

to the solicitation and is most advantageous to the Government, cost or price, and other factors considered. For this solicitation, all evaluation factors other than cost or price when combined are significantly less important than cost or price.

(b) Technical Evaluation Criteria:

(End of Provision)

**EVALUATION FACTORS FOR AWARD—
PROPOSAL MEETS THE MINIMUM NEEDS
OF THE GOVERNMENT WITH THE
LOWEST EVALUATED COST/PRICE**

ALTERNATE II (SEP 1996)

(a) The Government will make award to the lowest-evaluated cost or price, technically acceptable, responsible offeror whose offer meets the minimum needs of the Government. In the event that there are two or more technically acceptable, equal price (cost) offers, the Government will consider other factors, as listed below in descending order of importance:

(b) Technical Evaluation Criteria:

(End of Provision)

EVALUATION FACTORS FOR AWARD (SEP 1996)

ALTERNATE III (SEP 96)

(a) The Government will make award to the responsible offeror(s) whose offer conforms to the solicitation and is most advantageous to the Government, cost or price, and other factors considered. For this solicitation, all evaluation factors other than cost or price when combined are approximately equal to cost or price.

(b) Technical Evaluation Criteria:

(End of Provision)

§ 1552.215–72 [Removed]

12. Section 1552.215–72 is removed.

Dated: August 21, 1996.

John C. Gherardini III,
*Acting Director, Office of Acquisition
Management.*

[FR Doc. 96–22642 Filed 9–5–96; 8:45 am]

BILLING CODE 6560–50–P

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

**48 CFR Parts 1807, 1808, 1809, 1810,
1811, 1812, 1814, 1828, 1835, 1842,
1852, 1871**

**Rewrite of the NASA FAR Supplement
(NFS)**

AGENCY: Office of Procurement, National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: Parts 1807 through 1814 (except 1813), and clauses affected by these parts, are revised in their entirety. Part 1810 is removed in its entirety; a new Part 1811 is added; and Parts 1828, 1835, 1842, and 1871 are revised as a result of the rewritten parts. The numbering of NFS sections has been changed to indicate the exact section of the FAR being implemented or supplemented.

EFFECTIVE DATE: September 6, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas O'Toole, (202) 358–0478; Mr. Bruce King, (202) 358–0461.

SUPPLEMENTARY INFORMATION:

Background

The National Performance Review urged agencies to streamline and clarify their regulations. The NFS rewrite initiative was established to pursue these goals by conducting a section by section review of the NFS to verify its accuracy, relevancy, and validity.

Impact

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not impose any reporting or record keeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR Parts 1807, 1808, 1809, 1810, 1811, 1812, 1814, 1828, 1835, 1842, 1852, and 1871

Government procurement.

Tom Luedtke,
*Deputy Associate Administrator for
Procurement.*

Accordingly, 48 CFR Parts 1807, 1808, 1809, 1810, 1811, 1812, 1814, 1828, 1835, 1842, 1852, and 1871 are amended as follows:

2. Part 1807 is revised to read as follows:

PART 1807—ACQUISITION PLANNING

Subpart 1807.1—Acquisition Plans

Sec.

- 1807.103 Agency-head responsibilities.
- 1807.105 Contents of written acquisition plans.
- 1807.170 Acquisition Strategy Meeting (ASM)

Subpart 1807.2—Planning for the Purchase of Supplies in Economic Quantities

- 1807.204 Responsibilities of contracting officers.

Subpart 1807.3—Contractor Versus Government Performance

- 1807.307 Appeals.

Subpart 1807.5—Inherently Governmental Functions

- 1807.503 Policy.

Subpart 1807.70—Reserved

Subpart 1807.71—Master Buy Plan

- 1807.7100 General.
- 1807.7101 Applicability.
- 1807.7102 Submission, selection, and notification procedures.
- 1807.7102–1 Submission of Master Buy Plan.
- 1807.7102–2 Submission of amendments to the Master Buy Plan.
- 1807.7102–3 Selection and notification procedures.
- 1807.7103 Format of Master Buy Plan.

Subpart 1807.72—Acquisition Forecasting

- 1807.7200 Scope of subpart.
 - 1807.7201 Definitions.
 - 1807.7202 Policy.
 - 1807.7203 Responsibilities.
 - 1807.7204 Forecast data.
 - 1807.7205 Public availability.
- Authority: 42 U.S.C. 2473(c)(1)

PART 1807—ACQUISITION PLANNING

Subpart 1807.1—Acquisition Plans

1807.103 Agency-head responsibilities.

(NASA supplements paragraphs (d) and (e))

(d)(i) Except as provided in paragraph (d)(iii) of this section, acquisition plans shall be prepared according to the following:

(A) For acquisitions requiring Headquarters approval, by an Acquisition Strategy Meeting (ASM) (see 1807.170);

(B) For acquisitions not requiring Headquarters approval and expected to exceed \$5 million, by installation-approved ASMs or written acquisition plans; and,

(C) For acquisitions not expected to exceed \$5 million, in accordance with installation procedures.

(ii) The estimated dollar amounts shall include all options and later phases of the same program or project.

(iii) Acquisition plans are not required for the following acquisitions:

- (A) Architect-engineering services;
- (B) Broad agency announcements (see 1835.016) or unsolicited proposals;
- (C) Basic research from nonprofit organizations;
- (D) Utility services available from only one source;
- (E) From or through other Government agencies;
- (F) Industrial facilities required in support of related contracts; or
- (G) MidRange procedure awards (see part 1871). However, acquisition plans are required for commercial item acquisitions that exceed the MidRange dollar thresholds for noncommercial items.

(iv) Acquisition plans shall be approved before soliciting proposals.

(v) Approval of an acquisition plan does not constitute approval of any special conditions, or special clauses that may be required unless the plan so specifies, and the individual having approval authority is a signatory of the plan. All required deviations shall be approved through the procedures described in FAR 1.4 and 1801.4.

(vi) A single acquisition plan may be used for all phases of a phased acquisition provided the plan fully addresses each phase, and no significant changes occur after plan approval to invalidate the description of the phases. If such significant changes do occur, the plan shall be amended and approved at the same level as the original plan.

(e) Acquisition plans should be prepared on a program or system basis when practical. In such cases, the plan should fully address all component acquisitions of the program or system.

1807.105 Contents of written acquisition plans.

(NASA supplements paragraphs (a) and (b))

Acquisition plans shall address each applicable topic listed in FAR 7.105, as supplemented by this section. Plans shall be structured by subject heading using each italicized topic heading in the same sequence as presented in the FAR. Subheadings should be used when appropriate (e.g., the separate items under contracting considerations at 7.105(b)(4)). Topics not applicable to a given acquisition (e.g., design-to-cost and should-cost are not compatible with service acquisitions), should be marked N/A.

(a)(1) Describe in nontechnical terms the supplies or services to be acquired. Include quantities.

(3) Identify the estimated cost and describe the estimating methodology.

(5) Specify the delivery or performance period requirements separately by the basic contract, each option, and the total.

(8) Streamlining applies to all NASA acquisitions. Describe all planned streamlining procedures.

(b)(3) Address how cost realism will be evaluated.

(4)(A) If an incentive contract is planned, describe the planned incentive(s) and the anticipated effects.

(B) Describe subcontracting issues, including all applicable subcontracting goals. (See FAR part 19 and part 1819).

(5)(A) Identify the estimated cost separately by the basic contract, each option and total amount.

(B) Identify the funding by fiscal year and unique project number (UPN).

(C) Discuss planned approaches to eliminate funding shortfalls (vs. the estimated cost).

(6) Identify the type of work statement/specification planned. Specifically address the applicability of performance-based requirement descriptions and the availability of commercial sources for the supplies/services.

(10) Address contract management issues, including planned delegations of administrative functions.

(19) If the period between release of solicitation to contract award is more than 120 calendar days (180 days for formal SEB competitions), explain why that goal cannot be met.

1807.170 Acquisition Strategy Meeting (ASM).

(a) The ASM is an acquisition plan conducted through a meeting attended by all interested NASA offices. At the meeting, the acquisition plan topics and structure specified in 1807.105 are presented in briefing format, and formal written minutes prepared to summarize the decision, actions, and conclusions of the ASM members. The approved minutes, along with the briefing charts, shall be included in the contract file to document completion of the acquisition plan required by 1807.103.

(b) The ASM is not a requirements definition meeting. It is a meeting to seek approval for the proposed acquisition approach for requirements that were previously defined and agreed to by the cognizant offices.

(c) Headquarters ASMs will be chaired by the Associate Administrator for Procurement or designee. The Headquarters Office of Procurement (Code HS) will prepare the minutes of Headquarters ASMs and distribute them to all attendees for review prior to approval by the ASM chairperson.

(d) For field installation ASMs, the minutes shall be approved in accordance with installation procedures.

Subpart 1807.2—Planning for the Purchase of Supplies in Economic Quantities

1807.204 Responsibilities of contracting officers.

(NASA supplements paragraph (a))

(a) The contracting officer shall transmit in writing to the cognizant inventory management/requirements office either the actual offeror responses or a summary of their salient points. The transmittal should be made within five working days after the closing date for receipt of offers; however, if a response indicates the potential for a

significant savings, it should be transmitted immediately.

