

PRETRIAL SERVICES AGENCY
FOR THE DISTRICT OF COLUMBIA

Report on FY 2013 Inventory

Background

The Consolidated Appropriations Act of 2010 requires civilian agencies to annually submit to the Office of Management and Budget (OMB) an inventory and analysis of service contract actions beginning in fiscal year (FY) 2010. This analysis focuses on the special interest functions identified by the Agency for FY 2013 and includes:

- **Scope:** A description of the special interest functions studied by the agency, the dollars obligated to those specific product or service codes (PSCs) in FY 2013 and the rationale for focusing on the identified functions.
- **Methodology:** A description of the methodology used by the agency to support the analysis.
- **Agency Findings:** The findings, including a brief discussion of the extent to which the desired outcomes described in section 743(e)(2) of the Act are being met.
- **Actions taken or planned:** Identifies steps the agency has taken or plans to take to address any identified weaknesses or challenges.
- **Accountable official:** Identifies the official within the agency who is accountable to help ensure appropriate management attention and responsiveness.

Scope

For fiscal year 2013, PSA identified two special interest functions to analyze, which are identified in Table 1 below.

PSC	Product or Service Description	FY 2013 Obligations
G004	Social-Social Rehabilitation	\$767,022.58
R699	Support Administrative Other	\$274,620.14

Table 1 – FY 2013 Special Interest Functions Selected for Further Analysis

PSC G004 was selected for further analysis due to the fact that it represented 56% of the Agency's total reportable service contract dollars. Additionally, this classification included PSA's only contract awarded on a basis other than fixed price. R699 was selected because it represented the second highest percentage of total reportable service contract dollars, which was 20%. The purpose of the analysis is to ensure that:

- Each contract in the inventory that is a personal services contract has been entered into, and is being performed, in accordance with applicable laws and regulations;
- The Agency is giving special management attention to functions that are closely associated with inherently governmental functions;
- The Agency is not using contractor employees to perform inherently governmental functions;
- The Agency has specific safeguards and monitoring systems in place to ensure that work being performed by contractors has not changed or expanded during performance to become an inherently governmental function;

- The Agency is not using contractor employees to perform critical functions in such a way that could affect the ability of the agency to maintain control of its mission and operations; and
- There are sufficient internal agency resources to manage and oversee contracts effectively.

In determining which contracts to include in the analysis, PSA took into account the number of contract actions awarded within each PSC as well as the total obligation and complexity of each. PSA selected ten contract actions in PSC G004 and one contract action in PSC R699 for further analysis. A summary of how PSA selected the contracts to be reviewed is provided below:

PSC G004:

A total of twenty-one contract actions were awarded within this PSC for a total obligation of \$767,022.58, representing 56% of the Agency's total reportable service contract dollars. This PSC included four Indefinite Delivery/Indefinite Quantity (IDIQ) contracts and one contract issued on a Labor-Hour (LH) Basis. The LH contract was selected for further analysis based on the type contract and the higher risk the contract presents to the agency. A random number of task orders from each IDIQ contract were selected for review, primarily based dollar amount.

Of the twenty-one contract actions awarded in FY 2013 within this PSC, ten contract actions were selected for further analysis. The total obligation for the ten contract actions selected is \$450,463, representing approximately 59% of the Agency's total obligation within PSC G004.

PSC R699:

Only one contract action was awarded within this PSC for a total obligation of \$274,620.14, representing 20% of the Agency's total reportable service contract dollars and 100% of the Agency's total obligation within the PSC.

Methodology

For this analysis, a combination of methods and tools were employed, to include review of contract files and interviews with PSA Contracting Officers (COs) and Contract Specialists (CS) who have the authority to administer contracts and Contracting Officer Representatives (CORs) who oversee and manage the program(s).

Agency Findings

PSC G004:

PSA's inventory for this PSC included four IDIQ contracts and one labor hour contract. PSA's review included nine task orders randomly selected among the four IDIQ contracts and the single labor hour contract.

