

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1806, 1808, 1811, 1813, 1815, 1825, 1835, 1837, 1842, 1848, and 1851

Miscellaneous Administrative Revisions to the NASA FAR Supplement

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This is a final rule to conform the NASA FAR Supplement (NFS) with the Federal Acquisition Regulation (FAR); indicate the method of voluntary consensus standard reporting utilized by NASA; clarify that when using NASA's structured approach for determining profit or fee objectives, values outside the designated ranges must not be used; adds NASA's policy regarding payment of profit or fee under letter contracts which was mistakenly removed; and make editorial corrections and miscellaneous changes dealing with NASA internal and administrative matters.

EFFECTIVE DATE: March 9, 2000.

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SUPPLEMENTARY INFORMATION:

A. Background

FAC 97-14, dated September 24, 1999, amended FAR 11.107 to indicate that agencies will describe the reporting method of voluntary consensus standards used. This final rule states that NASA's method of reporting is categorical. This final rule also revises numbering within NFS Part 1848 to reflect the FAC 97-14 changes to FAR 48.104. Changes unrelated to FAC 97-14 are made to: Allow deputy procurement officers to designate cardholders for commercial purchase cards; clarify that when using NASA's structured approach for determining profit or fee objectives, values outside the designated ranges must not be used; and to require submission of hardcopies of RFPs for Headquarters review. The change to NASA's structured approach for developing a profit or fee objective (64 FR 51472-51476, September 23, 1999) mistakenly deleted NASA's policy regarding payment of profit or fee under letter contracts. This final rule corrects this error by adding the previous language as section 1815.404-472. Other editorial changes are made to: Correct

referenced document titles; Correct referenced FAR citations; delete expired documents; and remove section 1851.101 as a result of an expired document.

B. Regulatory Flexibility Act

NASA certifies that this final rule will not have a significant economic impact on a substantial number of small business entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because it does not impose any new requirements.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the NFS do not impose any recordkeeping or information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subparts in 48 CFR Parts 1806, 1808, 1811, 1813, 1815, 1825, 1835, 1837, 1842, 1848, and 1851

Government procurement.

Tom Luedtke,

Associate Administrator for Procurement.

Accordingly, 48 CFR Parts 1806, 1808, 1811, 1813, 1815, 1825, 1835, 1837, 1842, 1848, and 1851 are amended as follows:

1. The authority citation for 48 CFR Parts 1806, 1808, 1811, 1813, 1815, 1825, 1835, 1837, 1842, 1848, and 1851 continues to read as follows:

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

PART 1806—COMPETITION REQUIREMENTS

2. In section 1806.302-7, amend paragraph (c)(2) by removing "(Code LC)" and adding "(Code L)" in its place.

PART 1808—REQUIRED SOURCES OF SUPPLIES AND SERVICES

3. In section 1808.002-70, paragraph (d) is revised to read as follows:

1808.002-70 Acquisition of radioisotopes.

(d) Guidance is available from DOE at URL <http://www.ornl.gov/isotopes/catalog.htm>.

1808.1100 [Amended]

4. Amend section 1808.1100 by removing "NMI 6000.5" and adding "NPD 6000.1" in its place.

PART 1811—DESCRIBING AGENCY NEEDS

5. Section 1811.107 is added to read as follows:

1811.107 Solicitation provisions. (NASA supplements paragraph (b))

(b) NASA uses the categorical method to report its use of voluntary consensus standards.

Therefore, use of the provision at 52.211-7 is not required. However, contracting officers must include in draft RFPs (DRFPs) the information required by 1815.201(c)(6)(A).

PART 1813—SIMPLIFIED ACQUISITION PROCEDURES

6. In section 1813.301, revise paragraphs (a) and (a)(i) to read as follows:

1813.301 Governmentwide commercial purchase card.

(a) The procurement officer or deputy procurement officer shall designate individual cardholders in accordance with center procedures, subject to the following limitations:

(i) Personnel other than contracting officers may be designated as cardholders for micro-purchases and for individual orders under BPAs up to \$5,000 (see 1813.303-3(a)(4)), provided they complete training adequate to ensure appropriate use of the purchase card.

