



# Senate, White House Disagree on Work Contractors Can, Cannot Do

Written by Ross Wilkers      Nov 15, 2011

Guidance issued in October from the Office of Federal Procurement Policy was intended to clarify and outline “inherently governmental” work set aside for federal employees.

A Senate appropriations bill contains a provision that would put that policy into law, according to a report from Federal Computer Week. Contractors would not be allowed to carry out work “closely associated with inherently governmental functions,” the provision says.

The Senate bill is now part of a consolidated appropriations bill and includes the provision on what contractors can and cannot do at work. The Senate started debate on the legislation Monday.

Under current OFPP guidance, work set aside for federal employees includes areas related to:

- Combat
- Security operations in certain situations connected with combat or potential combat
- Determination of an offer’s price reasonableness
- Final determinations about a contractor’s performance, including approving award fee determinations or past performance evaluations and taking action based on those evaluations
- Selection of grant and cooperative agreement recipients

According to the FCW report, White House officials believe the most sensitive of government decisions must stay within the federal workforce. That work includes decisions on budget and policy.

Outside of that, if circumstances make it reasonable, agencies should allow contractors to do work that is considered “inherently governmental.”

“Agencies should not be expected to stop using contractors to perform these functions, as long as the agency is giving adequate management attention to ensure contractors are not impinging on the agency’s inherently governmental responsibilities,” the White House said in a statement of administration policy.

The combined legislation also requires agencies to collect “cost data,” which would help gather information on how much agencies rely on contractors. In the same statement, the White House called for this requirement to be struck down as “it would be unnecessarily burdensome on contractors without commensurate benefit.”

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