



AUG 24 2005

GSA Office of the Chief Acquisition Officer

MEMORANDUM FOR ELIZABETH ALLISON
PROGRAM ANALYST
TRANSPORTATION MANAGEMENT DIVISION

FROM: RALPH J. DESTEFANO, DIRECTOR
REGULATORY AND FEDERAL ASSISTANCE
PUBLICATIONS DIVISION (VIR)

Subject: FMR Case 2005-102-4, Transportation Management and
Transportation Payment and Audit—Data Collection Standards
and Reporting Requirements

Attached are comments received on the subject FMR case published
at 70 FR 36088; June 22, 2005. The comment closing date was August 22, 2005.

<u>Response Number</u>	<u>Date Received</u>	<u>Comment Date</u>	<u>Commenter</u>
2005-102-4-1	07/06/05	07/06/05	USDA
2005-102-4-2	08/18/05	08/18/05	National Motor Freight Traffic Assoc., Inc.
2005-102-4-3	08/23/05	08/23/05	Lesley E. Oden
2005-102-4-4	08/23/05	08/23/05	Tamara Peyton
2005-102-4-5	08/23/05	08/23/05	Dianne Parks-Scott Evonne Land
2005-102-4-6	08/23/05	08/23/05	American Trucking Association

2005-102-4-1



Elizabeth Allison
07/06/2005 11:08 AM

To: <fmrcase.2005-102-1@gsa.gov>
cc:
Subject: Fw: Federal Register Notice 41 CFR Parts 102-117 and 102-118 (FMR case 2005-102-4)

----- Forwarded by Elizabeth Allison/MTA/CO/GSA/GOV on 07/06/2005 11:07 AM -----

"Beaty, Vikki" <Vikki.Beaty@fsis.usda.gov>

To "elizabeth.allison@gsa.gov" <elizabeth.allison@gsa.gov>

07/05/2005 12:14 PM

cc "Elaine.Plotkin@usda.gov" <Elaine.Plotkin@usda.gov>

Subject: Federal Register Notice 41 CFR Parts 102-117 and 102-118 (FMR case 2005-102-4)

As I received failed mail on this, addressee unknown, I am forwarding it to your attention and perhaps you can get it to where it needs to to...

Vikki S. Beaty
USDA FSIS Personal Property Management
5601 Sunnyside Avenue (2L192D)
Beltsville, MD 20705-5230
Voice: 301-504-4223
Fax: 301-504-4231
Email: Vikki.Beaty@fsis.usda.gov

"Public Service is not just a job; it is an act of citizenship."

-----Original Message-----

From: Beaty, Vikki
Sent: Tuesday, June 28, 2005 3:42 PM
To: 'fmrcase.2005-102-4@gsa.gov'
Cc: Wissman, Mary
Subject: Federal Register Notice 41 CFR Parts 102-117 and 102-118 (FMR case 2005-102-4)

A GSA data call will not enhance my agency's budget process or decision making with regards to transportation requirements and execution. The GSA data call may assist GSA ascertain how the agencies of the federal government spend their transportation dollars, contracting for what types of services, the carriers selected, tenders used, etc., but with decentralized control there is no interface effecting individual agency budget execution. Therefore, the data call seems like it will be a work effort with no benefit for those collecting and reporting the data.

Sustaining the reporting process within my agency will afford informed decision making for the future budgeting process within my agency.

Vikki S. Beaty
USDA FSIS Personal Property Management
5601 Sunnyside Avenue (2L192D)
Beltsville, MD 20705-5230

2005-1024-1

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"Public Service is not just a job; it is an act of citizenship."



fedreg.pdf

2005-102-4-2

GENERAL SERVICES ADMINISTRATION
OFFICE OF GOVERNMENTWIDE POLICY

FMR CASE NO. 2005-102-4

FREIGHT MANAGEMENT REGULATION;
TRANSPORTATION MANAGEMENT AND
TRANSPORTATION PAYMENT AND AUDIT-
DATA COLLECTION STANDARDS AND
REPORTING REQUIREMENTS

COMMENTS OF
NATIONAL MOTOR FREIGHT TRAFFIC
ASSOCIATION, INC.

