July 19, 2019

Lieutenant General Todd T. Semonite
Chief of Engineers and Commanding General
U.S. Army Corps of Engineers
441 G Street NW
Washington, DC 20314-1000

Dear LTG Semonite:

On behalf of the American Council of Engineering Companies (ACEC) – the business association of the nation’s engineering industry -- I wanted to convey the industry’s concerns over contracting changes involving architect and engineering (A/E) services that could have a negative impact on the U.S. Army Corps of Engineers (USACE) and its mission.

We have recently been made aware at multiple levels, of the potential need to compete at the task order level of A/E Indefinite Delivery Contracts (IDC). This includes competing tasks among holders of multi-award, multi-agency, and even single-award IDC (including indefinite delivery/indefinite quantity (IDIQ) contract holders), with similar scopes of work across Districts and even agencies.

Specifically, our members believe that USACE is misinterpreting FAR 6.102: (1). The selection of sources for A/E contracts in accordance with the provisions of 40 U.S.C. 1102 et seq. is a competitive procedure (see Subpart 36.6 for procedures). Since offeror qualifications were provided and used as part of the selection process for the award of IDC or IDIQ contracts, the information is already available to make task order selections, with requests for minor updates or clarifications where appropriate.

We disagree with the contention that every task order be fully recompeted, based on our analysis of the FAR. Requiring such competitions will add cost and time to the award of each task order, both for the A/E industry and more importantly for the government.

For many of our members, this could add a significant cost and up to several weeks to each task order award/negotiation. In our discussions with numerous levels of USACE staff, we believe that these competitions would additionally add an unsustainable burden in both cost and time at the government level. A process that fully recompetes every task order would make working for USACE less attractive to industry and thereby, in fact, limit competition.
To assist USACE on this issue, ACEC is developing proposed language to EP 715-1-7 that will fully comply with the FAR, meet the intent of the Brooks Act and make the process of awarding task orders as efficient and effective as possible, while relieving undue burden on industry and USACE. ACEC respectfully requests that the Corps delay any change to the IDC task order process to allow your industry partners to work with your team on effective modifications.

USACE is the leader in government A/E contracting. At time when USACE seeks to execute an extremely large program, anything that we can do to streamline processes is critical. We look forward to working with you to achieve this goal.

Sincerely,

Linda Bauer Darr
President and CEO