



## Public-Private Competitions Come Under Fire Again

By Matthew Weigelt      May 16, 2011

Sen. Barbara Mikulski (D-Md.) has re-introduced legislation from 2009 to block agencies' use of the Office of Management and Budget Circular A-76, the regulation that pits government employees against private companies for federal work.

Her attempt, Mikulski said, is to make the acquisition process fair for federal employees "and to protect them against unfair contracting out policies."

While Congress may never have passed her bill, the competitive sourcing policy was banned for a several years in a row under the previous Congress.

Rep. John Sarbanes (D-Md.) issued a statement, giving Mikulski support. He said agency officials have been too quick to outsource many of "government's most basic functions."

President Barack Obama's chief procurement policymaker is setting rules for pulling back certain key jobs, even down to work considered to be a "critical function." One of the tenets of Dan Gordon, administrator of the Office of Federal Procurement Policy, is rebalancing the government's relationship with contractors. A new regulation is still under review by federal officials regarding work reserved for government employees, although, experts say, the regulation should be released soon.

Mikulski's bill, introduced May 12, would have agencies record their contracts to find what work is inherently governmental function and should only be carried out by federal employees. Agencies would have inventories of specific contracts identical to the inventory already developed by the Defense Department.

Mikulski wants to revise the OMB A-76 regulation on how federal executives should compare prices between the public and private sectors. She is proposing a temporary suspension of the regulation until the Office of Management and Budget and inspectors general from the five largest agencies work out necessary changes.

It also would encourage officials to offer federal employees contracts that the private contractors are working on.

Her legislation has been referred to the Homeland Security and Governmental Affairs Committee for further consideration. In the last Congress, this same bill never made it through the committee. A matching bill in the House failed to make it through an oversight committee.

Meanwhile, on April 15, Obama signed legislation that gave defense officials the opportunity to pit the public and private sectors against each other for noninherently governmental work.