Subpart 1807.3—Contractor Versus Government Performance

1807.307 Appeals.

(NASA supplements paragraph (a))

(a) Installations shall establish appeals procedures in accordance with NMI 7410.3, Delegation of Authority for Acquisition of Commercial Activities for NASA's Use.

Subpart 1807.5—Inherently Governmental Functions

1807.503 Policy.

(NASA supplements paragraph (e))

(e) The field installation requirements office shall provide the contracting officer the written determination that none of the statement of work tasks are inherently governmental. Disagreements regarding the determination shall be resolved in accordance with installation procedures.

Subpart 1807.70—[Reserved]

Subpart 1807.71—Master Buy Plan

1807.7100 General.

The Master Buy Plan provides information on planned acquisitions to enable management to focus its attention on a representative selection of high-dollar-value and otherwise sensitive acquisitions.

1807.7101 Applicability.

(a) The Master Buy Plan applies to each negotiated acquisition, including supplemental agreements, where the dollar value, including the aggregate amount of options, follow-on acquisitions, or later phases of multi-phase acquisitions, is expected to equal or exceed \$50,000,000.

(b) For initial annual Master Buy Plan submission only, each installation shall submit its three largest acquisitions regardless of dollar value and all acquisitions over \$50,000,000.

(c) The procedure also applies to:

(1) Any supplemental agreement that contains either new work, a debit change order, or a credit change order (or any combination/consolidation thereof), if the absolute value of the actions equals or exceeds \$50,000,000 (e.g., the absolute value of a supplemental agreement adding \$30,000,000 of new work and deleting \$30,000,000 of work is \$60,000,000, and is therefore subject to the Master Buy Plan).

(2) Any supplement agreement that contains one or more elements (new work and/or individual change orders)

of a sensitive nature that, in the judgment of the installation or Headquarters, warrants Headquarters consideration under the Master Buy Plan, even though the value does not equal or exceed \$50,000,000.

(d) The Master Buy Plan does not apply to incremental funding actions or termination settlement agreements.

1807.7102 Submission, selection, and notification procedures.

1807.7102-1 Submission of Master Buy Plan.

(a) Prior to July 15th of every year, each installation shall submit to the Headquarters Office of Procurement (Code HS) a Master Buy Plan (electronically or original and eight copies) for the next fiscal year, listing every known acquisition that

(1) Meets the criteria in 1807.7101,

(2) Is expected to be initiated in that fiscal year, and

(3) Has not been included in a previous Master Buy Plan or amendment to a Master Buy Plan.

(b) The fiscal year Master Buy Plan shall list all uncompleted acquisitions selected for Headquarters review and approval from prior Master Buy Plans and amendments to Master Buy Plans. These acquisitions should be listed by the appropriate fiscal year Master Buy Plan and individual item numbers, and should indicate the current status of the individual acquisition documents previously selected for Headquarters review and approval.

(c) Plans shall be prepared in accordance with 1807.7103 and shall identify the individual acquisition documents involved for every acquisition listed. Acquisition documents that may require Headquarters approval will be held in abeyance until receipt of the notification required by 1807.7102-3. This is not to preclude the planning for or initiation of such documents up to that point where Headquarters approval may be required.

1807.7102-2 Submission of amendments to the Master Buy Plan.

(a) Acquisitions identified by installations after submission of their Master Buy Plan and meeting the criteria in 1807.7102-1(a) shall be submitted to Headquarters in accordance with 1807.7103 and identified as an amendment to the fiscal year Master Buy Plan submission.

(b) Master Buy Plan submissions should not be accomplished after the fact. Amendments shall be submitted sufficiently in advance of contract award date to allow Headquarters to select those acquisition documents that will be subject to Headquarters review

and approval without creating an unacceptable delay in contract placement.

(c) When timely submittal is not possible, the installation shall provide with the amendment a narrative explaining the circumstances leading to the late submittal. A Master Buy Plan submission for a contract change order expected to meet the criteria in 1807.7101 shall be submitted to Headquarters immediately upon issuance of the change order.

1807.7102-3 Selection and notification procedures.

(a) The Headquarters Office of Procurement (Code HS) shall select acquisition documents from the Master Buy Plan and amendments to Master Buy Plans to receive Headquarters review and approval and shall designate source selection officials.

(b) When, subsequent to document selection or delegation, an acquisition is changed (for example, increase or decrease in dollar amount, change in requirement), canceled, superseded, deferred, or becomes no longer subject to the Master Buy Plan procedures in accordance with the criteria in 1807.7101, the installation shall immediately notify Code HS, giving the reasons. Code HS shall notify the installation's procurement office in writing of any further action that may be required.

(c) Acquisition documents not selected for Headquarters review will be subject to after-the-fact reviews by Headquarters during normal procurement management surveys or other special reviews. Acquisition delegations may subsequently be rescinded if a Headquarters review is deemed appropriate.

1807.7103 Format of Master Buy Plan.

In accordance with the requirements of 1807.7102-1 and 1807.7102-2, Master Buy Plans and amendments to Master Buy Plans shall be prepared in accordance with the format illustrated in Table 1807-1.

Subpart 1807.72—Acquisition Forecasting

1807.7200 Scope of subpart.

This subpart prescribes the acquisition forecasting procedure required to comply with the Business Opportunity Development Reform Act of 1988.

1807.7201 Definitions.

Class of contracts means a grouping of acquisitions, either by dollar value or by the nature of supplies and services to be acquired.

Contract opportunity means planned new contract awards exceeding \$25,000.

1807.7202 Policy.

As required by statute, it is NASA policy to

(a) Prepare an annual forecast and semiannual update of expected contract opportunities or classes of contract opportunities for each fiscal year;

(b) Include in the forecast contract opportunities that small business concerns, including those owned and controlled by socially and economically disadvantaged individuals, may be capable of performing; and

(c) Make available such forecasts to the public.

1807.7203 Responsibilities.

(a) NASA procurement officers shall furnish the Headquarters Office of Procurement (Code HS) with the data required in 1807.7204 on September 1 for the annual forecast and March 15 for the semiannual update.

(b) Code HS will prepare and distribute the consolidated annual forecast and the semiannual update.

1807.7204 Forecast data.

(a) The annual forecast shall contain—

(1) Summary historical data (based on information provided by the Headquarters Office of Procurement (Codes HC and HS)) on the class of contract opportunities below the simplified acquisition threshold;

(2) Identification of all known contract opportunities in excess of the simplified acquisition threshold. Each such action should be identified as one of the three broad categories of acquisition—Research and Development, Services, or Supplies and Equipment and shall include the following information:

(i) A brief description not to exceed ten typed lines;

(ii) Approximate dollar value within the following dollar ranges: \$100,000 to \$1,000,000; \$1,000,000 to \$5,000,000; and over \$5,000,000;

(iii) Anticipated time (by fiscal year quarter) for the issuance of the solicitation;

(iv) Identification if it is reserved for performance by small business concerns including those owned and controlled by socially and economically disadvantaged individuals;

(v) Identification as competitive or noncompetitive; and

(vi) Identification and telephone number of a center point of contact.

(b) The semiannual report shall be an update of the data provided by the annual forecast. This update should

provide information on new requirements not previously reported and on changes in data related to actions previously identified.

1807.7205 Public availability.

(a) The annual forecast and semiannual update are available via the NASA Acquisition Internet Service (NAIS) (<http://procurement.nasa.gov>).

(b) The forecasts may also be obtained from the Headquarters Office of Procurement (Code HS) and the Office of Small and Disadvantaged Business Utilization (Code K).

BILLING CODE 7510-01-M

TABLE 1807-1

FORMAT
MASTER BUY PLAN PROCEDURES

Line Item No: _____ FY _____ Page No.: _____
Installation: _____ Date: _____

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Cognizant Headquarters Office	Descriptive Title of Procurement	Estimated Dollar Value	Acquisition Plan	JOFOC	RFP	SEB	Pre- Neg	Contract Review

(10)
Current
Status

(11)
Remarks

INSTRUCTIONS

General

1. Prepare on 8-1/2" x 11" paper or electronically.
2. List only one procurement on each page and number each page. Sequentially number each procurement action with a two digit "Line Item Number" beginning with "01" for each annual submission and subsequent amendments.
3. For the initial submission only, list procurements and their current status from prior fiscal year(s) Master Buy Plans and amendments to MBPs that have not been completed.
4. Do not reproduce these instructions on the submission.

Supplementary instructions by heading number

- (1) Include letter code and Headquarters contact, if known.
- (2) Include an "N" to indicate new procurement or "FO" to indicate follow-on procurement.
- (3) A range of dollar values may be used, if the exact value is unavailable. Express the range as \$120M to \$25M, \$25M to \$50M, and so forth in \$25M increments. Include all phases of the procurement. All dollar values must be in real year dollars, i.e., adjusted to include anticipated inflation.
- (4) Installation recommendation ("Y" or "N") that an Acquisition Strategy Meeting be held. (The final decision will be made by Headquarters upon review of the MBP submission.)
- (5)-(9) Use "X" to indicate applicable documents. If column (8) contains an "X", include your recommendation in that column for the Source Selection Official (SSO). The recommendation should be either the Center SSO or Headquarters SSO (HSSO).
- (10) Status should include scheduled date for next event. (Complete horizontally.)
- (11) Include data considered pertinent and indicate expected date for placement of contract. If less than full and open competition is involved, indicate the authority being used, identify the firm(s) to which the procurement is being limited, and indicate the current status of the justification document. Include the names and telephone numbers of the cognizant installation procurement person and technical representative.

