

to produce the paper and will use the amount of blind direct labor claimed by the participating nonprofit agencies are supported by the Committee's industrial engineer's assessments of the data submitted and inspection of a producing facility. In addition, the nonprofit agencies successfully produced the paper for some time before the previous addition to the Procurement List was voided by the appellate court. As a result of this performance, the Federal agency which buys paper for the Government waived its opportunity to conduct its own inspection of the nonprofit agencies to determine their capability.

The Committee does not agree with the contractor that its regulations require it to make a determination that the nonprofit agencies can produce the paper at the fair market price. The contractor's contention is based on its reading of a Committee regulation in effect in 1991. That interpretation of the regulatory language was not consistent with the Committee's statute, which separates the establishment of a fair market price from the suitability determination which is subject to the rulemaking requirements of the Administrative Procedure Act. To remove the appearance of inconsistency, the Committee in 1994 amended its regulations to remove the fair market price determination from the factors the Committee must consider to decide that an item is suitable for addition to the Procurement List. The Committee does require the nonprofit agencies to agree to provide the item in question at the fair market price when it adds a commodity or service to the Procurement List, and all five nonprofit agencies which will produce this paper have provided their agreement to provide it at the fair market price established by the Committee.

The commenting contractor is the current supplier of this paper to the Government. The Committee used the sales figure provided by the contractor for its fiscal year 1994, adjusted to account for the fact that the figure includes no Government sales of the paper, as the basis of its impact determination for the contractor. The Committee has also reduced the portion of the Government requirement for the paper being added to the Procurement List by approximately 25 percent from the original proposal, by removing the requirement for one of the purchasing agency's four depots from the scope of the addition. This reduced addition represents a percentage of the contractor's adjusted sales which is well below the level the Committee normally considers to constitute severe adverse

impact. Because the contractor will continue to have an opportunity to supply the paper to the Government, and because the contractor also supplies other paper items to the Government regularly, the Committee believes that the other economic impacts on itself cited in the contractor's comments do not add sufficiently to the impact to raise it to a severe level. The contractor appears to concur, as it recently informed the Committee that it would not challenge the Committee's action if the Committee added to the Procurement List only the supply requirements for the three depots covered by this rulemaking.

While the commenting contractor submitted more information to support a claim of industry impact than did the trade associations, it did not establish conclusively that this impact was due to the Committee's action in 1991, rather than to Government downsizing or other factors. Consequently, the Committee believes that the conclusion it reached in rejecting the association's claims of industry impact would apply as well to the contractor's claim, for the reasons already stated.

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

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

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

Accordingly, the following commodity is hereby added to the Procurement List:

Paper, Tabulating Machine

7530-00-800-0996

(Requirements for the Palmetto, GA; Fort Worth, TX; and Stockton, CA depots only)

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.

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

EFFECTIVE DATE: March 27, 1995.

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 August 12, October 21, November 14 and December 30, 1994, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (59 FR 41434, 53141, 56467, and 67703) 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 and services, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services 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 and services to the Government.

2. The action does not appear to have a severe economic impact on current