



August 13, 2018

General Services Administration
Regulatory Secretariat (MVCB)
ATTN: Ms. Lois Mandell
1800 F Street NW, 2nd Floor
Washington, DC 20405-0001

Submitted via Regulations.gov

Subject: FAR Case 2017-006: Exception From Certified Cost or Pricing Data Requirements-Adequate Price Competition

Dear Ms. Mandell,

The Project On Government Oversight (POGO) supports the Federal Acquisition Regulatory Council's limiting the circumstances in which contractors can deny the government access to certified cost or pricing information. POGO has a longstanding interest in federal contracting issues, and has long advocated for government access to certified cost or pricing information. Such information substantially improves contract pricing, negotiation, and accountability. Limiting the exception to providing such information to instances where there are at least two or more independent, responsive, and viable competing bids will ensure that the government has access to certified cost or pricing information that will result in savings to agencies and taxpayers.

The FAR Council's proposed rule is a step in the right direction, but without further limiting the circumstances that allow contractors to deny the federal government access to certified cost or pricing information—especially in all instances where there is no competitive market to ensure the reasonableness of prices—taxpayer dollars will be wasted as agencies make poor purchasing decisions.

POGO recommends that this rule apply to all noncompetitive contracts and subcontracts at or below the simplified acquisition threshold (especially considering the recent increases in the statutory thresholds) and noncompetitive contracts and subcontracts for the acquisition of commercial products and services. The rule should also apply to all federal agencies and not be limited to the Department of Defense, NASA, and the Coast Guard. If this rule is not so modified, agencies in many instances will be denied access to certified cost or pricing information and will be unable to establish that products and services are reasonably priced. Without certified cost or pricing information, agencies and taxpayers will continue to enter into bad deals.

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

Sincerely,

Scott H. Amey
General Counsel