REPRODUCED AT GOVT. EXPENSE

3. Part 1808 is revised to read as follows:

PART 1808—REQUIRED SOURCES OF SUPPLIES AND SERVICES

Sec.
1808.002 Use of other Government supply sources.

1808.002-70 Acquisition of radioisotopes.
1808.002-71 Acquisition of liquid hydrogen.
1808.002-72 Acquisition of propellants.
1808.002-75 Acquisition of mercury.

Subpart 1808.1—Excess Personal Property

1808.103 Information on available excess personal property.

Subpart 1808.4—Federal Supply Schedules

1808.404 Using schedules.
1808.404-3 Requests for waivers.

Subpart 1808.6—Acquisition From Federal Prison Industries, Inc.

1808.605 Clearances.

Subpart 1808.7—Acquisition From Nonprofit Agencies Employing People Who Are Blind or Severely Disabled

1808.705 Procedures.
1808.705-1 General.

Subpart 1808.8—Acquisition of Printing and Related Supplies

1808.802 Policy.
1808.870 Contract clause.

Subpart 1808.11—Leasing of Motor Vehicles

1808.1100 Scope of subpart.
Authority: 42 U.S.C. 2473(c)(1)

PART 1808—REQUIRED SOURCES OF SUPPLIES AND SERVICES

1808.002 Use of other Government supply sources.

1808.002-70 Acquisition of radioisotopes.

(a) DOE Form 5400.3, U.S. Department of Energy Isotope Order Blank, and NRC Form 313, U.S. Nuclear Regulatory Commission Application for Material License, shall be used to acquire radioisotopes, as stated on the back of DOE Form 5400.3. No other type of order blank, purchase order, or contract may be used in lieu of these forms.

(b) NRC Form 313 shall be filed with the Chief, Radioisotopes Licensing Branch, Division of Fuel Cycle and Material Safety, United States Nuclear Regulatory Commission, Washington, DC 20555. If the application meets all regulatory requirements and applicable standards, the Radioisotopes Licensing Branch, Nuclear Regulatory Commission, will issue a license to the applicant. After receipt of the license, a completed DOE Form 5400.3 (in duplicate, if the contracting office wants an accepted copy of the form back from

the supplier), the license, and a Government bill of lading shall be sent to the appropriate DOE laboratory. If a bill of lading is not furnished, shipment shall be made collect on a commercial bill of lading, to be converted at destination.

(c) NRC Form 313 and DOE Form 5400.3 shall be requisitioned directly from United States Nuclear Regulatory Commission, Attn: Radioisotopes Licensing Branch, Division of Fuel Cycle and Material Safety, Washington, DC 20555.

1808.002-71 Acquisition of liquid hydrogen.

Requests for liquid hydrogen shall be submitted to the John F. Kennedy Space Center, National Aeronautics and Space Administration, Kennedy Space Center, FL 32899, Attn: Director of Logistics Operations.

1808.002-72 Acquisition of propellants.

(a) General. NASA (and its contractors when authorized in accordance with 1851.1) may acquire the items listed in paragraph (j) of this section (except for liquid hydrogen; see 1808.002-71) on a reimbursable basis from the San Antonio Air Logistics Center (SA-ALC), Kelly Air Force Base, Texas, under the Air Force Missile Procurement Fund (MPF). The Air Force MPF shall be used as a supply source for propellants whenever there are economic or other advantages to the Government. Field installations and offices obtaining supplies from the MPF shall comply with the reporting requirements of paragraph (f) of this section.

(b) Requests for acquisition. To obtain the materials listed in paragraph (j) of this section from the Air Force MPF, NASA contracting offices will execute a NASA-Defense Purchase Request (NASA Form 523) (see 1853.303-523) and forward it to Headquarters, SA-ALC, Kelly Air Force Base, TX 78241, Attention: SFS. The following additional information should be provided on the form:

(1) Contract number (when material is required for use by a NASA contractor).

(2) Delivery address.

(3) Mode of transportation (rail, trailer, barge, etc.). When the procurement request covers requirements for materials not previously forecasted or covers significant changes to previously reported requirements, SA-ALC should be notified immediately of such requirements.

(c) Delivery requests.

(1) A delivery request is a call on the Air Force, made against a NASA-Defense Purchase Request (NASA Form

523), specifying the time and place of delivery. On the basis of the estimated requirements, the Air Force will notify NASA field installations and contractors of the name and address of the Air Force office or producing contractor's plant to which requests for delivery of materials shall be made. Delivery requests may be placed by any means of communication that time justifies; however, all verbal requests for delivery must be confirmed in writing within 24 hours. The delivery request, whether oral or written, must cite the NASA-Defense Purchase Request number under which the material is being ordered and contain the following information:

(i) Nomenclature and National Stock Number.

(ii) Quantity.

(iii) Program, project, and task.

(iv) Contract number (when material is required for use by a NASA contractor).

(v) Delivery address.

(vi) Dates of delivery.

(vii) Mode of transportation.

(viii) Location of weighing stations and scales (if weighing of the products before delivery is required).

(2) Each delivery request shall be numbered as follows to simplify identification and control: the last two digits of the calendar year; a dash; and a consecutive number beginning with 1 to run through the year (e.g., 89-5, for the fifth request made in 1989). Changes to a request are identified by adding an alphabetical designator beginning with (A) to the number.

(d) Receiving procedures.

(1) Receiving documents. Receipt of materials shall be evidenced on the receiving document received with the shipment by the signature of an individual authorized by NASA to receive materials from the Air Force. Every effort should be made to ensure that the NASA-Defense Purchase Request number is recorded on the receiving document before signing.

(2) Weighing facilities. Local weighing facilities (NASA-owned, contractor-owned, commercial, or State-operated) may be used to determine quantities of product received. If a discrepancy exists between the quantities shown on receiving documents and the quantities actually received—

(i) A certified weighing ticket evidencing actual weight at destination shall be obtained; and

(ii) A copy of the receiving document (AF Form 857 or DD Form 250) and the original weighing ticket shall be forwarded to Headquarters, SA-ALC, Kelly Air Force Base, TX 78241, Attention: ACFOM, identifying the discrepancy.

(3) Distribution of receipts. Copies of all receiving documents except the AF Form 857 shall be transmitted to the Headquarters, SA-ALC, Kelly Air Force Base, TX 78241, Attention: SACAOM. Receiving documents may be accumulated and submitted on the 10th, 20th, and last day of each month.

(e) Billing. The costs of materials obtained through the MPF are reimbursable. After delivery, a Standard Form 1080 (Voucher for Transfers Between Appropriations and/or Funds (Disbursement)), supported by documentary evidence of delivery, will be submitted by Headquarters, SA-ALC to the NASA installation designated in the NASA Form 523.

(f) Reporting requirements.

(1) Field installations shall submit periodic estimates of requirements for materials listed in paragraph (j) of this section for all programs under their cognizance, including in-house contractor requirements. Reports shall be submitted in duplicate on AF Form 858, Forecast of Propellant Requirements.

(2) The reports shall be forwarded no later than June 1 and December 1 to reach Headquarters, SA-ALC, Kelly AFB, TX 78241, Attn: SFS. Supplemental reports advising of additions to or significant changes in previous reports may be submitted at any time. The reports, covering all materials listed in paragraph (j) of this section, due in June and December, shall begin with requirements as of the following July 1 and January 1, respectively, and shall cover a 3-year period. Requirements shall be shown by month for the first 6 months, and by quarters for the remaining 2½-year period.

(3) Estimated requirements and other pertinent data required from contractors shall be obtained on Air Force Form 858.

(g) Report content. Reports shall be made using a separate report form for each material and shall provide, for each item of material, the—

- (1) Contract number;
- (2) Program and/or project;
- (3) Specific task within the project;
- (4) End use when not associated with the named program or project;
- (5) Contractor's name;
- (6) Specific location of use (shipping destination); and
- (7) Planned source of supply.

(h) Basis for developing materials requirements. In computing requirements, consideration shall be given to such elements as lead time, waste factors, transfer, and storage losses so that phased requirements reflect the total gross quantities required

to be delivered to the use or storage site. Since the requirements estimates are being used by other Government agencies acting as supply sources to contract for materials, estimates must be as accurate as possible.

(i) NASA coordination. The Kennedy Space Center shall coordinate the review of all data and establish NASA policy and procedures. The data shall be used as the basis for NASA requirements reports to various Government agencies for planning and supply support.

(j) Table of reportable materials.

