

indicated or the offices of the Board of Governors not later than December 29, 1997.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. *National Commerce Bancorporation*, and National Commerce Community Bancorp, Inc., a wholly owned subsidiary of National Commerce Bancorporation, both of Memphis Tennessee; to acquire 100 percent of the voting shares of Bancshares of West Memphis, Inc., West Memphis, Arkansas, and thereby indirectly acquire Bank of West Memphis, Inc., West Memphis, Arkansas. National Commerce Community Bancorp, Inc., also has applied to become a bank holding company.

2. *National Commerce Bancorporation*, and National Commerce Community Bancorp, Inc., a wholly owned subsidiary bank holding company of National Commerce Bancorporation, both of Memphis, Tennessee; to acquire 100 percent of the voting shares of First Citizens Bancshares Company, Marion, Arkansas, and thereby indirectly acquire Citizens' Bank, Marion, Arkansas. National Commerce Community Bancorp, Inc., also has applied to become a bank holding company.

Board of Governors of the Federal Reserve System, November 28, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

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GENERAL SERVICES ADMINISTRATION

Federal Supply Service; Broker and Direct Move Management Services Provider Participation in the General Services Administration's Centralized Household Goods Traffic Management Program (CHAMP)

AGENCY: Federal Supply Service, GSA.
ACTION: Notice of proposed program changes for comment.

SUMMARY: Earlier this year, GSA provided the household goods transportation industry an opportunity to comment on its draft 1997 Household Goods Tender of Service (HTOS). GSA has received and reviewed the industry's comments on the draft 1997 HTOS and is in the process of making appropriate revisions to the document before issuing it in final. The provisions contained in this notice apply to

household goods transportation broker and direct move management services provider participants in CHAMP and were not included in the original draft HTOS. We are offering these provisions for industry review and comment at this time.

DATES: Please submit your comments by January 5, 1998.

ADDRESSES: Mail comments to the Travel and Transportation Management Staff (FBX), General Services Administration, Washington, DC 20406, Attn: **Federal Register** Notice. GSA will consider your comments in developing the final move management services provisions. In the interim, rates filed in response to GSA's 1996 Request for Offers have been extended for 90 days from October 31, 1997 to January 29, 1998.

FOR FURTHER INFORMATION CONTACT: Larry Tucker, Senior Program Analyst, Travel and Transportation Management Staff, FSS/GSA, 703-305-7660.

Section xx—Move Management Services

Subsection A—General

xx-1. Scope

This section establishes terms and conditions for participation by licensed move management services providers (hereinafter referred to as "broker") and direct move management services providers in the General Services Administration's (GSA's) Centralized Household Goods Traffic Management Program (CHAMP).

xx-2. Applicable Provisions

Except as otherwise provided in this section, the provisions of sections 1 through — of this Household Goods Tender of Service (HTOS), and any amendments thereto, apply both to brokers and direct move management services providers covered under this section and to the transportation services furnished by them.

xx-3. Definition of Services

CHAMP offers Federal agencies the following two kinds of services:

A. *Transportation services.* Transportation services are the transportation and accessorial services normally associated with a household goods move as set out in interstate and intrastate tariffs or this HTOS for international moves.

B. *Move management services.* Move management services are those set out in subsection B of this section plus transportation services as defined in paragraph xx-3A, above.

xx-4. Move Management Services Provider Treated as Carrier

A. *Use of the term "carrier".* The term "carrier" as used in sections 1 through— of this HTOS includes both a broker and a direct move management services provider.

B. *Service performance requirements.* For purposes of participation in CHAMP, a broker or a direct move management services provider must furnish or otherwise comply with all applicable requirements of this HTOS, including services, delivery timeframes, billing, reporting, and liability responsibilities, unless waived by the GBL Issuing Officer or responsible Transportation Officer. A broker must handle any shipment an agency tenders it the same as if it were a carrier. A direct move management services provider must provide the move management services set out in subsection B of this section in conjunction with transportation services; it may not conduct any brokering of shipments under CHAMP.

C. Other performance requirements.

For purposes of participation in CHAMP, both a broker and a direct move management services provider must file a schedule of their service charges, including carrier transportation rates, and comply with requirements for paying GSA the specified shipment surcharge the same as any other participant in the program. Additionally, both are subject to the Customer Satisfaction Rating system.

D. *Carrier as subcontractor of broker.* Since a broker participating in CHAMP is included in the term "carrier" as used in sections 1 through— of this HTOS, an actual carrier the broker uses to perform transportation under CHAMP is considered to be a subcontractor of the broker.

E. *Issuance of Government bill of lading (GBL) to broker.* When an agency tenders a shipment to a broker, the agency will issue a GBL directly to the broker. The broker is responsible for billing shipment charges in conformity with its filed rates. The broker also is responsible for paying its agents directly for services furnished.

