536, 541, 549, and 552

[APD 2800.12A, CHGE 68]

RIN 3090-AF80

General Services Administration Acquisition Regulation; Miscellaneous Changes

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR) is amended to implement portions of the Federal Acquisition Streamlining Act of 1994 (FASA). This change to the GSAR implements those Federal Acquisition Regulation (FAR) changes, makes other changes to reflect suggestions previously submitted for streamlining the regulations or implementing themes in the Vice President's National Performance Review, and makes miscellaneous changes and corrections.

EFFECTIVE DATE: October 30, 1995.

FOR FURTHER INFORMATION CONTACT: Paul Linfield, Office of GSA Acquisition Policy (202) 501-1224.

SUPPLEMENTARY INFORMATION:

A. Public Comments

This rule was not published in the Federal Register for public comment because it merely revises the GSAR to conform to the FAR and makes other changes in agency internal operating procedures.

B. Executive Order 12866

This rule was not submitted to the Office of Management and Budget because it is not a significant rule as defined in Executive Order 12866, Regulatory Planning and Review.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply because this rule is not a significant revision as defined in FAR 1.501-1.

D. Paperwork Reduction Act

This rule does not impose any information collection or recordkeeping requirements that require the approval of OMB under 44 U.S.C. 3501, *et seq.* Therefore, the requirements of the Paperwork Reduction Act do not apply.

List of Subjects in 48 CFR Parts 501, 504, 507, 508, 509, 515, 516, 519, 528, 536, 541, 549 and 552

Government procurement.

Accordingly, 48 CFR Parts 501, 504, 507, 508, 509, 515, 516, 519, 528, 536, 541, 549 and 552 are amended as follows:

1. The authority citation for 48 CFR Parts 501, 504, 507, 508, 509, 515, 516, 519, 528, 536, 549 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 501—GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION SYSTEM

501.700 [Removed]

501.704 [Removed]

501.704-70 [Removed]

2. Sections 501.700, 501.704 and 501.704-70 are removed.

3. Section 501.707 is revised to read as follows:

501.707 Signatory authority.

The FAR frequently refers to determinations being made by the agency head. Section 309 of the Federal Property and Administrative Services Act defines agency head and provides that at the option of the Administrator, the term may include the chief official of any principal organizational unit of the GSA. The Administrator has authorized the heads of contracting activities to act as agency head to facilitate the procurement of property and services under Title III of the Federal Property and Administrative Services Act. (See GSA Delegation of Authority Manual, ADM P 5450.39C.) When the applicable statute precludes redelegation of the authority, the Administrator must sign the D&F (see

for example, FAR 6.302-7). Class D&Fs, if authorized, must be signed by the HCA.

PART 504—ADMINISTRATIVE MATTERS

4. Section 504.7001-2 is amended by revising paragraph (c) to read as follows, and by removing the words "small purchases" in paragraph (f) service/office designation M and P, and inserting "simplified acquisition" in their place.

504.7001-2 Basic procurement instrument identification number.

* * * * *

(c) The fifth character is a capital letter assigned to the service/office preparing the instrument as follows:

- B Office of the Chief Financial Officer
- F Federal Supply Service
- G GSA Board of Contract Appeals
- C Office of Management and Human Resources
- J Office of Inspector General
- K Information Technology Service
- L Office of General Counsel
- P Public Buildings Service
- T Federal Telecommunications Service

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PART 507—ACQUISITION PLANNING

5. Section 507.104 is amended by revising paragraphs (c), (d), and (e) to read as follows:

507.104 General procedures.

* * * * *

(c) Limited plans must be in writing, unless waived under paragraph (d) of this section.

(d) The contracting director may waive the requirement for a written limited acquisition plan (1) for recurring annual acquisitions or (2) in cases of unusual or compelling urgency. The individual responsible for preparing the plan shall present (as a minimum) an oral plan to at least the next higher level for approval. The file must summarize the content of the oral plan and the name of the individual that approved it. In cases of unusual or compelling urgency, the summary must also indicate the nature of the urgency and may be prepared after award when preparation before award would unreasonably delay the acquisition. The summary may be included in the justification required by FAR 6.302-2(c).

(e) Acquisition plans for contracts which propose using other than full and open competition must be coordinated with and concurred in by the cognizant competition advocate unless the

proposed contract will be awarded under the authority at FAR 6.302-5 or will be awarded under a class justification approved by the Associate Administrator for Acquisition Policy.

