

POSTAL SERVICE**39 CFR Part 230****Office of Inspector General; Contractor Requirements**

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule establishes standards of qualification and responsibility for contractors employed by the Office of Inspector General. The rule also emphasizes consistency in contractor selection, and clarifies the OIG's exclusive authority to set qualifications and standards for its own contractors, as well as ensure the use of contracting best practices as established by the Federal Acquisition Regulations and other applicable sources in making contract awards.

DATES: *Effective Date:* March 12, 2012.

FOR FURTHER INFORMATION CONTACT: Anil Murjani, Office of General Counsel, Office of Inspector General, United States Postal Service, (703) 248-2244.

SUPPLEMENTARY INFORMATION: The OIG possesses contracting authority pursuant to the Inspector General Act of 1978, as amended (section 6(a)(9) of 5 U.S.C. App. 3). Under 39 CFR 230.1(i), the Postal Service's Office of the Inspector General (OIG) may hire and retain the services of expert consultants and other personnel as necessary to fulfill the duties and responsibilities of the Office. This rule establishes general standards of qualification and responsibility for such contractors. The rule also emphasizes consistency in contractor selection, and clarifies the OIG's exclusive authority to set qualifications and standards for its own contractors, as well as ensure the use of contracting best practices as established by the Federal Acquisition Regulations and other applicable sources in making contract awards. Neither the United States Postal Service nor the OIG will be bound by the Federal Acquisition Regulations through the adoption of this rule.

List of Subjects in 39 CFR Part 230

Authority delegations (Government agencies), Freedom of information, Organization and functions (Government agencies), Privacy.

For the reasons stated, the Postal Service adopts the following amendment to 39 CFR Part 230:

PART 230—OFFICE OF INSPECTOR GENERAL

■ 1. The authority citation for Part 230 continues to read as follows:

Authority: 5 U.S.C. App. 3; 39 U.S.C. 401(2) and 1001.

■ 2. Subpart A of Part 230 is amended by adding new § 230.6 to read as follows:

§ 230.6 Contractor requirements.

(a) The Office of Inspector General shall be the exclusive judge of its contractors' qualifications.

(b) The Office of Inspector General shall award contracts to and make purchases from only responsible contractors. In order to award a contract, a contracting officer must make an affirmative determination of responsibility.

(c) A responsible prospective contractor is one who:

(1) Has the financial and logistical resources to perform the contract;

(2) Has the necessary organization, experience, and technical ability to perform the contract;

(3) Is able to comply with the delivery and performance schedules established by the Office of Inspector General;

(4) Has a satisfactory performance record (although a lack of relevant performance history shall not disqualify a prospective contractor from award);

(5) Has a satisfactory record of integrity and business ethics; and,

(6) Is otherwise qualified and eligible to receive an award under applicable federal laws and regulations.

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POSTAL REGULATORY COMMISSION**39 CFR Parts 3001 and 3025**

[Order No. 1171; Docket No. RM2011-13]

Appeals of Post Office Closings

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting a new set of rules for appeals of post office closings. The new rules are intended to update existing rules; foster clarity and simplicity, especially in terms of requirements that apply to the public; and expedite the appeal process. The rules incorporate some, but not all, of the proposed rules, as well as some commenters' suggestions. Some proposals have been deferred to allow time for further consideration. Adoption of a new set of rules will improve the post office closing appeal process.

DATES: *Effective Date:* March 12, 2012.

FOR FURTHER INFORMATION CONTACT:

Stephen L. Sharfman, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION: *Regulatory history:* 76 FR 54179 (August 31, 2011) and 76 FR 59085 (September 23, 2011).

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I. Introduction

On August 18, 2011, the Commission issued a notice of proposed rulemaking.¹ That notice was intended, in part, to simplify the rules applicable to appeals of post office closings and consolidations and to make the rules consistent with current practice. *See* Order No. 814 at 1-3. On August 25, 2011, the Commission issued a supplemental notice proposing to remove from the current rules the requirement that the Commission publish notice of appeals in the **Federal Register**.²

Some of the proposed rules generated opposition. Others were relatively uncontroversial. The Commission finds that it will be beneficial to promptly adopt rules that were, for the most part, unopposed. The Commission will address the other proposed rules in a later order. This order is organized as follows. First, proposed rules that generated no opposition are described and adopted. Next, proposed rules that generated suggestions for improvement are described, modified as appropriate, and adopted or deferred for further consideration. Third, proposed rules that generated controversy that is easily resolved are described, modified as appropriate, and adopted. Finally, proposed rules that generated significant opposition that requires additional research and analysis are described and deferred to a later date.

II. Unopposed Rules

Rules of general applicability. The Commission has proposed amendments to rules of practice 9, 10, 12, and 17 in 39 CFR part 3001, subpart A. These amendments are intended to ease requirements for persons who file appeals of post office closings or consolidations but who do not or cannot

¹ Notice of Proposed Rulemaking Regarding Appeals of Postal Service Determinations to Close or Consolidate Post Offices, August 18, 2011 (Order No. 814).

² Supplemental Notice Regarding Proposed Rules Governing Appeals, August 25, 2011 (Order No. 823).