F. *Broker commission.* If a broker has an agreement with a carrier it engages to provide transportation services under CHAMP and the agreement yields a commission, a discount, or anything else of value to the broker, the broker must comply with the following before it may accept the commission, discount, or anything else of value for work performed under CHAMP:

(1) For agreements that yield a commission to the broker, the broker

must propose a single commission rate and a uniform rate structure forming the basis for the commission which it will use with all carriers it selects to perform work under CHAMP. The broker must disclose in writing to GSA its commission rate and structure (describing what the commission represents; e.g., a percentage of full tariff charges) and state that it will use only this rate for work performed under CHAMP;

(2) For agreements that do not specify a commission but yield a discount or anything else of value to the broker, the broker must establish a rate structure with a uniform spread between the rate the Government pays the broker and the rate the broker pays the carrier it uses to perform work under CHAMP. The broker must disclose and fully describe in writing to GSA its uniform rate structure and uniform spread, including the basis (e.g., full tariff charges) for calculations under the rate structure, and must state that it will use only this rate structure and spread for work performed under CHAMP;

(3) A broker must send its disclosure letter to the following address: General Services Administration (6FBX), 1500 E. Bannister Road, Room 1076, Kansas City, MO 64131, Attn: HHG Rate Filing; and

(4) GSA will review the broker's proposed commission rate or uniform rate structure and either approve or reject the broker's arrangement.

xx-5. Restriction on Services Provided

A broker may offer only move management services as described in paragraph xx-3B, above. A direct move management services provider may offer move management services only in conjunction with transportation services, as described in paragraph xx-3A, above, which it furnishes within its current approved scope of operations.

Subsection B—Move Management Services Provided

xx-100. General

A broker or direct move management services provider is responsible for arranging, coordinating, and monitoring a relocated employee's household goods move from initial notification by the shipping agency through delivery at the new residence. A household goods move within the continental United States is a basic move consisting of one shipment of household goods and personal effects from one or more origins to one or more destinations. The move may include shipment of a privately owned vehicle(s), and a move outside the conterminous United States, including Alaska, may include

shipment of unaccompanied air baggage.

xx-101. Carrier Performance Responsibility

Notwithstanding the provisions of paragraph xx-11, below, "Origin and destination on-site quality control," the broker or direct move management services provider, as applicable, must ensure that it furnishes transportation services in accordance with the provisions of this HTOS. It also must take necessary and appropriate action to protect the interests of the shipping agency, ensure proper service performance, and protect the real and personal property of the relocating employee. In the event the broker or direct move management services provider is negligent in executing its responsibilities and the shipping agency or relocating employee is adversely affected, the broker or direct move management services provider is liable for damages.

xx-102. Service Performance Audit

The broker or direct move management services provider, as applicable, must audit transportation billings to determine that billed services were necessary to complete the move, properly authorized, and actually performed (this audit is unrelated to an audit of the billing charges). In performing the audit, the broker or direct move management services provider must issue a service performance certification specifying by line item whether the service (including any unauthorized service specifically requested by the relocating employee) was or was not necessary to complete the move, properly authorized, and actually performed. The broker or direct move management services provider may develop its own form for this purpose subject to shipping agency pre-approval when the agency so requests.

xx-103. Employee Counseling

The broker or direct move management services provider, as applicable, must provide employee counseling services including, but not limited to, information on the following: Applicable Federal Travel Regulation (FTR) provisions including employee's household goods transportation and weight allowance entitlement; extra pickup/delivery service; temporary storage-in-transit (SIT) authorized by the shipping agency; non-temporary storage (NTS) for the duration of the assignment; unauthorized items; assembly and disassembly of property; shipment of perishable items; firearms and hazardous materials exclusions; insurance coverage, options, and costs;

reporting of concealed damages; employee rights and responsibilities; third-party servicing; packing, unpacking, crating, and uncrating; preparation and filing of claims; responsibility for name and address of origin or destination storage; delivery out of storage; services that will be paid by the shipping agency; services that will be the responsibility of and paid for by the employee even when the GBL Issuing Officer authorizes the service on the GBL for charge back to the employee; moving practices of household goods carriers; carrier's role in the relocation process; and the Government's role in a commuted rate system (Do-it-Yourself) move under the FTR including the limitation on reimbursement to the employee for such a move.

xx-104. Customer Assistance

The broker or direct move management services provider, as applicable, must provide a 24-hour, toll-free, single point of contact(s) by name and telephone number for assistance in resolving any problems that occur during the move, including quality control problems, as well as help in filing a post delivery claim. The broker or provider also must furnish, at no additional cost to the Government, a pocket-sized pamphlet that lists relevant procedures and information useful to the relocating employee.

xx-105. Completion of GSA Form 3080

The broker or direct move management services provider, as applicable, must furnish the relocating employee a GSA Form 3080, Household Goods Carrier Evaluation, for completion of the section entitled "Relocating Employee's Response" and instruct the employee to return the form to the shipping agency for completion of the section, "GBL Issuing Officer's Response." Once the shipping agency completes its section, it must return the form to GSA, Traffic Management Branch, 6FBX, 1500 East Bannister Road, Kansas City, MO. 64131.

Within 30 days of delivery of the household goods to the new residence, the broker or direct move management services provider must contact the shipping agency or employee, as appropriate, to ensure the return of Form 3080 to GSA.

xx-106. Claim Preparation, Filing, and Settlement

A. *Organizational involvement.* The broker or direct move management services provider must establish an independent claims section within its

own organization or contract with an independent firm to perform the responsibilities described in paragraph xx-106B, below. The term "independent claims section" means a section which is independent of the broker's or direct move management services provider's primary claim function and which has personnel assigned specifically to handle Federal agency claims. These personnel may be assigned to perform other duties not related to Federal agency claims. The broker or direct move management services provider, not the Government, is responsible for any costs incurred in establishing an independent claims section within its organization or for contracting with an independent firm to handle GSA claims.

