



February 15, 2013

General Services Administration  
Regulatory Secretariat (MVCB)  
1275 First Street NE  
Washington, DC 20417  
ATTN: Hada Flowers

Re: Information Collection 3090-00XX, Modifications

Ms. Flowers:

Thank you for the opportunity to provide comments on the information collection burden associated with the proposed General Services Administration Acquisition Regulation (GSAR) clause 552.243-72 Modifications (Multiple Award Schedules).

The Coalition for Government Procurement (“The Coalition”) is a non-profit association of firms selling commercial services and products to the Federal Government. Our members collectively account for approximately 70% of the sales generated through the GSA Multiple Award Schedules (MAS) program and about half of the commercial item solutions purchased annually by the Federal Government. Coalition members include small, medium and large business concerns. The Coalition is proud to have worked with Government officials over the past 30 years towards the mutual goal of common sense acquisition.

In accordance with the Paperwork Reduction Act, the General Services Administration (GSA) is submitting to the Office of Management and Budget a request to approve an information collection requirement for the proposed GSAR clause on modifications. We note first that the GSAR currently does not include a modifications clause. We are not aware of a proposed rule issuing a modifications clause. Further this information collection request did

not contain the text of a clause. Our comments assume the request covers reporting burden of the clause previously contained in the GSAR and which is regularly a part of MAS solicitations and contracts. Procedurally we believe it would be beneficial for the Government to issue a proposed rule promulgating a clause before attempting to assess the information collection burden on a provision the text of which is unknown.

With respect to the collection burden of the modifications clause contained in GSA Schedule contracts, the government estimates that 20,500 contractors will respond 3 times a year to the clause with an annual reporting burden of 307,000 hours. The Coalition recommends that GSA increase this estimated burden to better reflect the time that vendors spend submitting modifications under the Multiple Award Schedules (MAS) program. We believe that the number of respondents will be lower than 20,500. That number is apparently all GSA schedule contractors. GSA has stated on previous occasions that nearly 50% of contractors have no sales; it is unlikely that these contractors will respond to the Modifications clause. However, for the contractors that are active, the estimate of 5 hours per response is significantly understated.

MAS vendors submit various types of contract modifications including adding and deleting products, adding Special Item Numbers (SINs) and offering price reductions. The time spent submitting modifications and preparing the necessary supporting documentation largely depends on the type of modification, the response time of both the contractor and the contracting officer, and the negotiations process. Adding SINs can involve submitting substantial commercial pricing disclosures. Extended delays in the modifications process are not unusual, especially when there is miscommunication between the two parties regarding the interpretation of regulations or what supporting documentation is required. Over the past year, the Coalition has also seen modifications to add software under Schedule 70 put on hold indefinitely while end user license agreements are reviewed.

We note that the modifications clause states only the minimum data. The data actually requested by some contracting officers can be substantially more than that stated in the clause. In fact some contractors have been asked to do significant research comparing their prices to identical and similar products using both GSA databases and the internet for purposes of justifying prices when adding products or SIN's using the modifications clause. In addition,

once a modification is negotiated the clause requires the contractor to assemble and submit additional information in order to revise paper pricelists and upload to GSA Advantage!.

Coalition members report that the time necessary to process modifications under the MAS program can be weeks if not months. The estimated annual burden hours per response that GSA published in the notice is 5 hours. We believe that this burden is greatly underestimated. The Coalition recommends that GSA increase the number of hours per response to better reflect actual modification processing time, which includes preparation of the necessary supporting documentation and negotiations. Further, we ask that GSA review the additional data requests that contracting officers are requiring as part of the modifications process that increase the collection burden.

Again, the Coalition appreciates the opportunity to comment on the information collection burden associated with submitting modifications under the MAS program. If you have any questions, please contact me at (202) 331-0975 or [rwaldron@thecgp.org](mailto:rwaldron@thecgp.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Waldron", with a long horizontal flourish extending to the right.

Roger Waldron  
President