



November 13, 2017

General Services Administration
Regulatory Secretariat Division (MVCB)
ATTN: Mr. Poe
1800 F Street, NW
Washington, DC 20405

Submitted via Regulations.gov

Subject: Information Collection 9000-0013, Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data

Dear Mr. Poe:

The Project On Government Oversight (POGO) submits this comment on the extension of the information collection requirements in the Federal Acquisition Regulation (FAR) concerning certified cost or pricing data and data other than certified cost or pricing data.¹ As an independent nonprofit organization committed to achieving a more transparent and accountable federal government, POGO has a longstanding interest in federal contracting issues. POGO advocates for improvements to the federal contracting system to ensure the government makes prudent purchasing decisions and obtains the best deals for taxpayers.

Certified cost or pricing data is a vital element of contract pricing transparency and accountability. Such data places the government on an equal footing with contractors, improving contracting officers' ability to conduct meaningful cost or price analysis so that they will "purchase supplies and services from responsible sources at fair and reasonable prices."² In addition to allowing negotiations of fair and reasonable pricing, certified cost or pricing data also acts as an accountability check by preventing defective pricing.

Unfortunately, exceptions to providing certified cost or pricing data have become the rule,³ and contractors often refuse to turn over data other than certified cost or pricing data. As a result, POGO urges the FAR Council to emphasize the need for such data and that any exceptions to providing certified cost or pricing data should only apply when the government is acquiring goods or services on a competitive basis, and the anticipated contract contains no flexible pricing provisions. Additionally, POGO feels very strongly that certified cost or pricing data should be

¹ 82 Federal Register 43022, September 13, 2017.

² FAR Subpart 15.402.

³ FAR Subpart 15.403.

supplied to the government even when so-called “commercial item” purchases are made and there is not adequate price competition.⁴

Certified cost or pricing data substantially improves contract pricing, negotiation, and accountability, which saves taxpayers billions of dollars each year. That is why POGO will continue to champion requiring contractors to provide cost or pricing data for all contracts.

If you have any questions, I can be reached at ngordon@pogo.org or (202) 347-1122.

Sincerely,

Neil Gordon
Investigator

⁴ Project On Government Oversight, “Defense Department's New Definition of ‘Commercial Item’ Will Save Money,” May 2, 2012. <http://www.pogo.org/blog/2012/05/defense-departments-new-definition-of-commercial-item-will-save-money.html>