B. Broker/direct move management services provider responsibilities. If requested by the relocating employee or the employing agency, the broker or direct move management services provider must:

(1) Provide assistance in the preparation and filing of a claim immediately upon receiving information from the employee that loss or damage occurred during shipment of his/her household goods;

(2) Inform the employee that if he/she discovers additional loss or damage at a later date it will provide additional assistance in preparing and filing additional claims as necessary; and

(3) Counsel the employee in regard to the signing of any full and unconditional releases on any settlement or offer of settlement received before all claims resulting from the move have been resolved.

xx-107. Preparation and Maintenance of Government Bills of Lading (GBL'S)

A. Optional use of service. Preparation and maintenance of GBL's as specified in paragraphs xx-106 B through G is optional with the shipping agency. If the shipping agency elects to exercise this option, it must complete a written memorandum of understanding (MOU) with the broker or direct move management services provider setting out the terms and conditions, including those required in paragraphs xx-106 B through G, applicable to GBL preparation and maintenance. The terms and conditions should specify instructions for completing each block of the GBL.

B. GBL accountability/responsibility. The shipping agency ultimately is accountable/responsible for all GBL stock and must issue and obtain a signed receipt, as required by Federal Property Management Regulations 101-41.3024(2) and 101-41.308-1, for any

GBL's it issues to the broker or direct move management services provider.

C. Preparation of GBL forms. The broker or direct move management services provider must prepare a GBL (Standard Form 1103) or Government Personal Property Bill of Lading (SF 1203) (either hereinafter referred to as GBL) in accordance with its MOU with the shipping agency and instructions published in the GSA Federal Supply Service (FSS) Guide, "How to Prepare and Process U.S. Government Bills of Lading," National Stock Number, 7610-00-682-6740, FPMR 101-41.305-1. A separate GBL must be prepared for each authorized shipment of a privately owned vehicle(s) or unaccompanied air baggage (UAB). Since ultimate responsibility and accountability for GBL's remains with the shipping agency and its GBL Issuing Officer, the name and address of the issuing office and GBL Issuing Officer, not that of the preparer, must appear on the GBL. Distribution of the completed GBL must be in accordance with the above referenced FSS guide and FPMR 101-41.302-2. The broker or direct move management services provider must give the shipping agency issuing officer a legible memorandum copy of each GBL it has prepared and distributed before the pickup date of the shipment.

D. Maintenance of GBL forms. The broker or direct move management services provider is accountable for all blank GBL's provided by the shipping agency and must:

(1) Keep them in a locked container at all times;

(2) Maintain a GBL register for all GBL's it prepares showing the date of issuance and the employee for whose shipment it was issued; and

(3) Make the register available for review at any time upon request by the GBL Issuing Officer or his/her designee.

E. Amendments to original GBL. If a GBL must be amended after distribution, the broker or move management services provider must complete a GBL Correction Notice (Standard Form 1200). Only the GBL Issuing Officer may sign the SF 1200 and must return the signed form to the broker or move management services provider for the same distribution as the original GBL.

F. Lost GBL's. If the original copy of an issued GBL is lost, the broker or direct move management services provider must notify the GBL Issuing Officer and prepare a certification in accordance with FPMR 101-41.307 for forwarding to the GBL Issuing Officer for signature. Only the GBL Issuing Officer may sign (certify) a true memorandum copy of an issued GBL for

use instead of the original SF 1103 for billing purposes.

G. Damaged GBL's. A GBL that is damaged in preparation, prepared for issuance but not used, or unusable for any other reason must be marked "canceled" on all copies and returned to the GBL Issuing Officer. The GBL Issuing Officer must sign a receipt for any canceled, damaged, or otherwise unusable GBL returned to him/her. The GBL Issuing Officer is responsible for disposing of any unused, obsolete, or canceled GBL's in accordance with General Records Schedule 9, Travel and Transportation Records, 36 CFR Chapter XII, § 1228.22.

xx-108. Data Communications Capabilities

The broker or direct move management services provider must be able to electronically transmit task orders and messages, and must provide on-line access to its database as follows:

A. Accessibility. The GBL Issuing Officer or his/her designee and the GSA Program Management Office (PMO) must have on-line access to all database information pertaining to task orders and shipment records applying to all accounts established under the terms of this HTOS. The broker or direct move management services provider must establish sufficient safeguards to prevent unauthorized access to the database, and furnish clearly documented procedures for access and use of the database. Electronic access must be available through an asynchronous modem with a baud rate of at least 2400.

B. Database elements. The database must contain, at a minimum, task order and shipment information sufficient to generate the reports specified in paragraph xx-113. Shipment information must be maintained in a separate directory with a separate record for each employee move. Shipment files for HTOS shipments must not be commingled with non-HTOS shipment files. Each shipment record must contain all information required for that particular shipment, including information relevant to any claim filed with the carrier, status of the claim, etc. (made available on a continuous computer terminal screen when necessary). Performance data reflecting the handling of the move must be independently collected and maintained in this file. The broker or direct move management services provider must be able to extract and consolidate data, such as carrier performance information, for any specific report that may be required.

