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Subject: Comments on Draft OMB Circular No. A-76

The following are the comments of the Committee for Purchase From People Who Are Blind or Severely Disabled, a Federal agency, on the proposed revision of OMB Circular No. A-76, as announced in the November 19, 2002 Federal Register:

The Committee supports the proposed revisions, and is grateful to OMB for retaining the position which the Committee's Javits-Wagner-O'Day (JWOD) Program enjoyed under the previous version of the Circular as a preferential procurement program to which Federal agencies may contract out supply and service requirements without cost comparison. The Committee's comments are limited to corrections of factual, terminology, and legal citation errors in the references in the Circular to the JWOD Program, and to a request for a definition of the term used for the program in the Circular, "Javits-Wagner-O'Day," to appear in Attachment F of the Circular. These corrections are stated below. We also note that while this comment reflects the views of the Committee on the Circular, other members of the JWOD community, e.g., NISH, may also file comments on the revision of the Circular. Such comments reflect the views of those organizations and not necessarily the views of the Committee.

The corrections are to paragraph A.7. of Attachment C, located on page C-2, and to paragraph C.4.b. of Attachment E, located on page E-13, to read as follows:

Page C-2

7. Javits-Wagner-O'Day. An activity may be converted to a source administered pursuant to the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c).

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4. Additional Costs (Line 9 of the SCF)

b. Nonprofit Agency Fees. When a Javits-Wagner-O'Day participating nonprofit agency (as defined in FAR Subpart 8.7) participates in a Competition, the SCF shall include the 4% program fee. This is required to determine the total cost of contract performance to the Government for Competition purposes with the agency cost estimate. The SSA shall determine if the 4% fee is included in the contract price and if so, this contract price is entered on Line 7 of the SCF. If the 4% fee is excluded from the contract price, then the fee shall be entered separately on Line 9 of the SCF.

The Committee believes that the references to the JWOD Program stated above may not adequately explain the program to users of the Circular, who may not be familiar with our small program and its agents. Accordingly, we request that this definition of "Javits-Wagner-O'Day" be inserted in part B of Attachment F:

Javits-Wagner-O'Day. A procurement program authorized by the Javits-Wagner-O'Day Act, 41 U.S.C. 46-48c (also known as the JWOD Program), which creates employment for people who are blind or have other severe disabilities by designating nonprofit agencies employing such people as mandatory sources for

supplies and services appearing on the Procurement List maintained by the Committee for Purchase From People Who Are Blind or Severely Disabled.

Questions on these comments to the proposed Circular should be directed to John Heyer of the Committee staff at the above e-mail address or by telephone at 703-603-0665. As requested in the 11/19/02 Federal Register notice, a copy of these comments appears in the attachment to this message.

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