Dear Ms. Kahlow:

On behalf of the Section of Public Contract Law of the American Bar Association ("the Section"), I am submitting comments on the above-referenced matter. The Section consists of attorneys and associated professionals in private practice, industry and Government service. The Section's governing Council and substantive committees contain members representing these three segments, to ensure that all points of view are considered. In this manner, the Section seeks to improve the process of public contracting for needed supplies, services and public works.

The Section is authorized to submit comments on acquisition regulations under special authority granted by the Association's Board of Governors. The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, therefore, should not be construed as representing the policy of the American Bar Association.

This action by OMB would revise OMB Circulars A-211 ("Cost Principles for Education Institutions"), A-87 ("Cost Principles for State and Local Governments"), A-102 ("Grants and Cooperative Agreements with State and Local Governments"), A-110 ("Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and other Non-Profits Organizations"), and A-122 ("Cost Principles for Non-Profit Organizations"), to provide a conditional exemption and a conditional class
deviation from OBM grants management requirements and common rules. The exemption and deviation would be available to certain Federal grant programs (those with statutorily-authorized consolidated planning and consolidated administrative funding and that are identified approved by a Federal Agency or establishment). The action would also establish interim final conforming amendments to Circular A-110 related to the Single Audit Act Amendments of 1996, and they would consolidate provisions of the recently rescinded OMB A-128 ("Audits of State and Local Governments") into OMB A-133 ("Audits of States, Local Government, and Non-Profit Organizations").

The Section is in general agreement with the substance of these revisions, in that they appear to eliminate essentially duplicative administrative oversight associated with programs with consolidated planning and administrative funding. Nevertheless, we strongly encourage OMB, in cooperation with state and local jurisdictions, to continue to encourage the harmonization of Federal and State administrative requirements in order to promote uniformity and consistency in administration and to also forestall any potential increase in administrative burden as a result of the revisions.

The Section appreciates the opportunity to provide these comments and is available to provide additional information or assistance as you may require.

Sincerely,

Marcia G. Madsen
Chair
Section of Public Contract Law

cc: David A. Churchill
    Rand L. Allen
    Gregory A. Smith
    Patricia A. Meagher
    Marshall J. Doke, Jr.
    John T. Kuelbs
    Michael K. Love
    Council Members
    Chair and Vice Chair(s) of the Accounting, Cost & Pricing Committee
    Alexander J. Brittin

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