



Professional Services Council Procurement Policy Survey

OCTOBER 2008



Acquisition in Transition: Workforce, Oversight and Mission



About the Professional Services Council

The Professional Services Council (PSC) is the national trade association of the government professional and technical services industry. In 2008, PSC and the Contract Services Association of America (CSA) merged to create a single, unified voice representing the full range and diversity of the government services sector.

PSC is the most respected industry voice and leader on legislative and regulatory policy issues related to government procurement, outsourcing and related business policy. PSC helps shape public policy, leads strategic coalitions, and works to build consensus between government and industry.

PSC's more than 300 member companies represent small, medium, and large businesses that provide federal agencies with services of all kinds, including information technology, engineering, logistics, facilities management, operations and maintenance, consulting, international development, scientific, social, environmental services, and more. Together, the association's members employ hundreds of thousands of Americans in all 50 states.

PSC's mission is simple and focused: to be the leading advocate and resource for protecting, maintaining, and expanding the federal government professional, engineering, and technical services industry. For more information, visit www.pscouncil.org.



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Executive Summary

In this fourth biennial Procurement Policy Survey, the Professional Services Council and Grant Thornton LLP interviewed 28 government acquisition professionals using open-ended questions. We focused on current challenges and successes and advice to the new presidential administration.

Workforce

As has been the case in all previous surveys, workforce issues were the number one challenge and area of focus mentioned by respondents. The dollar amount and complexity of procurement has increased dramatically while the number and, in many cases, capability of acquisition professionals has stayed constant or decreased. Respondents cited a need for strategic human capital planning, improved training and a push to broaden the definition of the acquisition workforce to include program managers and others.

Oversight

More than 90 percent of respondents reported that oversight has increased over the past two years, and for many this is a top concern. Participants saw a need for more effective oversight, focusing on systemic issues rather than anecdotes, and better training in procurement for auditors and oversight professionals. Overall, as was reflected in the 2006 survey, acquisition professionals believe “front-end” process and skills improvements, to include engagement with the oversight community, will generate far more benefit than “back-end” checking.

Mission

Survey respondents see themselves as an integral part of their agencies’ missions, and they urged agency leadership and the next administration to follow this lead. Many remain concerned

that, broadly speaking, acquisition is neither a top priority for senior leadership nor is it well understood. But given the scope and complexity of acquisition in government today, they believe this needs to change. Similarly, concerns emerged from a number of respondents that even some acquisition officials lack the experience and stature to lead and advocate on behalf of the workforce and for sound acquisition policy.

We asked about specific procurement initiatives, and respondents generally warned that one-size-fits-all policies and knee-jerk reactions to media stories do not help contracting. They support transparency, but many were concerned that some programs aimed at improving transparency did not adequately balance with other concerns, including national security and the protection of proprietary information, or the execution of smart business practices.

Advice to the new administration

First and foremost, respondents would like to see the new administration focus on the workforce—better recruitment, hiring, training, and retention. Next, they would like to see a more holistic approach to oversight with a focus on systemic issues. Lastly, many suggested a moratorium on major new initiatives so that the ones in place have a chance to demonstrate whether or not they are effective.





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Methodology

Every two years since 2002, the Professional Services Council (PSC) and member company Grant Thornton LLP have conducted a survey on federal government procurement policy. Our goal is to learn firsthand from senior government officials and practitioners about critical challenges in acquisition. With the impending election, the 2008 survey focuses on the transition to a new presidential administration. In spring and summer 2008, professionals from PSC member firms conducted in-person interviews with 28 federal officials, including senior procurement executives, front-line contracting professionals and congressional staff. Interviewees, interviewers and survey contributors are listed as appendices to this report. Interviews are conducted on a not-for-attribution basis to encourage candor; therefore, we do not attribute quotes or responses to specific individuals. Any analysis or interpretation in this report reflects the views solely of the sponsors, PSC and Grant Thornton.



