

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

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 mimeograph and duplicating paper to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: January 29, 1996.

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 September 22, 1995, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (60 F.R. 49263) of proposed addition to the Procurement List.

Comments were received from a lawyer representing the current contractor for this mimeograph and duplicating paper. The lawyer claimed that addition of the paper to the Procurement List would violate the Committee's statute, the Javits-Wagner-O'Day (JWOD) Act, 41 U.S.C. 46-48c, because the fair market price established for the paper could not meet what the lawyer claimed to be the accepted legal meaning of that term, which is essentially the lowest possible price on which a buyer and seller could agree for the item in question.

The JWOD Act considers the determination of whether a commodity or service is suitable for addition to the Procurement List to be a separate Committee function from the establishment and modification as conditions change of a fair market price for the commodity or service. 41 U.S.C. 47 (a) & (b). The statutory requirement to use the informal rulemaking procedure set forth in 5 U.S.C. 553 applies only to the addition decision, and not the determination of a fair market price. This point was emphasized in a court decision which led to a 1994 revision of the Committee's regulations in this area. Consequently, the lawyer's claim is not one which the Committee is required to consider in making a decision to add mimeograph and duplicating paper to the Procurement List.

The suitability factors which the Committee considers in adding commodities and services to the Procurement List are set forth in its regulations at 41 CFR 51-2.4. The lawyer has attempted to link his pricing argument to one of these factors, capability of the designated nonprofit agency to produce a commodity, by claiming that this factor requires the nonprofit agency to demonstrate a capability to produce the commodity at what the lawyer considers to be a fair market price.

The lawyer relied on an obsolete and ambiguous formulation of the Committee's suitability regulation to make the connection between nonprofit agency capability and fair market price. The Committee revised its regulation in 1991 to remove this ambiguous language. As the lawyer has been informed, the Committee has never agreed with the interpretation he placed on the regulation.

In addition, the Committee does not believe that its discretion in setting fair market prices is as limited as the lawyer claimed. In a second comment letter, the lawyer admitted that his point was that "fair market price" must have an objective meaning rather than permitting the Committee to be totally arbitrary in setting prices, and that the objective meaning left room for some discretion. His difference with the Committee is thus over the extent of the Committee's discretion to set prices. The Committee believes that the JWOD Act and its legislative history allow for the discretion which the Committee exercises in setting prices under its fair market pricing policy. The initial fair market prices established for the mimeograph and duplicating paper are in accord with this policy.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities, fair market price, and impact of the addition on the current or most recent contractors, the Committee has determined that the commodities 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 to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities.

3. The action will result in authorizing small entities to furnish the commodities 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 proposed for addition to the Procurement List.

Accordingly, the following commodities are hereby added to the Procurement List:

Paper, Mimeograph and Duplicating
7530-00-234-7169
7530-00-285-3070
7530-00-364-3035
7530-00-286-6178
7530-01-072-2533
7530-01-074-1832
7530-00-213-7125
7530-00-221-0805
7530-00-224-6754
7530-00-239-9747
7530-00-253-0986
7530-01-037-5555
7530-01-072-2534
7530-01-240-4768

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. 95-31493 Filed 12-28-95; 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 to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: January 29, 1996.

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 November 3 and 13, 1995, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (60 F.R. 55835 and 56988) 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, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities 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 to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities.

3. The action will result in authorizing small entities to furnish the commodities 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 proposed for addition to the Procurement List.

Accordingly, the following commodities are hereby added to the Procurement List:

Military Resale Commodity

Pad, Scouring, M.R. 561

Commodities

Cord Assembly, Elastic, 4020-01-072-4557

Shape, Day Maritime, 8345-01-101-1101

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. 95-31494 Filed 12-28-95; 8:45 am]

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Procurement List; Proposed Additions

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

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List a commodity and services to be furnished by nonprofit agencies

employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: January 29, 1996.

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 actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

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 and services to the Government.

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

3. The action will result in authorizing small entities to furnish the 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 commodity and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodity and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodity

Bag, Plastic, 8105-01-150-6256

NPA: Wichita Industries and Services for the Blind, Wichita, Kansas at its facility in Pittsburg, Kansas

Services

Assembly of Backpack Pump Outfit (4320-00-289-8912)

General Services Administration, Region 7, Fort Worth, Texas
NPA: Expanco, Inc., Fort Worth, Texas
Grounds Maintenance, Department of Veterans Affairs, Medical Center, 801 South Marion Street, Lake City, Florida

NPA: CARC-Advocates for Citizens with Disabilities, Lake City, Florida

Janitorial/Custodial, Social Security Administration, Metro West Complex, 300 North Greene Street, Baltimore, Maryland

NPA: The Chimes, Inc., Baltimore, Maryland

Janitorial/Custodial, Basewide, Fort Indiantown Gap, Annville, Pennsylvania

NPA: UCP of Schuylkil, Carbon and Northumberland Counties, Pottsville, Pennsylvania

Beverly L. Milkman,

Executive Director.

[FR Doc. 95-31495 Filed 12-28-95; 8:45 am]

BILLING CODE 6820-33-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER95-1543-002, ER95-764-003, and EL96-20-000]

Illinois Power Company; Notice of Initiation of Proceeding and Refund Effective Date

December 26, 1995.

Take notice that on December 20, 1995, the Commission issued an order in the above-indicated dockets initiating a proceeding in Docket No. EL96-20-000 under section 206 of the Federal Power Act.

The refund effective date in Docket No. EL96-20-000 will be 60 days after publication of this notice in the Federal Register.

Lois D. Cashell,

Secretary.

[FR Doc. 95-31484 Filed 12-28-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER96-108-000, ER96-109-000, ER96-110-000, and ER95-760-000]

Duke/Louis Dreyfus L.L.C., Duke Energy Marketing Corp., and Duke Power Company; Notice of Issuance of Order

December 26, 1995.

Duke Power Company (Duke) has filed two proposed open access