

The figures the contractor initially provided to show how the addition would deprive it of a large part of its sales made the assumption that the contractor would receive the contract for the entire requirement for which the Government currently has a solicitation outstanding if the Committee were not to add the light to the Procurement List. The Committee does not consider this assumption to be realistic, because the contractor received less than half of the Government requirements under the most recent procurements, and the contractor has not received a substantial contract for this light since 1992, so it should not be unusually dependent on Government sales of the light.

The contractor subsequently provided other sales information, which indicated that, while the contractor's total sales are considerably less than the forecast the Committee used to estimate impact, the percentage represented by sales of the light to the Government is small enough that its loss is unlikely to have a severe adverse impact on the contractor. Additionally, the contracting activity which buys the light for the Government has indicated that it will complete its current buy before the addition of the light to the Procurement List becomes legally effective. Consequently, the contractor will receive the opportunity it seeks to sell the light to the Government long enough to develop its commercial item.

The other strobe marker distress light was added to the Procurement List in 1973. The commenting contractor was not the contractor for that light at the time; it did not even exist at the time. Consequently, it did not lose sales as a result of the Committee's action.

The other producer of the light is a new company which claimed that it was in line for a contract award for the light earlier this year when the contracting activity cancelled the solicitation, on the basis that the light had been added to the Procurement List, before the producer could obtain a certificate of competency from the Small Business Administration to qualify for the contract award. The producer also objected to the loss of the opportunity to recoup its investment in producing the light.

While the basis for the cancellation of the solicitation was erroneous, as the light was not then on the Procurement List, the contracting activity has informed the Committee that it has subsequently rescinded the cancellation. The contracting activity also informed the Committee that it found the producer nonresponsible, and the producer failed to apply for its certificate of competency within the

required period, so it is not eligible for a contract award. These events occurred before the solicitation was erroneously cancelled. Accordingly, the producer's loss of the contract cannot be attributed to the Committee's action in adding the light to the Procurement List.

Similarly, the producer's loss of the opportunity to recoup its investment was caused by its failure to take an action needed to receive a contract award, not by the Committee's action. While the producer will lose further opportunities to recoup its investment once the light is on the Procurement List, it should be noted that it would risk losing these opportunities even if the light had not been added to the Procurement List because no one is guaranteed a contract under the competitive bidding system.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodity, fair market price, and impact of the addition on the current or most recent contractors, the Committee has determined that the commodity listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity to the Government.
2. The action does not appear to have a severe economic impact on current contractors for the commodity.
3. The action will result in authorizing small entities to furnish the commodity to the Government.
4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodity proposed for addition to the Procurement List.

Accordingly, the following commodity is hereby added to the Procurement List:

Light, Marker, Distress
6230-01-143-4778

This action does not affect current contracts awarded prior to the effective

date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 95-22975 Filed 9-14-95; 8:45 am]

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Procurement List; Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Addition to the procurement list.

SUMMARY: This action adds to the Procurement List an animal trap to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: October 16, 1995.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603-7740.

SUPPLEMENTARY INFORMATION: On July 14, 1995, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (60 FR 36266) of proposed addition to the Procurement List.

Comments were received from the current contractor in response to a Committee request for information. The contractor claimed a common-law patent right in the distinctive features of its trap and threatened to sue anyone who manufactures its trap without its permission.

It is the Committee's understanding that the patent laws of the United States do not recognize a common-law patent right. See 35 U.S.C. 102. The features the contractor claimed—a spring loaded door and wire trap walls—appear in similar traps made by at least two other commercial trap manufacturers. The nonprofit agency which will produce the trap based its design on a Government item description and examination of a trap which was not made by the contractor. Consequently, the Committee believes that the contractor's objections are without foundation, and will not impede the nonprofit agency in furnishing the trap to the Government.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodity, fair market price, and impact of the addition on the current or most recent contractors, the Committee has determined that the commodity listed below are suitable for

procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodity.

3. The action will result in authorizing small entities to furnish the commodity to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodity proposed for addition to the Procurement List.

Accordingly, the following commodity is hereby added to the Procurement List:

Trap, Animal
3740-00-531-3905

This action does not affect current contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 95-22976 Filed 9-14-95; 8:45 am]

BILLING CODE 6820-33-P

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the procurement list.

SUMMARY: This action adds to the Procurement List commodities, military resale commodity and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: October 16, 1995.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603-7740.

SUPPLEMENTARY INFORMATION: On July 21 and 28, 1995, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices

(60 F.R. 37631 and 38794) of proposed additions to the Procurement List. After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities, military resale commodity and services, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities, military resale commodity and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities, military resale commodity and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities, military resale commodity and services.

3. The action will result in authorizing small entities to furnish the commodities, military resale commodity and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities, military resale commodity and services proposed for addition to the Procurement List.

Accordingly, the following commodities, military resale commodity and services are hereby added to the Procurement List:

Commodities

Compound, Cleaning and Degreasing

6850-01-383-3038

6850-01-383-3042

6850-01-383-3045

6850-01-383-3046

6850-01-383-3047

6850-01-383-3052

6850-01-383-3053

6850-01-383-3054

6850-01-383-3056

6850-01-383-3058

6850-01-383-3059

6850-01-383-3060

Mop, Sponge

7920-00-728-1167

Military Resale Commodity

Refill, Lint Roller

M.R. 864

Services

Administrative Services, St. Paul U.S. Army Engineer District, St. Paul, Minnesota

Administrative Services, Department of Veterans Affairs Medical Center, Mountain Home, Tennessee

Data Entry/Data Base Management, General Services Administration, Paints and Chemicals Commodity Center, Auburn, Washington

Janitorial/Custodial, Department of the Treasury, Birmingham Regional Financial Center (BRFC), Birmingham, Alabama

Janitorial/Custodial, U.S. Coast Guard Aviation Training Center, Mobile, Alabama

Janitorial/Custodial, Department of the Air Force, 440th Airlift Wing, 300 East College Avenue, Milwaukee, Wisconsin

Mailroom Operation, U.S. Army Reserve Command, Atlanta, Georgia

This action does not affect current contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 95-22973 Filed 9-14-95; 8:45 am]

BILLING CODE 6820-33-P

Procurement List Proposed Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed addition to procurement list.

SUMMARY: The Committee has received a proposal to add to the Procurement List a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: October 16, 1995.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman, (703) 603-7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the service listed below from nonprofit agencies employing persons