



Federal Register

**Monday,
November 24, 2008**

Part XII

General Services Administration

Semiannual Regulatory Agenda

GENERAL SERVICES ADMINISTRATION (GSA)

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 101, 102, 105, 300, 301, and 302

48 CFR Chs. 5 and 61

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: General Services Administration (GSA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those that were completed since the spring 2008 edition. This agenda was developed under the guidelines of Executive Order 12866 “Regulatory Planning and Review.” GSA’s purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process. GSA also invites interested persons to recommend existing significant regulations for review to determine whether they should be modified or

eliminated. Proposed rules may be reviewed in their entirety at the Government’s rulemaking website at <http://www.regulations.gov>.

Since the spring 2008 edition, the Internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at www.reginfo.gov, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), General Services Administration’s printed agenda entries include only:

- (1) Rules that are in the Agency’s regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and
- (2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act’s Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including GSA’s regulatory plan.

FOR FURTHER INFORMATION CONTACT: Laurieann Duarte, Acting Director, Regulatory Secretariat at (202) 501-4225.

Dated: September 16, 2008.

Kevin Messner,
Acting Associate Administrator, Office of Governmentwide Policy.

Dated: September 12, 2008.

Mary D. Gibert,
Director, Occupancy Administration.

Dated: September 12, 2008.

Regina M. Budd,
Deputy Associate Administrator, Office of Civil Rights.

Dated: September 11, 2008.

Al Matera,
Director, Office of Acquisition Policy.

General Services Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
415	GSAR Case 2008-G517 (GSAR); Cooperative Purchasing-Acquisition of Security and Law Enforcement Related Goods and Services (Schedule 84) by State and Local Governments Through Federal Supply Schedules	3090-A168

General Services Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
416	General Services Administration Acquisition Regulation (GSAR) Case 2005-G501; Federal Agency Retail Pharmacy Program	3090-A106
417	General Services Administration Acquisition Regulation (GSAR) Case 2006-G522; Federal Supply Schedule Contracts—Recovery Purchasing by State and Local Governments Through Federal Supply Schedules	3090-A132
418	GSAR Case 2006-G501; GSA Mentor-Protege Program	3090-A156
419	GSAR Case 2006-G507; Rewrite of Part 538, Federal Supply Schedule Contracting	3090-A177

General Services Administration (GSA)

Final Rule Stage

OFFICE OF ACQUISITION POLICY

415. • GSAR CASE 2008–G517 (GSAR); COOPERATIVE PURCHASING–ACQUISITION OF SECURITY AND LAW ENFORCEMENT RELATED GOODS AND SERVICES (SCHEDULE 84) BY STATE AND LOCAL GOVERNMENTS THROUGH FEDERAL SUPPLY SCHEDULES**Legal Authority:** 40 USC 121(c)**Abstract:** The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to implement Public Law 110-248, The Local Preparedness Acquisition Act.

The Act authorizes the Administrator of General Services to provide for the use by State or local governments of Federal Supply Schedules of the General Services Administration (GSA) for alarm and signal systems, facility management systems, firefighting and rescue equipment, law enforcement and security equipment, marine craft and related equipment, special purpose clothing, and related services (as contained in Federal supply classification code group 84 or any amended or subsequent version of that Federal supply classification group).

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/19/08	73 FR 54334

Action	Date	FR Cite
Interim Final Rule	11/18/08	
Comment Period End		
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3090–AI68

General Services Administration (GSA)