Task orders issued against the IDIQ contracts provided for residential, intensive outpatient, outpatient, and transitional housing and/or social detoxification substance use disordered assessment and treatment services for defendants. Although services provided play an important role in meeting the agency's overall objectives, they are not considered critical functions in such a way that could affect the ability of the agency to maintain control of its

mission and operation. Services provided by the contractors are not considered an inherently governmental function. Contract personnel were not subject to (either by the contract's terms or by the manner of its administration) the supervision and control usually prevailing in relationships between the Government and its employees. All task orders were issued as non-personal services. No special management attention, beyond standard contract administration by the CO and COR was warranted or given.

Also included in the review was a labor hour contract for psychologist services. Services provided under the contract include mental health services (psychotherapy) to trauma-impacted defendants, as well as psychological testing and services to defendants suffering from mental illness, substance related disorders, co-occurring substance use and mental health disorders, or emotional distress secondary to personality disorders. Services are not considered to be a critical function in such a way that could affect the ability of the agency to maintain control of its mission and operations. Services provided under this contract are performed by a psychologist; and while the services are not considered an inherently governmental function (IGF), they could be provided by a government employee within the Psychology Series, GS-0180. For this reason, the services provided under this contract were considered Closely Related to IGF. Services rendered by the contractor were not subject to (either by the contract's terms or by the manner of its administration) the supervision and control usually prevailing in relationships between the Government and its employees. The contract was issued as a non-personal services contract. Due to the potential risks of a labor-hour contract, additional management attention was provided. Services provided for under this contract were for group sessions scheduled by the Government and conducted at a Government facility. Performance was monitored by the COR and others within the program office. Contract administration, to include review of billable hours invoiced, was conducted by the CO, COR and program office.

Given the psychologist services could be provided by a Government employee within the GS-0180 series, further analysis was conducted to determine if the agency has the proper mix of Government and contractor employees and more specifically, if consideration should be given to convert the services from being contracted to performance by a federal full time employee.

For fiscal year 2013, the contractor billed 739.5 hours at an hourly rate of \$96.00, for a total of \$72,288.00. The cost for a full time federal employee, in the GS-0180 series for 2013 is estimated to be \$124,646.00. The basis for the federal FTE assumes a General Schedule (GS) employee at a grade 13 with an annual 2013 salary of \$89,033 (includes locality pay for the Washington DC area). The federal rate also assumes a 40% labor burden of \$35,613. Based on these preliminary findings, it is determined to be in the best interest of the Government to continue contracting for the part-time psychologist services.

PSC R699:

For fiscal year 2013, the inventory included one contract action which provided support operations of PSA's Support Services Center (SSC). The SSC provides a wide range of administrative services to include operation of a central supply room, centralized copy center, and mail & distribution center. Services provided are not considered critical functions in such a way that could affect the ability of the agency to maintain control of its mission and operation. Services provided by the contractors are not considered an inherently governmental function or a critical service. Contract personnel were not subject to (either by the contract's terms or by the manner of its administration) the supervision and control usually prevailing in relationships between the Government and its employees. No special management attention, beyond standard contract administration by the CO and COR was warranted or given.

Summary of Findings:

Based on the analysis, the agency has determined that:

- The Agency has no personal services contracts;
- The Agency is giving special management attention to functions that are closely associated with inherently governmental functions;
- The Agency is not using contractor employees to perform inherently governmental functions;
- The Agency has specific safeguards and monitoring systems in place to ensure that work being performed by contractors has not changed or expanded during performance to become an inherently governmental functions;
- The Agency is not using contractor employees to perform critical functions in such a way that could affect the ability of the agency to maintain control of its mission and operations; and
- There are sufficient internal agency resources to manage and oversee contracts effectively.

Actions Taken or Planned by Agency to Address Weaknesses or Challenges

In review of the Agency's overall procurement system, it is determined that there are sufficient internal Agency resources to manage and oversee contracts effectively. All service contracts are administered by a CO and are assigned at least one COR. During its review, no weaknesses or challenges were identified.

Accountable official

Jeff Brakebill, PSA's Head of Contracting Activity (HCA) is the senior Agency management official who will be responsible for developing Agency policies and procedures associated with the procurement and acquisitions, as well as the development and analysis of the service contract inventories for PSA.