

SUBCHAPTER H—PROCUREMENT SYSTEM FOR THE U.S. POSTAL SERVICE: INTELLECTUAL PROPERTY RIGHTS OTHER THAN PATENTS

PART 601—PROCUREMENT OF PROPERTY AND SERVICES

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AUTHORITY: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 410, 411, 2008, 5001-5605.

SOURCE: 53 FR 24267, June 28, 1988, unless otherwise noted.

§ 601.100 Procurement Manual; incorporation by reference.

Section 552(a) of title 5, U.S.C., relating to public information requirements of the Administrative Procedure Act, provides in pertinent part that “* * * matter reasonably published in the FEDERAL REGISTER when incorporated by reference therein with the approval of the Director of the Federal Register.” In conformity with that provision, with 39 U.S.C. section 410(b)(1), and as provided in this part, the U.S. Postal Service hereby incorporates by reference its Procurement Manual (PM), Publication 41, a looseleaf publication.

§ 601.101 Effective date.

The provisions of the Procurement Manual are applicable, effective June 1, 1988, with respect to all covered procurement activities of the Postal Service. However, the Procurement Manual is being implemented on the following phased basis: Headquarters Office of Procurement and Office of Design and Construction Management—June 1, 1988; Mail Processing Department—July 1, 1988; Procurement and Material Management Service Centers and Service Offices, U.S. Postal Service Field Divisions, Facilities Service Centers and Facilities Service Offices—August 1, 1988. During the implementation phase procurement actions will be ac-

complished in accordance with policies prescribed either in the Postal Contracting Manual or the Procurement Manual, depending upon the implementation schedule established for an individual procurement entity.

§ 601.102 Applicability and coverage.

(a) The Procurement Manual applies to all Postal Service procurements of property and services.

(b) When fully effective, the Procurement Manual supersedes the Postal Contracting Manual.

§ 601.103 Content of Procurement Manual.

The Procurement Manual consists of 12 chapters and 6 appendices, as follows:

(a) Chapter 1—Authority, Responsibility, and Policy—covers general procurement policies, including the delegation of procurement authority and responsibility.

(b) Chapter 2—Procurement Planning—establishes requirements and procedures for advance procurement planning including source selection plans, and policies regarding specifications and statements of work.

(c) Chapter 3—Sources—covers sources of supplies and services and their priority, including Postal Service sources, other Government agencies, and commercial sources. It establishes requirements for publicizing procurements and covers matters regarding contractor qualifications.

(d) Chapter 4—Purchasing Methods—covers competitive purchasing procedures, including solicitation, evaluation of proposals, price negotiation, and contractor selection. It includes simplified procedures for purchases below certain dollar ceilings and establishes limitations on noncompetitive purchasing. It sets forth rules for filing and considering protests against Postal Service contracting procedures and awards.

(e) Chapter 5—Contract Pricing—describes the types of contracts authorized for Postal Service use and the circumstances for their use. It establishes policies and procedures for price evaluation, including price analysis, cost analysis, and principles for determining the allowability of costs.

(f) Chapter 6—Contract Administration—Describes responsibilities and procedures for the administration of Postal Service contracts, and for their modification and termination.

(g) Chapter 7—Bonds, Insurance, and Taxes—sets forth policies and procedures governing bonds and insurance under contracts, and discusses the applicability of Federal, State, and local taxes.

(h) Chapter 8—Special Categories of Contracts—covers various types of contracts subject to special procedures and describes the authorities of officials authorized to issue policy and procedural directives supplementing the Procurement Manual.

(i) Chapter 9—Patents and Data Rights—covers the acquisition of patents, copyrights, and other rights in data.

(j) Chapter 10—Socioeconomic policies—contains procedures for contracting with minority-owned businesses, and policies carrying out the requirements of certain statutes, including the Contract Work Hours and Safety Standards Act, the Davis-Bacon Act, and the Service Contract Act. It establishes Postal Service policy and preference regarding purchase of domestic-source products and services.

(k) Chapter 11—Facilities and Related Services—covers the specialized procedures involved in the procurement of construction, the acquisition of real property, and leases.

(l) Chapter 12—Mail Transportation—prescribes policies and procedures for the procurement of mail transportation and directly related ancillary services by contract.

(m) Appendix A—Solicitations—prescribes the forms, format, and provisions to be used in preparing solicitations, and the establishment and maintenance of solicitation mailing lists. It contains all solicitation provisions prescribed in the Manual.

(n) Appendix B—Contract Clauses—prescribes certain clauses not prescribed elsewhere in the Manual and contains all clauses prescribed in the Manual.

