



March 21, 2016

General Services Administration
Regulatory Secretariat Division (MVCB)
Attn: Ms. Hada Flowers
1800 F Street, NW.
Washington, DC 20405-0001

Re: OMB Control No. 9000-0026 (Change Order Accounting)

The American Subcontractors Association, Inc. (ASA) and the Associated General Contractors of America (AGC) are pleased to submit comments to improve the utility of the Information Collection relating to Change Order Accounting pursuant to the Federal Acquisition Regulation (FAR), specifically FAR 43.205 (Change Order Accounting), which is currently approved under OMB Control No. 9000-0026. The ASA-AGC recommendations are designed to enhance the data collected regarding the administration of change orders, essential to the completion of Federal construction projects in the most timely and cost effective manner. If adopted, the proposed changes will provide for the collection of essential data, in a more readily accessible format that can assist Executive Branch managers and facilitate the conduct of essential Congressional oversight.

Principally, the proposals would seek to collect data regarding the timeliness of action by the Contracting Officer regarding unilateral changes ordered with respect to an on-going construction project, which are authorized by FAR Subpart 42.2 (Change Orders). In addition, it would seek data regarding whether the Contracting Officer had informed the Contractor whether unobligated funds were available to pay the costs of any additional work, as required by FAR 43.105 (Availability of Funds).

As part of a broader, on-going, Administration initiative, a comparable modification to an existing Information Collection Request for use by the Office of Federal Contract Compliance Programs (OFCCP) of the Department of Labor (DOL), with respect to Federal contractors, and by Equal Employment Opportunity Commission, with respect to employers, generally, was published in the Federal Register on 1 February 2016 (81 Fed. Reg. 5113, et seq.). The proposed modification to the EEO-1 (Employer Information Report), covered by OMB Control No. 3046-0007, also seeks to collect data readily available to the respondent and will provide otherwise unavailable data to advance compliance with existing laws and regulations, and facilitate Congressional oversight.

ASA and AGC propose that the Information Collection Request covered by OMB Control No. 9000 be modified to collect from the Contractor the following information relating to every construction contract in excess of \$100,000 and that such responses

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be made part of the contract file, and be aggregated by the head of the buying activity annually:

(a) the number of days between the date that the contractor received a written confirmation of the Change Order by the Contracting Officer after the contractor's receipt of a Change Order from a representative of the contracting officer, stratified during aggregation, by the following periods of time -

- (1) 30 days or fewer;
- (2) greater than 30 days, but not greater than 60 days;
- (3) greater than 60 days, but not greater than 90 days;
- (4) greater than 90 days, but not greater than 120 days;
- (5) greater than 120 days, but not greater than 180 days;
- (6) greater than 180 days, but not 270 days;
- (7) greater than 270 days, but not greater than 365 days; and
- (8) greater than 365 days.

(b) the number of days between the contractor's submission of a Request for an Equitable Adjustment in response to a Change Order and the contractor's receipt of payment for the Change Order, stratified during aggregation, by the following periods of time -

- (1) 60 days or fewer;
- (2) greater than 60 days, but not greater than 90 days;
- (3) greater than 90 days, but not greater than 120 days;
- (4) greater than 120 days, but not greater than 180 days;
- (5) greater than 180 days, but not greater than 270 days;
- (6) greater than 270 days, but not greater than 365 days; and
- (7) greater than 365 days.

(c) The amount claimed by the contractor as the Equitable Adjustment required to compensate for the Change Order, stratified during aggregation, by the following amounts -

- (1) \$100,000, but not more than \$250,000;
- (2) greater than \$250,000, but not more than \$500,000;
- (3) greater than \$500,000, but not more than \$750,000;
- (4) greater than \$750,000, but not more than \$1 million;
- (5) greater than \$1 million, but not more than \$2 million;
- (6) greater than \$2 million, but not more than \$3 million;
- (7) greater than \$3 million, but not more than \$4 million;



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- (8) greater than \$4 million, but not more than \$5 million;
- (9) greater than \$5 million, but not more than \$10 million; and
- (10) greater than \$10 million.

(d) The number of days following the Contractor's receipt of the Government's unilateral direction to initiate a change in the work specified work under the contract that the Contracting Officer confirmed in writing to the Contractor that the Contracting Officer had confirmed the availability of funds in compliance with FAR Part 43.105 (Availability of Funds), stratified during aggregation, as follows –

- (1) two days, but not more than five days;
- (2) five days, but not more than 10 days;
- (3) 10 days, but not more than 20 days;
- (4) 20 days, but not more than 30 days;
- (5) 30 days, but not more than 60 days;
- (6) 60 days, but not more than 90 days;
- (7) 90 days, but not more than 180 days; or
- (8) No confirmation received.

Respectfully submitted,

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