C. Database maintenance. The database must be updated at a minimum every 24 hours. The broker or direct move management services provider must maintain on-line access to database elements for each shipment for a period of one year from the date of pickup. For record retention requirements after one year, see 48 CFR 4.7.

xx-109. Identification of, and Authorization for, Special Services

A. Identification of special services. The broker or direct move management services provider must identify all services that may be needed in connection with the shipment of a particular relocated employee's household goods, including but not limited to shuttle service, special crating, third party servicing, elevator charges, long carry, and or stair carries. The broker or direct move management services provider must provide this information to the GBL Issuing Officer and obtain any written waivers or authorizations that may be required under the HTOS.

B. Authorization for special services. The broker or direct move management services provider must obtain written pre-authorization from the GBL Issuing Officer prior to authorizing special services on the GBL, such as shuttle service, telephone pre-move survey, SIT at origin, custom-built crating, third party servicing, hoisting and lifting, disassembly of waterbeds and German shrunks (large cabinets which require disassembly to move), pickup and delivery on Saturday, Sunday, or holidays, reweighs, etc. All written authorizations and waivers must be maintained in the shipment file. The broker or direct move management services provider must specify all requested services on the GBL, both those that are authorized and will be paid as an entitlement of the employee and those that are advanced and will be charged back to the employee. The employee must be counseled about charges for any service that will be advanced and charged back to the employee before the service is performed. A generic form may be developed for this purpose, and any service shown on the form that is not applicable to a particular shipment must be "crossed out" or marked "none" or "not applicable" prior to submitting the form to the GBL Issuing Officer for written authorization/approval.

xx-110. Origin and Destination On-Site Quality Control

A. Optional use of this service. Origin and destination on-site quality control

services as specified in this paragraph xx-110 are optional with the shipping agency. If the shipping agency elects to exercise this option, the actual cost of the service to be performed is negotiable between the broker or direct move management services provider and the shipping agency. The agreed upon price for the service to be performed must be in writing and retained by both parties. The written agreement shall be construed as a one-time only amendment to the broker's/direct move management services provider's rate filing and a copy of the agreement must be included in its voucher for payment.

B. Origin services on-site quality control. If the shipping agency requests, quality control personnel must provide on-site inspection service at the origin residence on the packing and loading dates. Such service must include at a minimum verification of: Correct inventory coding; the use of proper packing, crating, and wrapping materials and techniques; equipment and personnel suitability; appropriate article servicing and disassembly; and appropriate protection for the residence and adjacent real property. The broker/direct move management services provider must make a pre-visit telephone call to confirm the availability of the transferee.

C. Destination services on-site quality control. If the shipping agency requests, quality control personnel must provide on-site inspection service at the destination residence at the time of delivery. Such service must include at a minimum verification of: The inventory coding; satisfactory performance of the unpacking service; equipment and personnel suitability; appropriate article servicing and re-assembly; and appropriate protection for the residence and adjacent real property.

D. Firms authorized to perform origin and destination on-site quality control.

(1) *Broker.* A broker may engage another firm to perform these services, including but not limited to a household goods carrier or freight forwarder or representative, employee, or agent thereof.

(2) *Direct move management services provider.* A direct move management services provider may engage another firm to perform these services, provided that such other firm must be a household goods carrier or freight forwarder or representative, employee, or agent thereof.

xx-111. Storage-In-Transit (SIT)

A. Placement in SIT. When storage-in-transit (SIT) is authorized the shipment will be placed into SIT in accordance

with all applicable provisions of this HTOS. The broker/direct move management services provider must carefully counsel the employee in regard to the duration of storage authorized. It must notify the employee of the actual location of the SIT, including the storage company's telephone number, within five calendar days of delivery of the shipment into SIT.

B. Monitoring shipments in SIT. The broker or direct move management services provider must monitor shipments that have been placed in SIT and notify the employee and the shipping agency destination facility representative in writing, at least ten working days before the expiration of any authorized period of SIT, of the impending SIT expiration. Further, it must counsel the employee that upon expiration of the authorized SIT period, the Government no longer will be liable for storage charges, and request disposition of the household goods, in writing, from the shipping agency destination facility representative and the employee.

C. Storage in excess of 180 days. In cases when an employee's household goods remain in temporary storage in excess of the maximum 180-day SIT period, the broker or direct move management services provider must at the end of the 180-day period ascertain the condition of the property to protect both the Government's and the relocating employee's right to recovery for losses or damages for which the carrier is responsible. The broker or direct move management services provider is responsible for arranging delivery of the property from storage to the residence in accordance with the shipping agency destination facility representative's instructions. Payment of storage for any period in excess of the 180-day maximum is the employee's responsibility.

xx-112. Quality Assurance Plan

If the shipping agency requests, the broker or direct move management services provider must provide the agency with a quality assurance plan and designate quality assurance personnel to assist in ensuring quality service is provided. xx-113. Management Reports.

