

COUNCIL OF DEFENSE AND SPACE INDUSTRY ASSOCIATIONS

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October 31, 2001

CODSIA Case No. 12-01

Mr. Rex T. Elliott
NASA Headquarters
Office of Procurement
Analysis Division (Code HC)
Washington, DC 20546

Re: NASA Proposed Rule to Require Consideration of Safety and Risk-Based Acquisition Management (RBAM) in NASA's Broad Agency Announcements

Dear Mr. Elliott:

The undersigned members of the Council of Defense and Space Industry Associations (CODSIA) appreciate the opportunity to comment on the NASA proposed rule which was published in the *Federal Register* August 31 to amend the NASA FAR Supplement to require consideration of safety and risk-based acquisition management (RBAM) in NASA's broad agency announcements (BAAs) (66 Fed. Reg. 45955).

Formed in 1964 by industry associations with common interests in the defense and space fields, CODSIA is currently composed of seven associations representing over 4,000 member companies across the nation. Participation in CODSIA projects is strictly voluntary; a decision by any member association to abstain from participating in a particular activity is not necessarily an indication of dissent.

The background for the proposed rule explains that NASA recently made several changes to the NASA FAR Supplement to address safety and RBAM in the acquisition planning processes for negotiated procurements. This proposed rule would make corresponding changes to the proposal preparation and evaluation processes for broad agency announcements. The intended purpose of the change was to ensure consistency in the way safety and RBAM are treated in all NASA acquisitions.

NASA, now more than ever in light of September 11th events, understandably is concerned about safety and risk-based acquisition, as are members of our respective associations. This does not mean, however, that all BAAs should be subjected to safety and risk assessments. BAAs are released so early in the acquisition cycle that it is difficult to anticipate the benefits of focusing detailed analysis at that stage on assessing safety and risk, when the resulting deliverable is generally a research paper. There may

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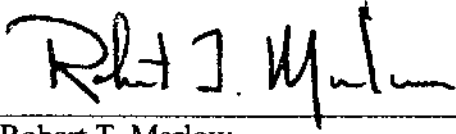
be multiple technical solutions being proposed, as opposed to single solutions such as in hardware procurement and system operations. The proposed rule would require detailed risk analysis on several possible solutions including a risk analysis for an approach that is not ultimately the technical solution selected.

This additional requirement for risk analysis should not be imposed at such an early stage of research, solely for the sake of consistency, particularly when it is unlikely there will be any identifiable risk that could benefit from a premature risk analysis during the early stages. Bid and proposal dollars are scarce and expenditure on any additional proposal requirements should add substantial value before they are required by the Government. This additional requirement should only be imposed for BAAs where the statement of work involves procurement, development, manufacture and operation of hardware or equipment. The contracting officer should be given the discretion to forego these safety and risk analyses in such limited circumstances that are essentially a function of timing in the procurement process. However, if circumstances warrant a safety and risk analysis, CODSIA members favor the application of contracting officer discretion, not the imposition of a proposal requirement that is not justified by the particular BAA.

Again, thank you for the opportunity to provide our comments on the proposed rule. Should you have any questions, please feel free to contact Karen Wilson, the Project Officer for this CODSIA case at (703) 465-3673.

Sincerely,

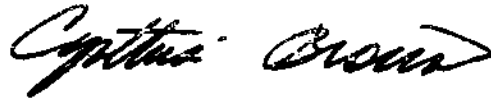
(SEE ATTACHED CODSIA SIGNATORIES)



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