

Senator Seeks Indefinite Competitive Sourcing Freeze

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Legislation introduced on Wednesday by Sen. Barbara Mikulski, D-Md., would suspend public-private job competitions indefinitely and encourage agencies to bring contracted work back in-house.

The Correction of Longstanding Errors in Agencies Unsustainable Procurements (CLEAN UP) Act (S. 924) goes a step beyond language in the fiscal 2009 omnibus spending package by barring public-private competitions indefinitely, rather than through the end of the fiscal year. Under Mikulski's bill, agencies could not resume contests until the director of the Office of Management and Budget and inspectors general of the five largest agencies determined that reforms to level the playing field for federal employees had been implemented.

As part of these reforms, agencies would be required to identify instances where inherently governmental work is being performed by contractors, and return that work to federal employees over several years. The bill also would encourage agencies to give federal employees the opportunity to perform new work, and jobs that were outsourced without competition or are being performed poorly by contractors.

The measure asks officials to determine if they are currently experiencing or will experience shortages of federal employees in certain categories and to develop plans to address that situation. It also would require OMB to revise Circular A-76, which contains the rules for running competitions, to ensure all costs are considered, federal employee teams are charged only for actual overhead costs, automatic re-competitions for federal work are abolished and time limits for studies are enforced firmly.

"Federal employees deserve to be treated fairly," Mikulski said in a statement. "This bill will be a major step toward cleaning up 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."

John Gage, president of the American Federation of Government Employees, said the measure would go a long way toward reversing the previous administration's "wholesale privatization crusade."

But the Professional Services Council said the bill would tie the Obama administration's hands as it tries to improve government performance and drive "yet another unnecessary wedge between federal employees and federal contractors when we should be building partnerships."

The legislation is the "wrong solution, aimed at the wrong problem, offered at the wrong time, based on wrong information and focused on the wrong set of issues," said Stan Soloway, the contractor group's president and chief executive officer.