If the shipping agency requests, the broker or direct move management services provider must furnish on a timely basis the management reports specified in paragraphs xx-113 A through F, below. The format, content, and frequency of the reports will be established in accordance with the shipping agency's requirements. The

broker or direct move management services provider may be required to provide special or one-time reports to the shipping agency upon written approval of the GSA Program Management Office.

A. *Shipment summary report.* A report presenting a summary of shipments including the total number of shipments, the number of shipments by agency organization, number of shipments by carrier including line-haul carrier, number of interstate shipments, number of intrastate shipments, number of international shipments, total line haul costs, and total accessorial service costs.

B. *Claims summary report.* A report presenting a summary of claims including claims frequency, number of claims by agency organization, number of claims by carrier, number of interstate claims, number of intrastate claims, number of international claims, average number of days between the date of claim filing and the date of issuance of the initial settlement offer, average number of days between the date of receipt of the initial settlement offer and the date of final settlement, average amount claimed and settled interstate, average amount claimed and settled intrastate, and the average amount claimed and settled international. For each claim that is not settled within 30 days (or 60 days when approved by the shipping agency's GBL Issuing Officer or responsible Transportation Officer) an explanation for the delay must be provided using the delay codes specified in section 9 of this HTOS.

C. *Counseling contact summary report.* A monthly summary report of employee counseling contacts showing employee names, date of initial contact, and current status of the shipment including the date of the pre-move survey, packing date, shipment pickup date, and proposed delivery date into SIT and/or the residence.

D. *On-time services summary report.* A monthly summary report listing employee names, each employee's scheduled pick up date, actual pick up date, scheduled delivery date into SIT and/or the residence, actual delivery date into SIT and/or the residence, scheduled date for delivery out of SIT, and the actual delivery date out of SIT. When scheduled and actual dates are not the same, an explanation must be provided.

E. *Billing accuracy summary report.* A monthly summary report of billing accuracy showing the number of transportation bills submitted and the number returned for correction. An explanation of the correction must be provided.

F. *Special or one-time report.* A specially requested report approved by the GSA Program Management Office and provided to the GBL Issuing Officer or the Responsible Transportation Officer.

xx-114. User Agency and Applicant Responsibilities—Memorandum of Understanding

The applicant and each Federal agency desiring to use move management services pursuant to this HTOS shall, prior to the commencement of service, enter into a Memorandum of Understanding (MOU). The MOU shall include, but not be limited to, a description of services the agency requires, carrier selection criteria, service performance auditing instructions, non-temporary storage delivery instruction information, names of agency personnel who will have authority to order move management services, and management report requirements. Both parties must sign the MOU and send a copy for approval to the address contained in paragraph xx-202B of subsection C of this section. The agency reserves the right to specify the form, format, and minimum requirements of the MOU.

Subsection C—Participation

xx-200. General

The provisions in section 2 of this HTOS do not apply to brokers or direct move management services providers. The provisions contained in this section apply instead.

xx-201. Participation

A. *Broker.* Participation in the Move Management Services Program under CHAMP is open to any broker holding a household goods brokers license from the U.S. Department of Transportation (or its predecessor, the Interstate Commerce Commission (ICC)), the Federal Maritime Commission (FMC), or a state regulatory authority.

B. *Direct move management services provider.* Participation in the Move Management Services Program under CHAMP is open to any direct move management services provider that is currently approved to participate in CHAMP and that has an approved assigned scope of operations.

xx-202. Application to Participate

A. *General.* Except as provided in paragraphs xx-204 B and C of this subsection, and subject to the restrictions in paragraph xx-207 of this subsection, any broker or direct move management services provider desiring to participate in the program must request approval to participate (see

section 2-2 of this HTOS for information on when to submit application for approval to participate).

B. *Request to participate.* A request to participate must be sent on company letterhead to the following address: General Services Administration, Federal Supply Service Bureau, Traffic & Travel Services (6FBX), 1500 East Bannister Road, Kansas City, MO 64131-3088. (hereinafter referred to in this subsection C as Program Management Office (PMO))

xx-203. Application Requirements

A broker or direct move management services provider that wishes to participate in the program must submit an application in its own name to be considered for approval to participate. A broker or direct move management services provider (hereinafter referred to in this subsection as "applicant" unless more specifically stated) may be subject to punishment by fine, imprisonment, or both (see U.S. Code, title 18, section 1001) if it: (a) Falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (b) makes a false, fictitious, or fraudulent statement or representation; or (c) makes or uses a false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry on any part of the application or on any document furnished pursuant to this HTOS. To be considered for approval, the applicant must meet the following requirements:

A. *Agreement to abide by this HTOS.* The applicant must agree to abide by the terms and conditions of this HTOS, and any amendments thereto.

B. *Operating authority.* The applicant must hold in its own name from an appropriate regulatory body(ies) all necessary operating authorities, permits, and business licenses required for the "brokering" (applicable only to brokers) or "furnishing" (applicable only to direct move management services providers) of transportation of personal property. The applicant must provide a copy of each authority, permit, or business license to the PMO upon demand, or provide proof that it is exempt from such regulatory certification by operation of law or order of an appropriate regulatory body and state that in addition to tariff and legal requirements it agrees to abide by provisions of this HTOS

C. *Broker applicant's agents.* A broker applicant by agreeing to abide by the terms and conditions of this HTOS certifies that it will use only those household goods carriers approved to participate in CHAMP to provide transportation services.