Ammonia, Technical (Anhydrous) (Low Oil Content) 99.97 percent purity, Spec 0-A-445

Argon Gas, 6000 PSI, AFPID 6830-5
Propellant, Ammonia, Liquid, Anhydrous 99.5 percent purity, Spec MIL-P-27406

Propellant, Chlorine Trifluoride, Spec MIL-P-81399

Propellant, Deuterium, Gaseous, AFPID 9135-20

Propellant, Fluorine, Gaseous, Spec MIL-P-27405

Propellant, Fluorine, Liquid, Spec MIL-P-27405

Helium, Technical Grade A, Spec BB-H-1168

Propellant, Isopropyl Alcohol, AFPID 9135-18

Propellant, Hydrazine, Standard Grade, Spec MIL-P-26536

Propellant, Hydrazine, Monopropellant Grade, Spec MIL-P-26536

Propellant, Hydrazine/Unsymmetrical Dimethylhydrazine, Spec MIL-P-27402

Propellant, Hydrogen, Gaseous, Type I, Spec MIL-P-27201

Propellant, Hydrogen, Liquid, Type II, Spec MIL-P-27201

Propellant, Hydrogen Peroxide, Spec MIL-P-16005

Propellant, Hydrogen Peroxide, Electrolytic Process, Spec MIL-P-16005

Propellant, Jet Fuel, Grade RJ-1, Spec MIL-F-25558

Propellant, JPX, 50% UDMH-50% JP-4, Spec MIL-P-26694

Propellant, JPX, 17% UDMH-83% JP-4, Spec MIL-P-26694

Propellant, Kerosene, Grade RP-1, Spec MIL-P-25576

Propellant, Monomethyl Hydrazine, Spec MIL-P-27404

Propellant, Neon, Liquid, AFPID 9135-16

Propellant, Nitric Acid, Type IIIB, Spec MIL-P-7254

Propellant, Nitric Acid, Type III LS, Spec MIL-P-7254

Propellant, Nitric Acid, Type IV (High Density Acid), Spec MIL-P-7254

Propellant, Nitrogen Tetroxide (NTO) (MON-1) (MON-3), Spec MIL-P-26539

Propellant, Nitrogen Tetroxide (NTO), MIL-P-26539

Propellant, Nitrogen Tetroxide (MON-1), Spec MIL-P-26539

Propellant, Nitrogen Tetroxide (MON-3), Spec MIL-P-26539

Propellant, Oxygen, Grade B, Spec MIL-P-25508

Propellant, Oxygen, Grade A, Spec MIL-P-25508

Propellant, Oxygen, Grade F, Spec MIL-P-25508

Propellant Pressurizing Agent, Helium, Spec MIL-P-27407, 99.995 pct min assay

Propellant Pressurizing Agent, Nitrogen, Type II, Liquid Grade C, Spec MIL-P-27401

Propellant Pressurizing Agent, Nitrogen, Type I, Gaseous Grade A, Spec MIL-P-27401

Propellant Pressurizing Agent, Nitrogen, Type I, Grade B, Spec MIL-P-27401

Propellant Pressurizing Agent, Nitrogen, Type II, Grade A, Spec MIL-P-27401

Propellant Pressurizing Agent, Nitrogen, Type II, Grade B, Spec MIL-P-27401

Propellant, Unsymmetrical Dimethylhydrazine, Spec MIL-P-25604

Propellant, Nitrogen Trifluoride Spec MIL-P-87896

Propellant, Pressurizing Agent, Argon, Liquid, AFPID 9135-19

1808.002-75 Acquisition of mercury.

(a) Requests for mercury by NASA installations for their use or for use by their cost-reimbursement type contractors shall be made to the Mercury Contract Specialist, Directorate of Stockpile Contracts, DLA, Defense National Stockpile Center, 8725 John J. Kingman Rd., #3339, Ft. Belvoir, VA 22060-6223. DLA will furnish the current fair market value to NASA. The unit of issue is a 76-pound flask.

(b) Requests for clearance to purchase quantities of 76 pounds or more from sources other than DLA shall be submitted to the office in paragraph (a) of this section and must be accompanied by a statement of reasons why the available excess mercury is unsuitable for use by the requesting field installation.

Subpart 1808.1—Excess Personal Property

1808.103 Information on available excess personal property.

In addition to the sources identified in FAR 8.103, information on availability of NASA excess property is maintained by the Installation Property Disposal Officer and the NASA

Equipment Management System (NEMS) Coordinator.

Subpart 1808.4—Federal Supply Schedules

1808.404 Using schedules.

1808.404-3 Requests for waivers.

(NASA supplements paragraphs (a) and (b)).

(a) The head of the NASA office initiating the procurement request or a designated representative shall furnish the NASA contracting office a signed statement identifying the supplies or services to be purchased and explaining why similar items listed in the applicable schedule will not meet the requirement.

(b) If a waiver is not granted, the case shall be referred to the Associate Administrator for Procurement (Code HS) for a final decision as to whether the non-schedule item will be purchased. The Associate Administrator for Procurement shall promptly notify the Commissioner, Federal Supply Service, GSA, and the contracting office of the decision.

Subpart 1808.6—Acquisition From Federal Prison Industries, Inc.

1808.605 Clearances.

(NASA supplements paragraphs (a) and (c)).

(a) NASA purchase orders or contracts written pursuant to a general or blanket clearance need not be supported by a copy of the clearance, but the clearance number must be cited on the purchase order or contract as well as on the initial voucher. A copy of the clearance certificate must be attached to the initial voucher.

(c) When disputes occur, the contracting officer shall refer the matter to the Associate Administrator for Procurement (Code HS) for review and any further action. Such referrals shall include a complete statement of the attempts made to resolve the matter.

Subpart 1808.7—Acquisition From Nonprofit Agencies Employing People Who are Blind or Severely Disabled

1808.705 Procedures.

1808.705-1 General.

The Federal Standard Requisitioning and Issue Procedure (Federal Property Management Regulation, Subpart 101-26.2) shall be used to obtain nonprofit agency-produced supplies from GSA supply distribution facilities.

Subpart 1808.8—Acquisition of Printing and Related Supplies

1808.802 Policy.

(NASA supplements paragraph (b)).

(b) (i) The Headquarters Information Resources Management Division (Code JT) is the NASA central printing authority.

(ii) Requests for approval to contract for printing supplies or services shall be addressed to Code JT. Approval to contract for such supplies or services is restricted to those requirements meeting the following conditions:

(A) An individual order is under \$1,000;

(B) The order is not of a continuing or repetitive nature; and,

(C) The Public Printer certifies it cannot be provided more economically through the GPO.

1808.870 Contract clause.

The contracting officer shall insert the clause at 1852.208-81, Restrictions on Printing and Duplicating, in solicitations and contracts where there is a requirement for any printing, and/or any duplicating/copying in excess of that described in paragraph (c) of the clause.

Subpart 1808.11—Leasing of Motor Vehicles

1808.1100 Scope of subpart.

NASA procedures for leasing motor vehicles from GSA or commercial sources are contained in NMI 6000.5, Transportation Management.

4. Part 1809 is revised to read as follows:

PART 1809—CONTRACTOR QUALIFICATIONS

Subpart 1809.1—Responsible Prospective Contractors

Sec.

1809.104-4 Subcontract responsibility.

1809.106 Preaward surveys.

1809.106-1 Conditions for preaward surveys.

1809.106-2 Requests for preaward surveys.

1809.106-3 Interagency preaward surveys.

1809.106-70 Preaward surveys performed by NASA installations.

Subpart 1809.2—Qualifications Requirements

1809.200 Scope of subpart.

1809.202 Policy.

1809.203 QPL's, QML's, and QBL's.

1809.203-70 General.

1809.203-71 Waiver of qualification requirements.

1809.206 Acquisitions subject to qualification requirements.

1809.206-1 General.

1809.206-70 Small businesses.

1809.206-71 Contract clause.

Subpart 1809.4—Debarment, Suspension, and Ineligibility

1809.403 Definitions.

1809.404 List of Parties Excluded from Federal Procurement and Nonprocurement programs.

1809.405 Effect of listing.

1809.405-1 Continuation of current contracts.

1809.405-2 Restrictions on subcontracting.

1809.406 Debarment.

1809.406-3 Procedures.

1809.407 Suspension.

1809.407-3 Procedures.

1809.408 Certification regarding debarment, suspension, proposed debarment, and other responsibility matters.

1809.470 Reporting of suspected evasive actions and causes for debarment or suspension.

1809.470-1 Situations requiring reports.

1809.470-2 Contents of reports.

1809.470-3 Addresses and copies of reports.

Subpart 1809.5—Organizational and Consultant Conflicts of Interest

1809.500 Scope of subpart.

1809.503 Waiver.

1809.506 Procedures.

1809.507 Solicitation provisions and contract clause.

1809.507-2 Contract clause.

Subpart 1809.6—Contractor Team Arrangements

1809.670 Contract clause.

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

PART 1809—CONTRACTOR QUALIFICATIONS

Subpart 1809.1—Responsible Prospective Contractors

1809.104-4 Subcontractor responsibility.

Generally, the Canadian Commercial Corporation's (CCC) proposal of a firm as its subcontractor is sufficient basis for an affirmative determination of responsibility. However, when the CCC determination of responsibility is not consistent with other information available to the contracting office, the contracting officer shall request from the CCC and any other sources whatever information is necessary to make the responsibility determination.

Upon request, CCC shall be furnished the rationale for any subsequent determination of nonresponsibility.

1809.106 Preaward surveys.

1809.106-1 Conditions for preaward surveys.

(NASA supplements paragraph (a)).

