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The Coalition for Government Procurement

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January 12, 2010

General Services Administration, Regulatory Secretariat
Attention: Hada Flowers
1800 F Street, N.W., Room 4041
Washington, D.C. 20405

**RE: FAR Case 2008-025, Preventing Personal Conflicts of Interest
for Contractor Employees Performing Acquisition Services**

Dear Ms. Flowers:

The Coalition for Government Procurement appreciates the opportunity to comment on the proposed rule to amend the Federal Acquisition Regulation (FAR) to address personal conflicts of interest by employees of Government contractors as required by section 841(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009.

The Coalition for Government Procurement is a non-profit association of over 350 firms selling commercial services and products to the federal government. Our members comprise small, medium, and large businesses actively engaged in federal business. Our members collectively account for approximately 70% of the sales generated through the GSA Multiple Award Schedules program and about half of the commercial item sales made to the government each year.

The Duncan Hunter National Authorization Act (NDAA) requires the development of a policy to address personal conflicts of interest by contractor employees involved in acquisition with the federal government. A personal conflicts-of-interest clause has also been developed for solicitations, contracts, task orders, and delivery orders. The Coalition for Government Procurement has several comments on the proposed policy and solicitation language.

The Coalition has long supported and encouraged responsible contracting practices on behalf of companies doing business with the federal government, such as compliance with conflict of interest requirements. However, there is concern with proposed rule 2008-025 as it applies new mandatory personal conflict of interest requirements at the level of the employee, which usually apply to the organization itself.

Currently, contractors have extensive and established compliance programs in place to address conflicts of interest at an organizational level. To further impose

prevention, oversight, and reporting requirements at the employee level causes a duplication of contractor efforts. The proposal is especially burdensome for businesses as it requires the development of an additional program tailored to the employee rather than allowing companies to include employee conflict of interest in already established corporate compliance systems.

In regards to small business, compliance with the proposed policy which requires screening, prevention, oversight, and reporting could prove incredibly burdensome for small businesses with limited resources. These firms may reconsider pursuing contracts related to federal acquisition due to the overwhelming conflict of interest requirements at both the corporate and employee level, especially considering other compliance obligations involved.

The Coalition for Government Procurement appreciates the opportunity to comment. We are available to respond to questions or discuss these issues further.

Regards,

A handwritten signature in red ink that reads "Aubrey Woolley". The signature is written in a cursive, flowing style.

Aubrey Woolley
Manager of Policy