

PUBLIC SUBMISSION

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General Services Administration Acquisition Regulation (GSAR); Transactional Data Reporting;
GSAR Case 2013-G504

Comment On: GSA-GSAR-2014-0020-0001

General Services Administration Acquisition Regulations: Transactional Data Reporting; GSAR
Case 2013-G504

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Submitter Information

Name: Marcia King

Address:

Abt Associates Inc.

4550 Montgomery Avenue, Suite 800N

Bethesda, MD, 20878

Email: marcia_king@abtassoc.com

Phone: 301-634-1746

General Comment

See attached file(s)

Attachments

Abt Associates Comments on Transactional Data Reporting 05 01 15



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2013-G504-9

50 YEARS

May 1, 2015

U.S. General Services Administration
Regulatory Secretariat Division (MVCB)
1800 F Street N.W.
Washington, D.C. 20405-0001

Subject: GSAR Case 2013-G504, Transactional Data Reporting
Comments Submitted via <http://www.regulations.gov>

Dear Sir/Madam,

On behalf of Abt Associates Inc., I am submitting comments on GSA's proposed regulation for Transactional Data Reporting.

Overall, Abt Associates does not support the proposal for two reasons. First, the requirements of the Basis of Award (BOA) and Price Reduction Clause (PRC) are not sufficiently removed; and second, for professional services schedules, there is insufficient evidence supporting GSA's position that horizontal data on prices will actually be useful to potential buyers. However, in the event GSA proceeds with the Transactional Data Reporting proposal, or parts of the proposal, following issues must be addressed:

1. It is not clear if intent is for the PRC and BOA to be waived in their entirety. If, as the proposal states, GSA will be able to ask for an updated CSP at any time, contractors will still have to monitor commercial sales in order to be able to provide accurate and certifiable information to GSA. Our experience with GSA as it pertains to the BOA for professional services schedules is that GSA insists the BOA be "all commercial customers" and not just one named customer. This leaves contractors with the enormous burden of continuing to monitor all commercial sales in spite of the changes proposed. The PRC clause and BOA assignment should be deleted in its entirety and replaced with a new clause addressing the transactions reporting requirements only.
2. In relation to horizontal data accumulation, if this concept were to proceed, we suggest GSA's pilot project should include a professional services schedule. Under these schedules, the SOW varies considerably from one order to another. In most cases, one will find that horizontal information on transactions under professional services is not equivalent. The only prices that matter are the ones received in a competitive bid at the task order level. Transaction data does not reveal the seniority and mix of staff required, the unique requirements of the SOW, the risk associated with the work, the location of the work, nor whether or not the contractor is allowed to bill off-schedule

items. All these factors go in to computing a transaction price, and no two orders are the same. Furthermore, no labor categories across contractors are the same, making price comparisons impractical at best. In summary, if this requirement is to move forward, it should be done so in a controlled manner allowing for continuous feedback from contractors and reconsideration of the true intent and usability of the data that GSA is trying to gather.

3. For companies that have many task orders under multiple Schedules, the burden of transactional reporting will be enormous. Using GSA's figure of 30 minutes per report, for a 12 month period, the additional burden for transaction reporting will be at least 504 hours a year. That is huge and the cost must be borne by GSA buyers either in a reduced discount or a request to GSA for higher prices. This is inconsistent with the Government's goal to achieve the best price; likewise, it is simply not another cost that can be absorbed by contractors.
4. GSA should reconsider the frequency of transaction reporting for professional services schedule holders. Monthly reporting seems excessive and the information will be duplicative for a 12 month consecutive period as prices change only once a year. Should GSA want to move forward with transactions reporting for professional services, once or twice a year reporting should be sufficient, and the reporting burden and associated impact on prices would be minimized.
5. GSA needs to explain how confidential transactional data will be protected from public release. This is highly proprietary company information and disclosure to and use by competitors might lead to unrealistically low pricing, leaving both the buyer and seller in a situation where the work cannot be completed within the unrealistically low budget. This information simply must be protected by GSA; it is unfair to contractors put in this position therefore, we ask for greatest reconsideration on this point.
6. On 1 April 2015, the Federal Register posted a Notice that stated, "*The Chief Acquisition Officers Council, Department of Health and Human Services, and the General Services Administration (GSA) are conducting a national dialogue to discuss ideas on how to reduce the costs (compliance and other) associated with reporting compliance under Federal awards (contracts, subcontracts, grants, subgrants, and cooperative agreements). This dialogue is part of an effort to improve the economy and efficiency of the federal award system by identifying impactful steps that can be taken to streamline, reporting, reduce burden, and reduce costs.*" [Emphasis added]. How is GSA newest endeavor to impose Transactional Data Reporting requirements on GSA contractors not

in direct conflict with its purported quest to 'streamline reporting, reduce burden, and reduce costs'?

Abt Associates hopes these points are given all due consideration and we appreciate this opportunity to comment on the proposed regulations. Should any questions arise regarding this feedback, you are welcome to contact the undersigned at (301) 634-1746.

Sincerely,



Marcia King
Associate Director, Contracts