PART 508—REQUIRED SOURCES OF SUPPLIES AND SERVICES

Subpart 508.3 [Removed and Reserved]

6. Subpart 508.3 is removed and reserved.

7. Subpart 508.7 is amended by revising the heading to read as follows:

Subpart 508.7—Acquisition From Nonprofit Agencies Employing People Who Are Blind or Severely Disabled

8. Section 508.705-70 is amended by revising paragraphs (b) and (d) to read as follows:

508.705-70 Adding items to the Procurement List.

* * * * *

(b) The Committee for Purchase from People Who Are Blind or Severely Disabled (the Committee), if requested by the CNA, may assign the supply or service to the CNA for development by a workshop and will list the item in the Preliminary Evaluation Record. A copy of the record, updated monthly, is maintained by the Office of Enterprise Development (E).

* * * * *

(d) The Committee may request that a procurement be delayed pending Committee action. The contracting activity shall consult with E before rejecting such a request.

PART 509—CONTRACTOR QUALIFICATIONS

509.106-70 [Removed]

9. Section 509.106-70 is removed.

PART 515—CONTRACTING BY NEGOTIATION

10. Section 515.501 is revised to read as follows:

515.501 Definitions.

Coordinating office, as used in this subpart, means the (a) Office of GSA Acquisition Policy, (b) Office of Acquisition, FSS, (c) Office of Information Technology Acquisition, ITS, (d) Office of the Acquisition Executive, PBS, or the office designated in writing by the regional administrator in the regions. The Office of GSA Acquisition Policy serves as the coordinating office for Central Office activities outside of FSS, ITS, and PBS.

PART 516—TYPES OF CONTRACTS

Subpart 516.3—[Removed]

11. Subpart 516.3 is removed.

516.403 [Removed]

12. Section 516.403 is removed.

PART 519—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

519.502-1 [Removed]

13. Section 519.502-1 is removed.

PART 528—BONDS AND INSURANCE

14. Section 528.103-2 is amended by revising paragraph (a) to read as follows:

528.103-2 Performance bonds.

(a) Performance bonds shall not be required for building service contracts unless a written determination is made by the contracting officer explaining why the bond is essential to protect the Government's interest and justifying the additional cost of the bonding requirement.

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528.106-1 [Removed]

15. Section 528.106-1 is removed.

PART 536—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

536.302-70 [Removed]

16. Section 536.302-70 is removed.

17. Part 541 is added to read as follows:

PART 541—ACQUISITION OF UTILITY SERVICES

Authority: 40 U.S.C. 486(c).

Subpart 541.4—Administration

541.401 Monthly and annual review.

Unless other procedures are established, the contracting officer shall perform or cause to be performed the reviews required by FAR 41.401.

PART 549—TERMINATION OF CONTRACTS

18. Section 549.111 is revised to read as follows:

549.111 Review of proposed settlements.

The HCA may establish procedures for the review and approval of settlement agreements at a level above the contracting officer.

Dated: October 12, 1995.

Ida M. Ustad,

Associate Administrator for Acquisition Policy.

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48 CFR Parts 502, 514, 525 and 542

[APD 2800.12A, CHGE 67]

RIN 3090-AF85

General Services Administration Acquisition Regulation; Implementation of FAC 90-31

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR) is amended to conform to the Federal Acquisition Regulation (FAR) as amended by Federal Acquisition Circular (FAC 90-31) which amended the FAR to implement several sections of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103-355), and to make a GSA internal organizational change in Part 502.

EFFECTIVE DATE: October 27, 1995.

FOR FURTHER INFORMATION CONTACT: Victoria Moss, Office of GSA Acquisition Policy, (202) 501-4764.

SUPPLEMENTARY INFORMATION:

A. Public Comments

This rule was not published in the Federal Register for public comment because it merely revises the GSAR to conform to the FAR as amended by FAC 90-31.

B. Executive Order 12866

This rule was not submitted to the Office of Management and Budget (OMB) for review because it is not a significant rule as defined in Executive Order 12866, Regulatory Planning and Review.

C. Regulatory Flexibility Act

This rule is not expected to have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), because the regulations primarily relate to internal contracting procedures.

D. Paperwork Reduction Act

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

List of Subject in 48 CFR Parts 502, 514, 525 and 542

Government procurement.

Accordingly, 48 CFR Parts 502, 514, 525 and 542 are amended to read as follows: