

4. Section 552.238-77 is added to read as follows:

552.238-77 Industrial funding fee.

As prescribed in 538.203-71(f), insert the following clause:

Industrial Funding Fee (APR 1995)

(a) Contractors shall pay the Federal Supply Service, GSA, an industrial funding fee (IFF) at the end of each contract quarter. The IFF shall be remitted at the same time the GSA Form 72A, Contractor's Report of Sales, is submitted under clause 552.238-72, Contractor's Report of Sales. The IFF equals _____ * of total sales reported on GSA Form 72A. The IFF reimburses the GSA Federal Supply Service for the costs of operating the Federal Supply Schedules Program and recoups its operating costs from ordering activities. Offerors should include the IFF in the prices submitted with their offer. The fee will be included in the award price(s) and reflected in the total amount charged to ordering activities.

(b) The IFF amount due shall be paid by check or electronic funds transfer to the "General Services Administration." Where multiple special item numbers and/or contracts are involved, the IFF's may be consolidation into one payment. To ensure that the payment is credited properly, the Contractor should identify the check or electronic transmission as an "Industrial Funding Fee" and include the following information: contract number(s); report amount(s); and report period(s).

(1) If the IFF payment is made by check, it should be forwarded to the following address:

General Services Administration

(2) If the IFF payment is made by electronic funds transfer through the Automated Clearing House (ACH), the Contractor should provide their financial institution with the following information for use in making payments: (i) the ACH Transmission Routing Number of the [Contracting officer to insert the name of the bank]: [Contracting officer to insert the Routing Number] and (ii) the GSA Account Number: [Contracting officer to insert the GSA Account Number]. Contractors may call [Contracting officer to insert the phone number] (GSA Accounts Receivable) with questions regarding payments through the ACH.

(c) If the full amount of the IFF is not paid within 30 calendar days after the end of the applicable reporting period, it shall constitute a contract debt to the United States Government under the terms of FAR 32.6. The Government may exercise all rights under the Debt Collection Act of 1982, including withholding or setting off payments and interest on the debt (see FAR 52.232-17, Interest).

(d) Failure to submit sales reports, falsification of sales reports, and/or failure to pay the IFF in a timely manner may result in termination or cancellation of this contract. Willful failure or refusal to furnish

the required reports, falsification of sales reports, or failure to make timely payment of the IFF constitutes a cause for terminating the contractor for default under FAR 52.249-9, Default (Fixed-Priced Supply and Service). (End of Clause)

*The percentage amount of the fee to be inserted in the above clause shall be determined and provided to contracting officers by the Commissioner, Federal Supply Service, or a designee.

Dated: March 27, 1995.

Ida M. Ustad,

Associate Administrator for Acquisition Policy.

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48 CFR Parts 552 and 570

[APD 2800.12A CHGE 60]

RIN-AF66

General Services Administration Acquisition Regulation; Leasing Real Property

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR) is amended to modify the Proposals for Adjustment clause to reflect the statutory increase in the threshold for submission of cost or pricing data from \$100,000 to \$500,000; to reflect the current small business size standard in the definition of small business; to eliminate requirements for obtaining appraisals in connection with the acquisition of leasehold interests in real property; to reflect the new statutory threshold of \$500,000 for submission of cost or pricing data and to make other editorial changes for clarity; to reflect the elimination of requirements for appraisals and to eliminate reference to automatic renewal clauses which are no longer used; to reflect the new statutory threshold of \$500,000 for submission of cost or pricing data; and to remove the requirement for Forms 387, Analysis of Value Statement, 3516, Solicitation Provisions, 3517, General Clauses, and 3518, Representations and Certifications. GSA is deleting all forms which contain solicitation provisions and/or contract clauses from the regulation. The regulation will continue to prescribe solicitation provisions and/or contract clauses which are to be included in solicitations or contracts.

EFFECTIVE DATE: April 18, 1995.

FOR FURTHER INFORMATION CONTACT: Tom Wiznowski, Office of GSA Acquisition Policy, (202) 501-1224.

SUPPLEMENTARY INFORMATION:

A. Background

This rule implements section 1251 of the Federal Acquisition Streamlining Act (FASA), Pub. L. 103-355, October 13, 1994 as it applies to the acquisition of leasehold interests in real property. Section 1251, among other things, increased the threshold for submission of cost or pricing data from \$100,000 to \$500,000 for civilian agencies. The increase in the threshold was effective upon enactment. FASA also provides that prime contracts entered into on or before the effective date of enactment of FASA shall be amended, without requiring consideration, to reflect the increased threshold upon the request of a contractor.

This rule also implements one of the recommendations made by a GSA process re-engineering team for improving the process for acquiring leasehold interests in real property. The reengineering team recommended that the requirement for obtaining appraisals in connection with certain leases of real property be eliminated. This rule eliminates the requirement for appraisals but provides for the use of a market survey or an appraisal to establish a basis for use of the market price exemption from the requirement for obtaining certified cost or pricing data.

B. Executive Order 12866

This rule was submitted to the Office of Management and Budget under Executive Order 12866.

C. Regulatory Flexibility Act

The General Services Administration certifies that this final rule 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.) because most leases of real property awarded to small entities are awarded on a competitive basis or on the basis of an established market price and the requirement for certified cost or pricing data do not apply. The elimination of the requirement for obtaining an appraisal in certain circumstances when acquiring a leasehold interest will have no impact on small entities offering to lease space to the Government. Therefore, a final regulatory flexibility analysis was not prepared.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the GSAR do not impose recordkeeping information collection requirements or collection of information from offerors,

contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Parts 552 and 570

Government Procurement.

Accordingly, 48 CFR Parts 552 and 570 are amended as follows:

1. The authority citation for 48 CFR Parts 552 and 570 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

552.270—20 [Amended]

2. Section 552.270—20 is amended by revising the date of the clause to read "APR 1995", by revising in paragraph (b) the figure "\$25,000" to read "\$100,000", and by revising in paragraphs (c) introductory text and (c)(2) the figure "\$100,000" to read "\$500,000".

PART 570—ACQUISITION OF LEASEHOLD INTERESTS IN REAL PROPERTY

570.102 [Amended]

3. Section 570.102 is amended by revising in the definition of "Small business" the figure "\$10 million" to read "\$15 million".

4. Section 570.208—3 is removed.

5. Section 570.304—5 is revised to read as follows:

570.304—5 Negotiations and award.

Offers should be evaluated in accordance with the solicitation. The contracting officer should evaluate the price using cost or price analysis and document the lease file to demonstrate that the proposed rental represents a fair market price. In cases where the total cost exceeds \$500,000 cost or pricing data must be obtained unless the requirement is waived or one of the exemptions at (FAR) 48 CFR 15.804—2 applies. The market price exemption from submission of cost or pricing data may be applied to proposed leases where there is evidence that the price is based on an established market price for similar space leased to the general public. A market survey and/or appraisal conducted in accordance with accepted real property appraisal procedures may be used as evidence to establish the market price. An acceptable small business subcontracting plan must be provided if the lease will exceed \$500,000, unless the lease will be awarded to a small business concern. Negotiations, if

applicable, should be conducted in accordance with 570.205. For leases expected to exceed \$100,000, a Certificate of Procurement Integrity must be provided to the proposed successful offeror for completion and submission before award. The contracting officer should review the List of Parties Excluded from Procurement or Nonprocurement Programs, to ensure the proposed awardee is eligible to receive the award and is otherwise responsible before awarding the lease.

570.501 [Amended]

6. Section 570.501 is amended by removing paragraphs (d) and (e).

570.602—2 [Amended]

7. Section 570.602—2 is amended by revising in paragraph (c)(3) the figure "\$100,000" to read "\$500,000".

570.802 [Amended]

8. Section 570.802 is amended by removing paragraphs (c), (e), (f), and (g) and by redesignating paragraph (d) as (c).

Dated: March 27, 1995.

Ida M. Ustad,

Associate Administrator for Acquisition Policy.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 641

[Docket No. 94113-4354; I.D. 041195D]

Reef Fish Fishery of the Gulf of Mexico; Closure of the Commercial Red Snapper Component

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS closes the commercial fishery for red snapper in the exclusive economic zone (EEZ) of the Gulf of Mexico. NMFS has projected that the annual commercial quota for red snapper will be reached on April 14, 1995. This closure is necessary to protect the red snapper resource.

EFFECTIVE DATE: Closure is effective 12:01 a.m., local time, April 15, 1995, through December 31, 1995.

FOR FURTHER INFORMATION CONTACT: Robert Sadler, 813-570-5305.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented through regulations at 50 CFR part 641 under the authority of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.). Those regulations set the commercial quota for red snapper in the Gulf of Mexico at 3.06 million lb (1.39 million kg) for the current fishing year, January 1 through December 31, 1995.

Under 50 CFR 641.26, NMFS is required to close the commercial fishery for a species or species group when the quota for that species or species group is reached, or is projected to be reached, by publishing a notification to that effect in the **Federal Register**. Based on current statistics, NMFS has projected that the commercial quota of 3.06 million lb (1.39 million kg) for red snapper will be reached on April 14, 1995. Accordingly, the commercial fishery in the EEZ in the Gulf of Mexico for red snapper is closed effective 12:01 a.m., local time, April 15, 1995, through December 31, 1995, the end of the fishing year. A vessel with a valid reef fish permit having red snapper on board must land and barter, trade, or sell such red snapper prior to 12:01 a.m., local time, April 15, 1995.

During the closure, the bag limit applies to all harvests of red snapper from the EEZ in the Gulf of Mexico. The daily bag limit for red snapper is five per person. From 12:01 a.m., local time, April 15, 1995, through December 31, 1995, the purchase, barter, trade, or sale of red snapper taken from the EEZ is prohibited. This prohibition does not apply to trade in red snapper that were harvested, landed, and bartered, traded, or sold prior to 12:01 a.m., local time, April 15, 1995, and were held in cold storage by a dealer or processor.

Classification

This action is taken under 50 CFR 641.26 and is exempt from review under E.O. 12866.

Dated: April 12, 1995.

Alfred J. Bilik,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95-9439 Filed 4-12-95; 4:17 pm]

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