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To: David C. Childs A-76comments/OMB/EOP@EOP  
cc:  
Subject: Comments on Proposed Revision

Dear Mr. Childs:

Please find enclosed my comments on the proposed revision to Circular A-76. Please note that I am providing these comments as a private individual and not as an official spokesperson of the Department of the Interior or of the National Park Service. These are my personal views only. Thank you for the opportunity to comment.

(See attached file: A76 Rewrite Review Comments.doc)

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- A76 Rewrite Review Comments.doc

December 16, 2002

Memorandum To: Mr. David Childs, Office of Federal Procurement Policy

From: Dale Wilkerson, Contracting Officer  
National Park Service  
2680 Natchez Trace Parkway  
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Dear Mr. Childs,

I have reviewed the November 14, 2002 revision to Circular A-76 and wish to offer the following comments. Please note that I am providing these comments as a private individual and not as an official spokesperson of the Department of the Interior or of the National Park Service. These are my personal views only. Thank you for the opportunity to comment.

Comments are as follows:

- On page 2 of the revised circular, suggest that paragraph 7 be reworded to state that the revised circular applies to "all Direct Conversions and Standard Competitions where the public announcement of the start date is made on or after January 1, 2003." As currently worded, there are ongoing studies that will have the rules changed in mid-process, which will create a possible avenue for protests and appeals. By changing the wording, the new process will be phased-in, beginning with all studies announced after January 1.

- If I have interpreted the document correctly, then the MEO team does not see the PWS until it is released as part of the solicitation. On page B-1, the timeframe contemplated on the Standard Competition graphic is 4 months from development of the solicitation to the performance decision. In that 4-month period, approximately 30 days will be needed to develop the solicitation and announce it in FedBizOpps, and another 30 days (or more) will be needed for negotiations once the solicitation is closed. That leaves less than 60 days for the solicitation to be “on the street” and for an agency to develop and submit its tender. While private sector offerors are well versed in preparing proposals, and can likely meet this timeframe, agencies are not. The agency MEO teams will be at a distinct disadvantage in trying to prepare a complete agency tender in less than 60 days, all factors considered (including personnel matters, union consultation, regulatory issues, etc). Although it will not completely resolve this concern, I would suggest that the PWS be released to the MEO team at least at the same time it is delivered to the Contracting Officer. This will then give the agency approximately 90 days to prepare their tender, which will not provide any advantage to the agency over the private sector.
- On page B-8, the paragraph entitled “QASP” states that the 4.e official assigns individuals responsible for the QASP. However, on page F-8, the definition of QASP states that the individuals responsible for the QASP are assigned by the ATO. I believe the correct individual is the 4.e official.
- On page B-8, the paragraph entitled “QASP” states that the individuals responsible for the QASP will be external to the service provider. It seems that the intent is to keep service providers from performing quality assurance surveillance on themselves. However, clarification is needed as to how “external to the selected service provider” will be applied. Assuming agency performance, one definition would require surveillance from outside of the requiring organization (i.e., at a higher organizational level). Another definition would allow a part of the requiring organization to perform the surveillance, as long as that part was “external” to the performing activity. Suggest that “external” be defined at the lowest level possible, because should the agency become the service provider, it will be difficult in smaller agencies to achieve multiple levels of independence.
- On page B-13, paragraph C.4.a(3)(c)1, four lines from the bottom should read “line 7” rather than “line 8”
- On page B-15, paragraph C.4.a(3)(c)2b, three lines from the bottom should read “line 7” rather than “line 8”
- On page B-15 appears “Head of the Requiring Organization.” On page B-16 appears “Head of the Requiring Activity.” I believe these are the same individuals, so the document should be consistent in referring to them.
- On pages B-17 and B-18 the number of days in the appeal section are listed as “work” days. Most references in the FAR are now to “calendar” days, so suggest you change that here. “10 work days” becomes “14 calendar days,” etc.