



January 27, 2020

Paul Ray
Administrator
Office of Information and Regulatory Affairs
725 17th Street, NW
Washington, DC 20503

Jeffrey Koses
Senior Procurement Executive
General Services Administration
1800 F St. NW
Washington, DC 20405-0001

Subject: Information Collection 3090-0235 Federal Supply Schedule Pricing Disclosures and Sales Reporting

Dear Mr. Ray and Mr. Koses,

The Coalition for Government Procurement (Coalition) is writing with regard to Information Collection 3090-0235 Federal Supply Schedule (FSS) Pricing Disclosures and Sales Reporting. Specifically, we request that the Office of Information and Regulatory Affairs (OIRA) and the General Services Administration (GSA) review the FSS Pricing Disclosures and Sales Reporting and conduct a retrospective regulatory analysis, as the matter constitutes a significant regulatory action under regulations established pursuant to Executive Order.

By way of background, 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 Government-wide Acquisition Contracts (GWAC), and agency-specific multiple award contracts (MAC). 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.

On September 30 2019, GSA [published](#) its updated \$128 million per year estimate for the burden of FSS Pricing Disclosures. That burden estimate exceeds the threshold, beyond which, a regulatory action is considered significant. According to Executive Order 12866, a significant regulatory action is defined as one:

that is likely to result in a rule that may...[h]ave an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities... .

Under the terms of that Executive Order, such significant regulatory actions should be submitted to OIRA for review. For this reason, the Coalition requests that GSA comply with the order and that OIRA designate the FSS Pricing Disclosures as a significant regulation.

We hasten to point out that there appear to be other administrative requirements at play here. Specifically, Section 6 of Executive Order 13563 states that:

To facilitate the periodic review of existing significant regulations, agencies shall consider how best to promote retrospective analysis of rules that may be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned. Such retrospective analyses, including supporting data, should be released online whenever possible.

Pursuant to that Executive Order, agencies are to have developed and submitted plans to OIRA under which they will review existing significant regulations periodically to determine whether they “should be modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective or less burdensome in achieving the regulatory objectives.” For this reason, we also ask that GSA begin a retrospective analysis of the existing rule.

The use of FSS Pricing Disclosures, as a condition of doing business with the Government, restricts the ability of companies to compete generally. The regulation increases prices and is inconsistent with the Administration's policy of reducing regulatory burden. Indeed, Coalition members [estimate](#) that the burden of the FSS Pricing Disclosures is more than \$1.1 billion per year. As such, they are in need of reform.

Coalition members look forward to your response, and if you need additional information or otherwise would like to discuss this matter, please feel free to contact me at TSisti@thecgp.org.

Thank you in advance for your consideration of this matter.

Sincerely,



Thomas R. Sisti
Executive Vice President & General Counsel