

48c) and the rules of the Committee for Purchase from People Who Are Blind or Severely Disabled (41 CFR Chapter 51) which implements the AbilityOne Program.

#### 8.701 [Amended]

■ 8. Amend section 8.701 by removing “JWOD” wherever it occurs and adding “AbilityOne” in its place.

#### 8.702 [Amended]

■ 9. Amend section 8.702 by removing from paragraph (a) “JWOD” and adding “AbilityOne” in its place; and removing from paragraph (c) “the JWOD” and adding “the Javits-Wagner-O’Day” in its place.

#### 8.703 [Amended]

■ 10. Amend section 8.703 by removing “JWOD” and adding “AbilityOne” in its place; removing “<http://www.jwod.gov/procurementlist>” and adding “<http://www.abilityone.gov/jwod/PL.html>” in its place; and removing “[info@jwod.gov](mailto:info@jwod.gov)” and adding “[info@abilityone.gov](mailto:info@abilityone.gov)” in its place.

#### 8.704 [Amended]

■ 11. Amend section 8.704 by removing from the introductory text of paragraph (a) “The JWOD” and adding “The Javits-Wagner-O’Day” in its place, and removing “from JWOD” and adding “from AbilityOne” in its place; and removing from paragraphs (a)(1)(ii), (a)(2)(i), and (c) “JWOD” and adding “AbilityOne” in its place.

#### 8.705-1 [Amended]

■ 12. Amend section 8.705-1 by removing “JWOD” wherever it occurs and adding “AbilityOne” in its place.

#### 8.705-2 [Amended]

■ 13. Amend section 8.705-2 by removing “a JWOD” and adding “an AbilityOne” in its place.

#### 8.705-3 [Amended]

■ 14. Amend section 8.705-3 by removing from paragraphs (a) and (c) “JWOD” and adding “AbilityOne” in its place.

#### 8.705-4 [Amended]

■ 15. Amend section 8.705-4 by removing from paragraphs (a) and (b) “JWOD” and adding “AbilityOne” in its place; and removing from paragraph (c) “a JWOD” and adding “an AbilityOne” in its place.

#### 8.706, 8.707, 8.708, 8.710, 8.711, and 8.712 [Amended]

■ 16. Amend sections 8.706, 8.707, 8.708, 8.710, 8.711, and 8.712 by removing “JWOD” wherever it occurs and adding “AbilityOne” in its place.

#### 8.713 [Amended]

■ 17. Amend section 8.713 by removing from paragraph (a) “a JWOD” and adding “an AbilityOne” in its place; and removing from paragraph (b) “JWOD” and adding “AbilityOne” in its place.

#### 8.715 [Amended]

■ 18. Amend section 8.715 by removing “JWOD” wherever it occurs and adding “AbilityOne” in its place.

#### 8.716 [Amended]

■ 19. Amend section 8.716 by removing from the introductory paragraph “a JWOD” and adding “an AbilityOne” in its place.

### PART 9—CONTRACTOR QUALIFICATIONS

■ 20. Amend section 9.107 by revising the section heading and paragraph (a); and removing from paragraphs (b) and (d) “JWOD” and adding “AbilityOne” in its place. The revised text reads as follows:

#### 9.107 Surveys of nonprofit agencies participating in the AbilityOne Program under the Javits-Wagner-O’Day Act.

(a) The Committee for Purchase From People Who Are Blind or Severely Disabled (Committee), as authorized by 41 U.S.C. 46-48c, determines what supplies and services Federal agencies are required to purchase from AbilityOne participating nonprofit agencies serving people who are blind or have other severe disabilities (see Subpart 8.7). The Committee is required to find an AbilityOne participating nonprofit agency capable of furnishing the supplies or services before the nonprofit agency can be designated as a mandatory source under the AbilityOne Program. The Committee may request a contracting office to assist in assessing the capabilities of a nonprofit agency.

\* \* \* \* \*

### PART 18—EMERGENCY ACQUISITIONS

■ 21. Revise section 18.107 to read as follows:

#### 18.107 AbilityOne specification changes.

Contracting officers are not held to the notification required when changes in AbilityOne specifications or descriptions are required to meet emergency needs. (See 8.712(d).)

### PART 44—SUBCONTRACTING POLICIES AND PROCEDURES

#### 44.202-2 [Amended]

■ 22. Amend section 44.202-2 by removing from paragraph (a)(4)(ii) “(JWOD)”.

### PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 23. Amend section 52.208-9 by—  
 ■ a. Revising the date of the clause;  
 ■ b. Removing from paragraph (a) “(JWOD)”;  
 ■ c. Removing from paragraph (b) “a JWOD” and adding “an AbilityOne” in its place; and  
 ■ d. Removing from paragraph (c) “JWOD” and adding “AbilityOne” in its place.  
 ■ The revised text reads as follows:

#### 52.208-9 Contractor Use of Mandatory Sources of Supply or Services.

\* \* \* \* \*

CONTRACTOR USE OF MANDATORY SOURCES OF SUPPLY OR SERVICES (OCT 2008)

\* \* \* \* \*

[FR Doc. E8-21386 Filed 9-16-08; 8:45 am]

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### DEPARTMENT OF DEFENSE

#### GENERAL SERVICES ADMINISTRATION

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Parts 5, 6, 12, 18, 26, and 52

[FAC 2005-27; FAR Case 2006-014; Item IV; Docket 2007-0001; Sequence 7]

RIN 9000-AK54

#### Federal Acquisition Regulation; FAR Case 2006-014, Local Community Recovery Act of 2006

**AGENCIES:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have adopted as final, with a minor change to the second interim rule, two interim rules amending the Federal Acquisition Regulation (FAR) to implement amendments to the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The first interim rule was published in the **Federal Register** at 71 FR 44546, August 4, 2006. The second interim rule was published in the **Federal Register** at 72 FR 63084, November 7, 2007.

**DATES:** *Effective Date:* October 17, 2008.

**FOR FURTHER INFORMATION CONTACT:** For clarification of content, contact Mr. William Clark, Procurement Analyst, at (202) 219-1813. For information

pertaining to status or publication schedules, contact the Regulatory Secretariat at (202) 501-4755. Please cite FAC 2005-27, FAR case 2006-014.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

This final rule amends the Federal Acquisition Regulation implementing amendments to the Robert T. Stafford Disaster Relief and Emergency Assistance Act at 42 U.S.C. 5150.

The Local Community Recovery Act of 2006 amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize set-asides for major disaster or emergency assistance acquisitions to businesses that reside or primarily do business in the geographic area affected by the disaster or emergency. DoD, GSA, and NASA published an interim rule in the **Federal Register** at 71 FR 44546, August 4, 2006, to implement this statutory amendment.

Subsequently, Section 694 of the Department of Homeland Security Appropriations Act of 2007, Pub. L. 109-295, amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enact requirements for transitioning work under existing contracts. A second interim rule was published in the **Federal Register** at 72 FR 63084, November 7, 2007, to address this statutory amendment. The second interim rule addressed the public comments received on the first interim rule. There were no comments received on the second interim rule.

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.

##### B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The rule implements set-asides for local businesses in an area affected by a major disaster or emergency to promote economic recovery.

The set-aside does not replace the small business set-aside. Both set-asides can apply to an acquisition. The local set-aside encourages the use of local small businesses.

The rule also implements a new requirement that work performed under

contracts already in effect be transitioned to local area organizations, firms or individuals, unless the agency head determines it is not feasible or practicable. The Councils expect that more work will be transitioned to small businesses than away from them. The Government Accountability Office (GAO) report on Hurricane Katrina Small Business Contracts (GAO-07-205) found that businesses in the three states primarily affected by the hurricane received \$1.9 billion, which was 18 percent of the \$11.6 billion spent by DHS, GSA, DoD and the Army Corps of Engineers between August 1, 2005 and June 30, 2006. Small businesses received 66 percent of the \$1.9 billion awarded to those local businesses. The Councils believe this shows that small businesses would not be hurt by a local area set-aside.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

##### List of Subjects in 48 CFR Parts 5, 6, 12, 18, 26, and 52

Government procurement.

Dated: September 9, 2008.

**Al Matera,**

*Director, Office of Acquisition Policy.*

■ Accordingly, under the authority of 40 U.S.C. 121, the interim rule published at 71 FR 44546, August 4, 2006, is adopted as a final rule, and the interim rule published at 72 FR 63084, November 7, 2007, is adopted as a final rule with the following change:

#### PART 26—OTHER SOCIOECONOMIC PROGRAMS

■ 1. The authority citation for 48 CFR part 26 continues to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

■ 2. Revise section 26.202-2 to read as follows.

##### 26.202-2 Evaluation preference.

The contracting officer may use an evaluation preference, when authorized in agency regulations or procedures.

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## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Part 6

[FAC 2005-27; FAR Case 2007-007; Item V; Docket 2008-001; Sequence 17]

RIN 9000-AL08

#### Federal Acquisition Regulation; FAR Case 2007-007, Additional Requirements for Competition Advocate Annual Reports

**AGENCIES:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to require that annual reviews by executive agency competition advocates be provided in writing to both the agency senior procurement executive and the agency chief acquisition officer, if designated, and that the reports specifically address the quality of planning, executing, and managing of task and delivery orders over \$1 million.

**DATES:** *Effective Date:* October 17, 2008.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ernest Woodson, Procurement Analyst, at (202) 501-3775 for clarification of content. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501-4755. Please cite FAC 2005-27, FAR case 2007-007.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

The Administrator of the Office of Federal Procurement Policy (OFPP) issued a memorandum dated May 31, 2007, entitled "Enhancing Competition in Federal Acquisition", to executive agency chief acquisition officers and senior procurement executives that outlined several initiatives for enhancing competition in Federal acquisition. The agency competition advocates are required to describe initiatives that ensure task and delivery orders over \$1,000,000 issued under multiple award contracts are properly planned, issued, and comply with 8.405 and 16.505 in a report to the agency senior procurement executive and the