Long-Term Actions

OFFICE OF ACQUISITION POLICY

416. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR) CASE 2005–G501; FEDERAL AGENCY RETAIL PHARMACY PROGRAM**Legal Authority:** 40 USC 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Acquisition Regulation (GSAR) to add a new subpart and clause required by the Department of Veterans Affairs (VA), consistent with congressional intent under section 603 of the Veterans Health Care Act of 1992 (VHCA) and 38 U.S.C. 8126, that certain Federal agencies (i.e., VA, Department of Defense (DoD), Public Health Service (including the Indian Health Service), and the Coast Guard) have access to Federal pricing for pharmaceuticals purchased for their beneficiaries. GSA is responsible for the schedules program and rules related to its operation. Under GSA's delegation of authority, the VA procures medical supplies under the VA Federal Supply Schedule program. VA and DoD seek this amendment. This new subpart adds a clause unique to the virtual depot system established by a Federal Agency Retail Pharmacy Program utilizing contracted retail pharmacies as part of a centralized pharmaceutical commodity management program. At this time, only DoD has a program in

place, and the rule would facilitate DoD's access to Federal pricing on Federal Supply Schedule (FSS) pharmaceutical contracts for covered drugs purchased by DoD and dispensed to TRICARE beneficiaries through retail pharmacies in the TRICARE network.

Timetable:

Action	Date	FR Cite
NPRM	04/12/05	70 FR 19045
NPRM Comment Period End	06/13/05	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3090–AI06

Abstract: The rule is amending the General Services Acquisition Regulation (GSAR) to implement section 833 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Pub. L. 109-364). Section 833 amends 40 U.S.C. 502 to authorize the Administrator of General Services to provide to State and local governments the use of Federal Supply Schedules of the GSA for purchase of products and services to be used to facilitate recovery from a major disaster declared by the President or to facilitate recovery from terrorism, or nuclear, biological, chemical, or radiological attack.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/01/07	72 FR 4649
Interim Final Rule	04/02/07	
Comment Period End		
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3090–AI32**417. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR) CASE 2006–G522; FEDERAL SUPPLY SCHEDULE CONTRACTS—RECOVERY PURCHASING BY STATE AND LOCAL GOVERNMENTS THROUGH FEDERAL SUPPLY SCHEDULES****Legal Authority:** 40 USC 121(c); 40 USC 502(d)

GSA

Long-Term Actions

418. • GSAR CASE 2006–G501; GSA MENTOR–PROTEGE PROGRAM**Legal Authority:** 40 USC 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Acquisition Regulation (GSAR) to establish a GSA Mentor-Protégé Program. The GSA Mentor-Protégé Program is designed to encourage GSA prime contractors to assist small businesses, small disadvantaged businesses, women-owned small businesses, veteran-owned small businesses, service-disabled veteran-owned small businesses, and HUBZone small businesses in enhancing their capabilities to perform GSA contracts and subcontracts, foster the establishment of long-term business relationships between these small business entities and GSA prime contractors, and increase the overall number of small business entities that receive GSA contract and subcontract awards.

Timetable:

Action	Date	FR Cite
NPRM	06/10/08	73 FR 32669
NPRM Comment Period End	08/11/08	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3090–AI56**419. • GSAR CASE 2006–G507; REWRITE OF PART 538, FEDERAL SUPPLY SCHEDULE CONTRACTING****Legal Authority:** 40 USC 121(c)

Abstract: GSA is amending the GSA Acquisition Regulation (GSAR) to update the text addressing GSAR 538; subpart 538.9, Contractor Qualifications, is being added to define the roles and responsibilities of “Contractor Partnering Arrangements (CPAs)” for contractors; subpart 538.12, Acquisition of Commercial Items, has been added to outline solicitation provisions and clauses; subpart 538.15, Negotiation and Award of Contracts, has been added to provide clarity to FSS contracting officers regarding contract evaluation and award; subpart 538.25, Requirements for Foreign Entities, is added to advise contractors to submit commercial price lists in English and to allow for payments in

local currency; subpart 538.42, Contract Administration, is being added to advise the contractor to abide by the terms and conditions of the Industrial Funding Fee (IFF) and Sales Reporting Requirements when entering into “Contractor Partnering Arrangements (CPAs),” and to explain the process and procedures that should be followed when canceling a contract at the contractor’s request; and subpart 538.43, Contract Modifications, is added to provide guidance to the contractor when initiating a modification request to the Government.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3090–AI77

[FR Doc. E8–21219 Filed 11–21–08; 8:45 am]

BILLING CODE 6820–34–S