



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

OCT 18 1991

MEMORANDUM FOR: Patricia G. Norry, Director  
Office of Administration

From: Gerald F. Cranford, Director  
Office of Information Resources Management

Subject: REQUEST FOR OFFICE COMMENT AND CONCURRENCE ON  
THE FINAL RULE ENTITLED, "NUCLEAR REGULATORY  
COMMISSION ACQUISITION REGULATION"

We have reviewed the subject rule and have no concerns with the rule. However, OMB denied approval of the information collections at the proposed rule stage because of concerns expressed by their Office of Federal Procurement Policy (OFPP) and the University of California. We have been working with the Division of Contracts and Property Management on a continuing basis to ensure that all comments are addressed in the final rule and that an acceptable OMB clearance package is prepared.

The following two comments submitted by OFPP and the University of California do not appear to be adequately addressed in the Statement of Considerations (public comments and their resolution).

- ✓ 1. OFPP indicated at 2052.209-73(d)(3) (formerly 2052.209-77) that the need for the contractor to disclose all proposed work for task order contracts is extremely burdensome.
- ✓ 2. Both OFPP and the University of California believe that there is no justification for requiring the monthly reports under 2052.212-70, 71, and 72 within 15 days of the close of the reporting period.

The Statement of Considerations indicates that the reporting frequency has been changed to "whatever frequency is meaningful and productive." IRM does not note any change in wording to address the frequency of reporting or the need to submit the report within 15 days of the close of the reporting period.

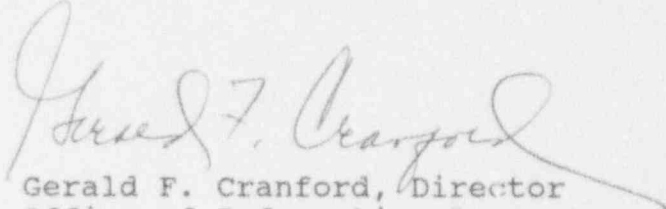
Since these concerns impacted OMB's decision to deny approval of the information collections at the proposed rule stage, we suggest that these concerns be more clearly addressed in the Statement of Considerations.

OCT 18 1991

P. Norry

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We have reviewed the OMB clearance package and have submitted our comments to the Division of Contracts and Property Management. If your staff needs to discuss any of our comments further, please have them contact Brenda Jo. Shelton of my staff on extension 28132.



Gerald F. Cranford, Director  
Office of Information Resources  
Management

AC01-2  
PDR

NRC FORM 386 (5-80) NRCM 0275		U.S. NUCLEAR REGULATORY COMMISSION NRC MAILING ADDRESS (Request From) U.S. NUCLEAR REGULATORY COMMISSION WASHINGTON, D.C. 20555	
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		RETURN ORIGINAL TO SENDER <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
MESSAGE TO			
NAME Fran Goldberg	FACSIMILE PHONE NO. 2-4366	VERIFICATION PHONE NO. 27216	NO. OF PAGES (including Transmittal instructions) 4
MESSAGE FROM			
NAME Debbie DeMarco	FACSIMILE PHONE NO. (301) 492-7617 / 492-8110 / 492-4994	VERIFICATION PHONE NO. (301) 492-7371	
BUILDING Phillips	OFFICE PHONE NO. 2-4396	MAIL STOP P-1118	PRECEDENCE <input type="checkbox"/> Overnight <input type="checkbox"/> 2 Hours <input checked="" type="checkbox"/> 1 Hour <input checked="" type="checkbox"/> Immediate
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GPO 873 194

As discussed please review Lynn Scattolini's  
 Comments concerning the NRC's  
 proposed acquisition regulation  
 Part 2039.001 "Policy". This  
 Section supplements the Federal  
 Acquisition Regulation Part 39.

I would appreciate your  
 input by Monday 11-25-91,  
 if possible.

Thank you in advance  
 Debbie DeMarco

Pg. 75, Section 2015.612, SEP Structure

Please clarify whether non-federal employees can be voting members of an SEP and serve as one or more of the minimum three technical members of an SEP.

Pg. 87, Part 2031, Contract Cost Principles and Procedures

According to a recent ruling by OGC, the NRC will pay a contractor's direct labor charges for preparation of individual task proposals in task ordering type contracts. Should this guidance be incorporated in this regulation?

Pg. 93, Part 2039.001, Acquisition of Information Resources - Policy

Does this guidance apply to IRM work initiated by program offices where the work is being accomplished by DOE labs?

Should NRC systematically review previous GSBCA rulings and come up with clauses that can be inserted, as appropriate, into procurements for IRM products and services to avoid potential protests? An example is the attached article on the wording "in current production" or "commercially available" that was subject to a recent GSBCA ruling (Attachment 1). Most IRM professionals would, as a matter of course, state in an RFP that equipment bid should be "in current production", without realizing the potentially adverse implications of such wording in a procurement package.

It is unclear whether the policy statement states that only IRM can develop information resources studies or that other offices can develop such studies but IRM must approve them. Can IRM re-delegate its authority for development or approval to another program office, such as LSSA? If so, the policy statement should be modified to reflect this.

The last sentence states that information resource studies must be submitted to the Division of Contracts with a RFPA. However, in a Trail Boss procurement, GSA will grant a DPA early in the process prior to the receipt of all necessary studies.

We would recommend adding a section on "Technical Data Rights". This is a controversial area covering the rights of the federal government and the private sector in licensing the use of commercial software and the use of proprietary software customized by the government (see Attachment 2). The Government cannot accept

No  
This  
Bills will  
not address  
DOE labs.  
This area  
is being  
covered in  
the Special  
IRM Act  
Training  
being developed

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*Proposed NRC Acquisition Regulation  
Language*

AUTHORITY: 42 U.S.C. 2201; 42 U.S.C. 5841; AND 41 U.S.C. 418(b).

2039.001 Policy.

In accordance with the Federal Information Resources Management Regulation (41 CFR Ch. 201), and appropriate NRC Management Directives, the Office of Information Resources Management will be responsible for development and approval of information resources studies, including analyses of alternatives, system life determinations, software conversion studies, and other requirements analyses for information resources management procurements in excess of \$25,000 (automated data processing, telecommunications, and records), when required. These documents must be submitted to the Division of Contracts and Property Management with the Request for Procurement Action (RFP) for which these documents are required.

2039.002 Delegations of procurement authority.

The NRC official authorized to sign Agency Procurement Requests and Agency Telecommunications Requests for Delegations of Procurement Authority is the Director, Office of Information Resources Management.

SUBCHAPTER G - CONTRACT MANAGEMENT

Part 2042 - CONTRACT ADMINISTRATION

AUTHORITY: 42 U.S.C. 2201; 42 U.S.C. 5841; and 418(b).