

requirements which require the approval of OMB under 44 U.S.C. 3501 *et seq.* Contractors which may be subject to the proposed rule are already required by the FAR and DFARS to conduct and document an appropriate and adequate cost or price analysis before awarding any subcontract. The proposed rule does not impose any requirement for contractors to establish a formal system for the selection of subcontractors and suppliers based on greatest value. Rather, the rule clarifies the Government's existing policy of recognizing that, where such vendor rating systems exist, they may be a valuable tool in the establishment of best value sources. This rule also provides a list of more definitive items for consideration in the evaluation of a contractor's purchasing system, if applicable, under FAR subpart 44.3.

#### List of Subjects in 48 CFR Parts 215 and 244 and Appendix C to 48 CFR Chapter 2

Government procurement.

Claudia L. Naugle,

Deputy Director, Defense Acquisition Regulations Council.

Therefore, it is proposed that 48 CFR Parts 215 and 244 and Appendix C to 48 CFR Chapter 2 are amended as follows:

1. The authority citations for 48 CFR Parts 215 and 244 and Appendix C to 48 CFR Chapter 2 are revised to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

#### PART 215—CONTRACTING BY NEGOTIATION

2. Section 215.806-1(a)(1) is revised to read as follows:

##### 215.806 Subcontract pricing considerations.

##### 215.806-1 General.

(a)(1) Contractor and subcontractor proposals may reflect the selection of sources whose proposals offer the greatest value to the Government in terms of performance and other factors. If the selection is based on greatest value rather than lowest price, the analysis supporting subcontractor selection should include a discussion of the factors considered in the selection. If the contractor's analysis is not adequate, return it for correction of deficiencies.

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#### PART 244—SUBCONTRACTING POLICIES AND PROCEDURES

3. Subpart 244.2 is added to read as follows:

##### Subpart 244.2—Consent to Subcontracts

Sec.  
244.202 Contracting officer's evaluation.  
244.202-2 Considerations.

##### Subpart 244.2—Consent to Subcontracts

244.202 Contracting officer's evaluation.  
244.202-2 Considerations.

(a) Where other than lowest price is the basis for subcontractor selection, has the contractor adequately substantiated the selection as offering the greatest value to the Government?

##### Appendix C to 48 CFR Chapter 2—Contractor Purchasing System Reviews

4. Section C-207.5 is amended by revising paragraph (b) to read as follows:

##### C-207.5 Subcontractor responsibility and vendor performance rating system (IG5).

(a) \* \* \*

(b) *Vendor performance rating systems.* Contractor vendor performance rating systems may be a valuable element in the contractor's selection of subcontractors that offer the greatest value to the Government. State in the report whether the contractor has a vendor rating system. If the contractor has a system in place, evaluate its effectiveness in selecting sources. Consider whether the system—

- (1) Allows consistency of comparisons among competing subcontractors;
- (2) Protects rating information;
- (3) Provides appropriate documentation for each element rated;
- (4) Allows adequate opportunities for new subcontractor to compete;
- (5) Provides for evaluations by appropriate functional areas; and
- (6) Is kept current and accurate.

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 646

[I.D. 081594A]

##### Snapper-Grouper Fishery of the South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of availability of an amendment to a fishery management plan; request for comments.

**SUMMARY:** NMFS announces that the South Atlantic Fishery Management Council has submitted Amendment 7 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP) for review by the Secretary of Commerce (Secretary). Written comments are requested from the public.

**DATES:** Written comments must be received on or before October 11, 1994.

**ADDRESSES:** Comments must be mailed to the Southeast Regional Office, NMFS, 9721 Executive Center Drive, St. Petersburg, FL 33702.

Requests for copies of Amendment 7, which includes a regulatory impact review and an environmental assessment, should be sent to the South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699; FAX 803-769-4520.

**FOR FURTHER INFORMATION CONTACT:** Peter J. Eldridge, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** The Magnuson Fishery Conservation and Management Act (Magnuson Act) requires that a council-prepared amendment to a fishery management plan be submitted to the Secretary for review and approval, disapproval, or partial disapproval. The Magnuson Act also requires that the Secretary, upon receiving an amendment, immediately publish a document that the amendment is available for public review and comment. The Secretary will consider public comment in determining approvability of the amendment.

Amendment 7 proposes to: Change the minimum size limits of certain species, require charter vessels/headboats and dealers to obtain Federal permits, clarify one of the earned income requirements for a vessel permit, restrict the sale/purchase of snapper-grouper species, modify the criteria for determining when a vessel is operating as a headboat, modify the requirements for possessing multi-day bag limits, specify allowable gear, authorize permits for experimental fishing, modify the management unit for scup, add to the FMP's lists of problems in the snapper-grouper fishery and its objectives, and modify the framework procedure for implementing or modifying certain management measures.

Proposed regulations to implement Amendment 7 are scheduled for publication within 15 days.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 15, 1994.

**David S. Crestin,**

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

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