(a) (i) Preaward surveys are used only to assist the contracting officer to make determinations of responsibility under FAR 9.104. They are not to be used to obtain information useful to proposal evaluation that does not directly relate

to the responsibility determination. Accordingly, preaward surveys shall not be used except in rare circumstances when determination of responsibility cannot be made without the specific information that can be provided only in a preaward survey report and only after all other means of obtaining the required information have been explored.

(ii) Surveys shall not be performed for companies of any size performing study or research contracts.

(iii) The procurement officer shall approve all preaward survey requests.

1809.106-2 Requests for preaward surveys.

(NASA supplements paragraph (a)).

(a) The "Walsh-Healey Public Contracts Act" block of Section I is for information purposes only. If information is needed for a determination on the offeror's eligibility under the Walsh-Healey Act, it must be specifically requested in block 20.H. of Section III.

1809.106-3 Interagency preaward surveys.

(NASA supplements paragraph (a)).

(a) If the survey will be performed for NASA by a DOD agency, the SF 1403 request is to be sent to the appropriate office shown in the DOD Directory of Contract Administration Services Components, DLAH 4105.4, Attn: Preaward Survey Monitor. DOD normally allows seven working days in which to conduct a full survey and submit the report to the requesting agency.

1809.106-70 Preaward surveys performed by NASA installations.

In discussions with representatives of the company being surveyed, NASA preaward survey team members shall not refer to or comment on the possibility of award to the prospective contractor. This does not preclude discussion with a prospective contractor of questionable areas that require clarification. Information obtained during the survey will be treated in strict confidence and divulged only to those Government representatives having a need to know.

Subpart 1809.2—Qualifications Requirements

1809.200 Scope of subpart.

This subpart prescribes policies and procedures to be followed in the use of qualified products lists for acquisition of parts as authorized by NMI 5320.5, Basic Policy for NASA Space Flight Program Electrical, Electronic, and Electromechanical (EEE) Parts.

1809.202 Policy.

(NASA supplements paragraphs (a) and (e)).

(a) Authority regarding agency head actions under FAR 9.202(a) is delegated to the cognizant technical activity, with approval by the installation's competition advocate.

(e) The approval authority of FAR 9.202(e) is delegated to the installation's competition advocate. Requests shall be prepared by the cognizant requirements office and submitted via the procurement officer.

1809.203 QPL's, QML's and QBL's.

1809.203-70 General.

(NASA supplements paragraph (a)).

(a) The Deputy Associate Administrator for the Office of Safety and Mission Assurance (Code Q), is responsible for justifying, determining, and approving NASA's need for inclusion and continued use of qualification requirements in specifications under the NASA EEE Parts and Advanced Interconnect Program.

1809.203-71 Waiver of qualification requirements.

When acquiring a product under a specification that includes qualification requirements either for the end item or for components of the end item, the NASA installation conducting the acquisition can waive the qualification requirements. Directing a waiver of the end item qualification requirement constitutes adequate authorization for waiver of product qualification requirements. When a waiver has been granted, the solicitation shall specifically indicate that the qualification requirement is inapplicable. Such information shall also be included in any synopsis of the acquisition (see FAR subpart 5.2).

1809.206 Acquisitions subject to qualification requirements.

1809.206-1 General.

(NASA supplements paragraph (b) and (c)).

(b)(i) The authority to determine that an emergency exists is delegated to the installation's competition advocate. Requests for determination shall be prepared by the cognizant requirements office and submitted through the procurement officer.

(ii) Requests not to enforce a qualification requirement in a nonemergency situation shall be prepared by the cognizant requirements office and approved by the Headquarters Office of Safety and Mission Assurance (Code Q).

(c) If an offeror seeks to demonstrate its capability, both the product and the producer must meet the established standards.

1809.206-70 Small businesses.

If a small business otherwise eligible for award has been placed in a special status on a Qualified Products List (Mil-Bul-103) or the Qualified Manufacturers List (QML-38510) established as a part of the NASA Microelectronics Reliability Program and the contracting officer determines that the small business does not appear to have the capacity to perform, the certificate of competency procedures in FAR subpart 19.6 are applicable.

1809.206-71 Contract clause.

When qualified products (end items or components of end items) are being procured, the contracting officer shall insert the clause at 1852.209-70, Product Removal from Qualified Products List, in the solicitation and in the resulting contract.

Subpart 1809.4—Debarment, Suspension, and Ineligibility

1809.403 Definitions.

For purposes of FAR subpart 9.4 and this subpart, the Associate Administrator for Procurement is the "debarment official," the "suspending official," and the agency head's "designee."

1809.404 List of parties excluded from federal procurement and nonprocurement programs.

(NASA supplements paragraphs (c) and (d)).

(c) The Office of Procurement (Code HS) is responsible for taking the actions listed in FAR 9.404(c).

(d)(1) Installation procurement offices shall notify Code HS of how many copies of the List they want and provide a single mailing address at the installation. Code HS will place the order for the copies which will be mailed directly to the installation. Electronic access is also available as described in the List.

1809.405 Effect of listing

If it is believed that a new contract or subcontract must be awarded to a firm on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs, the procurement officer shall prepare a request for a determination with all necessary supporting information and forward it to the Associate Administrator for Procurement (Code HS) for approval.

1809.405-1 Continuation of current contracts. (NASA supplements paragraph (c)).

(c) Approval of contract renewals or extensions shall be requested in accordance with 1809.405.

1809.405-2 Restrictions on subcontracting. NASA supplements paragraph (a)).

(a) Approval of consent to subcontract shall be requested in accordance with 1809.405.

1809.406 Debarment.**1809.406-3 Procedures.**

(NASA supplements paragraph (a)).

(a) The report required by FAR 9.406-3(a) shall be prepared in accordance with 1809.470.

1809.407 Suspension.**1809.407-3 Procedures.**

(NASA supplements paragraph (a)).

(a) Reports shall be prepared in accordance with 1809.470.

1809.408 Certification regarding debarment, suspension, proposed debarment, and other responsibility matters.

(NASA supplements paragraph (a)).

(a)(2) (A) If the offeror indicates that it has been indicted, charged, convicted, or had a civil judgment rendered against it, the contracting officer shall immediately notify the Associate Administrator for Procurement (Code HS), providing details as known, and shall await a response before awarding the contract.

(B) If the offeror discloses information that indicates a need for a debarment or suspension determination, the contracting officer shall report the facts to the Associate Administrator for Procurement (Code HS) in accordance with 1809.470.

1809.470 Reporting of suspected evasive actions and causes for debarment or suspension.**1809.470-1 Situations requiring reports.**

A report incorporating the information required by 1809.470-2 of this subpart shall be forwarded by the procurement officer to the Associate Administrator for Procurement (Code HS) when a contractor:

(a) Has committed, or is suspected of having committed, any of the acts described in FAR 9.406-2 and 9.407-2; or

(b) Is suspected of attempting to evade the prohibitions of a debarment or suspension imposed under the FAR by changes of address, multiple addresses, formation of new companies, or other devices.

1809.470-2 Contents of reports.

Each report shall be coordinated with local counsel and shall include substantially the following information, if available:

(a) Name and address of the contractor.

(b) Names of the principal officers, partners, owners, or managers.

(c) All known affiliates, subsidiaries, or parent firms, and the nature of the affiliation.

(d) A description of the contract or contracts concerned, including the contract number and office identifying numbers or symbols, the amount of each contract, the amounts paid the contractor and still due, and the percentage of work completed and to be completed.

(e) The status of vouchers.

(f) Whether the contract has been assigned pursuant to the Assignment of Claims Act, and, if so, the name and address of the assignee and a copy of the assignment.

(g) Whether any other contracts are outstanding with the contractor or any affiliates, and, if so, their amount, whether they are assigned pursuant to the Assignment of Claims Act, and the amounts paid or due on them.

(h) A complete summary of all pertinent evidence. If a request for debarment or suspension is based on an indictment or a conviction, provide the evidence upon which the indictment or conviction is based.

(i) An estimate of any damages, sustained by the Government as a result of the contractor's action, including an explanation of the method used in making the estimate.

(j) Recommendation as to

(1) Whether the contractor should be suspended or debarred,

(2) Whether any limitations should be applied to such action,

(3) Whether current contracts should be terminated, and

(4) The period of any debarment.

(k) As an enclosure, a copy of the contract(s) or pertinent excerpts, appropriate exhibits, testimony or statements of witnesses, copies of assignments, and other relevant documentation.

1809.470-3 Addresses and copies of reports.

Reports, including enclosures, shall be submitted to the Office of Procurement (Code HS), with an additional copy to the Headquarters Office of General Counsel (Code G).

Subpart 1809.5—Organizational and Consultant Conflicts of Interest**1809.500 Scope of subpart.**

The Associate Administrator for Procurement has authorized the procurement officer to take those actions reserved in FAR subpart 9.5 for the head of the contracting activity. However, see 1809.503 regarding waivers.

1809.503 Waiver.

The Administrator has designated the Associate Administrator for Procurement as the approval authority for waivers under FAR 9.503. The procurement officer shall forward requests for waivers under FAR 9.503 to the Associate Administrator for Procurement (Code HS) for action.

1809.506 Procedures.

(NASA supplements paragraph (b)).