D. Broker applicant's agent agreements. A broker applicant by agreeing to abide by the terms and conditions of this HTOS certifies that each agent it will use to provide transportation services is at the time of application, or will be at the time of use, party to a valid written agreement with the broker applicant. The agreement must, at a minimum, include the language contained in HTOS paragraph 8.5.26.6.1 and .2 and specify the terms and conditions of the agent's representation of the broker applicant, the services the agent will provide, the terms and method of payment for services rendered, the quality control standards the broker applicant expects including the method of quality measurement, and the terms under which the agreement may be terminated.

E. SCAC (Standard Provider Alpha Code) Designation/Taxpayer Identification Number. The applicant must have a valid SCAC issued by the National Motor Freight Association, Washington, DC and a valid Taxpayer Identification Number.

F. Trading partner agreement. The applicant must complete and sign the Trading Partner Agreement (TPA) that accompanies the application and send it back in hard copy along with all other required documentation. If applying to handle both domestic and international shipments, the applicant need complete only one TPA. GSA will not process an applicant's request without the TPA.

G. Broker applicant provision of performance bond. A broker applicant must maintain a performance bond in accordance with this HTOS. It must renew the bond on the approval anniversary date of each subsequent year it continues to participate in the move management services program. The bond must be in a minimum amount of \$20,000 and executed by a surety included on the list contained in Department of Treasury Circular 570, "Surety Companies Acceptable on Federal Bonds" (for additional information, see the following Internet address: www.fms.treas.gov/c570.html).

H. Experience. The applicant must maintain its operations in a manner consistent with standard industry practices and this HTOS and demonstrate that it will provide an acceptable level of service.

I. Quality control program. The applicant must have a documented and published corporate quality control plan that ensures services it will provide equal or exceed the standards of service established under this HTOS. The published plan must fully explain all

facets of the applicant's quality control system.

J. Agent. The applicant by agreeing to abide by the terms and conditions of this HTOS certifies that each agent it will use has a documented and published corporate quality control plan that ensures services it will provide equal or exceed the standards of service established under this HTOS. The published plan must fully explain all facets of the agent's quality control system.

K. Financial responsibility. The applicant must demonstrate that it is financially responsible and has the working capital and other financial, technical, and management resources to perform under this HTOS.

xx-204. Submission Requirements

GSA's approval of a request to participate in the move management services program is contingent on the applicant demonstrating compliance with the provisions of paragraph xx-203 of this subsection through the furnishing of documentary evidence required in paragraphs xx-204 A through H of this subsection. GSA reserves the right to waive the approval requirements in paragraphs xx-204 E and F of this subsection if the applicant has been formally registered as compliant with the International Organization for Standardization Standard 9000 or one of the standards within the 9000 series (referred to hereafter as ISO 9000) by an internationally recognized ISO 9000 registrar. Before GSA will consider waiving the approval requirements, the applicant must provide a certified true copy of its certificate of conformity with ISO 9000.

A. HTOS certification. A signed copy of the applicant's HTOS certification sheet entitled "Request to Participate and Agreement to Abide by the Terms and Conditions of the General Services Administration's Centralized Household Goods Traffic Management Program" (see paragraph xx-203A of this subsection).

B. SCAC designation/Taxpayer Identification Number. A letter from the National Motor Freight Association, Washington, DC showing that the applicant has been assigned a SCAC (see paragraph xx-203E of this subsection); statement of the applicant's Taxpayer Identification Number.

C. Brokers license (applicable only to broker applicants). A copy of a valid brokers license issued by an appropriate regulatory body (see paragraph xx-201A of this subsection).

D. Applicant information. Information about the applicant such as name, postal

address, electronic mail address, telephone and facsimile numbers, corporate office, and operating authorities. The applicant must indicate whether it is under the financial or administrative control (as addressed in this subsection C) of any carrier, forwarder, or other provider of household goods services and state the name of the controlling carrier, forwarder, or other provider. Additionally, the applicant must provide a listing of any carrier(s), forwarder(s), and/or other provider(s) of household goods services under its financial or administrative control.

E. Quality control program. A copy of the applicant's published internal quality control program covering the functions of traffic management (carrier selection, employee counseling, routing, tracing, and billing), packing/packaging/containerizing, employee training, supervision, and if appropriate, agent supervision including quality control goals and objectives showing measurable performance standards, measurement techniques, and plans of action based on the performance standards.

F. Quality control interface with agents (applicable only to broker applicants). Information on how the broker applicant applies, and monitors the application of, its quality control program to its designated agents. In addition, the broker applicant must describe how its quality control program relates to and reinforces the quality control programs of its designated agents.

G. Corporate account trends. Information concerning the applicant's corporate account activity during the preceding five calendar years.

xx-205. Application Evaluation

GSA will evaluate an applicant's request for approval to participate in the move management services program according to the following criteria:

A. ISO 9000 registration. GSA will review each submitted certification to determine its legitimacy and applicability and whether required periodic audits have been performed.

B. HTOS certification. GSA will review the HTOS certification to determine whether the applicant has agreed to abide by the terms and conditions of the HTOS.

