



Industry Concerned About Bill to “CLEAN UP” Contracting

MAY 6TH, 2009 | CONGRESS PROCUREMENT | POSTED BY ELISE CASTELLI

Industry is “deeply concerned” about a bill meant to bring work performed by contractors in house, Professional Services Council President Stan Soloway said in a May 5 letter to bill sponsor Sen. Barbara Mikulski, D-Md.

Mikulski introduced the Correction of Longstanding Errors in Agencies Unsustainable Procurements (CLEAN UP) Act last week. The bill would ban the use of public-private competitions until agencies ensure inherently governmental work and work closely associated with inherently governmental functions is performed by federal employees. Agencies would also have to inventory contracts and give feds the opportunity to compete for outsourced work, even if the work can be done by contractors.

Mikulski said last week that this bill would correct “the contracting abuses of the last eight years and bringing jobs that were wrongly awarded to private contractors back to where they belong - with our first-rate federal employees.”

But Soloway counters the legislation works at cross purposes with Mikulski’s goals of supporting the federal worker:

The ban on competitive sourcing studies across government has eliminated the only process that gives employees the opportunity to compete the commercial activities work. Absent the A-76 process, what competitive process should be implemented to ensure that any decision to in-source work will result in meaningful cost and performance improvements?

Soloway also noted that work “closely associated with inherently governmental” jobs is not defined and there is “no logical reason” that such jobs must be done by feds.

The key is for agencies to carefully and strategically assess their missions and work to ensure that they have adequate internal capability in critical positions to provide the guidance, expertise and management necessary to achieve cost, schedule and

performance goals. Your legislation would strip agencies of their ability to act strategically by replacing it with arbitrary workforce planning that may not be consistent with the agency's or the taxpayers best interests.

Soloway has asked Mikulski to discuss PSC's concerns surrounding the bill, noting that several federal contractors have offices and employees in Maryland.