

*Exposing Corruption Exploring Solutions*

# Project On Government Oversight

July 12, 2010

Ms. Hada Flowers  
General Services Administration  
Regulatory Secretariat (MVCB)  
1800 F Street, NW, Room 4041  
Washington, DC 20405

Re: FAR Case 2009-004—Enhancing Contract Transparency

Dear Ms. Flowers:

The Project On Government Oversight (POGO) is an independent nonprofit that investigates and exposes corruption and other misconduct in order to achieve a more effective, accountable, open, and ethical federal government. As such, POGO is interested in enhancing transparency in the area of federal contract spending.

In this vein, POGO strongly supports the intent of the advanced notice of proposed rulemaking under FAR case 2009-004, Enhancing Contract Transparency (75 Fed. Reg. 26916, May 13, 2010). This case will amend the FAR to enable the online posting of contracts and task and delivery orders. The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are “seeking information that will assist in determining how best to amend the Federal Acquisition Regulation (FAR) to enable public posting of contract actions, should such posting become a requirement in the future, without compromising contractors’ proprietary and confidential commercial or financial information.” Specifically, the Councils request how to best protect contractor proprietary and confidential commercial or financial information. Although POGO agrees with the intent of the rulemaking, the Councils should reconsider the focus of the rule and shift it toward disclosure of information rather than concealment of information. In order to regain public faith in the contracting system, the government must provide open public access to information on the contracting process, including actual copies of contracts rather than coded summary data, and contracting officers’ decisions and justifications.

POGO finds it highly unlikely that contractors will stop competing for federal awards if contract information is disclosed. Some states have already adopted a move toward a more transparent contracting system. For example, the Commonwealth of Virginia allows public access to procurement transactions, (Code of Virginia § 2.2-4342). The public is permitted to see cost estimates and competitive bids and offers. The exclusion of trade

