



19461 Mr. Billard

UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

OFFICE OF GENERAL COUNSEL

B-203348.2

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Mr. William J. Maraist
Assistant Administrator
for Regulations
Office of Federal Procurement
Policy
Office of Management and Budget
Executive Office of the President

Dear Mr. Maraist:

You requested our comments on a draft segment of the Federal Acquisition Regulation (FAR) covering Part 47, Transportation, Subparts 47.1--General and 47.5--Ocean Transportation by U.S.-Flag Vessels.

As presently written, the draft is unclear as to whether certain methods of acquiring transportation and related services are to be covered under the FAR. On the one hand, section 47.000(b) states that Part 47 of the FAR prescribes policies and procedures for acquiring transportation and transportation-related services by contract methods other than bills of lading, transportation requests, transportation warrants and similar forms. This leads one to believe that those transportation procurement instruments will be exempt from FAR coverage. Yet, we find discussion of the application of and procedures for Government and commercial bills of lading in FAR Subpart 47.1, sections 47.103, 47.104-2, and 47.104-4. OFPP's intent is further clouded by reference to Code of Federal Regulations (CFR) citations concerning bills of lading in sections 47.103 and 47.104-4. OFPP's intent must be more clearly stated in order to avoid confusion on this point.

We fail to see the value of highlighting compliance with "Cargo Preference" in the last sentence of section 47.101(b)(1) while omitting "Fly American" and other requirements. We suggest that this sentence be deleted and the preceding sentence revised to say "* * * in accordance with all applicable statutes, agency policies and regulations."

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Lastly, we believe that information now given in section 47.105 recommending sources for assistance and guidance to agencies on transportation matters would be more effectively presented early in the text. We suggest that the information contained in 47.105 be relocated to follow directly after 47.101(a)(3).

We have no further comments.

Sincerely yours,

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel