

Tom Stover <Tom.Stover@StoverTeam.com>  
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To: David C. Childs A-76comments/OMB/EOP@EOP

cc:

Subject: Fw: Comments on Revised Circular A-76

Now that I have the correct address....

----- Original Message -----

**From:** [Tom Stover](#)

**To:** [76comments@omb.eop.gov](mailto:76comments@omb.eop.gov)

**Sent:** Wednesday, November 27, 2002 11:49 AM

**Subject:** Comments on Revised Circular A-76

Following are our comments regarding the revised Circular A-76 as announced in the Federal Register of 19 November 2002. Our firm has extensive experience supporting Government employees in the current A-76 process as well as FAR Part 15 public-private competitions conducted as a result of Defense Management Review Decision (DMRD) 908, circa 1991-1994. We believe that following the FAR is the most appropriate course for the "Standard Competition" process to take. We have seen it work and work well. Congratulations to the framers of the revised Circular for a job well done!

**1. Appendix A, Paragraph C.2, *Non-FAIR Act Commercial Activities Inventory*:**

Recommend a statement be included to indicate if the exempted organizations defined in Appendix A, Paragraph C.1.b are required to submit a separate inventory.

**2. Appendix A, Paragraph C.3, *Inherently Governmental Activities Inventory*:**

Recommend a statement be included to indicate if the exempted organizations defined in Appendix A, Paragraph C.1.b are required to submit a separate inventory.

**3. Appendix B, Paragraph C.1.b (1), *Designation and Responsibilities of Competition Officials*:**

Recommend that a Contracting Specialist (CS) be appointed to assist the MEO Team during the development of the Agency Tender. This individual will assist the team in understanding contract requirements and terminology in completing the Agency Tender.

**4. Appendix B, Paragraph C.1.b (3), *Timeframes* and Paragraph C.2.a (2), *Delayed Issuance*:**

These paragraphs as well as the figure at the beginning of Appendix B limit the Standard Competition timeframe to 12 months without the 4.e official notifying the Deputy Director for Management, OMB. This 12 month period is further broken down into two segments: 1) Time from public announcement to issuing a solicitation of eight (8) months; and 2) Time from issuing the solicitation to the Performance Decision of four (4) months.

While eight months is sufficient time for the release of the final solicitation, the four (4) month timeframe ending with the Performance Decision may not be adequate. FAR 5.203 allows a minimum of 30 days (or 45 days) from release of the final solicitation to the proposal due date. Assuming the minimum, 30 days, only three months would be left for the source selection process. Given what we have seen from several federal agencies, this may not be enough time.

Recommend that the period of time from issuance of the solicitation to the Performance Decision be increased to six (6) months and that the time from issuance of the solicitation to proposal due date be a minimum of 45 days. Additionally, the Circular should emphasize that issuing draft solicitations prior to the final solicitation will serve to improve the quality of the solicitation and the submissions as well as shorten the overall length of the process.

**5. Appendix B, Paragraph C.2.a (4), Source Selection Provisions:**

Technically Acceptable – Price Performance Tradeoff (TA-PPT) is not addressed as a source selection procedure.

MEO past performance information may be used as a decision criterion in accordance with Appendix B, Paragraph C.2.a (13) (6). As a result, the use of TA-PPT should be included in the revised Circular A-76. Recommend it be acknowledged as an allowable source selection procedure in accordance with Appendix B, Paragraph C.2.a (13) (6).

**6. Appendix B, Paragraph C.2.a (13), Solicitation Exceptions for the Agency Tender:**

This paragraph references paragraphs C.6.b (2) and C.6.d (2). These paragraphs appear to have been removed from the document. The referenced should be clarified.

**7. Appendix E, Paragraph B.3.g (2), New MEO Subcontracts**

Agencies often have multi-year contracts in place that would support the MEO if the Agency Tender is successful. These would not be considered new contracts and therefore, authorized under the circular. Recommend the circular address renewal of these support contracts if their period of performance expires during the tenure of the MEO.

Please contact us if you have any questions or need additional clarification. We look forward to the implementation of the revised Circular.

Tom Stover  
President  
Stover & Associates, Inc.  
800 Kennesaw Ave., Ste. 250  
Marietta, GA 30060  
Voice: 770-423-9888  
Fax: 770-419-9715  
E-Mail: [Tom.Stover@Stoverteam.com](mailto:Tom.Stover@Stoverteam.com)  
Web: [www.StoverTeam.com](http://www.StoverTeam.com)  
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