



When it Comes to Outsourcing Decisions, Everyone Angles To Be 'Critical'

By Matthew Weigelt Oct 24, 2011

The Office of Federal Procurement Policy recently issued guidance to agencies on managing inherently governmental and critical functions. Senior writer Matthew Weigelt talked with two experts to get their take on what the term means and how they think the policy will affect public- and private-sector workers.

Robert Burton, now a partner at Venable law firm, was deputy OFPP administrator during the George W. Bush administration. His comments are below.

FCW: How would you define the term “critical function”?

Burton: That’s the crux of the whole problem. There’s not a definition. I think Congress was intentionally vague, and I think OFPP and the guidance it just released [were] fairly vague.

A critical function is work that’s necessary for the agency [to be able] to effectively perform and maintain control of its missions and operations.

That is very broad. It basically [covers] anything that’s very important to the performance of the agency’s mission. I think I can make an argument that virtually everything is critical. Certainly, when I was a government employee, I didn’t want to be associated with a noncritical function so I would have always argued that whatever I was doing was critical.

That’s not what OFPP intended, though. But the problem with broad definitions is that, years later, oftentimes people interpret the meaning in a way that wasn’t originally intended.

[This is really] about the concern the government has had [about an] over-reliance on contractors. And you’ll see that term used in the OFPP guidance. Again, we’re into a very subjective analysis of what over-reliance is. In some cases, over-reliance on the private sector is a good thing.

FCW: OFPP wants agencies to make sure their employees have the necessary expertise to perform critical functions. Will that lead to an improvement in the workforce’s skills?

Burton: I think the federal workforce, generally, has the expertise. I think most agencies have a wide variety of expertise, at least to the point where they can manage the contractor workforce that is supporting the agency.

But training has been a problem. It’s going to be difficult to keep their employees abreast and gain the required expertise in the future.

FCW: In the coming years, how will decisions about critical functions affect the federal workforce?

Burton: In the long run, insourcing is probably going to lose steam, and the pendulum is going to swing back. There’s going to be an increased desire to use the expertise of the private sector to support federal agency missions. This might be a short-lived episode in our acquisition system.

FCW: So you don’t expect federal employees to see a big change in their work lives because of it?

Burton: I think a lot of it has already occurred. In the last couple years, a lot of the work has already been insourced, especially at the [Defense Department].

FCW: How will decisions about critical functions affect contractors in the long run?

Burton: The private sector may have an incentive to try to define everything they're doing as noncritical so they're beyond the scope of any insourcing actions.

I think the unintended consequences of this term point to the insourcing of work from small businesses. People have lost their jobs, and some small companies have gone out of business. I think those are certainly unintended consequences.