Introduction

As acquisition professionals look toward the 2009 presidential transition and the prospect of new initiatives and priorities, their focus is on three key areas: **workforce, oversight and mission.**

Workforce

Procurement policy initiatives must be viewed through the lens of truly strategic human capital planning, taking into consideration the size and skill level of the acquisition workforce and the importance of attracting and retaining the right talent.

Oversight

Oversight should focus on systemic issues and the delivery of agency missions rather than solely on anecdotal non-compliance with rules and regulations.

Mission

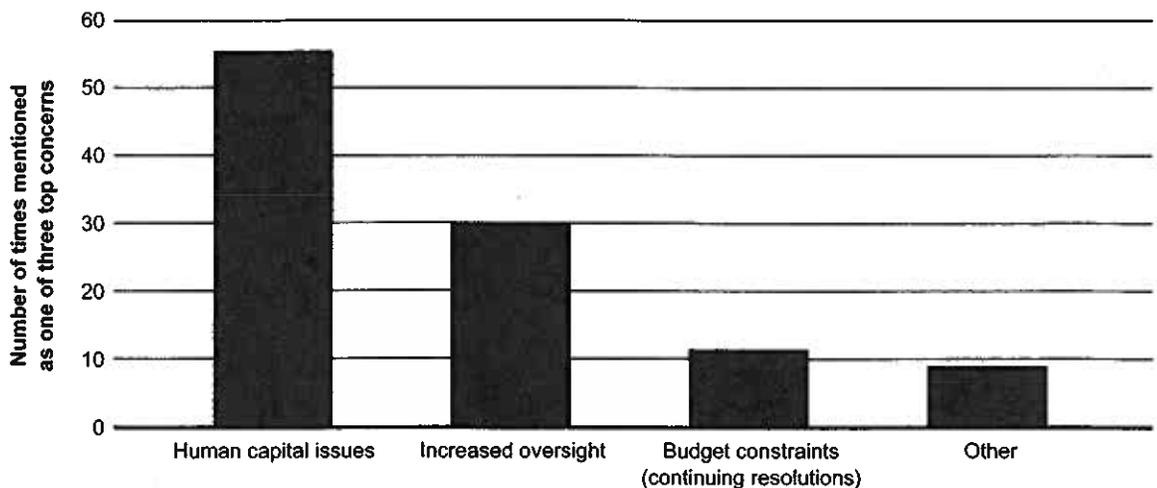
Leaders should view acquisition as an integral part of meeting the mission of government—

not as a back-office function—and they should broaden the definition of the composition of the civilian acquisition workforce to include program managers and others, in a manner similar to definitions used in the Department of Defense.

Top Concerns of Procurement Survey Respondents

We asked respondents through open-ended questions to list their top three challenges. Human capital was mentioned more than any other concern (notably, all cited at least one problem with workforce issues during the course of the interviews), followed by an increase in oversight. The third most common challenge was dealing with budget constraints—particularly successive continuing resolutions. Figure 1 shows the relative frequency with which each topic was mentioned as one of the top three.

Figure 1:
Top Concerns of Survey Respondents in 2008





Acquisition in Transition

The acquisition and procurement policy environment has changed dramatically since 2006 when our previous Procurement Policy Survey was released. The elections of November 2006 brought a change in party control of the Congress. In early 2007, the Acquisition Advisory Panel, created by the Services Acquisition Reform Act of 2003 and commonly referred to as the SARA Panel, issued its 450-page report, detailing 89 recommendations. A host of legislative proposals followed—some of which have become law. Faced with daunting challenges, including wars in Afghanistan and Iraq and the largest natural disaster in the nation’s history (Hurricane Katrina), the government contracting community was hard hit by media reports of fraud, waste and abuse. Despite the fact that these instances were few and far between, what followed was a dramatic increase in oversight and a palpable decrease in congressional and public confidence in the federal acquisition workforce.

