

Project On Government Oversight

Exposing Corruption Exploring Solutions www.POGO.org

March 16, 2009

General Services Administration
Regulatory Secretariat (VPR)
1800 F Street, NW
Room 4035
ATTN: Hada Flowers
Washington, DC 20405

Subject: FAC 2005-30, FAR Case 2008-003

Dear Ms. Flowers:

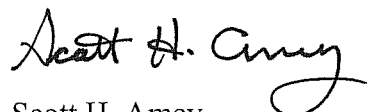
The Project On Government Oversight (POGO) provides the following public comment to FAC 2005-30, FAR Case 2008-003—"Public Disclosure of Justification and Approval Documents for Noncompetitive Contracts." (74 Fed. Reg. 2731 (January 15, 2009)). POGO is an independent nonprofit organization that investigates and exposes corruption and other misconduct in order to achieve a more accountable federal government. POGO has a keen interest in contracting matters and supports the proposed rule.

The National Defense Authorization Act for Fiscal Year 2008, Section 844 "Public Disclosure of Justification and Approval Documents for Noncompetitive Contracts" amends 10 U.S.C. § 2304 and 41 U.S.C. § 253 requiring justification and approval documents regarding procurements with less than full and open competition to be publicly available. The provision requires those documents to be available on an agency or government-wide website within 14 days of contract award. In the case of noncompetitive contracts awarded based on "unusual and compelling urgency," posting must be within 30 days of award.

POGO supports the rule, as well as its objectives – we are a fervent believer in the aphorism "sunshine is the best disinfectant." POGO urges the Councils to consider integrating the justification and approval documents into the database located at USAspending.gov. This database already includes competition data and therefore the justification and approval documents would significantly enhance the information therein. Numerous federal contracting databases exist or are being created (i.e., the forthcoming contractor responsibility and performance database) and the government should consolidate information into a comprehensive publicly available website.

Thank you for your consideration of this public comment. If you have any questions, please contact me at (202) 347-1122.

Sincerely,



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