



FEB 17 2006

MEMORANDUM FOR CHIEF FINANCIAL OFFICER (B)
CHIEF INFORMATION OFFICER (I)
GENERAL COUNSEL (L)
COMMISSIONER, PUBLIC BUILDINGS SERVICE (P)
ACTING COMMISSIONER, FEDERAL ACQUISITION
SERVICE (Q)
REGIONAL ADMINISTRATORS
ASSOCIATE ADMINISTRATOR FOR SMALL BUSINESS
UTILIZATION (E)
HEADS OF CONTRACTING ACTIVITIES

FROM: EMILY W. MURPHY 
CHIEF ACQUISITION OFFICER (V)

SUBJECT: Comprehensive Review of the GSAR

The Office of the Chief Acquisition Officer (OCAO) is beginning a comprehensive review of the General Services Administration Acquisition Regulation (GSAR), which includes GSA's Federal Acquisition Regulation (FAR) Supplement as well as non-regulatory internal agency acquisition policy. Our goal is to make the GSAR more relevant to our associates and provide a foundation for Acquisition Excellence. As a first step, OCAO is publishing an Advance Notice of Public Rulemaking (ANPR) to solicit comments and suggestions from industry and Government sources on how the GSAR can be improved. The ANPR, a copy of which is attached, was published in the Federal Register on February 15, 2006.

At the same time, OCAO is organizing a team of experts to conduct an internal review of the GSAR. This team will consist of subject matter experts from services and staff offices who will be responsible for examining the various parts of the GSAR. The preliminary list of subject areas includes--

- Processes (GSAR Parts 501-504)
- Strategy & Planning (505-508, 510-518, 534-541)
- Implementation (504, 542-549, 551)
- Finance (515.14, 528, 530-532)
- Technology (e-Commerce & IT issues irrespective of GSAR Part)
- Real Property (528, 536, 570)
- Law (503, 509, 522-525, 527, 529, 533, 550)

- Pricing (530-532)
- Small Business Programs (519, 526, 544)

Based on the comments received in response to the ANPR and the internal review, we will determine which parts of the GSAR require immediate attention. We will then prioritize the parts and establish smaller teams that will be tasked with researching the basis for the regulatory requirement, eliminating unnecessary or redundant parts, drafting a proposed rule, reviewing comments received in response to the publication of the proposed rule, and drafting a final rule. We envision this effort to be a long-term process that will require a commitment from each of the participants; however, this work will not require that anyone be detailed to OCAO. Rather, we expect that, except for occasional meetings, the work will be done through e-mail and conference calls. The actual length of time that a participant will be required to spend on this effort will be dependant on the specific areas in which the participant is involved.

We are seeking nominations from each of your organizations to assist with this project. Qualifications include strong writing and communication skills, and an understanding of how the GSAR affects the everyday operations of contracting officers and their interactions with other offices within GSA (e.g., CFO, CIO). Because this effort will have a significant impact on GSA's ability to provide Acquisition Excellence, please nominate associates who will consider it an honor to be selected.

Please forward me your list of nominees by March 10, 2006. Please include a brief statement of the nominee's acquisition background, subject area expertise, and why you believe the nominee is the right person for this project. If you have any questions, please contact Mr. Gerald Zaffos, Director, Contract Policy Division, at 202-208-6091, e-mail, jerry.zaffos@gsa.gov.

Attachment: Federal Register Notice

cc: Acquisition Points of Contact

days after the effective date of the amendment.

(d) Whenever the charterer of a barge under paragraph (a) of this section enters into a sub-charter that is a demise charter with another person for the use of the barge, the charterer must file a copy of the sub-charter and amendments to the sub-charter with the Director, National Vessel Documentation Center, within 10 days after the effective date of the sub-charter and the sub-charterer must provide detailed citizenship information in the format of form CG-1258, Application for Documentation, section G, citizenship.

(e) Whenever the charterer of a barge under paragraph (a) of this section enters into a sub-charter other than a demise charter with another person for the use of the barge, the charterer must file a copy of the sub-charter and amendments to the sub-charter with the Director, National Vessel Documentation Center, within 10 days after a request by the Director to do so.

(f) A person that submits a false certification under this section is subject to penalty under 46 U.S.C. 12122 and 18 U.S.C. 1001.

§ 68.111 Invalidation of a coastwise endorsement.

(a) In addition to the events in § 67.167(c)(1) through (c)(9) of this chapter, a Certificate of Documentation together with a coastwise endorsement in effect before February 4, 2004, becomes invalid when—

(1) The demise charter expires or is transferred to another charterer;

(2) The citizenship of the charterer or sub-charterer changes to the extent that they are no longer qualified for a coastwise endorsement; or

(3) Neither the person that owns the vessel, nor the parent of that person, nor a subsidiary of the parent of that person is primarily engaged in leasing or other financing transactions.

