



# National Transportation Safety Board

Washington, D.C. 20594

## Office of Administration

**SUBJECT:** Analysis of FY2010 Service Contract Inventory

Section 743 of Division C of the Fiscal Year (FY) 2010 Consolidated Appropriations Act, P.L. 111-117, requires civilian agencies to prepare an annual inventory of their service contracts and to analyze the inventory to determine if the mix of federal employees and contractors is effective or if rebalancing may be required. Additionally, each agency shall submit a report suitable for public disclosure discussing its analysis of the FY 2010 service contract inventory and the use of contractors for the special interest functions that the agency selected to study. The National Transportation Safety Board (NTSB) selected the following special interest functions, by Product and Services Code (PSC), from the FY2010 inventory. Also annotated is the funding obligated to each of the PSCs during FY2010:

D310 – ADP Backup and Security Services - \$152,012.00

R707 – Management Services/Contract and Procurement Support - \$42,922.00

R408 – Program and Management/Support Services - \$877,306.00

These PSCs were selected due to their inclusion in the special interest functions identified by the Office of Management and Budget (OMB), the role these PSCs have in supporting the NTSB mission, and the dollar amounts obligated to these PSCs.

During the analysis, the NTSB reviewed the specific contract files covered by the selected PSCs and discussed the contract performance with the Contracting Officer, the Contracting Officer's Technical Representative (COTR), and other interested stakeholders. The analysis took into account the desired outcomes of Section 743(e) of Division C of the Fiscal Year (FY) 2010 Consolidated Appropriations Act, P.L. 111-117, which includes:

- (i) 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;
- (ii) The agency is giving special management attention, as set forth in FAR 37.114, to functions that are closely associated with inherently governmental functions;
- (iii) The agency is not using contractor employees to perform inherently governmental functions;
- (iv) 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;
- (v) 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
- (vi) There are sufficient internal agency resources to manage and oversee contracts effectively.

Under PSC D310 – ADP Backup and Security Services, the contract awarded and analyzed was required to meet requirements set forth in applicable public laws, federal regulations, and executive orders, including the Federal Information Security Management Act of 2002 (FISMA) and the Office of Management and Budget (OMB) Circular A-130, Management of Federal Information Resources, dated November 28, 2000, and supports the certification and accreditation (C&A) of NTSB systems. The contract provides resources to conduct an independent third-party Security Test and Evaluation (ST&E) assessment as part of the C&A process. Personal services were not performed. The services performed were not inherently governmental nor were contractors being used to perform critical functions in such a way that could affect the ability of the agency to maintain control of its mission and operations. The functions performed by the contractor were not changed or expanded to become inherently governmental. The contract had a designated COTR who was delegated authority to oversee contractor activities. The COTR adequately coordinated with the Contracting Officer to ensure contractor performance was in line with the scope of the contract. Based on the analysis, the NTSB will continue to appropriately procure ST&E services under this PSC to meet the requirements set forth in the Federal Information Security Management Act of 2002 (FISMA) and the Office of Management and Budget (OMB) Circular A-130, Management of Federal Information Resources, dated November 28, 2000, through an independent source.

Under PSC R707 – Management Services/Contract and Procurement Support, the contract awarded and analyzed procured temporary services under the GSA Temporary and Administrative Professional Staffing (TAPS) schedule to assist with executing prior year contract closeout efforts. Personal services were not performed. The services performed were not inherently governmental nor were contractors being used to perform critical functions in such a way that could affect the ability of the agency to maintain control of its mission and operations. The functions performed by the contractor were not changed or expanded to become inherently governmental. The Contracting Officer had oversight of the contract and contractor performance was in line with the scope of the contract. Based on the analysis, the NTSB will continue to appropriately procure services under this PSC to fulfill requirements on an as-needed basis.

Under PSC R408 – Program and Management/Support Services, the contract awarded and analyzed procured contractor support services in the Human Resources area. Personal services were not performed. The services performed were not inherently governmental nor were contractors being used to perform critical functions in such a way that could affect the ability of the agency to maintain control of its mission and operations. The functions performed by the contractor were not changed or expanded to become inherently governmental. The contract had a designated COTR who was delegated authority to oversee contractor activities. The COTR adequately coordinated with the contractor's program manager to explain the tasks and to ensure the correct skill sets were provided to complete the tasks. Additionally, the COTR coordinated with the Contracting Officer to ensure contractor performance was in line with the scope of the contract. During FY2010, the NTSB procured additional contractor support under this PSC to meet the requirements of the Government wide Hiring Reform initiative. Based on the analysis, the NTSB will continue to appropriately procure services under this PSC to fulfill requirements in the Human Resource area. The level of services procured in the future will be adjusted to meet the forecasted support required.