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PART 1815—CONTRACTING BY NEGOTIATIONS

7. In section 1815.201, revise paragraph (c)(6)(A) to read as follows:

1815.201 Exchanges with industry before receipt of proposals.

(c)(6)(A) Except for acquisitions described in 1815.300-70(b), contracting officers shall issue draft requests for proposals (DRFPs) for all competitive negotiated acquisitions expected to exceed \$1,000,000 (including all options or later phases of the same project). DRFPs shall invite comments from potential offerors on all aspects of the draft solicitation, including the requirements, schedules, proposal instructions, and evaluation approaches. Potential offerors should be specifically requested to identify unnecessary or inefficient requirements. If the DRFP contains Government-unique standards, potential offerors should be invited to identify voluntary consensus standards that meet the Government's requirements as alternatives to Government-unique standards cited as requirements, in accordance with FAR 11.101 and OMB Circular A-119. When considered appropriate, the statement of work or

the specifications may be issued in advance of other solicitation sections.

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8. Revise section 1815.203–71 to read as follows:

1815.203–71 Headquarters reviews.

For RFPs requiring Headquarters review and approval, the procurement officer shall submit ten copies of the RFP to the Associate Administrator for Procurement (Code HS). Any significant information relating to the RFP or the planned evaluation methodology omitted from the RFP itself should also be provided.

9. In section 1815.404–471–1, revise paragraph (b) to read as follows:

1815.404–471–1 General.

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(b) The contracting officer assigns values to each profit or fee factor; the value multiplied by the base results in the profit/fee objective for that factor. Each factor has a normal value and a designated range of values. The normal value is representative of average conditions on the prospective contract when compared to all goods and services acquired by NASA. The designated range provides values based on above normal or below normal conditions. Values outside the designated range must not be used. In the negotiation documentation, the contracting officer need not explain assignment of the normal value, but must address conditions that justify

assignment of other than the normal value.

10. Section 1815.404–472 is added to read as follows:

1815.404–472 Payment of profit or fee under letter contracts.

NASA's policy is to pay profit or fee only on definitized contracts.

PART 1825—FOREIGN ACQUISITION

1825.7003 [Amended]

11. In section 1825.7003, amend paragraph (b) by removing the reference "(pursuant to NMI 1050.9)".

PART 1835—RESEARCH AND DEVELOP CONTRACTING

1835.016–71 [Amended]

12. In section 1835.016–71, amend paragraph (e)(4) by removing "subparts 15.8 and 15.9" and adding "subparts 15.3 and 15.4" in its place.

PART 1837—SERVICE CONTRACTING

1837.104 [Amended]

13. In section 1837.104, amend paragraph (b) by removing "NMI 3304.1G" and adding "NPD 3000.1, Management of Human Resources" in its place.

PART 1842—CONTRACT ADMINISTRATION AND AUDIT SERVICES

14. In section 1842.270, the first sentence in paragraph (a) is revised to read as follows:

1842.270 Contracting officer technical representative (COTR) delegations.

(a) The cognizant contracting officer may appoint a qualified Government employee to act as their representative in managing the technical aspects of a particular contract. * * *

1842.1405 [Amended]

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15. In section 1842.1405, amend paragraph (a) by removing "NHB 6200.1" and adding "NPG 6200.1" in its place.

PART 1848—VALUE ENGINEERING

1848.104–2 Redesignated as 1848.104–3]

16. Section 1848.104–2 is redesignated as 1848.104–3 and is revised to read as follows:

1848.104–3 Sharing collateral savings. (NASA supplements paragraph (a))

(a) The contracting officer is authorized to make the determination that the cost of calculating and tracking collateral savings will exceed the benefits to be derived.

PART 1851—USE OF GOVERNMENT SOURCES BY CONTRACTORS

1851.101 [Removed]

17. Section 1851.101 is removed.
[FR Doc. 00–5376 Filed 3–8–00; 8:45 am]

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