JOHN R. BAGILEO
1101 30th STREET, N.W.,
SUITE 300
WASHINGTON, D.C. 20007
(202) 944-3736

DATED: AUGUST 18, 2005
DUE: AUGUST 22, 2005

2005-102-4-2

GENERAL SERVICES ADMINISTRATION
OFFICE OF GOVERNMENTWIDE POLICY

FMR CASE NO. 2005-102-4

COMMENTS OF NATIONAL MOTOR
FREIGHT TRAFFIC ASSOCIATION, INC.

These comments are submitted by National Motor Freight Traffic Association, Inc. (NMFTA), on behalf of its Government Relations Committee(GRC), in response to the rule proposed by the Office of Governmentwide Policy, General Services Administration, published in the June 22, 2005 issue of the Federal Register, and designated as FMR Case No. 2005-102-4.

The Government Relations Committee of NMFTA consists of motor carriers providing transportation services to the government, including GSA. In advancing the interests and welfare of its motor carrier members, NMFTA participates in judicial and regulatory proceedings which would or could affect its members. Its participation in this proceeding is to seek clarification and confirmation that the proposed rule is not intended to and will not impose any data collection burdens on the motor carriers serving GSA.

The proposed rule would amend the Federal Management Regulations (FMR) by adding specific data collection standards and reporting requirements. The rule requires and clarifies the collection of transportation data, analysis and reporting so as to improve the information needs of GSA decision makers under FMR Part 102-117, and links prepayment audit in FMR Part 102-118 to data collection in FMR Part 102-117. The stated purpose of the proposed rule is "to ensure that the agency transportation managers have a more solid knowledge base to support investment and regulatory decisions...." GSA therefore proposes to institute an annual Governmentwide transportation data call.

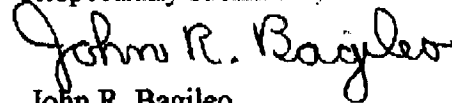
NMFTA's concern with the proposed rule arises from the fact that the GSA Freight Bill of Lading, over the prior objection of NMFTA, provides that: "This Government shipment is subject to terms and conditions of 41 CFR 102-117 & 118 and the U.S. Government Freight Transportation Handbook." There is serious concern that the general incorporation of those terms and conditions into the bill of lading might be utilized to impose burdens on the carriers which are not properly part of the transportation arrangement and are responsibilities of the GSA transportation managers. Incorporating the proposed rule into 41 CFR 102-117 & 118 once again raises that issue, and NMFTA requests that GSA clarify that it is not the intent or purpose of the rule to enable GSA

2005-102-4-2

transportation managers to require motor carriers to provide the sought transportation data.

Importantly, such clarification is consistent with the intent behind the proposed rule because GSA indicated in the Federal Register Notice that, in response to the requirements of the Paperwork Reduction Act, "the proposed rule does not impose record keeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public, which require the approval of the Office of Management and Budget." (F.R., Vol. 70, No. 119, at 36089) Specifically, clarifying that the proposed rule cannot be used to impose data collection functions on motor carriers doing business with GSA is consistent with the Office of Governmentwide Policy's intent, which acknowledges that the rule relates solely to agency management and personnel, and would prevent any needless confusion or misunderstanding as to compliance, notwithstanding the terms and conditions of the GSA Freight Bill of Lading.

Respectfully submitted,



John R. Bagileo

Counsel for National Motor
Freight Traffic Association, Inc.

Your email instructions published with this proposed change does not work!

The following comments are submitted in reference to the proposed change to 41 CFR part 102-117.

