

October 26, 2000

MEMORANDUM TO: Patricia G. Norry
Deputy Executive Director for Management Services

FROM: William D. Travers **/RA/**
Executive Director for Operations

SUBJECT: REVISED DELEGATION OF AUTHORITY FOR RESPONDING TO
CHALLENGES AND APPEALS REGARDING AGENCY COMMERCIAL
ACTIVITIES INVENTORY

The Federal Activities Inventory Reform (FAIR) Act of 1998 and revisions to the Office of Management Budget's (OMB) Circular A-76, "Performance of Commercial Activities," have established procedures for managing the performance of commercial activities within the Federal Government.

Under Section 3 of the FAIR Act, an agency's decision to include or exclude a particular activity from its Commercial Activities Inventory is subject to administrative challenge and appeal by an "interested party" as defined in Section 3(b) of the Act.

Pursuant to OMB Circular No. A-76 (Revised), Transmittal Memorandum 20, Attachment 1, Section 8G.5, I hereby designate you to serve as the Agency's Official to decide appeals submitted by interested parties in response to an adverse decision to a challenge to the Agency's Commercial Activities Inventory. This responsibility cannot be further delegated.

As the Agency Official to decide appeals, you must decide any appeal and send a written notification of your decision to the interested party within 10 working days of agency receipt of the appeal. The appeal decision shall include a rationale for the decision.

Further, pursuant to OMB Circular No. A-76 (Revised), Transmittal Memorandum No. 20, Attachment 1, Section 8G.4, I hereby delegate to you the responsibility to designate the appropriate agency official to receive and decide initial challenges to the Agency's Commercial Activities Inventory. Pursuant to OMB Circular No. A-76 (Revised), Transmittal Memorandum No. 22 dated August 31, 2000, the deciding official must decide the initial challenge and send the interested party a written notification of the decision within 28 working days of receipt of the challenge. The notification shall include the rationale for the decision and explain the party's right to file an appeal if the decision is adverse.

This delegation supersedes my delegation to you dated November 9, 1999, same subject.

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