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Dear Conferees:

Although a final agreement has been reached on H.R. 1, the “American Recovery and Reinvestment Act of 2009”, there is still time to correct a potential problem within the stimulus bill.

The American Bar Association just learned that Section 1205 of the stimulus legislation contains requirements that state and local projects paid for by funds authorized in the bill must comply with federal contracting requirements under the Federal Acquisitions Regulations (FAR).

The ABA, working with a variety of state and local government organizations has developed a Model Procurement Code for State and Local Governments. We strongly urge you to add language to the final stimulus legislation allowing compliance with the Model Code, or its procedural equivalent, as satisfying the competition requirements.

Please see the attached memorandum, which provides suggestions for the procurement fix in the stimulus bill. An overview of the 2000 American Bar Association Model Procurement Code for State and Local Governments is also included as a resource and the full Code is available at: <http://www.abanet.org/contract/admin/mpc021209.doc>

Should you have any additional questions, please contact me at (202) 365-1291 or Jared Hess at (202) 662-1780.

Sincerely,



Thomas M. Susman

/Enclosures