C. SCAC designation/Taxpayer Identification Number. GSA will verify that the National Motor Freight Association, Washington, DC, has issued the applicant a SCAC and that the applicant has provided a Taxpayer Identification Number.

D. *Brokers license (applicable only to broker applicants)*. GSA will verify that the broker applicant's brokers license is valid.

E. *Quality control program*. GSA will determine whether the applicant's internal quality control program has been formally published; contains quality control goals and objectives with measurable performance standards, measurement techniques, and plans of action based on the performance standards; and is sufficient to ensure that the applicant's operations, employees, and agents, if appropriate, are familiar with and will be held accountable for achievement of the program's goals and objectives. In evaluating a broker applicant's request, GSA also will determine whether the interface between the applicant's quality control program and the quality control programs of each of its designated agents is such that the programs' goals and objectives and performance standards are relatively consistent and will result in a unified approach to the delivery of quality service.

F. *Performance bond (applies only to broker applicants and only at time of rate filing unless otherwise superseded by specific criteria in the Request for Offers)*. Upon receipt of the broker applicant's performance bond from the surety, GSA will verify that the surety company executing the bond appears on the list contained in Department of Treasury Circular 570, "Surety Companies Acceptable on Federal Bonds," and that the amount of the bond is at least \$20,000. If the bond is determined to be unacceptable, approval of the broker applicant's rate filing will be subject to compliance with the GSA Request for Offers. xx-206. APPROVAL. GSA will approve an applicant's request for participation in the move management services program if it determines that the applicant possesses sufficient qualifications, experience, facilities, quality control processes, and financial capacity to satisfactorily perform under the HTOS.

xx-207. Approval Limitation

A. *Broker applicants*. An approved broker applicant's scope of operations must be the complete coverage of the move management services program. A "new broker" is a broker applicant approved during a specific approval window. The designation "new" applies from October of the year in which GSA grants approval until October of the following calendar year (for example, an applicant approved in 1997 will be considered "new" until October, 1998).

B. *Direct move management services provider applicant*. An approved direct

move management services provider applicant's scope of operations must be identical to that of the applicable scope of operations currently in place in CHAMP.

xx-207. Continued Participation

A. *General*. Once an applicant has been approved to participate in the move management services program, continued participation is contingent upon: (1) The participant's showing a willingness and ability to meet the transportation requirements of the United States Government and to comply with all provisions of the HTOS, and (2) the participant's satisfactorily maintaining financial responsibility, working capital, and other financial, technical, and quality control processes and management resources to perform under the HTOS.

B. *Continuation Of ISO 9000 certification*. If an applicant's approval is predicated in part on ISO 9000 certification and the certification lapses or is terminated by the certification registrar, the applicant participant's approval will become conditional. The approval will remain conditional until the participant successfully complies with all requirements waived due to its ISO 9000 certification, provided that if the participant fails to meet evaluation standards, GSA will terminate its approval.

C. *Continuation of performance bond (applicable only to broker participants)*. If at any time a broker participant's performance bond is canceled and not replaced with an acceptable new bond, GSA will immediately terminate the broker's participation in the program.

D. *Assignment of rights*. Except for assignment of payment of the broker's or direct move management provider's original bills to a bank for collection, GSA will immediately terminate a broker's or direct move management provider's approval if it exercises any right under a currently existing agreement or enters into an agreement with a party(ies) not subject to its control which in any way infringes, controverts, or otherwise subordinates or prevents it from unilaterally deciding whether it will or will not submit a claim or file suit against the Government or pay a claim made by the Government after Government audit of the original bill for services performed under this HTOS.

E. *Submission of false information*. Willful submission of false information on any document furnished by an applicant or a participating broker or direct move management services provider pursuant to this HTOS is punishable by fines, imprisonment, or

both (U.S. Code title 18, section 1001), and may result in denial or termination of approval to participate in the move management services program. Federal user agencies are responsible for selection of a broker or direct move management services provider which best serves its needs and final evaluation of the selected broker's or provider's performance. If it is later discovered that a broker or direct move management services provider was in Common Financial and Administrative Control (CFAC) and did not disclose that fact, GSA will terminate its approval.

Subsection D—Agreement to Abide

xx-300. Acceptance of These Terms and Conditions

A broker or direct move management services provider desiring to participate in the move management services program established under this HTOS section xx must, for approval consideration, complete the following statement and return this entire document to the General Services Administration, Centralized Household Goods Traffic Management Program (6FBX), 1500 East Bannister Road, Kansas City, MO 64131:

Request to Participate and Agreement to Abide by the Terms and Conditions of the General Service Administration's Centralized Household Goods Traffic Management Program

By signing below, I, a fully authorized representative of the [indicate one] (broker) or (direct move management services provider), represent that I have read and understand the terms and conditions contained herein and that I for and on behalf of the [indicate one] (broker) or (direct move management services provider) agree to all terms and conditions of the HTOS.

Applicant Name:
Signature and Date:
Printed Name:
Title:
Street Address:
City, State and Zip:
Telephone No.:
Fax No.:
E-mail Address:

VG-13. Cancellation of this agreement.

