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To: David C. Childs A-76comments/OMB/EOP@EOP

cc:

Subject: Comments on proposed revision to OMB Circular A-76

Submitted below, and in duplicate in the attached Word document, are the comments of the National Endowment for the Humanities on OMB's proposed revisions to Circular A-76.

Please do not hesitate to contact me if you have any questions about our submission.

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<<NEH Comments on A-76-rev.doc>>

Comments of the National Endowment for the Humanities
on Proposed Revisions to OMB Circular A-76

Comments directed to:

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Responding on behalf of the NEH:

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Comments:

The National Endowment for the Humanities welcomes this opportunity to comment on the revisions being proposed to OMB Circular A-76. We are supportive of the OMB's intention to use this revision to "improv[e] significantly the processes and practices federal agencies use..." to conduct the business of government. As a small agency, however, we have a number of concerns with the revised circular that we see as potential impediments to our realization of such improvements.

We note in particular the multi-layered bureaucratic structure that will need to be put in place to develop the required inventories and then conduct the public-private competitions. The circular calls for the appointment of what is termed a 4.e official, who is to have general oversight authority for A-76 matters, as well as an Inventory Challenge Review Authority and an Inventory Challenge Appeal Authority who are hierarchically independent of one another. We will also be obliged to make provision for an Agency Tender Official (working in concert with a separate MEO Team), a Human Resource Advisor, a Source Selection Authority, and an Administrative Appeal Authority. In an agency the size of ours (numbering approximately 170 employees), putting in place such an administrative structure will be problematic. Our current staff includes but one part-time contracting officer, a human resources office with a mere handful of employees, and a senior-level staffing pattern that does not contain administrative layers sufficient to accommodate the procedural requirements of the revised circular. For us to create that structure, and then to run the labor-intensive and time-consuming competitions described in Attachment B to A-76, will require a level of human resources significantly beyond what we currently have on staff.

In light of these concerns, we recommend that for small agencies such as ours OMB develop alternative, streamlined mechanisms to implement the goals of the circular.

We are similarly concerned about the circular's elimination of the current exemption of commercial functions with ten or fewer FTE. In our most recent inventory of commercial activities, we listed commercial positions in 21 different activity categories. Of these 21, sixteen listed five or fewer FTEs. Many of these employees undertake activities that are idiosyncratic to the offices to which they are assigned, and in any event are of the range and character that defy easy definition for competitive purposes. For us to either compete or directly convert these employees under the terms of the revised A-76 would be cumbersome and inefficient, and thus counter to OMB's stated purpose of improving agency processes and procedures. For these reasons we urge OMB to reinstate the current circular's ten-and-under exemption.

The National Endowment for the Humanities appreciates the opportunity to comment on the proposed revisions to A-76. We ask the Office of Management and Budget's serious consideration of these issues and concerns as the final version of the circular is developed.

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