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12/20/2002 08:14:37 AM

Record Type: Record

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

December 20, 2002

Mr. David C. Childs
Office of Federal Procurement Policy
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Mr. Childs:

On behalf of Kimley-Horn and Associates, which is an engineering and planning consulting firm with over 1200 employees, I am writing in support of several revisions to OMB Circular A-76 and several related policy documents that govern how the Federal Government obtains goods and services. Our company and its employees applaud the underlying premise behind these revisions, which is that all activities currently performed by the Federal government are presumed to be commercial in nature unless they are justified as inherently governmental.

Alignment of OMB Circular A-76 with the Federal Acquisition Regulations (FAR) is a very sound decision. It will facilitate the Administration's competitive sourcing policy and ensure equitable comparisons in any resulting competition between the private sector and government agencies that are commercial in nature. We support the decisions to end "back door" inter- and intra-service agreements (ISSAS) that preclude our being considered and to restrict Federal agencies from aggressively marketing their services to our clients - state, local, and tribal governments - often using the gambit of partial funding at taxpayer expense.

I call to your attention, however, a conflict between the revised Circular A-76 and the statutory requirements for the procurement of Architectural-Engineering services. Since the procurement of these unique services is done through "Qualifications Based Selection" (QBS) and not simply on the basis of cost, as prescribed under (40 USC Section 541 et seq.). An approach needs to be crafted to enable Federal agencies to compete in a manner consistent with the statute.

We strongly support the suggestions that are being made by our various industry organizations to address this matter consistent with statutory requirements. Alternatively, since there is no justification for the Federal government to have this costly and redundant capability when such are readily available from a more efficient and innovative private sector. We respectfully urge that these be Directly Converted.

Our company and its employees applaud this initiative to issue a revised OMB Circular A-76.

Sincerely,

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