

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL SD E5 Britton, SD [Revised]

Britton Municipal Airport
(lat. 45°48'57" N, long. 97°44'39" W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Britton Municipal Airport and that airspace extending upward from 1,200 feet above the surface bounded on the west by long. 98°30'00" W., on the north by lat. 46°30'00" N., on the east by long. 97°00'00" W., and on the south by lat. 44°30'00" N., excluding the Fargo, ND; Watertown, SD; Huron, SD; Aberdeen, SD; 1,200 foot Class E airspace areas and all federal airways.

* * * * *

Issued in Des Plaines, Illinois on December 29, 1995.

Jeffrey L. Griffith,

Acting Manager, Air Traffic Division.

[FR Doc. 96-373 Filed 1-16-96; 8:45 am]

BILLING CODE 4910-13-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 505, 519, 520, 532, 533, and 552

[APD 2800.12A, CHGE 69]

RIN 3090-AF87

General Services Administration Acquisition Regulation; Implementation of FASA Small Business; Protest, Disputes and Appeals; Subcontractor Payments Rules, and Service Contract Funding

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR) is amended to implement several sections of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103-355) which related to protests, disputes and appeals; subcontractor payments, service contract funding and small business programs. This change revises the GSAR to accommodate those changes and to reflect current organizational changes within GSA. In addition, GSA Form 2677, Minority Contract Fact Sheet, is

removed and GSA Form 2689, Procurement Not Set Aside, is revised to illustrate the new edition of the form.

EFFECTIVE DATE: December 29, 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 Federal Acquisition Regulation (FAR) and makes organizational changes within GSA.

B. Executive Order 12866

This rule was not submitted to the Office of Management and Budget for review 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 505, 519, 520, 532, 533, and 552

Government procurement.

Accordingly, 48 CFR Parts 505, 519, 520, 532, 533 and 552 are amended as follows:

1. The authority citation for 48 CFR Parts 505, 519, 520, 532, 533, and 552 continues to read as follows:

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

PART 505—PUBLICIZING CONTRACT ACTIONS

2. Section 505.303-70 is amended by revising paragraphs (a)(1), (b)(1), (b)(2), and (b)(3)(ii) to read as follows:

505.303-70 Notification of proposed substantial awards and awards involving Congressional interest.

(a) * * *

(1) A contract with the Small Business Administration (the 8(a) program) exceeding or estimated to exceed \$100,000.

* * * * *

(b) * * *

(1) The Office of Congressional and Intergovernmental Affairs (S) will notify the heads of contracting activities in

writing with the names of Members of Congress who wish to be notified of any or all contract awards in excess of \$100,000 to contractors located within their district or State, as applicable. Upon such notification, the contracting activities will provide, via electronic mail, facsimile or hand delivery applicable notices of award to S. A copy of the submittal should be provided to the regional congressional liaison office.

(2) Except for submittals hand delivered to S, the submittal must be made by electronic mail or facsimile transmission. Except for contracts awarded under urgent and compelling circumstances, notification to S of an award must be made on the same day that the award is made and 24 hours before telephonic notice (if applicable) is provided to the contractor. If the timeframe for notification to S cannot be met, the Contracting Director must notify S by telephone.

(3) * * *

(ii) Identify the type of contract and contractor using the following codes:

(A) *DO* for definite quantity contract.

(B) *SC* for schedule contract.

(C) *TC* for indefinite delivery contract other than schedule.

(D) *S* for small business concern.

(E) *SD* for small disadvantaged business concern.

(F) *WO* for women-owned small business concern.

(G) *O* for other than a small business concern.

* * * * *

3. Part 519 is amended by revising the heading to read as follows:

PART 519—SMALL BUSINESS PROGRAMS

4. Section 519.001 is revised to read as follows:

519.001 Definitions.

Agency small business technical advisors (SBTAs) as used in this part, means the individuals designated in writing by the Office of Enterprise Development (E). In addition to the duties outlined at FAR 19.201(c), the agency small business technical advisors perform the functions of the small business specialist described in FAR 19.506 (a) and (b) and 19.705-4(d)(5).

5. Section 519.201 is revised to read as follows:

519.201 General policy.

The Associate Administrator for Enterprise Development (E) may make recommendations to the contracting officer as to whether a particular acquisition should be awarded under

FAR 19.5 as a set-aside or under FAR 19.8 as a section 8(a) award directly or through the SBTA.

6. Section 519.202-2 is revised to read as follows:

519.202-2 Locating small business sources.

Contracting officers should request assistance from SBTAs in locating small business sources.

519.202-5 [Removed]

7. Section 519.202-5 is removed.

8. Section 519.502-70 is amended by revising paragraphs (a) and (d) to read as follows:

519.502-70 Review of non-set-aside determinations.

(a) If the contracting officer decides that a procurement that is expected to exceed \$100,000 cannot be set aside for small business, the reasons for the decision must be recorded on the GSA Form 2689, Procurement Not Set Aside. The GSA Form 2689 must be submitted to the SBTA for review and coordination with the SBA.

