

DEPARTMENT OF DEFENSE

GENERAL SERVICES
ADMINISTRATIONNATIONAL AERONAUTICS AND
SPACE ADMINISTRATION

48 CFR Parts 8 and 42

[FAR Case 98-602]

RIN 9000-AI16

Federal Acquisition Regulation; Javits-
Wagner-O'Day Proposed Revisions

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 are proposing to amend the Federal Acquisition Regulation (FAR) to provide procedures for recognizing a name change or a successor in interest for Javits-Wagner-O'Day Act (JWOD) participating nonprofit agencies. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

DATES: Comments should be submitted on or before December 28, 1998 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (MVR), Attn: Laurie Duarte, 1800 F Street, NW, Room 4035, Washington, DC 20405.

E-mail comments submitted over Internet should be addressed to: farcase.98-602@gsa.gov.

Please cite FAR case 98-602 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501-4755, for information pertaining to status or publication schedules. For clarification of content, contact Mr. Ralph De Stefano, Procurement Analyst, at (202) 501-1758. Please cite FAR case 98-602.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule adds a new section to provide procedures for recognizing a name change or a successor in interest for a JWOD participating nonprofit agency providing supplies or services on the Procurement List, and amends FAR 42.1203 to exempt JWOD participating nonprofit agencies from requirements of that section pertaining to the processing of a name change or a successor in interest. This rule is consistent with 41 U.S.C. 48, which concerns the requirement (with certain exceptions) to procure supplies and services, that are on the Committee's For Purchase From People Who Are Blind or Severely Disabled (Committee) Procurement List, from nonprofit agencies designated by the Committee.

B. Regulatory Flexibility Act

This proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule merely sets forth an existing practice and clarifies that certain administrative procedures pertaining to a name change or a successor in interest do not apply to JWOD participating nonprofit agencies. Therefore, an Initial Regulatory Flexibility Analysis has not been prepared. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected FAR subpart will be considered in accordance with 5 U.S.C. 610 of the Act. Such comments must be submitted separately and should cite 5 U.S.C. 601, *et seq.* (FAR case 98-602), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 8 and 42

Government procurement.

Dated: October 22, 1998.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, it is proposed that 48 CFR Parts 8 and 42 be amended as set forth below:

1. The authority citation for 48 CFR Parts 8 and 42 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 8—REQUIRED SOURCES OF
SUPPLIES AND SERVICES

2. Subpart 8.7 is amended by adding a new section to read as follows:

8.7XX Change-of-name and successor-in-interest procedures.

When the Committee recognizes a name change or a successor in interest for a JWOD participating nonprofit agency providing supplies or services on the Procurement List—

(a) The Committee will provide a notice of a change to the Procurement List to the cognizant contracting officers; and

(b) Upon receipt of a notice of a change to the Procurement List from the Committee, the contracting officer shall—

(1) Prepare a Standard Form (SF) 30, Amendment of Solicitation/Modification of Contract, incorporating a summary of the notice and attaching a list of contracts affected; and

(2) Distribute the SF 30, including a copy to the Committee.

PART 42—CONTRACT
ADMINISTRATION AND AUDIT
SERVICES

3. Section 42.1203 is amended by revising paragraph (a) to read as follows:

42.1203 Processing agreements.

(a) When a firm performing Government contracts wishes the Government to recognize a successor in interest to these contracts or a name change, the contractor shall submit a written request to the responsible contracting officer (see 42.1202). For contracts with a Javits-Wagner-O'Day Act participating nonprofit agency providing supplies or services on the Procurement List, see 8.7XX.

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