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Record Type: Record

To: David C. Childs A-76comments/OMB/EOP@EOP  
cc: James\_M.\_Martin@HUD.GOV  
Subject: HUD's Comments on Proposed A-76 Guidelines

Please find attached HUD's comments on the proposed revisions to Circular A-76. If you have any questions concerning our comments, please contact James M. Martin on 202-708-0614, extension 3706.

(See attached file: A-76 Comments on Proposed Guidance.doc)

- A-76 Comments on Proposed Guidance.doc

Thank you for the opportunity to provide comments on the proposed revisions to OMB Circular A-76 dated November 14, 2002. HUD's specific comments are as follows:

Page/Section	Comments
A-4/F.1.a	We would like the flexibility to have more than one Fair Act Inventory Challenge Review Authority. Since challenges can be very specific and unique to a program area, an individual who is most familiar with the issue should respond to the challenge.
A-5/F.2c	The guidance should clarify whether changes to an agency's inventory should be vetted with OMB prior to the submission of the agency's official response to the challenge.
B-2/A.1.a; B-5/C.1.b.3	These two paragraphs appear to conflict with each other. If the 4e official determines that the competition is complex, is OMB approval necessary to waive the time frame? Twelve months for completion of a standard competition does not seem reasonable for agencies with little or no experience in this process.
B-3/B.3	The guidance states that the Contracting Officer (CO) "shall designate and assist the PWS team". The CO is not the appropriate individual to designate the PWS team.
B-7/C.2.(13)	There are references to paragraph C.b.(2) which does not exist.
B-9/C.3.a.4	We are unsure why new contracts are not permitted under the MEO development. The guidance should provide the Agency Tender the flexibility to include new contracts.
B-16/ C.5.a.(4)	There are references to paragraphs C.7.(a) and C.7.(b) which do not exist.
B-17/ C.6.a.(1)	This paragraph is confusing. It is unclear exactly what can be appealed. Are you really saying the private sector proposal cannot be appealed?
C-2./A.9	We recommend having the Business Case Analysis (BCA) in a separate section. This is not a direct conversion and therefore should not be included in this section.
C-3/D.1.e	We suggest a longer timeframe for completion of the BCA. The proposed 15-working day timeframe appears unreasonable, particularly with the need to obtain information on four comparable contracts from other agencies.
C-4/D.2.b	We recommend using the average rather than the lowest price.
F-3/ Commercial ISSA	The definition of Commercial ISSA needs to be clarified. Our interpretation is that it includes any commercial activity, support, or partnership which transfers funds from one agency or agency component to another for the purpose of obtaining supplies or services. This would include intra-agency agreements. We strongly recommend exclusion of intra-agency and other internal funding transfers, e.g., working capital funds, from the A-76 process. Including intra-agency agreements would prove administratively burdensome with no apparent benefit.

If you have any questions concerning our comments, please contact James M. Martin, Assistant Chief Financial Officer for Financial Management, on (202) 708-0614, extension 3706.