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

December 19, 2002

Mr. David C. Childs
Office of Federal Procurement Policy
Office of Management and Budget
725 17th Street, NW
Washington, DC20503

Dear Mr. Childs:

On behalf of Maguire Group Inc., 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. With the exception of dealing with the procurement of Architectural-Engineering services that will be discussed later in this document, it will facilitate the Administration's competitive sourcing policy and ensure "apples to apples" comparisons in any resulting competition between the private sector and government agencies that are commercial in nature.

Leading edge companies such as ours provide the ideas, innovations, studies, designs, and related services upon which projects are based. These significantly impact life-cycle costs and ability to satisfy customers. We applaud 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" (QSB) 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 courageous initiative to issue a revised OMB Circular A-76 and appreciate this opportunity to comment on them.

Maguire Group Inc., founded in 1938, is one of the nations leading Architectural, Engineering and Planning and Construction Management firms. We provide services to private and public sector entities, including the Federal, State, and local governments. Maguire Group employees over 350 professionals throughout the Northeast.

Very truly yours,

MAGUIRE GROUP INC.

[IMAGE]

Richard J. Repeta, P.E.
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