General: The Federal expenditure for transportation, excluding transportation of personnel, each year is minuscule when compared to expenditures for other object classes. The data proposed for collection and the reporting requirement is an unnecessary and burdensome process with little or no value. The regulation does not show a need for the data or a use, except to provide information to quell the curiosity and provide job security for someone at either GSA or OMB. Currently the data being collected by GSA in the area of Travel and Transportation is not being consolidated or provided to management to be used. The First Class Travel Report, the biannual TRIP Report and several other reports are required; however, the final product seems to never appear. This report is just another example of trying to collect data for the purpose of collecting data.

The transportation pattern for the Federal Government is not a static. The dynamic nature of these requirements are why it is best left to the agency heads and program managers to control. Two prime examples are when we have a buildup for war or when there is a major natural disaster, GSA programs that try to channel or control the transportation process becomes a stumbling block not a tool for efficiency. If GSA wants to truly help save agencies money in the transportation arena, it should drop the IFF charged to agencies that use the GSA rates and system.

GSA currently gets a copy of each bill of lading that covers a Government shipment. If data about a shipment is needed, it should be collected by GSA from the bill of lading and not burden the agencies with this collection effort. In addition, the proposed regulation indicates that the GSA TMSS system has all this data, why should agencies have to collect this and then report back to GSA? Could it be that the system does not have the data, or the data is incomplete or incorrect the TMSS system?

The process of reporting data does not stop with the three stated steps. If a report is not prepared you cannot claim you have reported. The preparation and staffing of a report of this type can be extremely time consuming and result in lots of wasted effort.

Prepayment auditing is an excellent tool to avoid having excessive payments; however the results are not beneficial in the ways stated in the proposed regulation. This data is not kept in a manner to have an impact on the budget. Data on what is spent on transportation comes from the agency payment system not the prepayment audits. In fact, GSA has granted exceptions so the payments made by credit card are not subject to the prepayment audit requirements.

There is no basis for requiring an agency to collect and maintain a monthly report merely for the purpose of sending GSA an annual report. GSA needs to leave internal management of reports and data storage up to the head of the agencies; after all, they are responsible for managing agencies many times larger than GSA.

I appreciate the opportunity to comment on the proposed regulation.

Lesley E. Oden
Retired


2005-102-4-4



Tamara L Peyton
08/23/2005 06:21 AM

To:
cc:
Subject: FMR case 2005-102-4

----- Forwarded by Tamara L Peyton/PFM/OS/DOI on 08/23/2005 06:07 AM -----



Tamara L Peyton
08/22/2005 03:30 PM

To: fmrcase.2005-102-4@gsa.gov
cc:
Subject: FMR case 2005-102-4

102-117.350

(a) provide example.

This is a lot of information to collect...might be difficult and very time consuming. Big burden for agency.

102-117.355: Recommend a format.

102-117-3.65

(a) Clarify!

(b) Remove **Transportation Management Services Solution (TMMS)** and replace with "Agencies that utilize a management service may be able to download..."

(c) Define an electronic system.

Tamara Peyton
Financial Specialist (Travel)
(202) 208-6227

2005-102-4-5

To: Brenda Barker
From: Diane Parks-Stott, Evonne Land
Date: August 12, 2005
Subject: Federal Management Regulation; Transportation Management and Transportation Payment and Audit—Data Collection Standards and Reporting Requirements

Issue:

A new Proposed rule. The General Services Administration is amending the Federal Management Regulation (FMR) by adding specific data collection standards and reporting requirements. This is being done to ensure that the agency transportation managers have a more solid knowledge base to support investment and regulatory decisions, which involve billions of dollars. GSA proposes to institute an annual Government wide transportation data call.

Background:

Part 102-117 of the Federal Management Regulation (FMR) (41 CFR part 102-117, Transportation Management), currently states that there is no requirement for reporting on agency transportation activities.

Proposed New Reporting Requirement:

Reclamation must report their transportation activities to GSA on an annual basis. However, monthly reports with year to date information will be gathered and maintained by the transportation manager.

