



## **Analysis of FY 2018 Service Contract Inventory**

### **I. Introduction**

The National Labor Relations Board is an independent Federal Agency created by Congress in 1935 to administer the National Labor Relations Act, the primary law governing relations between and among unions, employees, and employers in the private sector. The statute guarantees the right of employees to organize and bargain collectively with their employers or to refrain from all such activity. Generally applying to all employers involved in interstate commerce other than airlines, railroads, agriculture, and government, the Act implements the national labor policy of assuring free choice and encouraging collective bargaining as a means of maintaining industrial peace. Through the years, Congress has amended the Act and the Board and courts have developed a body of law drawn from the statute. The NLRB consists of regional, sub-regional, and resident offices, and a headquarters office.

### **II. Scope**

In accordance with Section 743(f) of Division C of the FY 2010 Consolidated Appropriations Act, P.L. 111-117, the NLRB reviewed FY-18 Service Contracts. Three (3) contracts were chosen, two from PSC code R-603 (Support-Administrative: Transcription), and one from PSC code R-406 (Support-Administrative: Policy Review/Development).

### **III. Methodology**

The NLRB Acquisitions Management Branch (AMB) performed an analysis of the special interest functions by pulling data from the FY 2018 Service Contract Inventory found at: <https://www.acquisition.gov/service-contract-inventory>.

Each contract was analyzed by AMB gathering information from procurement systems and speaking to contracting staff to determine whether the contract labor was used appropriately and efficiently. In addition, to determine if the mix of Federal employees and contractors was effectively balanced. This analysis specifically addresses the desired outcomes in Section 743(e) of Division C of the FY 2010 Consolidated Appropriations Act, P.L. 111-117 to ensure that:

- a. Each contract in the inventory if a personal services contract has been entered and is being performed in accordance with applicable laws and regulations;
- b. The agency gave special management attention to functions that are closely associated with Inherently Governmental functions;
- c. The agency did not use contractor employees to perform Inherently Governmental functions;
- d. The agency applied specific safeguards and monitoring systems to ensure that work being performed by contractors did not change or expand during performance thereby becoming an Inherently Governmental function;



- e. The agency did not use contractor employees to perform critical functions in such a way that would affect the ability of the Agency to maintain control of its mission and operations; and
- f. There were enough internal Agency resources to manage and oversee the contracts effectively.

#### IV. Special Interest Functions for Evaluation

Two (2) special interest functions (PSC codes), are displayed in the table below. They were selected for analysis based on the both the total amount obligated and the critical nature of this function to the NLRB.

Special Interest Function Code	Description of Function	Dollars Obligated in FY 2018
R406	SUPPORT - ADMINISTRATIVE: POLICY REVIEW/DEVELOPMENT	\$119,977.67
R603	SUPPORT-ADMINISTRATIVE: TRANSCRIPTION	\$440,000.00

Initial Observations and Findings: The following analysis was completed after the removal of contracts that were either close-outs and/or de-obligations. The NLRB inventory analysis consisted of three (3) service contracts, where the stated PSC Category codes were considered “Closely Associated” by Inherently Governmental definition.

- PSC Code R406 - Support-Administrative: Policy Review/Development  
One (1) contract was selected under PSC Code R406, where the Contracting Officer obligated \$246,332.10 for Office of the Chief Information Officer (OCIO). This contract award, NLRB6317F0115, was solicited as a Full and Open Competition for a commercial Task Order. A total of four (4) quotes were received against each contractor’s GSA contract, and a Small Business quote was selected for award. The internal controls and monitoring keep this service from affecting the ability of the Agency to maintain control of its mission and operations.
- PSC Code R603 – Support-Administrative: Transcription (Court Reporting)  
Two (2) contracts were selected under PSC code R603, where the Contracting Officer obligated a total of \$440,000.00 for Office of Operations Management. The contract awards, NLRB6318P0005 and NLRB6318P0007 were solicited as a Full and Open Competition and subject to Multiple Award Fair Opportunity to two different GSA contractors. A total of ten (10) quotes were received for each solicitation. These negotiated awards were to a Small Business and an “Other Than Small” Business” against their GSA contract. The internal controls and monitoring keep this service from affecting the ability of the Agency to maintain control of its mission and operations.



#### **V. Actions**

Since all awarded contractor's performances were satisfactory and no contractor was found performing inherently Governmental action, then no actions were needed. There are no open items from previous reviews.

#### **VI. Responsible Officials**

The Director of the Acquisition Management Branch, Ms. Tashiana Carter, is responsible for both policy and management of the Service Contract Inventory process at the NLRB.