

List of Subjects

47 CFR Part 43

Communication common carriers, Reporting and recordkeeping requirements.

47 CFR Part 63

Communication common carriers, Reporting and recordkeeping requirements.

Federal Communications Commission
William F. Caton,
Acting Secretary.

Parts 43 and 63 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

1. The authority citation for Part 43 continues to read as follows:

Authority: Secs. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs., 211, 219, 220, 48 Stat. 1073, 1077, as amended; 47 U.S.C. 211, 219, 220.

2. New Section 43.82 is added to read as follows:

§ 43.82 International circuit status reports.

(a) Each facilities-based common carrier engaged in providing international telecommunications service between the area comprising the continental United States, Alaska, Hawaii, and off-shore U.S. points and any country or point outside that area shall file a circuit status report with the Chief, International Bureau, not later than March 31 each year showing the status of its circuits used to provide international services as of December 31 of the preceding calendar year.

(b) The information contained in the reports shall include the total number of activated and the total number of idle circuits by the categories of submarine cable, satellite and terrestrial facilities to geographic points outside the United States for the services designated by the Chief, International Bureau.

(c) The information required under this section shall be furnished in conformance with instructions and reporting requirements prepared under the direction of the Chief, International Bureau, prepared and published as a manual.

(d) Authority is hereby delegated to the Chief, International Bureau to prepare instructions and reporting requirements for the filing of the annual international circuit status reports.

PART 63—EXTENSION OF LINES AND DISCONTINUANCE, REDUCTION, OUTAGE AND IMPAIRMENT OF SERVICE BY COMMON CARRIERS; AND GRANTS OF RECOGNIZED PRIVATE OPERATING AGENCY STATUS

1. The authority citation for Part 63 continues to read as follows:

Authority: Sections 1, 4(i), 4(j), 201–205, 218 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. secs. 151, 154(i), 154(j), 201–205, 218 and 403, unless otherwise noted.

2. Section 63.15(b) is revised to read as follows:

§ 63.15 Special procedures for non-dominant international services.

* * * * *

(b) Any non-dominant party certified to provide international resold private lines to a particular geographic market shall report its circuit additions on an annual basis. Circuit additions should indicate the specific services provided (e.g., IMTS or private line) and the country served. This report shall be filed on a consolidated basis not later than March 31 for the preceding calendar year.

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[FR Doc. 95–24530 Filed 9–29–95; 8:45 am]
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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1871

RIN 2700–AC18

Modification of Test of MidRange Procurement Procedures

AGENCY: Office of Procurement, National Aeronautics and Space Administration (NASA).

ACTION: Temporary rule.

SUMMARY: The Office of Federal Procurement Policy approved a test of NASA's MidRange Procurement Procedures in 1993. This rule changes the procedures to reflect the Federal Acquisition Streamlining Act and minor changes as a result of an additional year of testing the procedures.

EFFECTIVE DATE: This regulation is effective October 1, 1995, and expires June 30, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. T. Deback, (202) 358–0431.

SUPPLEMENTARY INFORMATION: The MidRange Procurement Procedures were published in 59 FR 59378, November 17, 1994. The following

substantive changes are being made to the MidRange Procurement Procedures: (1) The thresholds for all MidRange procedures, with the exception of the synopsis waiver, are increased to \$1M for an individual contract and \$5M for a contract plus options, and (2) all procurements of commercial items are considered MidRange procurement regardless of dollar value. In addition, all procedures other than the NASA Acquisition Internet Service and Best Value Selection have proven to be successful. NASA will continue to use these successful procedures. They are no longer considered to be undergoing testing. The NASA Acquisition Internet Service and Best Value Selection are still undergoing testing as part of the MidRange Procedure.

List of Subjects in 48 CFR 1871

Government Procurement.

Tom Luedtke,

Deputy Associate Administrator for Procurement.

Accordingly, 48 CFR part 1871 is amended as follows.

1. The authority citation for 48 CFR part 1871 continues to read as follows:

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

PART 1871—MIDRANGE PROCUREMENT PROCEDURES

2. Section 1871.000 is revised to read as follows:

1871.000 Scope of part.

This part prescribes policies and procedures for the acquisition of supplies, including commercial items, and services.

Subpart 1871.1—General

1871.101 [Amended]

3. Section 1871.101 is amended by removing the second sentence.

4. Section 1871.103 is revised to read as follows:

1871.103 Applicability.

(a) This part applies to all acquisitions, as described in 1871.103(b), conducted at NASA installations.

(b) This part applies to all contract actions the aggregate amount of which is greater than the simplified acquisition threshold (SAT) (FAR part 13) and not more than \$1,000,000 in basic value and for commercial items (FAR part 12) regardless of dollar value. For service contracts, up to four annual options of not more than \$1,000,000 each are permitted where the option requirements are substantially the same as the basic requirement. For R&D

contracts, options are permitted not to exceed \$1,000,000 in total value (basic contract plus options). For supply contracts, four options of not more than \$1,000,000 each are permitted when not more than \$1,000,000 in funding is to be required in any fiscal year. The total amount of the basic award plus options may not exceed \$5,000,000 in either the case of supplies or services except as provided in paragraph (c) of this section. For commercial item contracts, options are permitted regardless of dollar value.