(b) The approving official is the procurement officer when the installation has source selection authority and the Associate Administrator for Procurement (Code HS) when NASA Headquarters has that authority.

1809.507 Solicitation provisions and contract clause.**1809.507-2 Contract clause.**

The contracting officer may insert a clause substantially the same as the clause at 1852.209-71, Limitation of Future Contracting, in solicitations and contracts.

Subpart 1809.6—Contractor Team Arrangements**1809.670 Contract clause.**

The contracting officer shall insert the clause at 1852.209-72, Composition of the Contractor, in all construction invitations for bids and resulting contracts. The clause may be used in other solicitations and contracts to clarify a contractor team arrangement where the prime contractor consists of more than one legal entity, such as a joint venture.

PART 1810—SPECIFICATIONS, STANDARDS, AND OTHER PURCHASE DESCRIPTIONS**PART 1810—[REMOVED]**

(5) Under the authority of 10 U.S.C. chapter 137, Part 1810 is removed.

(6) Part 1811 is added to read as follows:

PART 1811—DESCRIBING AGENCY NEEDS

Sec.

1811.002 Policy.

Subpart 1811.1—Selecting and Developing Requirements Documents

1811.104 Items peculiar to one manufacturer.

1811.104-70 Brand name or equal purchase descriptions.

1811.104-71 NASA solicitation provision.

Subpart 1811.4—Delivery or Performance Schedules

1811.403 Supplies or services.

1811.404 Contract clauses.

Subpart 1811.5—Liquidated Damages

1811.502 Policy.

Subpart 1811.6 Priorities and Allocations

1811.602 General.

1811.603 Procedures.

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

PART 1811—DESCRIBING AGENCY NEEDS**1811.002 Policy.**

(NASA supplements paragraph (b))

(b) Implementation of the Metric Conversion Act of 1975, as amended, shall be in accordance with NPD 8010.2B, Use of the Metric System of Measurements in NASA Programs.

Subpart 1811.1—Selecting and Developing Requirements Documents

1811.104 Items peculiar to one manufacturer.

1811.104-70 Brand name or equal purchase descriptions.

(a) Use of brand-name purchase descriptions is the least preferred method for describing Agency requirements. Purchase descriptions containing references to one or more brand-name products, or components of a product, followed by "or equal" may be used only in accordance with this part 1811.

(b) The term "or equal" should not be added if it is determined under FAR 11.104 that only a particular product meets the essential requirements of the Government.

(c) To the extent feasible, all acceptable brand-name products should be referenced. If "brand-name-or-equal" is used, offerors must be given the opportunity to offer products other than those referenced by brand-name if those products will meet the needs of the Government in essentially the same manner.

(d) "Brand-name-or-equal" purchase descriptions should set forth the salient physical, functional, or other characteristics essential to the needs of

the Government. Purchase descriptions should include the following items and any other information necessary to describe the item:

(1) Complete common generic identification of the item.

(2) Model, make, or catalog number for each brand name product, and identity of the commercial catalog in which it appears.

(3) Name of manufacturer, producer, or distributor of each brand name product referenced (and address if company is not well known).

(e) When it is needed to describe the item required, a commercial catalog description, or pertinent extracts, may be used if the description is identified in the solicitation as being that of the manufacturer, producer, or distributor. The contracting officer shall ensure that a copy of any catalog referenced (except parts catalogs) is available on request for review by offerors at the contracting office.

(f) Offerors offering brand-name products shall not be required to furnish samples; however, solicitations may require the submission of samples from offerors proposing "or equal" products.

(g) Proposals offering products differing from brand-name products referenced in a "brand-name-or-equal" purchase description shall be considered for award if the contracting officer determines that the offered products meet the salient characteristics required by the solicitation. Offers shall not be rejected because of minor differences in design, construction, or features that do not affect the suitability of the products for their intended use.

(h) Except as provided in paragraph (i)(1) of this section, when a "brand-name-or-equal" purchase description is included in a solicitation, the following shall be inserted after each item so described in the solicitation for completion by the offeror:

Offering:

Manufacturer's Name _____

Brand _____

No. _____

(i) If the contracting officer determines that the provision at 1852.211-70 should apply only to certain components, the requirements of paragraph (h) of this section shall apply to them, and a statement substantially as follows shall be included:

The provision entitled Brand Name or Equal applies to the following components: (List the components to which the provision applies.)

(j) Award documents for brand-name-or-equal acquisitions shall identify the specific products or components the

contractor is to furnish. This identification shall include any brand name and make or model number, descriptive material, and any modifications of brand name products specified in the solicitation.

1811.104-71 NASA solicitation provision.

When a "brand-name-or-equal" purchase description is used, the contracting officer shall insert in the solicitation the provision at 1852.211-70, Brand Name or Equal.

Subpart 1811.4—Delivery or Performance Schedules**1811.403 Supplies or services.**

(NASA supplements paragraph (a))

(a)(3) Contract delivery or performance schedules shall not be expressed in terms of a notice of award. A notice of award as a specific document, separate from the award document itself, is not a contractual document and shall not be used as a reference point for contract performance. See 1814.408 for additional information on notices of award.

1811.404 Contract clauses.

(NASA supplements paragraph (a))

(a)(2) FAR 52.211-8, Time of Delivery, Alternates II and III, shall not be used in NASA contracts.

(3) FAR 52.211-9, Desired and Required Time of Delivery, Alternates II and III, shall not be used in NASA contracts.

Subpart 1811.5—Liquidated Damages**1811.502 Policy.**

(NASA supplements paragraph (d))

(d) The procurement officer shall forward recommendations concerning remission of liquidated damages to the Headquarters Office of Procurement (Code HS).

Subpart 1811.6—Priorities and Allocations**1811.602 General.**

(NASA supplements paragraph (c))

(c) The Department of Defense is the "Delegate Agency" for NASA. The Headquarters Office of Procurement (Code HS) shall coordinate with DOD, as necessary, to ensure that any DOD requirements are met.

1811.603 Procedures.

(NASA supplements paragraphs (e) and (g))

(e)(i) The use of priority ratings on NASA contracts and purchase orders is mandatory except as noted in paragraph (e)(ii) of this section. Priority ratings are

assigned on individual contracts and purchase orders by the contracting officer.

(ii) Priority ratings will not be issued for the following:

(A) Items ordered or requisitioned from the GSA Federal Supply Service.

(B) Items for plant improvement, expansion, or construction, unless they will be physically incorporated into a construction project covered by a rated order, or unless NASA has obtained specific priority rating authority.

(C) Production or construction equipment or items to be used for the manufacture of production equipment, unless NASA has obtained specific priority rating authority.

(D) Items falling under the jurisdiction of agencies other than NASA's Delegate Agency. These are: petroleum, gas, solid fuel, electric power, and all other forms of energy; food; civil transportation and the movement of persons and property by all modes; minerals; water; housing facilities; health facilities; radio-isotopes, stable isotopes, source material and special nuclear material produced in Government-owned plants or facilities operated by or for the Department of Energy; communication services; copper raw materials; crushed stone; gravel; sand; scrap; slag; central steam heat; and waste paper.

(iii) All other NASA orders shall be assigned a DO rating, unless NASA has obtained a DX rating from the Delegate Agency.

(iv) The program identification numbers (DPAS, 15 CFR part 700, SCH L.) to be used by NASA are as follows:

- A1 Aircraft
- A2 Missiles
- A3 Ships
- A5 Weapons
- A6 Ammunition
- A7 Electronic and Communications Equipment
- B1 Military Building Supplies
- B8 Production Equipment (for Contractor's Account)
- B9 Production Equipment (Government-Owned)
- C2 Construction
- C3 Maintenance, Repair, and Operating Supplies for Facilities
- C9 Miscellaneous/Other

(g) Installation requests for assistance shall be directed to the Headquarters Office of Procurement (Code HS).

7. Part 1812 is revised to read as follows:

PART 1812—ACQUISITION OF COMMERCIAL ITEMS

Subpart 1812.1—Acquisition of Commercial Items—General

Sec.

1812.102 Applicability.

Subpart 1812.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items

1812.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

1812.302 Tailoring of provisions and clauses for the acquisition of commercial items.

Subpart 1812.4—Unique Requirements Regarding Terms and Conditions for Commercial Items

1812.404 Warranties.

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

PART 1812—ACQUISITION OF COMMERCIAL ITEMS

Subpart 1812.1—Acquisition of Commercial Items—General

1812.102 Applicability.

(NASA supplements paragraph (c))

(c) For the acquisition of commercial items of any value, the MidRange procedures described in part 1871 may be used to the extent they are consistent and compliant with FAR part 12 and part 1812. Unless specifically stated, in any conflict between these parts the descending order of precedence is FAR part 12, part 1812, and part 1871.

Subpart 1812.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items

1812.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(NASA supplements paragraph (f))

(f)(i) The following clauses may be used in acquisitions of commercial items:

(A) 1852.214–71, Grouping for Aggregate Award.

(B) 1852.214–72, Full Quantities.

(C) 1852.215–84, Ombudsman.

(D) 1852.219–75, Small Business and Small Disadvantaged Business Subcontracting Reporting.

(E) 1852.219–76, NASA Small Disadvantaged Business Goal.

