



Federal Register

**Monday,
May 11, 2009**

Part XIII

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 fall 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 fall 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), GSA’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 spring 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: Hada Flowers, Supervisor, Regulatory Secretariat at (202) 208-7282.

Dated: March 19, 2009.

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Acting Associate Administrator, Office of Governmentwide Policy.

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General Services Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
272	General Services Administration Acquisition Regulation (GSAR) Case 2005-G501; Federal Agency Retail Pharmacy Program	3090-A106
273	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
274	General Services Administration Acquisition Regulation (GSAR) Case 2006-G501; GSA Mentor-Protégé Program	3090-A156
275	GSAR Case 2008-G517; 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
276	General Services Administration Acquisition Regulation (GSAR) Case 2006-G507; Rewrite of Part 538, Federal Supply Schedule Contracting	3090-A177

General Services Administration (GSA)

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OFFICE OF ACQUISITION POLICY

272. 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 Administration 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

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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

273. 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)

Abstract: The rule is amending the General Services Administration 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 Comment Period End	04/02/07	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

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RIN: 3090-AI32

274. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR) CASE 2006-G501; GSA MENTOR-PROTÉGÉ PROGRAM

Legal Authority: 40 USC 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration 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

275. GSAR CASE 2008-G517; 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
Interim Final Rule Comment Period End	11/18/08	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

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RIN: 3090-AI68

GSA

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**276. GENERAL SERVICES
ADMINISTRATION ACQUISITION
REGULATION (GSAR) CASE
2006–G507; REWRITE OF PART 538,
FEDERAL SUPPLY SCHEDULE
CONTRACTING**

Legal Authority: 40 USC 121(c)

Abstract: GSA is amending the General Services Acquisition Regulation (GSAR) to update the text addressing GSAR part 538; Federal Supply Schedule Contracting, subpart 538.1, Definitions; subpart 538.4, Administrative Matters; subpart 538.7, Acquisition Planning; subpart 538.9, Contractor Qualifications; subpart 538.12, Acquisition of Commercial Items—FSS; subpart 538.15, Negotiation and Award of Contracts; subpart 538.17, Administration of Evergreen Contracts;

subpart 538.19, FSS and Small Business Programs; subpart 538.25, Requirements for Foreign Entities; subpart 538.42, Contract Administration; and subpart 538.43, Contract Modifications. This proposed rule covers the GSAR portion of part 538. The information in subpart 538.2 is being retained; however, the various sections have redistributed to more appropriate subparts within the text. Subpart 538.9, Contractor Qualifications, is being added to define the roles and responsibilities of “Contractor Partnering Arrangements (CPAs)” for contractors.

Timetable:

Action	Date	FR Cite
NPRM	01/26/09	74 FR 4596

Action	Date	FR Cite
NPRM Comment Period End	03/27/09	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis
Required:** Yes

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RIN: 3090–AI77

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