Meanwhile, the dollar amount and complexity of procurements continued to rise while the size of the acquisition workforce did not. The size of the non-Postal Service civilian federal workforce—about 1.9 million people—is roughly the same as it was in the mid-1960s. Since that time, the U.S. population has increased by 50 percent, and government has grown larger and far more complex. Over the last 15 years, and even more so since 9/11, the government has turned to the private sector to help meet increasingly complex mission needs and to help fill the growing skills gap generated in part by the government’s abject demographic challenges. The bottom line is that government simply cannot operate without contractor support, a sentiment echoed repeatedly by our survey respondents.

Defining Inherently Governmental and Personal Services: A Focus on How to Manage in the New Environment

Not surprisingly, as the role of contractors has grown, so has the debate over which jobs must be done by federal employees rather than contracted out. We asked survey participants specifically what they thought of the current way of defining which activities are “inherently governmental.” We discussed the definition of inherently governmental services, which only half of respondents believe is adequate in its current form.

The Federal Acquisition Regulation (FAR) lists 20 functions that are required to be performed by federal employees—jobs that are “inherently governmental.” They include conducting criminal investigations, hiring or firing federal employees, administering contracts, or deciding which services or supplies the government should buy. At the other end of the spectrum



OUT

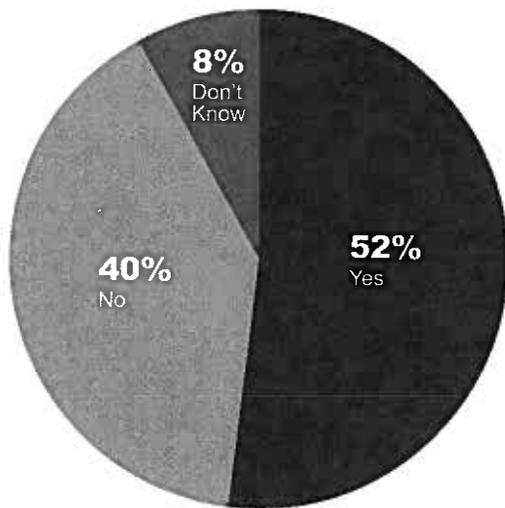
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are jobs that are clearly commercial in nature—back office support, janitorial services, food service, copying or landscaping, for example. The debate centers on jobs that fall into the gray area between the two—evaluating proposals or the performance of other contractors, providing analytical support for the development of policy or helping agencies prepare annual budgets.

Only half of respondents felt that the current definition of inherently governmental is adequate. Many called for more discussion and oversight of these positions—and more clarity. Over a third referred to “making a decision” when looking at what type of work is inherently governmental. Forty percent said the definition should be further refined or broadened. (See Figure 2.)

Figure 2:
Do you believe the current definition of “inherently governmental” is adequate?



“The current definition does not reflect the changes in structure of the government and the marketplace,” said a survey participant. “The

definition needs to be expanded to encompass policy direction and control.” Another added, “We reinforce structures built over decades that argue for exclusiveness of certain activities.”

Some argued that the definition is too complex and too difficult to understand, with one interviewee saying, “Tell me in truck driver English.”

“The current definition does not reflect the changes in structure of the government and the marketplace.”

Several of those who did not believe changes were warranted stressed the importance of oversight and management. “It’s not about definition; it’s about managing roles and responsibilities,” said one respondent. “The definition is a dangerous thing to open up,” cautioned another.

“We need to take a risk-based approach and need dialogues and discussions,” said one oversight professional, focusing on the risk that a contractor might have control or accountability for program decisions.

In terms of this risk, positions described in FAR 7.5 as “closely-associated with inherently governmental,” which include acquisition support, budget preparation, reorganization and planning and others, are highest on the list. We asked respondents to discuss their thoughts on these functions.

“What is the right balance of feds to contractors?” asked an interviewee. “Thirty years ago you would never have seen a contractor in a



contracting shop. Now we couldn't do it without them. Maybe we have too many, but we really could not function."

In short, for most, it is a question of how best to oversee and manage contractors. "You need critical mass," said one interviewee—meaning the right number of civil servants to ensure proper oversight and a robust succession plan.

