

**PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES**

3. The authority citation for part 74 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 307, and 554.

4. Section 74.783 is amended by revising paragraph (e) to read as follows:

**§ 74.783 Station identification.**

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(e) Low power TV permittees or licensees may request that they be assigned four-letter call signs in lieu of the five-character alpha-numeric call signs described in paragraph (d) of this section. Parties requesting four-letter call signs are to follow the procedures delineated in § 73.3550 of this chapter. Such four-letter call signs shall begin with K or W; stations west of the Mississippi River will be assigned an initial letter K and stations east of the Mississippi River will be assigned an initial letter W. The four-letter call sign will be followed by the suffix “-LP.”

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**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Part 1871**

**Administrative Revisions to the NASA FAR Supplement, MidRange Procurement Procedures**

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** This is a final rule to conform NASA FAR Supplement MidRange Procurement Procedures with FAR 19.10 and 13.5.

**DATES:** This final rule is effective December 29, 1998.

**ADDRESSES:** Celeste Dalton, NASA Headquarters Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Celeste Dalton, (202) 358-1645.

**SUPPLEMENTARY INFORMATION:**

**Background**

NASA MidRange Procurement Procedures require that all acquisitions be reserved for small business concerns with specific exceptions noted. FAR

Subpart 19.10, Small Business Competitiveness Demonstration Program, requires acquisitions in four designated industry groups be conducted on an unrestricted basis as long as specific goals for small business are achieved. This rule will add acquisitions subject to FAR Subpart 19.10 to the list of MidRange exceptions. Also, FAR Subpart 13.5, Test Program for Certain Commercial Items, allows for use of simplified acquisition procedures for commercial item acquisition of \$5M or less. NASA MidRange Procurement Procedures require that commercial items acquired under FAR Subpart 13.5 be accomplished using MidRange Procedures. This precludes the use of additional flexibility provided for in FAR Part 13. This final rule will relax the MidRange requirement to permit use of MidRange Procurement Procedures for commercial item acquisitions conducted under FAR Subpart 13.5. Also, an editorial change is made to correct a FAR citation noted in section 1871.401-6.

**Impact**

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small business entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) since the changes modify administrative procedures and do not impose any new requirements on offerors or contractors. The rule does not impose any reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

**List of Subjects in 48 CFR Part 1871**

Government Procurement.

**Tom Luedtke,**

*Acting Associate Administrator for Procurement.*

Accordingly, 48 CFR Part 1871 is amended as follows:

1. The authority citation for 48 CFR Part 1871 continues to read as follows:

**Authority:** 42 U.S.C. 2473(c)(1)

**PART 1871—MIDRANGE PROCUREMENT PROCEDURES**

2. Section 1871.204 is revised to read as follows:

**1871.204 Small business set-asides.**

(a) Except as provided in paragraphs (b) through (f) of this section, each MidRange acquisition shall be reserved exclusively for small business concerns.

(b) The requirement for small business MidRange set-asides does not relieve the buying office of its

responsibility to procure from required sources of supply, such as Federal Prison Industries, Industries for the Blind and Other Severely Handicapped, and multiple award Federal Supply Schedule contracts.

(c) Procurements not conducted as small business set-asides and under less than full and open competition require a Justification for Other than Full and Open Competition pursuant to FAR Part 6.

(d) If the buying team procurement member determines there is no reasonable expectation of obtaining offers from two or more responsible small business concerns that will be competitive in terms of market price, quality, and delivery, the buying team need not proceed with the small business set-aside and may purchase on an unrestricted basis utilizing MidRange procedures. The buying team procurement member shall document the contract file with the reason for the unrestricted procurement.

(e) Acquisitions required to be conducted under Full and Open Competition by the Small Business Competitiveness Demonstration Program, FAR subpart 19.10, will not be set aside for small business.

(f) If the buying team proceeds with the small business MidRange set-aside and receives an offer from only one responsible small business concern at a reasonable price, the contracting officer will normally make an award to that concern. However, if the buying team does not receive a reasonable offer from a responsible small business concern, the buying team procurement member may cancel the small business set-aside and complete the procurement on an unrestricted basis utilizing MidRange procedures. The buying team procurement members shall document in the file the reason for the unrestricted purchase.

(g) Each model contract under a small business MidRange set-aside shall contain the clause at FAR 52.219-6, Notice of Total Small Business Set-Aside.

**1871.401-6 [Amended]**

3. In paragraph (a)(2) to section 1871.401-6, the word “shall” is revised to read “may” and the citation “FAR subpart 13.6” is revised to read “FAR subpart 13.5”.

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