selection authority, unless Field Installation Management Instructions designate higher authority, shall establish an architect-engineer selection board to be composed of at least three voting members. Membership shall at least include: one currently registered architect or professional engineer, who shall serve as the board chairperson; an appropriate official from the requiring office; and, an appropriate technical official familiar with any unique subject matter (see 48 CFR (FAR) 36.102, Definitions, "Architect-engineer services") critical to the requirement. Each board shall include an appropriate procurement official (a contracting officer, if feasible) as an ad hoc advisor to the board and the selection authority. Where appropriate, a procurement official may serve as a voting member on evaluation boards. Appointment of non-Government employees as voting members is not authorized.

22. Section 1836.602–4 is revised to read as follows:

## 1836.602-4 Selection authority.

The first level manager above the requirement office who is serving in grade GS 16 or above under the General Schedule or in a comparable or higher position under another schedule, or otherwise, is designated as the selection authority for purposes of 48 CFR (FAR) 36.602.4.

23. Section 1836.602-5 is revised to read as follows:

## 1836.602-5 Short selection processes for contracts not to exceed the small purchase limitation.

(a) Use of the procedures at 48 CFR (FAR) 36.602-5 (a) or (b) is at the discretion of the selection authority specified in 1836.602-4.

(b) The selection authority specified in 1836.602-4 is designated as the selection authority for purposes of 48 CFR (FAR) 36.602-5(b)(2).

## 1836.602-70 [Amended]

24. In section 1836.602-70, paragraph (b)(1), "the Comptroller" is revised to read "the Chief Financial Officer (CFO)/ Comptroller".

25. In section 1836.602–71, paragraph (a)(1) is revised to read as follows:

## 1836.602-71 Conflict of interest.

(a)(1) All persons participating in an architect-engineer evaluation, review or selection activity shall have a written certification on file in NASA stating knowledge of and compliance with the Office of Government Ethics' Standards of Ethical Conduct for Employees of the Executive Branch (August 1992) and the NASA Supplement (September 28, 1994) to the Office of Government Ethics's Standard of Ethical Conduct for

**Employees of the Executive Branch** (August 1992). The minimum certification shall be:

## Certification

I, the undersigned, hereby certify that I have: (i) read the Office of Government Ethics' Standard of Ethical Conduct for Employees of the Executive Branch (August 1992) and the NASA Supplement (September 28, 1994) to the Office of Government Ethics' Standard of Ethical Conduct for Employees of the Executive Branch (August 1992); (ii) filed the relevant [insert "Standard Form 278" for any employee who's annual salary is 120 percent above step one of grade 15 of the General Schedule (GS) or "Standard Form 450" for employees whose annual salary is at or below step ten of grade 15 of the General Schedule (GS)]; and, (iii) examined the attached list of competitors for the [Title] project before the architect-engineer selection board. I further certify that I have no financial or other personal interest in these firms.

(Signature)

# (Date)

(End of certification)

## 1836.602-71 [Amended]

26. In paragraph (a)(3) of section 1836.602–71, the word "center" is revised to read "installation" in two occurrences.

## PART 1840 [ADDED AND RESERVED]

27. Part 1840 is added and reserved.

## PART 1841—ACQUISITION OF UTILITY SERVICES

Part 1841 is added as set forth below:

### PART 1841—ACQUISITION OF UTILITY SERVICES

#### Subpart 1841.1—General

1841.101 Definitions.

## Subpart 1841.2—Acquiring Utility Services

1841.201 Policy.

- 1841.204 GSA areawide contracts.
- 1841.205 Separate contracts.
- 1841.205–70 Renewal of contracts. 1841.205–71 Headquarters requirement for copies of contracts.
- 1841.205–72 Contents of a negotiated utility service contract.
- 1841.205–73 Authorization for procurement of wellhead natural gas.
- 1841.205–74 Utility service narrative. 1841.205–75 Contracts requiring Headquarters approval.
- 1841.206 Interagency agreements.

#### Subpart 1841.4—Administration

1841.402 Rate changes and regulatory intervention.

## Subpart 1841.5—Solicitation Provision and Contract Clauses

1841.501 Solicitation provision and contract clauses.

## Authority: 42 U.S.C. 2473(c)(1).

### Subpart 1841.1—General

### 1841.101 Definitions.

Utility suppliers, as used in this subpart, may be quasi-public service corporations, private concerns, municipalities, associations, or cooperatives. They generally operate in a franchised territory without competition, so they may frequently be in a sole-source position. Under common law, public utilities must render service at reasonable rates and without discrimination. Their operations, management, rates, and profits are usually regulated by Federal, State, or local regulatory bodies, but absence of a regulatory body does not necessarily mean a complete lack of control. Administrative remedies pursuant to enabling statutes may be pursued or complaints may be taken to a court of competent jurisdiction.

## Subpart 1841.2—Acquiring Utility Services

## 1841.201 Policy.

(a) Requirements for utility services shall be determined by technically qualified personnel who will assist the contracting officer as required. Before soliciting technical assistance outside the agency (see 48 CFR (FAR) 41.203), technical personnel shall contact the **Environmental Management Division** (Code JE), NASA Headquarters.

(b) Appropriated funds may not be used to purchase electricity in a manner inconsistent with state law governing the provision of electric utility service, including state utility commission rulings and electric utility franchises or service territories established pursuant to state statute, state regulation, or stateapproved territorial agreements (Pub. L. 100-202, Sec. 8093, 101 Stat. 1329-79). Before acquiring electric utility service, the contracting officer shall determine whether the manner of acquisition, in particular, competitive acquisition under 48 CFR (FAR) 41.205(b), would be inconsistent with state law. Section 8093 of Pub. L. 100-202 is not intended to affect transfers of electricity to agencies from Federal power marketing agencies or the Tennessee Valley Authority, such as NASA's power allocation from the Western Area Power Marketing Administration. Such transfers do not constitute "purchases" for purposes of section 8093.

## 1841.204 GSA Areawide Contracts.

(a) GSA publishes a checklist of utility services available under its areawide public utility contracts. The checklist specifies contract numbers,