* * * * *

(d) Before the GSA or SBA reviewing officials provide additional small business sources to the contracting officer when requesting reconsideration of the non-set-aside determination, the reviewing officials shall contact the sources to ensure the sources are interested in submitting offers and to obtain information regarding the capability of the sources to fulfill the Government's requirements. The information obtained should be provided to the contracting officer for consideration.

* * * * *

519.503 [Amended]

9. Section 519.503 is amended in the last sentence of paragraph (b) format: "Small Business Class Set-Aside Determination," by removing the words "for which small purchase procedures are to be used" and inserting in their place "of \$100,000 or less."

519.602-3 [Amended]

10. Section 519.602-3 is amended by removing the office symbol "AU" once in paragraph (a) and where it appears three times in paragraph (b) and inserting office symbol "E" in its place.

11. Subpart 519.7 is amended by revising the heading to read as follows.

Subpart 519.7 Subcontracting With Small Business, Small Disadvantaged Business and Women-Owned Small Business Concerns

12. Section 519.708 is revised to read as follows:

519.708 Solicitation provisions and contract clauses.

(a) The contracting officer shall insert the provision at 552.219-72, Notice to Offerors of Subcontracting Plan Requirements, on the cover page of the solicitation if the solicitation includes the clause at FAR 52.219-9, Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan.

(b) The contracting officer shall insert the provision at 552.219-73, Preparation, Submission, and Negotiation of Subcontracting Plans, in negotiated solicitations if the solicitation includes the clause at FAR 52.219-9, Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan, and the contract will be awarded on the basis of an evaluation of technical and/or management proposals and cost or price proposals using source selection procedures. The provision does not apply to (1) solicitations for commercial products, or (2) solicitations where, in the judgment of the contracting officer, subcontracting opportunities are minimal.

(c) The contracting officer shall insert the provision at 552.219-74, Goals for Subcontracting Plan, in sealed bid solicitations if the solicitation includes the clause at FAR 52.219-9, Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan. The basic provision should be used when the contracting officer is able to realistically establish target goals. Alternate 1 should be used in sealed bid solicitations when the contracting officer cannot establish realistic target goals and in negotiated solicitations that include the clause at FAR 52.219-9 but do not include the provision at 552.219-73.

13. Section 519.803-70 is revised to read as follows:

519.803-70 Contracting officer evaluation of recommendations for 8(a) set-aside(s).

If the Associate Administrator for Enterprise Development (E) or the SBTA recommends that a procurement be set aside for award under the 8(a) program and the contracting officer disagrees, the contracting officer shall discuss the matter with the official that made the recommendation before making a decision. If the contracting officer decides not to award the contract under the 8(a) program as recommended, the reasons for the decision must be documented for the record as required by FAR 19.202 and a copy of the documentation must be forwarded to E

within 10 working days of the contracting officer's decision.

PART 520—[RESERVED]

14. Part 520 is removed and reserved.

PART 532—CONTRACTING FINANCING

15. Sections 532.112 and 532.112-1 are added to read as follows:

532.112 Payment of subcontractors under contracts for non-commercial items.

532.112-1 Subcontractor assertions of nonpayment.

Contracting officers who determine that a certification of payment of a subcontractor or supplier under FAR 32.112-1 is inaccurate in any material respect shall report the matter to the Office of Inspector General. If appropriate, the Office of Inspector General will forward a report and recommendation to the Department of Justice.

16. Section 532.705-1 is revised to read as follows:

532.705-1 Clauses for contracting in advance of funds.

The contracting officer shall insert the clause at 552.232-77, Availability of Funds, in solicitations and contracts for services which are "severable" when the contract, or a portion of the contract, will be chargeable to funds of the new fiscal year and the circumstances described in the prescriptions for the FAR clauses at 52.232-18 or 52.232-19 do not apply.

PART 533—PROTESTS, DISPUTES, AND APPEALS

17. In Section 533.104 paragraph (a) the heading is revised to read: "General procedures," the FAR cite in paragraph (a)(1) is revised to read "FAR 33.104(a)(3);" remove "25 workdays" in paragraph (a)(3)(v) and insert "35 days,"; revise the FAR cite in paragraph (b)(5) introductory text to read "FAR 33.104(a)(2), remove the words "within 7 calendar days of receiving this notice" in the last paragraph of (a)(5), remove the word "calendar" in the first sentence of paragraph (b), and revise paragraphs (c) and (d) to read as follows:

533.104 Protests to GAO.

* * * * *

(c) *Protests after award.* If the protest is received from GAO (not from protester or any other party) within the time periods specified in FAR 33.104(c) contract performance must be suspended unless the HCA determines in writing that contract performance is in the best interests of the United States

or that urgent and compelling circumstances that significantly affect the interests of the United States do not permit waiting for the GAO's decision. The written determination and findings (D&F), in the format shown at 501.704-70(e)(2), should be prepared by the contracting officer for signature of the HCA. The D&F must be concurred in by the Regional Counsel (on regional procurements), and the appropriate AGC. After the D&F is approved, it must be returned to the AGC who notifies GAO of the agency's findings and intended action before contract performance is authorized.

