



April 15, 2024

Salomeh Ghorbani
Director
IAE Outreach and Stakeholder Engagement Division
General Services Administration
1800 F St., NW
Washington, DC 20405

Re: “Information Collection; FFATA Subaward and Executive Compensation Reporting Requirements”

Ms. Ghorbani:

Thank you for the opportunity to comment on GSA’s Information Collection Extension Request for Federal Funding Accountability and Transparency Act (FFATA) Subaward and Executive Compensation Reporting.

By way of background, the Coalition for Government Procurement (“the Coalition”) is a non-profit association of firms selling commercial services, products, and solutions to the Federal Government. Our members collectively account for tens of billions of dollars of the sales generated through the GSA Multiple Award Schedules (MAS) program, VA Federal Supply Schedules (FSS), the governmentwide Acquisition Contracts (GWACs), and agency specific multiple award contracts (MACs). Coalition members include small, medium, and large businesses that account for more than \$145 billion in Federal Government contracts. The Coalition is proud to have worked with Government officials for more than 40 years towards the mutual goal of common-sense acquisition.

[General Comments on FFATA Reporting](#)

For large Federal contractors, the time and cost of FFATA reporting is significant. A contractor may be awarded hundreds or even thousands of subcontracts per year that exceed the \$30,000 threshold where reporting is required. Based on the estimate of 1 hour per subcontract in the information collection notice (assuming that it is correct), some large Federal contractors would have to devote a significant portion of a full-time staff member’s work to FFATA compliance. Conscientious organizations set up customized systems and automated processes to ensure compliance. According to one member organization, it took more than 6 months to implement an automated process to handle FFATA reporting.

Practical Utility

With respect to the question of “Whether this collection of information is necessary, whether it will have practical utility,” the answer is a resounding “no.” The reporting requirement appears to be borne out of a belief that Federal contractors and subcontractors could be receiving an inordinate amount of compensation or profit from Federal contracting. However, for most Federal contractors, the Federal market is a highly competitive environment where price transparency is at an all-time high. Further, the extent to which this data is used, the purpose for which it is used, and whether that purpose really forwards a legitimate government interest is not apparent.

Negative Impacts on the Industrial Base

FFATA’s cost and burdens, as with dozens of other reporting requirements, discourage commercial firms from participating in the Federal market. Moreover, those contractors that remain in the market indirectly pass these costs on to the government.

FFATA reporting is particularly problematic because it forces contractors to reveal their suppliers and subcontractors and imposes significant risk of liability. Supply chains in the commercial market are often proprietary information and a significant source of competitive advantage. FFATA’s requirements mean that firms that do not serve the Federal government, perversely, stand to benefit relative to firms that do because they can discover critical information about a competitor’s suppliers. In addition, FFATA imposes significant liability risks on prime contractors that must report subcontractor executive compensation and subaward data. For large Federal contractors, the risk of a potential False Claims Act violation increases exponentially based on the number of subcontract awards. As a result, contractors not only invest in the initial collection of subcontractor executive compensation and subaward data, but they also invest significant time and effort reviewing and verifying this data before it is reported to the Government.

Ultimately, FFATA reporting is a costly measure with no analogue in the commercial market, and it is out of place in a contemporary, commercially focused acquisition system.

We have three specific recommendations on the current information collection:

Recommendation 1: GSA should clarify whether modifications to an already reported contract that exceed the reporting threshold must also be reported.

Federal Acquisition Regulation (FAR) Clause 52.204-10(f) states that the contractor is required to report on a first-tier subcontract that exceeds the threshold when the subcontract is awarded and that “continued reporting on the same subcontract is not required unless one of the reported data elements changes during the performance of the subcontract.” Contractors are uncertain whether this requirement applies to modifications to subcontracts and therefore request clarification from GSA on this aspect of the reporting.

Recommendation 2: GSA should stop requiring prime contractors to report subcontractor executive compensation via the information collection, as this reporting is redundant.

Some contractors operate as both prime contractors and subcontractors. To the extent a firm has already reported executive compensation as a prime contractor, it should be exempt from having to report it as a first-tier subcontractor for another prime contractor.

Recommendation 3: GSA should simplify reporting by making the “View Printable Report” option easier to access.

Currently, printing reports requires using the “Save PDF” button on the Report List Page. It would be more user friendly to move the “View Printable Report” button to the same page as the report itself.

Thank you for considering our public comments and recommendations on FFATA reporting. For further discussion, I can be reached at rwaldron@thecgp.org or 202-331-0975.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roger Waldron', written over a light gray rectangular background.

Roger Waldron
President