"How does the government get work done? People: civil servants and contractors. And people need to be managed."

Personal Services Contracts

While we did not ask specifically about personal services contracts* (situations in which a contractor employee takes direction from, and is under the supervision of, a federal employee), a few respondents offered their thoughts on these arrangements during the discussion of inherently governmental activities.

Personal services contracts are prohibited unless authorized by statute. The government is usually required to obtain the services of employees under civil service laws. Some survey participants mentioned the need to ease restrictions. "The definition of personal services contracts needs to change. The workforce is so blended that this is a must. There needs to be authority for all agencies to use them," said an interviewee. "Ease up on the restrictions," said another. Other respondents, however, expressed concern about personal services contracts and said they need to be further examined.

Despite differing perspectives, there was a key concern for all respondents: management and oversight. "How does the government get work done? People: civil servants and contractors. And people need to be managed," observed a survey participant.

In the end, in addition to focusing on how best to manage an increasingly blended workforce, many responded to the same core issue: **people**.

"People attack the issue of inherently governmental, but the underlying problem was and still is a lack of manpower," stated an interviewee, echoing the thoughts of most respondents. One said that when making the decision whether to hire contractors, "it boils down to necessity, not preference."

* FAR 37.104(d) lists six elements of a personal services contract:

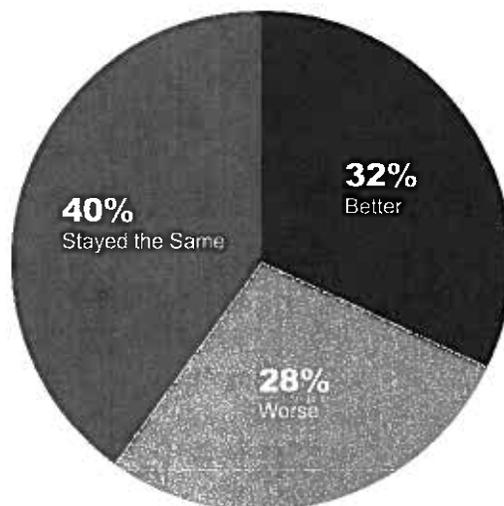
1. Performance on site.
2. Principal tools and equipment furnished by the government.
3. Services are applied directly to the integral effort of the agency or an organizational subpart in the furtherance of its assigned function or mission.
4. Comparable services, meeting comparable needs, are performed in the same or similar agencies using civil service personnel.
5. The need for the type of service provided can reasonably be expected to last beyond one year.
6. The inherent nature of the service, or the manner in which it is provided, reasonably requires, directly or indirectly, government direction or supervision of contractor employees in order to—(i) adequately protect the government's interest (ii) retain control of the function involved; or (iii) retain full personal responsibility for the function supported in a duly authorized federal officer or employee.



Workforce

As it was in the 2006 survey, human capital—recruiting, training and retaining the right people with the right skills—remains the biggest concern of this year’s survey respondents. In fact, nearly all survey participants expressed a concern with the size or quality of the acquisition workforce. It is a pervasive problem that affects (and sometimes causes) other challenges mentioned by interviewees. Despite the increased attention to workforce problems since our 2006 survey, less than a third of respondents have seen any improvement, as shown in Figure 3.

Figure 3:
Have acquisition workforce challenges gotten better, stayed the same or gotten worse since 2006?



Workforce Demographics

During the 1990s, the federal workforce was reduced by more than 300,000 full-time employees, primarily through attrition (much of it resulting from downsizing at DoD in the post-Cold War period) and hiring freezes.

“Back-office” functions—including procurement—were disproportionately affected, and the federal government is now dealing with the fallout: a workforce heavy on senior managers and new hires and sparse in the middle ranks. As older workers retire, the gap in skills will become increasingly acute.

One respondent pointed to the perceived “extinction” of acquisition professionals: “I read the horror stories where they describe [GS-]1102s [contracting officers] like they’re as rare as white Siberian tigers.”