(F) 1852.228–72, Cross-Waiver of Liability for Space Shuttle Services.

(G) 1852.228–76, Cross-Waiver of Liability for Space Station Activities.

(H) 1852.228–78, Cross-Waiver of Liability for NASA Expendable Launch Vehicles.

(I) 1852.232–70, NASA Progress Payment Rates.

(ii) No other provisions and clauses prescribed in the NFS or center documents shall be used in acquisitions of commercial items, except as permitted by FAR 12.302.

1812.302 Tailoring of provisions and clauses for the acquisition of commercial items.

(NASA supplements paragraph (c))

(c) The Associate Administrator for Procurement (Code HS) is the approval authority for waivers. Requests shall be prepared and submitted in accordance with 1801.471.

Subpart 1812.4—Unique Requirements Regarding Terms and Conditions for Commercial Items

1812.404 Warranties.

(b) In acquisitions under the Simplified Acquisition Threshold specified in FAR part 13, no express warranty should be required other than the offeror's commercial warranty.

8. Part 1814 is revised to read as follows:

PART 1814—SEALED BIDDING

Subpart 1814.2—Solicitation of Bids

Sec.

1814.201— Preparation of invitations for bids.

1814.201–5— Part IV—Representations and instructions.

1814.201–6— Solicitation provisions.

1814.201–670— NASA solicitation provisions.

Subpart 1814.3—Submission of Bids

1814.302— Bid submission

Subpart 1814.4—Opening of Bids and Award of Contract

1814.404— Rejection of bids.

1814.404–1 Cancellation of invitations after opening.

1814.407— Mistakes in bids.

1814.407–3— Other mistakes disclosed before award.

1814.407–4— Mistakes after award.

1814.408— Award.

1814.408–1— General.

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

PART 1814—SEALED BIDDING

Subpart 1814.2—Solicitation of Bids

1814.201 Preparation of invitations for bids.

1814.201–5 Part IV—Representations and instructions.

(NASA supplements paragraph (c)).

(c) Section M, Evaluation factors for award.

(i) The contracting officer shall state if award is to be made in the aggregate (all-or-non basis) or by specified groups of items.

(ii) if bidders are required to have special technical qualifications because of the complexity of the equipment being purchased or for some other reason, the contracting officer shall state those qualifications.

1814.201-6 Solicitation provisions.

1814.201-670 NASA solicitation provisions.

(a) The contracting officer shall insert the provision at 1852.214-70, Caution to Offerors Furnishing Descriptive Literature, in invitations for bids. See FAR 52.214-21, Descriptive Literature.

(b) The contracting officer shall insert the provision at 1852.214-71, Grouping for Aggregate Award, in invitations for bids, except for construction, when it is in the Government's best interest not to make award for less than specified quantities solicited for certain items or groupings of certain items. Insert the item numbers and/or descriptions applicable for the particular procurement.

(c) The contracting officer shall insert the provision at 1852.214-72, Full Quantities, in invitations for bids, except for construction, when it is in the Government's best interest not to make award for less than the full quantities solicited.

(d) If a pre-bid conference is planned, the contracting officer shall insert the provision at 1852.215-77, Preproposal/Pre-bid Conference. See 1815.407-70(d).

Subpart 1814.3—Submission of Bids

1814.302 Bid submission.

(NASA supplements paragraph (b))

(b) NASA contracting officers shall not consider telegraphic bids communicated by the telephone.

Subpart 1814.4—Opening of Bids and Award of Contract

1814.404 Rejection of bids.

1814.404-1 Cancellation of invitations after opening.

(NASA supplements paragraphs (c) and (e)).

(c) The authority to make the determination at FAR 14.404-1(c) is delegated to the contracting officer, except as provided in paragraph (e)(1) of this subsection.

(e)(1) A determination that includes an authorization to complete the acquisition through negotiation shall be made by the procurement officer, in consultation with the chief counsel.

1814.407 Mistakes in bids.

1814.407-3 Other mistakes disclosed before award.

(NASA supplements paragraph (e))

(e) Procurement officers are authorized to make the determinations under 14.407-3 (a), (b), (c) and (d).

1814.407-4 Mistakes after award.

(NASA supplements paragraph (d))

(d) Determinations shall be made by the procurement officer.

1814.408 Award.

1814.408-1 General.

(1) A notice of award as a specific document is used when the contracting officer needs to inform a responsible bidder that its offer was determined to be the most advantageous to the Government (considering only price and price-related factors) and that the formal award will be made upon satisfaction of specified pre-performance conditions.

(2) The notice of award is not a contractual instrument. It does not authorize the successful bidder to perform and, in itself, does not obligate the Government to award a contractual document. Its limited purpose is to provide: evidence of the Government's selection of the successful bidder; instruction to that bidder to satisfy specified pre-performance conditions; and a statement that the Government intends to award the contract to the successful bidder upon satisfaction of these conditions if a contract is awarded as a result of the invitation for bids.

(3) Use of a notice of award is optional. The contracting officer may issue the award document itself without first issuing a notice of award. However, there are instances when a notice of award should be considered, for example, in construction contracts where performance or payment bonds are required. In such cases, the most cost effective technique is to require only the successful bidder to provide the necessary bonds. The notice of award advises the successful bidder to provide the bonds, and it also serves as formal evidence from the Government of the impending award if such evidence is required to secure the bonds.

(4) The notice of award shall not be issued unless bids have been evaluated and a selection made, and a definitive contract document is ready for execution upon satisfaction of the conditions specified in the notice. Upon satisfaction of these conditions, the approved and executed contract instrument shall be provided to the successful bidder.

(5) Since the notice of award is not a contractual document authorizing performance, the period of performance of the resultant contract shall not be based on the date of issuance or receipt of the notice of award. The period of

performance specified in the contract shall be based on some other reference point, such as the date the contract is provided to the successful bidder, a mutually agreeable effective date of a later authorization to proceed date.

(6) The notice of award can be issued by any formal written means such as a letter, telegram or electronic means. The notice should be substantially the same as the following format.

Format

Subject: Notice of Award—Invitation for Bids (IFB) (a). This notice is to advise you that your bid (b) in response to the subject IFB has been determined to be the most advantageous to the Government (considering only price and price-related factors). It is the Government's intention to award you a contract in the amount of (c) for this effort pending satisfaction of the following pre-performance conditions: (d)

Evidence (e) of satisfaction of these conditions must be provided to the contracting officer by (f). In the event these conditions are not satisfied by this date, the Government reserves the right to award the contract to the bidder who submitted the next most advantageous bid.

Please note that this notice of award is not a contractual document. It does not obligate the Government to award you, or any other bidder, a contract relative to the subject IFB, and it does not authorize you to proceed with contract performance or incur costs pursuant to such performance. Any costs incurred for contract performance prior to your receipt of a fully executed contract document are at your own risk and are not recoverable under any Government contract should the Government fail, for whatever reason, to award you a contract in response to the subject IFB.

If a contract is awarded after evidence of satisfaction of the pre-performance conditions listed above is provided to the contracting officer by the specified due date, the date of commencement of work will be provided with the formal award. This date will be based on (g).

Notes.—The contracting officer shall insert, where shown, the following information:

(a) Identification of the IFB by number and title.

(b) Identification of the contractor's bid.

(c) The award price.

(d) The preperformance conditions (e.g., any required payment and performance bonds).

(e) The evidence required to satisfy the pre-performance conditions (e.g., the actual payment and performance bonds).

(f) The date by which the evidence must be provided to the contracting officer.

(g) Identification of the date for commencement of performance. The period of performance of the contract shall not be based on the date of issuance or receipt of the notice of award. It shall be based on the date the contract is provided to the successful bidder, a mutually agreeable effective date, or a later authorization to proceed date.

PART 1828—BONDS AND INSURANCE**1828.202 [Added]**

9. Section 1828.202 is revised to read as follows:

1828.202 Acceptability of corporate sureties.

(NASA supplements paragraph (a)).

(a) Contracting officers may obtain access to the Department of Treasury Circular 570 through the *Circular 570 Bulletin Board*, telephone (202) 874-7214. Use the following communications software specifications:

Baud rate	2400
Parity	None
No. of Data Bits	8
No. of Stop Bits	1
Duplex	Full

PART 1835—RESEARCH AND DEVELOPMENT CONTRACTING**1835.004 [Added]**

10. Section 1835.004 is added to read as follows:

1835.004 Publicizing requirements and expanding research and development sources.

(NASA supplements paragraph (a))

(a) In R&D acquisitions over \$100,000, when only three or fewer sources are known, the contracting officer shall have the requirements office query the Defense Technical Information Center (DTIC) IR&D Database to identify additional sources conducting IR&D in the area of the acquisition, in addition to using other market survey techniques. If needed, specific information on access to and use of the DTIC IR&D Database by a particular NASA installation may be obtained from that installation's designated IR&D focal point.

PART 1842—CONTRACT ADMINISTRATION**Subpart 1842.13—[Added]**

11. Subpart 1842.13 is added to read as follows:

1842.13—Suspension of work, stop-work orders, and Government delay of work

1842.1305 Contract clauses.

(NASA supplements paragraph (b))

(b) FAR 52.242-15, Stop-Work Order, shall not be used in solicitations or contracts for research performed by educational or other nonprofit institutions.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES.**1852.207-70 [Removed]**

12.-13. Section 1852.207-70 is removed.

