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To: David C. Childs A-76comments/OMB/EOP@EOP  
cc:  
Subject: ARTBA's Comments on Circular A-76

Mr. Childs:

Attached are comments submitted by the American Road & Transportation Builders Association (ARTBA) in response to the proposed revisions to OMB Circular A-76.

Sincerely,

Michael F. Stark  
Managing Director, Materials & Services Division  
Managing Director, Planning & Design Division  
American Road & Transportation Builders Association  
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ARTBA, which is celebrating its 100th Anniversary this year, represents the U.S. transportation construction industry in the Nation's Capital before the Congress, federal courts and agencies and media.

- ARTBA's Comments on Circular A-76.doc



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December 19, 2002

Mr. David C. Childs  
Office of Federal Procurement Policy  
Office of Management and Budget  
725 17<sup>th</sup> Street, NW  
New Executive Office Building-Room 9013  
Washington, D.C. 20503

Dear Mr. Childs:

On behalf of the 5,000 members of the American Road & Transportation Builders Association (ARTBA), which is the only national association that exclusively represents the collective interests of all sectors of the U.S. transportation construction industry, I would like to comment on the proposed revisions to the Office of Management and Budget (OMB) Circular A-76.

ARTBA supports OMB's efforts to revise Circular A-76 in order to align it with Federal Acquisition Regulations (FAR). We believe that these proposed changes will more clearly support the Bush Administration's competitive sourcing policy, which allows the private sector to fairly compete for public contracts.

ARTBA strongly believes that in order to assure state-of-the-art, high quality projects, contractors for professional services such as transportation planning, design and construction management, should be procured using qualifications-based selection (QBS) procedures. During this revision, ARTBA requests that OMB ensure that QBS procedures as described in FAR Part 36 are fully acknowledged when the final Circular A-76 revisions are completed. For many years, there has been an obvious conflict between Circular A-76 procedures and federal law that mandates QBS for architectural and engineering ("A/E") services (40 USC § 541 et seq). This conflict should be addressed in the revised circular to ensure that the government selects the company that is most qualified to meet a project's needs. Since the proposed A-76 revisions are largely based on the FAR, inclusion of an exemption for direct conversion of A/E services would align the new A-76 process more closely with FAR Part 36.

Thank you for the opportunity to comment on the revision of OMB Circular A-76.

Sincerely,

A handwritten signature in black ink that reads "T. Peter Ruane". The signature is written in a cursive, flowing style.

T. Peter Ruane  
President & CEO