There are five groups of data which Reclamation may be obligated to report. Reclamation may be required to collect information on the following categories:

- (a) Mode.
- (b) Measure.
 - (1) Weight-tons (short tons 2000 lbs), pounds
 - (2) Volume-cubage
 - (3) Cost dollars paid per shipment and/or weight measure, volume, value
 - (4) Number of transactions and/or orders
- (c) Geography.
 - (1) Domestic by key regions
 - (2) International
- (d) Key Corridors (Key city or origin and destination pairs)
 - (1) Federal Budget Object Classification 22, less than \$1 million top 10 pairs
 - (2) Federal Budget Object Classification 22, \$1 million to \$10 million top 15 pairs
 - (3) Federal Budget Object Classification 22, \$10 million up top 20 pairs
- (e) Commodities.
 - (1) General freight
 - (2) Household goods shipments
 - (3) Hazardous cargo shipments

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Further reporting requirements will include:

(a) Agencies that utilize the Transportation Management Services Solution (TMSS) may download the requested information through the report module. All other agencies must have electronic systems in place.

(b) Agencies not submitting data or submitting inconsistent data will be requested by the General Services Administration (GSA) to comply with the data reporting requirements. GSA will report compliance to the Office of Management and Budget (OMB).

Potential Impact to Reclamation:

1. This process can be very labor intensive if done manually. It is unknown what the GBL process in the regions can capture from CHAMPS and etc.
2. It is possible that Reclamation can not get this information from the Carrier Bill of Lading information that is received from the vendor with payment documents.
3. Running current reports by Object classification will only show the payment amount and vendor.
4. Reclamation will need input from regional personnel that work with the general freight, household goods and cargo shipments Carrier Bill of Ladings (formerly Government Bill of Lading).
5. It is unknown if FBMS can provide any of this information?
6. Reclamation is currently in compliance with prepayment audits. The proposed new rule to also tie prepayment audits to the new reporting requirement will not impact Reclamation.

2005-102-4-6



2200 Mill Road
Alexandria, VA 22314

Primary Contact:
Bill Wanamaker

703 838-1997; bwanamak@trucking.org

Filed August 22, 2005

General Services Administration
Regulatory Secretariat (VIR)
1800 F Street, NW
Room 4035 — ATTN: Laurieann Durarte
Washington, DC 20405

Via: e-mail to: fmrcase.2005-102-4@gsa.gov

Re: *Federal Management Regulation* to require freight data collection standards and reporting by federal agencies. Reference *Federal Register* of June 22, 2005, pages 36088 through 36090.
(*Federal Management Regulation*) **FMR Case 2005-102-4.**

Dear Sir or Madam:

The American Trucking Associations, Inc.¹ (hereinafter "ATA") is pleased to submit the following comments in response to the notice of proposed rulemaking (NPRM) designated, "Federal Management Regulation Case 2005-102-4" regarding new requirements for each federal agency to report to the General Services Administration (hereinafter "GSA") its commercial freight service orders and related metrics. ATA supports this initiative and commends GSA for taking positive actions to better manage and monitor freight ordering and taxpayer money required to move federal freight, and to produce reliable statistical measurements of federal freight activity. The trucking industry believes the latter will be particularly useful to improve business processes, and to analyze systems for improved efficiencies on the part of government and industry alike.

After examining the June 22 NPRM, motor carriers comprising the ATA have assessed the proposed rule, convened an industry teleconference to discuss its operational ramifications, and concur unanimously on the following recommendations to GSA:

¹ ATA is a united federation of motor carriers, state trucking associations from all 50 states, and national trucking conferences created to promote and advance the safety productivity, security and related interests of the trucking industry. Its membership includes more than 2,000 trucking companies and industry suppliers of equipment and services. Directly and through its affiliated organizations, ATA encompasses more than 34,000 companies and every type and class of motor carrier operation, and has a vital interest in issues relating to the procurement of freight services by all federal agencies.