Without effective workforce planning (focusing on developing competencies and knowledge transfer), acquisition shops will have a hard time keeping the skills they need in-house. “Those so-called rifle-shot buyouts we did a few years ago turned out to be more like buckshot—too many people left,” said an interviewee. Several respondents said they were having trouble retaining talent, losing people to private industry and to other federal agencies.

“In this environment, you’re basically stealing from other federal agencies,” said one interviewee. This was a sentiment echoed by at least a quarter of all respondents. “There is competition within the contracting workforce, and it impacts overall improvement.” This type of intragovernmental “churn” creates “a certain amount of grade creep—people who are brought in as GS-14s who should be GS-12s.”

These anecdotes are confirmed by the Federal Acquisition Institute’s *Annual Report on the Federal Acquisition Workforce for Fiscal Year 2007*, which found that 41 percent of “newly-hired” contract officers actually came from other agencies within government.



The Federal Hiring System is Inefficient

Just as important as retaining employees is bringing in new ones; yet about a third of survey participants referred to the federal hiring system as “broken.”

“Do we really have the tools to hire people?” one interviewee asked. “We need a flexible system to deal with the next generation of employees who aren’t going to wait around for months to see if they got the job.”

An oversight professional focused on the complexity of civil service laws and regulations: “We know that the hiring process has too much unnecessary bureaucracy from the front to back ends.” Federal agencies can petition the Office of Personnel Management (OPM) for direct-hire authority, which has been granted recently for certain acquisition positions. Survey respondents found direct-hire authority, when they had it, to be a useful tool.

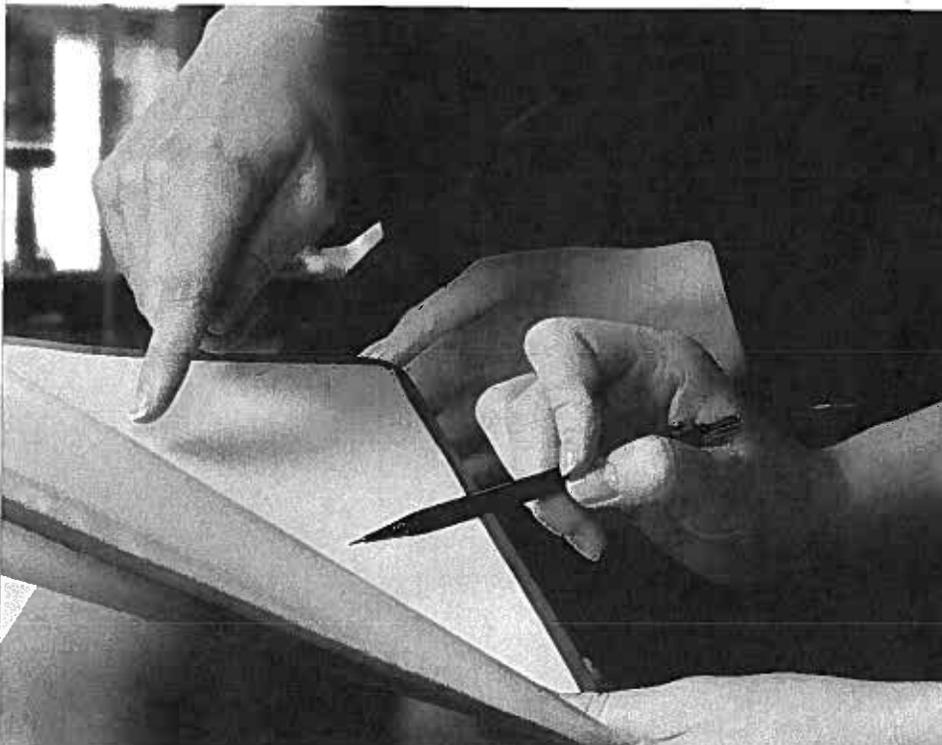
Several interviewees expressed the need to re-hire annuitants, or retirees, so they could share knowledge with younger workers. The problem is that federal retirees must forfeit retirement benefits if they opt to return to the federal workforce unless their agency is granted a waiver by OPM. The process for getting the waiver is cumbersome, according to respondents.

