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

cc:

Subject: Comments on Revised OMB Circular A-76

Our comments on the revisions to Circular A-76 are contained in the attached signed letter from our company President & CEO, Tom O'Neill, as well as shown below in case there is a problem opening the attachment. Thank you for this opportunity to comment.

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Thomas J. O'Neill.
President and
Chief Executive Officer

December 19, 2002

Mr. David C. Childs
Office of Federal Procurement Policy
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Mr. Childs:

Thank you for the opportunity to comment on the OMB Circular A-76 revisions as they pertain to the procurement of Architectural-Engineering services. My firm, Parsons Brinckerhoff Inc. (PB), is one of the largest consulting engineering firms in the country. We have over 9,200 employees worldwide including over 5,300 in the US. PB is a leader in planning, engineering, and program and construction management of transportation, power, telecommunication and education infrastructure projects.

We generally support the revisions that were made to OMB Circular A-76 and the related policy documents that govern how the Federal Government obtains goods and services. The alignment of OMB Circular A-76 with the Federal Acquisition Regulations (FAR) is a very sound decision as it will facilitate the Administration's competitive sourcing policy and ensures "apples to apples" comparisons in any resulting competition between the private sector and government agencies. The exception to this and the concern I have is how the revisions deal with the procurement of Architectural-Engineering (A-E) services.

I call to your attention a conflict between the revised Circular A-76 and the statutory requirements for the procurement of A-E services. The procurement of these unique services is done through "Qualifications Based Selection" (QBS) and not simply on the basis of cost, as prescribed under (40 USC Section 541 et seq.; aka the Brooks Act), but the revised Circular A76 has a Lowest Price Technically Available (LPTA) provision which provides in part that:

"During the source selection process, the Source Selection Authority (SSA) shall simultaneously evaluate private sector offers, public reimbursable tenders, and Agency tender to determine technical acceptability. The performance decision shall be based on the lowest cost of all offers and tenders determined to be technically acceptable."



The LPTA provision does not recognize the qualifications of the competing firm as a *primary criteria* for an award. It is overly broad and inconsistent with the Brooks Act source selection criteria. This could be detrimental to achieving the Administration's objective of an "apples to apples" comparison in competition, and thereby to the A-E industry.

Again, our company and its employees applaud this important initiative to revise OMB Circular A-76 and appreciate this opportunity to comment on them.

Very truly yours,

A handwritten signature in black ink that reads 'Thomas J. O'Neill'.

Thomas J. O'Neill