(d) *Notice to GAO.* The HCA responsible for the solicitation, proposed award, or award of the contract must report to the Comptroller General through the OGC within 65 days of receipt of the GAO's recommendation if the agency has decided not to comply with the recommendation. The report must explain the reasons why the GAO's recommendation will not be followed.

533.105 [Amended]

18. In section 533.105 paragraph (a)(1) introductory text, remove the words "Resources Management" after the word "Information" and insert in their place "Technology."

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

552.219-9 [Removed]

19. Section 552.219-9 and its Alternate I are removed.

552.219-16 [Removed]

20. Section 552.219-16 is removed.
21. Section 552.219-72 is revised to read as follows:

552.219-72 Notice to Offerors of Subcontracting Plan Requirements.

As prescribed in 519.708(a), insert the following provision:

NOTICE OF OFFERORS OF SUBCONTRACTING PLAN REQUIREMENTS (DEC 1995)

The General Services Administration (GSA) is committed to assuring that maximum practicable opportunity is provided to small, small disadvantaged, and women-owned small business concerns to participate in the performance of this contract consistent with its efficient performance. GSA expects any subcontracting plan submitted pursuant to FAR 52.219-9, Small, Small Disadvantaged and Women Owned Small Business Subcontracting Plan, to reflect this commitment. Consequently, an offeror, other than a small business concern, before being awarded a contract exceeding \$500,000 (\$1,000,000 for construction) will be required

to demonstrate that its subcontracting plan represents a creative and innovative program for involving small, small disadvantaged, and women-owned small business concerns as subcontractors in the performance of this contract.

(End of Provision)

552.219-73 [Amended]

22. In section 552.219-73 introductory text revise the GSAR cite to read "519.708(b)," and revise the date of the clause to read "DEC 1995"; in paragraph (b) of the clause remove the GSAR cite "552.219-9(d)" and insert in its place "FAR 52.219-9(d)." Also in paragraph (b) second sentence, revise the phrase "Small Business" to read "Small, Small Disadvantaged and Women-Owned Small Business"; in paragraph (c)(1) remove "552.219-9" and insert in its place "FAR 52.219-9."

552.219-74 [Amended]

23. In section 552.219-74 introductory text, revise the GSAR cite to read "519.708(c)," revise the clause date to read "(DEC 1995)," in paragraph (a)(1) of the clause remove all the text after the word "at" at the end of paragraph (a)(1) and insert in its place "FAR 52.219-9, Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan;" in paragraph (a)(2) remove "552.219-9(d)" and insert in its place "FAR 52.219-9(d); in paragraph (c)(1) remove "552.219-9" and insert in its place "FAR 52.219-9."

Dated: December 14, 1995.

Ida M. Ustad,

Associate Administrator for Acquisition Policy.

[FR Doc. 96-265 Filed 1-16-96; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 92-29; Notice 9]

RIN 2127-AF96

Federal Motor Vehicle Safety Standards; Stability and Control of Medium and Heavy Vehicles During Braking

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule, notice to extend time period for petitions for reconsideration.

SUMMARY: This document extends the period of time to submit petitions for reconsideration of a final rule published

on December 13, 1995 that responded to petitions for reconsideration of a final rule that amended Standard No. 105, *Hydraulic Brake Systems*, and Standard No. 121, *Air Brake Systems*, to require medium and heavy vehicles be equipped with an antilock brake system (ABS).

DATES: *Petitions for Reconsideration:*

Any petitions for reconsideration of the December 13, 1995 final rule must be received by NHTSA no later than January 29, 1996.

ADDRESSES: Petitions for reconsideration should refer to Docket No. 92-29, Notice 7 and should be submitted to:

Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Marvin L. Shaw, NCC-20, Rulemaking Division, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202) 366-2992.

SUPPLEMENTARY INFORMATION: On December 13, 1995, NHTSA published a final rule responding to petitions for reconsideration of final rules addressing the brake performance of medium and heavy vehicles. (60 FR 63965). The December final rule required petitions for reconsideration to be submitted no later than January 12, 1996.

On December 5, 1995, NHTSA published a final rule that amended NHTSA's procedural rules. (60 FR 62221) Among other things, that rule provided that the agency will accept petitions for reconsideration of a final rule, if they are received not more than 45 days after the publication of the final rule. Previously, petitions for reconsideration had to be received not more than 30 days following publication of a final rule.

NHTSA inadvertently did not apply this new procedural amendment to the December 13, 1995 final rule that addressed heavy vehicle brake performance. Given that the new procedural amendments should have applied to that notice, the agency is extending the period of time that interested parties may submit petitions for reconsideration an additional 15 days. Accordingly, any petitions for reconsideration of the December 13, 1995 final rule must be received by NHTSA no later than January 29, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96-439 Filed 1-11-96; 2:23 pm]

BILLING CODE 4910-59-P