

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Parts 15, 17, 31, and 52**

[FAR Cases 90-52, 91-018, 95-008, and 92-024]

RINs 9000-AE21, 9000-AE65, 9000-AG67, and 9000-AG53

**Federal Acquisition Regulation;
Withdrawal of Proposals**

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have decided to withdraw four proposed rules published in the Federal Register as follows:

FAR Case 90-52, Evaluation Factors (55 FR 46930, November 7, 1990). This rule proposed an amendment to the Federal Acquisition Regulation (FAR) to state, among other things, that quality must be considered in planning every source selection and, if appropriate, included as an evaluation factor. A final rule, 93-002, Past Performance Information, was published in the

Federal Register at 60 FR 16718, March 31, 1995. The final rule revised the FAR in a manner which meets the intent of the proposed rule concerning evaluation factors, by allowing "quality" to be addressed through inclusion in one or more of the non-cost evaluation factors or subfactors (i.e., past performance). Therefore, the proposed rule is withdrawn.

FAR Case 91-018, Special Contracting Methods (Multiyear Contracting) (56 FR 20507, May 3, 1991). This rule proposed amendments to the FAR concerning multiyear solicitations and contracts. The case has been superseded by FAR Case 94-712, Multiyear Contracting, which implements Sections 1022 and 1072 of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103-355). Therefore, the proposed rule is withdrawn.

FAR Case 95-008, Competitive Range (60 FR 56035, November 6, 1995). This rule proposed an amendment to the FAR to delete the statement that a proposal should be included in the competitive range. Section 4203 of the 1996 DoD Authorization Act. (Public Law 104-106) contains authority for establishing more flexibility in determining competitive ranges. The Councils believe that the DOD Procurement Process Reform Process Action Team's recommended FAR change would not be best addressed under the more general revisions that will arise from implementation of the

acquisition reform provisions of the 1996 DOD Authorization Act. Therefore, the proposed rule is withdrawn.

FAR Case 92-024, Employee Stock Ownership Plans (60 FR 56216, November 7, 1995). This rule proposed revisions to the FAR to ensure uniform treatment on the allowability of costs of all employee stock ownership plans (ESOPs), irrespective of whether the ESOP is structured as a pension plan or as deferred compensation, including making the interest costs of leveraged ESOPs expressly unallowable.

The respondents expressed concerns that the rule, as currently written, would (1) inhibit the establishment of new ESOPs and the expansion of existing ESOPs by Government contractors, and (2) adversely impact the financial condition of Government contractors with existing ESOPs. Therefore, this rule has been withdrawn.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly Fayson, FAR Secretariat, Room 4037, GS Building, Washington, DC 20405 (202) 501-4755.

List of Subjects in 48 CFR Parts 15, 17, 31, and 52

Government procurement.

Dated: March 27, 1996.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

[FR Doc. 96-8016 Filed 4-2-96; 8:45 am]

BILLING CODE 6820-EP-P