(c) For other than commercial items, if the Government estimate for the basic award amount or any option amount, if any, exceeds the limits of 1871.103(b), the procurement will be processed under FAR and NFS procurement procedures applicable to large procurements (see FAR parts 14 and 15). When the estimate is within the range of 1871.103(b) and the procurement was started using these procedures but the offered prices/costs exceed the MidRange ceiling, the procurement may continue under MidRange procedures, provided that:

- (1) The price/cost can be determined to be fair and reasonable,
- (2) The successful offeror accepts incorporation of required FAR and NFS clauses applicable to large procurements, and
- (3) The procurement does not exceed \$1,500,000 for the basic requirement (and each option, if any) or \$7,500,000 for the total requirement.

5. Section 1871.104 is amended by revising paragraph (a) and adding paragraphs (g) and (h) to read as follows:

1871.104 Definitions.

* * * * *

(a) *NASA Acquisition Internet Services* or *NAIS* means a computer system through which users may access documents available in electronic format.

* * * * *

(g) *Commercial item* is used as defined in FAR 2.101.

(h) *Presolicitation notice* is used interchangeably with the term *synopsis*.

6. Section 1871.105 is amended by revising paragraphs (d), (e) and (f) to read as follows:

1871.105 Policy.

* * * * *

(d) Options may be included in the acquisition provided they conform to 1871.103(b) or do not exceed \$5,000,000 for the total requirement, options included.

(e) The appropriate part 1871 post-selection processes (negotiation, award, and publication of award) may be used

to the extent applicable for Small Business Innovation Research (SBIR), broad agency announcements, unsolicited proposals, and Small Business Administration 8(a) procurement actions within the applicability of 1871.103(b).

(f) The NAIS will be used to the maximum extent practicable to disseminate advance procurement information and conduct part 1871 procurements.

* * * * *

Subpart 1871.3—Publicizing of Solicitation

7. Section 1871.301 is amended by revising the last sentence to read as follows:

1871.301 Publicizing policy.

* * * As soon as practicable after a requirement has been finalized and before the RFO is ready for release, a presolicitation notice of the procurement action shall be published on the NAIS.

8. Section 1871.302 is revised to read as follows:

1871.302 Publicizing procedure.

(a) Synopses are not to be sent to or published in the Commerce Business Daily except where the basic award is expected to exceed \$500,000, the total amount of the basic award plus options is expected to exceed \$2,500,000, or annual obligations are expected to exceed \$500,000 in any one year.

(b) A separate pre-solicitation notice for each requirement shall be published on the NAIS. The pre-solicitation notice shall be published prior to the actual release of the solicitation, except as set forth in paragraph (d) of this section.

(c) The presolicitation notice will comply with the requirements set forth in FAR 5.207(b).

(1) Include a statement that the solicitation will be released via the NAIS, that potential offerors will be responsible for downloading their own copy of the solicitation, and that hard copies of the solicitation shall be made available on request, but the closing date will be the same as that required for the NAIS released solicitation; and

(2) State the projected solicitation release date, provide notice that it is the offeror's responsibility to monitor the NAIS for solicitation release as the solicitation will be released as soon as practicable whether prior or subsequent to the projected date, and identify the name, telephone number, and e-mail address of a point of contact. The presolicitation notice shall be updated to reflect significant changes to the original notice.

(d) For commercial item purchases, the streamlined solicitation (combined presolicitation notice and solicitation described in FAR part 12) may be used.

Subpart 1871.4—Request for offer (RFO)

9. Section 1871.401 is amended by revising the fourth sentence to read as follows:

1871.401 Types of RFO's.

* * * If the conditions FAR 6.401(a) are met, the RFO's described in 1871.401-1 and 1871.401-2 shall be used; otherwise, RFO's described in 1871.401-3, 1871.401-4, 1871.401-5, or 1871.401-6 may be used. * * *

10. Section 1871.401-1 is amended by revising the fourth sentence in paragraph (b)(2) to read as follows:

1871.401-1 Sealed Offers.

* * * * *

(b) * * *

(2) * * * For unclassified acquisitions, a summary abstract, containing offerors, prices and any essential information specific to that procurement shall be posted on the NAIS. * * *

* * * * *

11. Section 1871.401-5 is amended by revising paragraph (b)(1) to read as follows:

1871.401-5 Noncompetitive negotiations.

* * * * *

(b) * * * (1) Within the dollar thresholds specified in 1871.302(a), posting a presolicitation notice on the NAIS meets the requirement of FAR 5.201 and complies with the notice required by the Competition in Contracting Act. A presolicitation notice is not required if one of the exceptions of FAR 5.202 is met.

* * * * *

12. Section 1871.401-6 is added to read as follows:

1871.401-6 Commercial items.

