

## OMB Takes Steps to Redefine Government Work

GREGG CARLSTROM | March 31, 2010

Agencies should use the definition of inherently governmental specified in the Federal Activities Inventory Reform (FAIR) Act, according to new draft guidance from the Office of Federal Procurement Policy.

OFPP administrator Dan Gordon issued the draft guidance in a letter to agencies today. Gordon says the government has been using multiple definitions for inherently governmental — including ones from the FAIR Act, Office of Management and Budget Circular A-76, and the Federal Acquisition Regulation; OFPP's guidance directs agencies to use a single definition.

"The FAIR Act defines an activity as inherently governmental when it is so intimately related to the public interest as to mandate performance by federal government employees," the letter says.

OFPP's letter explicitly identifies 20 positions as inherently governmental; the list includes criminal investigators and budget analysts. It says OMB, OFPP's parent agency, will develop a test to analyze whether other functions fit the definition. The letter also excludes a number of positions, including building security, janitorial services and facilities maintenance, all of which are deemed not inherently governmental.

Agencies are also required to review ongoing contracts, "to ensure the scope of the work ... [has] not changed to the point that inherently governmental authority has been transferred to the contractor," the letter said.

OMB officials say they're looking for public comment on the proposed guidance, which includes dozens of questions on procurement policy. Comments must be submitted by June 1.