In terms of having the resources to hire and keep talent, money is also a concern for survey respondents. “[Congress] needs to make sure they build into the appropriations process protection of the procurement function—a back-stop, if you will. It all boils down to budget. We are competing for money just like everyone else. The [Office of the Inspector General] has its own budget; procurement needs its own budget,” said a survey participant.

Training Needs to Improve

In addition to recruiting and retaining acquisition professionals, major concerns exist with the current acquisition workforce’s training requirements and opportunities. According to many respondents, the workforce is not necessarily prepared for the changing environment. Changes in the complexity and volume of procurements have put new demands on contracting officers. Several interviewees stressed the need for better training with a specific focus on the procurement and management of *services*—business skills, analytical skills and management skills.

“There is a numbers issue, but even if we solved the numbers issue tomorrow, it wouldn’t fix our problems,” observed an oversight professional. “The current acquisition workforce doesn’t have sophisticated business judgment. They are good at following the rules, but when the rules lead





you to an illogical conclusion, you need judgment. Acquisition is more of an art than a science.”

That sentiment was echoed by another interviewee who recounted the gymnastics competition in the 2008 Beijing Olympics, when a gymnast won a medal despite a major fall on her landing. “Do you know why she won?” the interviewee asked. “It was because of a scoring algorithm. Do we really want all our decisions made by algorithms?”

Process Improvements and Technology Can Only Go So Far

Business process improvements are one way to address the lack of resources. In fact, nearly half of survey participants pointed to process improvements—streamlining operations, leveraging technology, re-engineering processes—as a key to success. But many warned that these steps can only go so far. “Technology can help, but it can’t fix problems. People have to fix problems,” said an interviewee.

Larger Workload— Smaller Workforce

The shortage of people has driven a focus on speed of transactions, which often leads to contracting officers taking the path of least resistance, respondents said generally. “The workload is increasing while the number of people stays the same. The result is that contracting officers are forced to use the simplest method rather than what is the best,” said a respondent.

“They are good at following the rules, but when the rules lead you to an illogical conclusion, you need judgment. Acquisition is more of an art than a science.”

Many felt that the pressure for speed coupled with the lack of talent causes mistakes, which results in more oversight and scrutiny. “The more we don’t have talent, the more mistakes we make, and the more legislation we get.”



Oversight

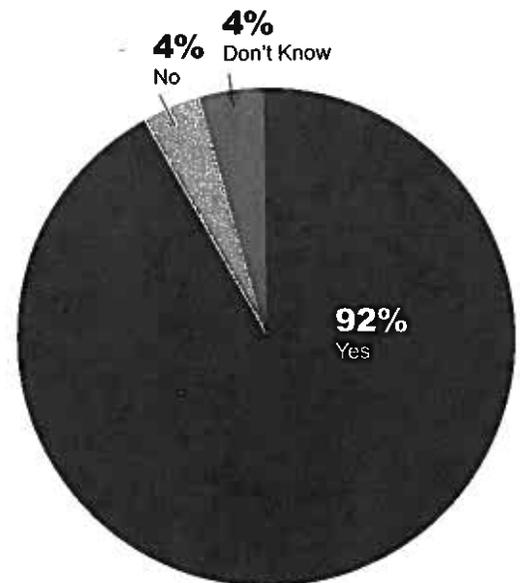
Oversight activities—audits, congressional hearings and inquiries, Government Accountability Office (GAO) investigations—are important to the procurement process. When done effectively, oversight can demonstrate accountability to the public and set the stage for needed policy changes. Unfortunately, respondents in this year’s survey felt that oversight activities have become increasingly ineffective over the past two years. A majority cite ineffective or burdensome oversight as a top challenge.