Except as otherwise provided in this HTOS, this agreement may be canceled by the broker or direct move management services provider, as applicable, or the General Services Administration upon such terms and conditions as are mutually acceptable to the parties.

VG-14. Acceptance by the Government.

Accepted by the General Services Administration:

[Typed name]

Manager, GSA Centralized Household Goods Traffic Management Program

Dated: November 26, 1997.

Janice Sandwen,

Director, Travel and Transportation Management Staff.

[FR Doc. 97-31779 Filed 12-3-97; 8:45 am]

BILLING CODE 6820-24-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Intent To Prepare a Comprehensive Conservation Plan

SUMMARY: This notice advises the public that the U.S. Fish and Wildlife Service (Service) intends to gather information necessary to prepare a comprehensive conservation plan (CCP) and environmental documents, pursuant to the National Environmental Policy Act and its implementing regulations, for Rachel Carson National Wildlife Refuge, York and Cumberland Counties, Maine; and Great Bay National Wildlife Refuge, Rockingham County, New Hampshire. The Service is furnishing this notice in compliance with Service CCP policy:

- (1) to advise other agencies and the public of our intentions, and
- (2) to obtain suggestions and information on the scope of issues to include in the environmental documents.

DATES: Written comments should be received on or before January 5, 1998.

ADDRESSES: Address comments and requests for more information to one of the following:

Refuge Manager, Rachel Carson National Wildlife Refuge, 321 Port Road, Wells, Maine 04090

Refuge Manager, Great Bay National Wildlife Refuge, 336 Nimble Hill Road, Newington, New Hampshire 03801.

SUPPLEMENTARY INFORMATION: It is U.S. Fish and Wildlife Service policy to have all lands within the National Wildlife Refuge System managed in accordance with an approved CCP. The CCP guides management decisions and identifies refuge goals, long-range objectives, and strategies for achieving refuge purposes. The planning process will consider many elements, including habitat and wildlife management, habitat protection and acquisition, public use, and cultural resources. Public input into this planning process is essential. The CCP will provide other agencies and the

public with a clear understanding of the desired conditions for the Refuges and how the Service will implement management strategies.

The Service will solicit information from the public via open houses, meetings, and written comments. Special mailings, newspaper articles, and announcements will inform people in the general area near each refuge of the time and place of such opportunities for public input to the CCP.

Review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), NEPA Regulations (40 CFR parts 1500-1508), other appropriate Federal laws and regulations, including the National Wildlife Refuge System Improved Act of 1997, Executive Order 12996, and Service policies and procedures for compliance with those regulations.

We estimate that the draft environmental documents will be available by November, 1998.

Dated: November 24, 1997.

Ronald E. Lambertson,

Regional Director, U.S. Fish and Wildlife Service, Hadley, Massachusetts.

[FR Doc. 97-31749 Filed 12-3-97; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Lower Sioux Indian Community of Minnesota

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983). I certify that the Lower Sioux Indian Community of Minnesota Liquor Control Ordinance was duly adopted and certified by Resolution No. 39-97 of the Lower Sioux Indian Community Council on March 25, 1997. The ordinance provides for the regulation, sale possession and use of alcoholic liquor and beer within the Tribe's jurisdiction.

DATES: This ordinance is effective as of December 4, 1997.

FOR FURTHER INFORMATION CONTACT: Jerry Cordova, Office of Tribal Services, 1849 C Street, N.W., MS 4641 MIB,

Washington, D.C. 20240-4401; telephone (202) 208-4401.

SUPPLEMENTARY INFORMATION: The Lower Sioux Indian Community of Minnesota Liquor Ordinance is to read as follows:

Lower Sioux Indian Community in Minnesota

[Resolution No. 39-97]

Be it resolved that the following LIQUOR CONTROL ORDINANCE is hereby adopted by the Lower Sioux Community Council.

I certify that Resolution No. 39-97 was duly adopted by the Lower Sioux Community Council at a meeting held on the 25th day of March, 1997, a quorum being present, by a vote of 4 in favor, 0 opposed, and 0 abstaining.

Betty Lee,
Secretary.

Liquor Control Ordinance; Lower Sioux Indian Community in Minnesota

Section 1. Requirement of License

No person shall sell alcoholic beverages within the Indian Country that lies within the jurisdiction of the Lower Sioux Indian Community, unless such sale meets the requirements of this Ordinance and takes place pursuant to a license issued by the Lower Sioux Community Council under this Ordinance.

Section 2. Definitions

For purposes of this Ordinance, the following terms have the meanings given them.

Subd. 1. "Alcoholic beverage" shall mean any beverage containing more than one-half of one percent alcohol by volume.

Subd. 2. "Community" shall mean the Lower Sioux Indian Community in Minnesota.

Subd. 3. "Community Council" shall mean the Community Council of the Lower Sioux Indian Community in Minnesota.

Subd. 4. "Community Court" shall mean the Court of the Lower Sioux Indian Community.

Section 3. Licenses

Subd. 1. On-Sale Licenses. Licenses for the sale of alcoholic beverages for consumption on the premises of sale within the Indian Country that lies within the jurisdiction of the Community may be issued by the Community Council only to an organization wholly owned by the Community, to a subordinate organization of the Community chartered under the provisions of Article V, section (n) of the Community Constitution, or to a person under