(o) Appendix C—Forms and formats—states that the forms and computer generated formats necessary to implement and supplement the manual are in the Procurement Handbook, the Facilities Design and Construction Handbook, the Mail Transportation Procurement Handbook, and other publications and directives referenced in the Manual or in these handbooks.

(p) Appendix D—Rules of Practice in Proceedings Relative to Debarment and Suspension from Contracting—contains a reprint of the rules of practice issued by the Judicial Officer as 39 CFR Part 957.

(q) Appendix E—Rules of Practice Before the Postal Service Board of Contract Appeals—contains a reprint of the rules of practice issued as 39 CFR Part 955.

(r) Appendix F—Procurement Manual Index—is an alphabetical index of important words and terms used in the Manual.

§ 601.104 Availability of Procurement Manual.

(a) Copies of the Procurement Manual, Publication 41, may be purchased, and changes to the Manual may be obtained, from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9325. The Manual may be examined during normal business hours at the U.S. Postal Service Library, 475 L'Enfant Plaza West SW., Washington, DC 20260-1641, and at the following Postal Service Procurement and Materiel Management Service Centers:

Central Region, 433 West Van Buren St., Chicago, IL 60699-6260.

Eastern Region, 1845 Walnut St., Philadelphia, PA 19197-6260.

Northeast Region, 8 Griffin Road North, Windsor, CT 06006-6260.

Southern Region, 1407 Union Ave., Memphis, TN 38166-6260.

Western Region, 850 Cherry Ave., San Bruno, CA 94099-6260.

(b) A copy of the Procurement Manual is on file with the Director, Office

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of the Federal Register, National Archives and Records Administration, 800 North Capitol Street, NW., suite 700, Washington, DC.

§ 601.105 Amendments to the Procurement Manual.

Notice of changes made in the Procurement Manual will be periodically published in the FEDERAL REGISTER. The text of such changes will be filed with the Director, Office of the Federal Register. Subscribers to the Basic Manual will receive from time to time the amendments from the Postal Service in the form of Procurement Manual Circulars or in Postal Bulletin notices. These amendments will be cumulated in a periodic Transmittal Letter which subscribers will receive from the Government Printing Office.

AMENDMENTS TO PROCUREMENT MANUAL

Transmittal letter	Dated	Federal Register publication
2	June 1, 1988	53 FR 24265
3	December 1, 1989	54 FR 48243
4	January 1, 1991	56 FR 2138
5	February 1, 1992	57 FR 31129

[53 FR 24267, June 28, 1988, as amended at 54 FR 48243, Nov. 22, 1989; 56 FR 2138, Jan. 22, 1991; 57 FR 31129, July 14, 1992]

PART 602—INTELLECTUAL PROPERTY RIGHTS OTHER THAN PATENTS

Sec.

602.1 General principles.

602.2 Office of Licensing, Philatelic and Retail Services Department.

602.3 Requests for use.

AUTHORITY: 39 U.S.C. 401(5).

SOURCE: 43 FR 42250, Sept. 20, 1978, unless otherwise noted.

§ 602.1 General principles.

It is the policy of the Postal Service to secure full ownership rights for its intellectual properties other than patents (hereinafter, intellectual properties) having significant economic or other business value, except when to do so would be contrary to the best interest of the Postal Service. Intellectual property rights shall be acquired and managed so as to:

(a) Promote the economic, operational, and competitive well-being of the Postal Service;

(b) Limit restrictions on the use of Postal Service intellectual property to a minimum consistent with its statutory obligations;

(c) Assure that all potential users are treated fairly;

(d) Give due regard to other relevant considerations.

§ 602.2 Office of Licensing, Philatelic and Retail Services Department.

In accordance with the foregoing policy, the Postal Service Office of Licensing, Philatelic and Retail Services Department, formulates the program for the management of the Postal Service's rights in intellectual property (except patents and technical data rights in Postal Service contracts, which is the responsibility of Postal Service contracting officers). The Office of Licensing and the contracting officers identify intellectual properties in which the Postal Service should secure its rights. It receives and makes recommendations for the disposition of applications for use of Postal Service intellectual property. It periodically reviews the intellectual property rights portfolio to determine the extent of the utilization of protected properties and to recommend relinquishment of ownership when it considers ownership no longer desirable. It is advised by the Office of Procurement of performance under license agreements and makes recommendations for corrective measures when necessary. In consultation with the Law Department, it recommends appropriate action against unauthorized use of intellectual property.

[56 FR 58859, Nov. 22, 1991]

§ 602.3 Requests for use.

(a) Inquiries concerning licenses to use Postal Service trademarks or service marks, copyright materials and intellectual property other than patents and technical data rights in Postal Service contracts must be sent to: Office of Licensing, Philatelic and Retail Services Department, US Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260-6700.