Several felt the need to counter the perception that the procurement system is dysfunctional. One said, “People look at the acquisition system as a total failure. I was asked at a congressional hearing if I thought the system was failing. Of course not—this is the greatest country in the world. We’ve been dealing with procurement issues since George Washington wanted to order muskets from his friend and the quartermaster made him get three bids. The majority of money is spent efficiently and with integrity. But the perception is that there is rampant fraud and waste and that all contractors are cheats. This leads to bad policy. We need checks and balances—absolutely, but we are going overboard, and the result is that we are leading people away from the [federal marketplace].”

Oversight Has Increased Dramatically

More than 90 percent of respondents felt that oversight by agency Inspectors General (IGs), GAO and Congress had increased dramatically since 2006 as shown in Figure 4. One interviewee said, “They are in our knickers tremendously.”

Figure 4:
Do you believe that oversight has increased over the past two years?



In general, respondents said they did not mind being held accountable—they know it is important to maintain the public trust. But they did feel that oversight had almost taken on a life of its own. “Oversight is not a bad thing, but it can create a risk-averse culture,” warned one respondent. Another participant pointed out the danger of becoming too risk-averse: “As a result of all this auditing, we are doing things legally but not smartly.”

Some felt the quantity of oversight has increased, but not the quality: “Quantity, yes; quality, no. [Oversight groups] are mostly playing whack-a-mole.” Poor oversight places a burden on contracting officers, respondents said. “It only makes the culture of fear worse.”



Most interviewees shared this opinion, and some said they felt buried in compliance mandates. “It seems like every day there is a new piece of legislation,” said an interviewee. “[Congress] doesn’t sufficiently understand the totality of what they are asking us to do.”

Survey participants pointed to redundancy and overlapping audits: “We have the IG and GAO doing multiple reviews of the same thing. That takes people away from their jobs.” Another interviewee added, “If you are doing a good job, it shouldn’t matter; but audits take resources—that’s reality.”

Oversight Professionals Lack Procurement Knowledge

According to nearly a quarter of survey participants, oversight professionals are not knowledgeable about acquisition. “There is no requirement for IGs and GAO staff to have acquisition training,” observed a respondent. “Responsible auditing is critical, but quality is a mixed bag right now. The pressure is to go negative. Auditors need to know about acquisition if that’s what they are going to look at. You don’t suddenly become a procurement genius when you get to GAO or an IG shop.”

“Auditors need to have acquisition experience,” said another interviewee. “People who review the procurement process are not procurement experts, so most of their comments don’t make sense or don’t matter. If I were an IG, I would hire retiring contracting officers and train them to be auditors.”

Media and Congressional Scrutiny Often Focus on Anecdotes

While all interviewees were aware of recent stories of contracting problems, none felt that there were systemic problems with fraud, waste

or abuse in government contracting. In fact, the general sentiment could be summed up in one respondent’s comment: “Generally, acquisition folks are honest, hardworking people.”

“Unfortunately,” lamented one respondent, “the media and Congress are being fed too many anecdotal horror stories.”

“The newspapers love bad procurement stories,” said an oversight professional. “And [Congress] loves the newspapers.” Respondents fear that this type of oversight by exception or anecdote drives policies that do not correct the root cause of problems and may make things worse.

Oversight Should Look at Systemic Issues

On the whole, survey respondents felt that oversight should address systemic issues rather than react to one-time events or statistical outliers. “Recommendations are usually perfectly useless to a program manager who wants to *do* things.

“People look at the acquisition system as a total failure. I was asked at a congressional hearing if I thought the system was failing. Of course not—this is the greatest country in the world. We’ve been dealing with procurement issues since George Washington wanted to order muskets from his friend and the quartermaster made him get three bids. The majority of money is spent efficiently and with integrity. But the perception is that there is rampant fraud and waste and that all contractors are cheats. This leads to bad policy. We need checks and balances—absolutely, but we are going overboard, and the result is that we are leading people away from the [federal marketplace].”