(b) In addition to the events in § 67.167(c)(1) through (c)(9) of this chapter, a Certificate of Documentation together with a coastwise endorsement in effect on or after February 4, 2004, and before August 9, 2004, becomes invalid when—

(1) The demise charter expires or is transferred to another charterer;

(2) The citizenship of the charterer or sub-charterer changes to the extent that they are no longer qualified for a coastwise endorsement;

(3) Neither the person that owns the vessel, nor the parent of that person, nor any subsidiary of the parent of that person is primarily engaged in leasing or other financing transactions;

(4) The majority of the aggregate revenues of at least one of the following

is derived from the operation or management of vessels:

(i) The person that owns the vessel.

(ii) The parent of the person that owns the vessel.

(iii) The group of which the person that owns the vessel is a member; or

(5) At least one of the following is primarily engaged in the operation or management of commercial, foreign-flag vessels used for the carriage of cargo for parties unrelated to the vessel's owner or charterer:

(i) The person that owns the vessel.

(ii) The parent of the person that owns the vessel.

(iii) The group of which the person that owns the vessel is a member.

Dated: February 7, 2006.

T.H. Collins,

Admiral, Coast Guard Commandant.

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GENERAL SERVICES ADMINISTRATION

48 CFR Chapter 5

[GSAR ANPR 2006-N01]

RIN 3090-00XX

General Services Administration Acquisition Regulation; GSAR Revision Initiative

AGENCY: Office of the Chief Acquisition Officer, General Services Administration (GSA).

ACTION: Advance notice of proposed rulemaking with request for comments.

SUMMARY: The General Services Administration (GSA) is requesting comments from both Government and industry on areas in which the General Services Administration Acquisition Regulation (GSAR) can be revised to improve clarity and simplify procedures.

DATES: Interested parties should submit comments in writing on or before April 17, 2006 to be considered in the formulation of a proposed rule.

ADDRESSES: Submit written comments identified by GSAR ANPR2006-N01, by using any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- Agency Web Site: <http://www.acqnet.gov/GSAM/gsamproposed.html>. Click on the GSAR case number to submit comments.

- E-mail: gsaranpr.2006-N01@gsa.gov. Include GSAR ANPR 2006-N01 in the subject line of the message.

- Fax: 202-501-4067.

- Mail: General Services Administration, Regulatory Secretariat (VIR), 1800 F Street, NW, Room 4035, ATTN: Lauriann Duarte, Washington, DC 20405. Instructions: Please submit comments only and cite GSAR ANPR 2006-N01 in all correspondence related to this case. All comments received will be posted without change to <http://www.acqnet.gov/GSAM/gsamcomments.html>, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, at (202) 501-4755 for information pertaining to status or publication schedules. For clarification of content, contact Mrs. Althea Kireilis at 202-208-4724. Please cite GSAR ANPR 2006-N01 notice on GSAR Revision Initiative.

SUPPLEMENTARY INFORMATION:

Background

GSA is beginning the review and update of the General Services Administration Acquisition Regulation (GSAR). The GSAR is the regulatory part of the General Services Administration Acquisition Manual (GSAM). The GSAM contains both regulatory and non-regulatory acquisition guidance. The GSAR contains GSA's agency acquisition policies and practices, contract clauses, solicitation provisions, and forms that control the relationship between GSA and contractors and prospective contractors. The GSAM can be found online at www.acqnet.gov/GSAM/gsam.html. The regulatory parts making up the GSAR are the shaded parts of the document at this site. In this ANPR, GSA is seeking comments on the regulatory, or shaded parts, only.

Revisions to the GSAR are necessary to maintain consistency with the FAR, and to implement streamlined and innovative acquisition procedures that contractors, offerors and GSA contracting personnel can utilize when entering into and administering contractual relationships.

In this effort, GSA is asking industry and other interested parties, including Government personnel, to submit suggestion on which parts of the GSAR—

- Should be clarified to provide consistency with the FAR;
- Should be eliminated because they duplicate the FAR or create inconsistencies within the GSAR;
- Have inappropriate references listed to indicate the basis for the regulation;
- Have become irrelevant because of changes in technology or business processes;

- Place unnecessary administrative burdens on contractors and the Government;

- Can be streamlined or simplified;
- Need to be revised to provide new and/or augmented coverage; and

- Unnecessarily impose an adverse significant economic impact on a substantial number of small entities.

Interested parties are requested to provide a rationale for their recommendation and, if possible, suggested language or examples.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This

rule is not a major rule under 5 U.S.C. 804.

Dated: February 10, 2006.

Roger D. Waldron,

*Acting Senior Procurement Executive,
General Services Administration.*

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