1852.210-70 [Redesignated]**1852.210-71, 1852.210-72, 1852.210-75 [Removed]**

14.-15. Sections 1852.210-40, 1852.210-71, 1852.210-72 and 1852.210-75 are removed.

1852.211-70, 1852.211-72, 1852.211-74 [Added]

16. Sections 1852.211-70, 1852.211-72 and 1852.211-74 are added to read as follows:

1852.211-70 Brand name or equal.

As prescribed in 1811.104-71, insert the following provision:

Brand Name or Equal

(DECEMBER 1988)

(a) As used in this provision, "brand name" means identification of products by make and model. The term "bid" means "offer" if this is a negotiated acquisition.

(b) If items called for by this solicitation are identified in the Schedule by a "brand name or equal" description, that identification is intended to be descriptive, not restrictive, and is to indicate the quality and characteristics of products that will be satisfactory. Bids offering "equal" products, including products of the brand name manufacturer other than the one described by model designation, will be considered for award if the products are clearly identified in the bids and are determined by the Government to meet fully the salient characteristics requirements referenced in the solicitation.

(c) Unless the offeror clearly indicates in the bid that it is offering an "equal" product, the bid shall be considered as offering a brand-name product referenced in the solicitation.

(d) (1) If the offeror proposes to furnish an "equal" product, the brand name, if any, of the product to be furnished shall be inserted in the space provided in the solicitation, or that product shall be otherwise clearly identified in the bid. The evaluation of bids and the determination as to equality of the product offered shall be the responsibility of the Government and will be based on information furnished by the offeror or identified in its bid, as well as on other information reasonably available to the contracting activity.

(2) CAUTION TO OFFERORS: The contracting office is not responsible for locating or securing any information not identified in the bid and reasonably available to the contracting office. Accordingly, to ensure that sufficient information is available, the offeror must furnish as a part of its bid all descriptive material (such as cuts, illustrations, drawings, or other information) necessary for the contracting

office to (i) determine whether the product offered meets the salient characteristics requirements of the solicitation and (ii) establish exactly what the offeror proposes to furnish and what the Government would be binding itself to purchase by making an award. The information furnished may include specific references to information previously furnished or to information otherwise available to the contracting office.

(3) If the offeror proposes to modify a product so as to make it conform to the requirements of the solicitation, it shall (i) include in the bid a clear description of the proposed modifications and (ii) clearly mark any descriptive material to show them.

(4) If this is a sealed bid acquisition, modifications proposed after bid opening to make a product conform to a brand name product referenced in the solicitation will not be considered.

(End of provision)

1852.211-72 Period of Performance.

As prescribed in 1811.403(a)(3), insert the following clause:

Period of Performance

(DECEMBER 1988)

The period of performance of this contract shall be [Insert period of performance dates].
(End of clause)

1852.211-74 Notice of Delay.

As prescribed at 1811.404-70(a), insert the following clause:

Notice of Delay

(DECEMBER 1988)

If, because of technical difficulties, the Contractor becomes unable to complete the contract work at the time specified, notwithstanding the exercise of good faith and diligent efforts in performing the work called for under this contract, the Contractor shall give the Contracting Officer written notice of the anticipated delay and the reasons for it. The notice and reasons shall be delivered promptly after the condition creating the anticipated delay becomes known to the Contractor but in no event less than 45 days before the completion date specified in this contract, unless otherwise permitted by the Contracting Officer. When notice is given, the Contracting Officer may extend the time specified in the Schedule for such period as is deemed advisable.

(End of clause)

1852.212-70 [Redesignated]**1852.212-72, 1852.212-73 [Removed]**

17.-18. Sections 1852.212-72 and 1852.212-73 are removed.

1852.212-74 [Redesignated]**1852.214-70, 1852-214-71, 1852.214-72 [Amended]**

19.-20. Sections 1852.214-70, 1852.214-71, and 1852-214.72 are revised to read as follows:

1852.214-70 Caution to Offerors Furnishing Descriptive Literature.

As prescribed in 1814.201-670(a), insert the following provision:

Caution to Offerors Furnishing

Descriptive Literature

(DECEMBER 1988)

Bidders are cautioned against furnishing as a part of their bids descriptive literature that includes language reserving to the bidder the right to deviate from the requirements of the invitation for bids. Statements that "Data are subject to change without notice," "Prices subject to change without notice," or words having a similar effect are examples of such reservation. The Government will reject as nonresponsive any bid that incorporates literature containing such language or any bid that must be evaluated by using literature containing such language. Bidders should clearly label any submissions of descriptive literature not intended to form a part of a bid as such in order to preclude any need for the Government to interpret the bidder's intent in submitting descriptive literature. [See FAR 14.202-5.]

(End of provision)

1852.214-71 Grouping for Aggregate Award.

As prescribed in 1814.201-670(c), insert the following provision:

Grouping for Aggregate Award

(MARCH 1989)

(a) The Government will evaluate offers and make award on a basis of the aggregate offers for items

Insert the item numbers and/or descriptions.

The Government will not consider an offer for quantities less than those specified for these items.

(b) If this is an invitation for bids, the Government will reject as nonresponsive a bid that is not made on the total quantities for all of the items specified in paragraph (a) of this section.

(End of provision)

1852.214-72 Full Quantities.

As prescribed in 1814.201-670(b), insert the following provision:

FULL QUANTITIES

(DECEMBER 1988)

The Government will not consider an offer for quantities of items less than those specified. If this is an invitation for bids, the Government will reject as nonresponsive a bid that is not made on full quantities.

(End of provision)

PART 1871—MIDRANGE PROCUREMENT PROCEDURES**1871.103 [Amended]**

21. Paragraph (b) to section 1871.103 is revised to read as follows:

1871.103 Applicability.

(a) * * *

(b) This part applies to all contract actions the aggregate amount of which is greater than the simplified acquisition threshold (SAT) (FAR part 13) and not more than \$1,000,000 in basic value and for commercial items regardless of dollar value to the extent consistent and compliant with FAR part 12 and part 1812 (see 1812.102(c)). For service contracts, up to four annual options of not more than \$1,000,000 each are permitted where the option requirements are substantially the same as the basic requirement. For R&D contracts, options are permitted not to exceed \$1,000,000 in total value (basic contract plus options). For supply contracts, four options of not more than \$1,000,000 each are permitted when not more than \$1,000,000 in funding is to be required in any fiscal year. The total amount of the basic award plus options may not exceed \$5,000,000 in either the case of supplies or services except as provided in paragraph (c) of this section. For commercial item contracts, options are permitted regardless of dollar value.

* * * * *

1871.401-6 [Amended]

22. In section 1871.401-6, paragraph (a)(2) is revised to read as follows:

1871.206-1 Commercial Items.

(a) Policy.

(1) * * *

(2) MidRange Procedures may be used for commercial item procurements to the extent consistent and compliant with FAR part 12 and part 1812 (see 1812.102(c)).

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[FR Doc. 96-22234 Filed 9-5-96; 8:45 a.m.]

BILLING CODE 7510-01-M

48 CFR Parts 1845, 1852 and 1853**Revision to NASA FAR Supplement Coverage on Government Property**

AGENCY: Office of Procurement, Contract Management Division, National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This is a final rule amending the NASA FAR Supplement to incorporate changes pertaining to government property reporting by contractors. The intent of this rule is to improve the completeness, accuracy and timeliness of the reporting process.

EFFECTIVE DATE: September 6, 1996.

FOR FURTHER INFORMATION CONTACT: Larry G. Pendleton, (202) 358-0487.

SUPPLEMENTARY INFORMATION:**Background**

Recent experience at NASA in preparing and auditing annual financial statements as required by the Chief Financial Officer's (CFO) Act has led to the need for changes in the contract property reporting process to improve the completeness, accuracy and timeliness of information received. NASA does not maintain detailed records of government property in the possession of contractors. Pursuant to the Federal Acquisition regulation (FAR) 45.505 the contractor's property control records constitute the Government's official property records. All NASA contracts, under which the contractor is accountable for government property, are required to contain a provision that specifies the annual submission of a report containing summary financial and property information on the property in the contractor's custody. Therefore, when agency requirements for financial/property management information change, they must be implemented by NASA contractors in possession of government property. In formulating the rule, NASA objectives have been to streamline the report to obtain only information necessary to report on and conduct oversight of contractor held property, and to generally minimize the impact on reporting entities.

Summary of Substantive Comments

One comment objected to the inclusion of data on costs for construction-in-progress and work-in-process on the grounds that such requirements are inappropriate in a property reporting system, and that the information is not currently available from contractor property records. This data is necessary for NASA to comply with Office of Management and Budget (OMB) guidance on the form and content of federal agency financial statements, and with the forthcoming accounting standard on property, plant, and equipment to be issued by the Federal Accounting Standards Advisory Board (FASAB). NASA Form (NF) 1018 is a financial report about government property in the possession of contractors. Therefore, contractors may be required to extract financial information from other contractor record systems instead of exclusive reliance on existing property systems for needed information. The commenter acknowledged that the required information is available from other contractor records. In addition, contractors are required by FAR 45.505(b) to provide financial accounts