

## **PROCUREMENT PROCESSES IN REVERSE AUCTIONS WHICH REQUIRE REGULATORY REFORM**

*The FAR does not adequately address the unique processes of auctions*

- 1. Allows the government to unfairly restrict competition and exclude small businesses from accessing procurements from \$3,000 to \$100,000 as required by FAR Part 19. (the legality issue of the set-aside exemptions)**
- 2. Permits the government to circumvents the 'brand-name or equal' requirements by allowing 'sole source and/or sole brands' to be used in procurement (i.e., Exact Match)**
- 3. Allows the government to circumvent the FAR 19 requirement by excluding small businesses from competing in solicitations under \$100,000.**
- 4. Permits the government to restrict the competition by allowing 'exact match' procurements on commodities in lieu of using 'salient characteristics' of a product for consideration for an award.**
- 5. Prevents suppliers from having direct communication with the contracting specialist/contracting officer.**
- 6. Allows for the government to skip synopsising the solicitation on fedbizopps.**
- 7. Allows the government to use an arbitrary 'target price' to automatically lower the bidders' offers and unfairly control the competition. Bidders do not compete with each other with the lowest bid winning the auction as it should. The government's arbitrary 'target price' automatically lowers all of the bidders offers and display a 'false message' telling the bidders they are 'Leading' or 'Lagging' the auction.**
- 8. Allows for a 'third party' to unlawfully influence/control the 'timeliness' of the communication during a protest. By 'delaying' submitting a demand for critical information in a dispute – beyond the required 10 days - the third party can literally affect the outcome of the protest.**
- 9. Allows for the government to unfairly 'offer preferential treatment' to a vendor(s) and/or 'discriminate among vendors' by permitting the cancellation of a 'Buy' and its immediate re-posting AFTER the offers are and in such a way as to exclude an existing bidder(s) from receiving due consideration in the re-posted 'Buy.'**
- 10. Unfairly creates another level of competition among suppliers holding GSA Contracts. These suppliers have already agreed to 'contracts' in which they have already offered 'their lowest price' to the government. Why ask them, again, to compete and offer the government even lower prices? In short, the purpose of the GSA Schedule Contract Vehicle is in direct contradiction with the purpose of the Reverse Auction.**