(a) *Policy.* (1) The RFO may be used as the solicitation method for commercial items.

(2) MidRange Procedures may be used for commercial item procurements to the extent they are applicable.

(b) *Procedures.* (1) Offerors shall be requested to provide both a technical and a price offer by the closing date specified.

(2) The offers will be evaluated in accordance with applicable procedures.

13. Section 1871.406 is amended by revising the section heading to read as follows:

1871.406 RFO by NAIS.

14. Section 1871.406-1 is revised to read as follows:

1871.406-1 Methods of disseminating information (applicable to procurements meeting the thresholds in 1871.302(a)).

(a) In accordance with 1871.302, presolicitation notices of solicitations for MidRange procurements shall be posted on the NAIS. The presolicitation notice shall include the information required by 1871.302(c).

(b) Solicitations for MidRange Procurements shall be made available on the NAIS. Paper copies shall be mailed within 5 working days from the date the RFO is posted on the NAIS or receipt of the request, whichever is later.

(c) Solicitations available on the NAIS are exempt from the requirement in FAR 14.203-1 that delivery of the solicitations be made pursuant to FAR 14.205.

(d) For the purposes of FAR 15.402(a), a solicitation posted on the NAIS is a written solicitation.

(e) Solicitations posted on the NAIS in accordance with these regulations are exempt from the requirement in FAR 15.408(a) to issue solicitations using the procedures in FAR part 5.

15. Section 1871.406-3 is revised to read as follows:

1871.406-3 Publicizing and response time.

In accordance with 18.403, contracting activities shall allow at least 15 calendar days response time for receipt of offers from the date of posting of the solicitation on the NAIS. Contracting activities shall check the NAIS immediately after uploading a solicitation to assure that the solicitation is properly posted.

16. Section 1871.406-4 is revised to read as follows:

1871.406-4 Method of soliciting offers.

(a) Solicitations and solicitation amendments for MidRange procurements shall be generated in, or converted to, electronic files and uploaded to the NAIS.

(b) Amendments to a solicitation posted on the NAIS shall be uploaded to the NAIS, and the solicitation and amendment number shall be added to the index of amended solicitations.

Subpart 1871.5—Award

17. Section 1871.505 is revised to read as follows:

1871.505 Notifications to unsuccessful offerors.

For solicitations that were posted on the NAIS, a preaward notice shall be electronically transmitted to the offerors. This notice meets the requirements of FAR 15.1001. However, the preaward notice in a small business set-aside must allow unsuccessful offerors 5 working days to challenge the small business status of the successful offeror. The procedures of FAR 15.1001(c)(2) shall be followed for procurements subject to the Trade Agreements Act.

18. Section 1871.506 is revised to read as follows:

1871.506 Publication of award.

An award notice shall be posted on the NAIS for seven (7) calendar days after posting, if the contract offers subcontracting opportunities or if it is subject to the Trade Agreements Act. The information required by FAR 5.207 shall be included in the award notice in abbreviated form.

19. Section 1871.605 is amended by revising the first sentence in paragraph (a)(1) to read as follows:

1871.605 Negotiation methods and procedures.

(a) * * *
 (1) The buying team may choose to conduct parallel negotiations of complete contracts with those offerors determined to be finalists or with all acceptable offerors. * * *

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[FR Doc. 95-24430 Filed 9-29-95; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

[Docket No. 950410096-5098-01; I.D. 032295C]

RIN 0648-AH66

Northeast Multispecies Fishery; Framework 9; Correction

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

ACTION: Correction to final regulation.

SUMMARY: This document contains a correction to the final regulation [I.D. 032295C], which was published Tuesday, April 18, 1995 (60 FR 19364). The final rule implemented several measures on a permanent basis that were previously in effect through an emergency rule for the Northeast Multispecies Fishery.

EFFECTIVE DATE: September 29, 1995.

FOR FURTHER INFORMATION CONTACT: Susan A. Murphy, NMFS, Fishery Policy Analyst, 508-281-9252.

SUPPLEMENTARY INFORMATION:

Need for Correction

As published, Framework Adjustment 9 inadvertently omitted a prohibition from the regulations (formerly specified under § 651.9(e)(35)), which makes it unlawful for a dealer to purchase, possess, or receive regulated species from a vessel issued a Federal multispecies permit in excess of the possession limit allowed under § 651.27.

Correction of Publication

Accordingly, the publication on April 18, 1995, of the final regulation [I.D. 032295C] of Framework Adjustment 9, which was the subject of FR Doc. 95-9404, is corrected as follows:

On page 19371, in the third column, in § 651.9, paragraph (e)(40) is added, to read as follows:

§ 651.9 Prohibitions.

* * * * *

(e) * * *

(40) To purchase, possess, or receive as a dealer, or in the capacity of a dealer, regulated species in excess of the possession limit specified in § 651.27 applicable to a vessel issued a Federal multispecies permit.

* * * * *

Dated: September 27, 1995.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

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