1. As stated in the text of the NPRM, it is appropriate that all data gathering and reporting activities be done by each agency for their own freight activity. The NPRM assumes that the approximately 140 federal agencies will not merely delegate their reporting responsibility to the carriers. The motor carrier industry is concerned that some, perhaps many agencies, will ask the carriers they use to administer this recordkeeping and hand it to them at the end of each reporting period. Then by merely adding up the carrier reports, the agencies would report that to GSA. This would represent a genuine burden on carriers, and at a real cost of doing business.
2. ATA carriers believe that by this NPRM, the GSA's intent is to develop agencies' internal fiscal discipline, and further, that if agencies are allowed to delegate their reporting responsibility to carriers, that this discipline will not be achieved. Moreover, if the agencies' transportation managers (TMs) are not held responsible for producing the freight reports independently, and without transferring this work onto the carriers, they will lack the hands-on experience necessary to be adequately educated about the processes that produce the numbers. This aspect of TM's education is important to realize other system efficiencies.
3. ATA carriers believe it would be advisable for GSA to produce a standard form that each authorized TM completes for each shipment. This (and #2 above) tie the June 22, 2005 initiative to track freight volumes and budgets to the May 4, 2005 initiative to train TMs.² One freight management system control could be to limit access to the freight data reporting form to only the certified (properly authorized) TMs. The data management system should be fully automated so that by filling out electronic forms for reporting of freight ordering activity (i.e. each shipment), and submitting them, the data flow into the aggregate collected by GSA. This would standardize the process across all agencies, and GSA would have a real-time view of federal freight activity.
4. Perhaps the most important observation the motor carrier industry has to offer GSA in this matter is that the NPRM has established strict thresholds, such that if they are breached, the entire initiative to collect freight data could be challenged successfully in the courts. The NPRM states that several regulatory promulgation requirements (see bullets below) are not applicable because the burden of producing reports falls on the agencies, not private industries. However, if just one agency were to shift the data collection burden onto carriers, then the GSA becomes subject to the following promulgation requirements:
 - Executive Order 12866
 - Regulatory Flexibility Act
 - Paperwork Reduction Act
 - Small Business Regulatory Enforcement Fairness Act.

² Reference: Certification and Training of Federal Employees acting as Transportation Managers (TOs). Reference *Federal Register* of May 4, 2005, pages 23078 through 23080. *Federal Management Regulation (FMR) Case 2005-102-1*.

2005-102-4-6

Therefore, in order to assure that agencies produce the freight reports themselves, and do not transfer this burden on carriers, the NPRM must mandate that agencies collect this information internally, and that they are prohibited from asking carriers to do it, whether or not additional compensation is offered for this assessorial service.

5. To assure that maximum value results from GSA's initiative to produce the new federal freight reports, those reports should be made available to the public. Not only do the federal customers need this information as consumers and managers of public resources, but the service providers need to analyze the same data to assure that commercial capacity, capabilities and processes are in place and optimized to support the myriad federal agency missions in the most efficient manner possible. The data resulting from this NPRM are sure to be helpful in this regard. Other than secret-category freight, and related security-sensitive information generally under the domain of the Departments of Defense and Energy, subject freight metrics and reports should be in the public domain.

As for secret and security-sensitive freight, statistics should be available to carrier personnel with the appropriate security clearances to view them. In this latter category, the DoD actively seeks industry's assistance to assure that adequate capacity is available across all freight modes to be able to absorb dramatic spikes and fluctuations in freight demand, e.g. when military deployment enters a new theater of activity. If secret or security sensitive freight data are part of the GSA's scope in this NPRM, then DoD should be encouraged to share this information with secret-cleared carrier personnel on a need-to-know basis.

Again, industry appreciates this opportunity to work collaboratively with its government partners in devising superior joint solutions, and we respectfully reiterate our request for GSA to adopt the industry recommendations in these comments. For further discussion, or information, please contact me at (703) 838-1997.

Sincerely,



Bill Wanamaker
Director
Government Traffic and Security Policy
American Trucking Associations
Alexandria, VA 22314