“It’s important for the public to trust contractors.”

They just point out things that are wrong—not how to fix them,” said a respondent.

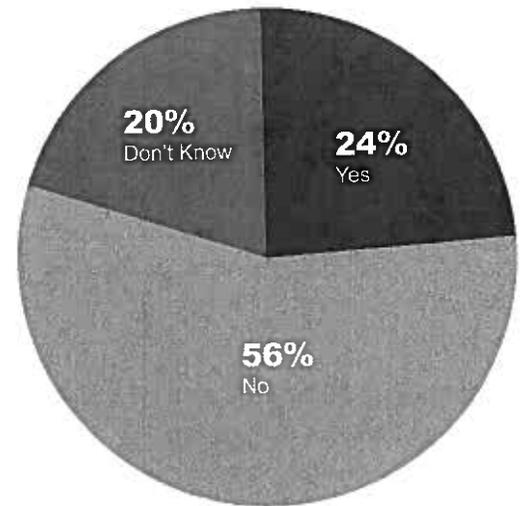
Increased audit activities after-the-fact are not helpful, respondents said. “I’d rather spend resources doing it right the first time,” said one procurement executive. “No amount of oversight after-the-fact will fix systemic problems,” added another.

A few pointed to some benefits of the increased attention: “It has improved acquisition,” said one respondent, “but very painfully. When you’re held to a higher standard, you’ve got to get better. There has been a little bit of over-kill, though.”

Conflict-of-Interest Laws and Policies

Personal Conflict-of-Interest (PCI) Rules Are Sufficient. One of the SARA Panel recommendations was for the FAR Council to consider tightening the regulations governing personal conflict-of-interest relationships for contractors. Specifically, they suggested the possible development of a standard clause on PCI restrictions for contractors. Only one out of four interviewees thought that stricter PCI guidelines would improve contracting (see Figure 5), although the interviewees’ focus appeared primarily to be on post-employment restrictions on government personnel and less on contractor PCI that was the subject of the SARA Panel.

Figure 5:
Will stricter Personal Conflict-of-Interest guidelines improve contracting?



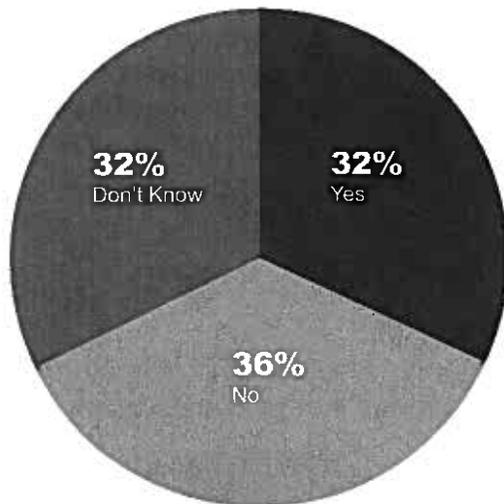
Their comments on revolving door issues showed concern that making those restrictions tighter would actually harm government contracting. “We need to be mindful that pretty soon no one will want to work in government,” cautioned one respondent. Another concurred with this assessment, adding, “It’s getting harder and harder to attract good leaders.” “We need people with government experience to be in industry and vice-versa,” said another respondent. This sentiment was echoed by several other interviewees, one of whom said, “You need the constant movement back and forth between government and industry because much can be learned from both sectors.”

It is nonetheless clear that contractor PCI is a significant emerging issue which merits further attention and dialogue.



Organizational Conflict-of-Interest (OCI) Rules Should Not be Tightened. The SARA Panel also suggested that the FAR Council develop a standard clause covering organizational conflicts-of-interest for contractors. Only a third of respondents saw the need to enact more stringent OCI guidelines, as shown in Figure 6.

Figure 6:
Will stricter Organizational Conflict-of-Interest guidelines improve contracting?



“The rules in place are adequate. Not everyone is following them,” said one interviewee. Another was a bit more cynical: “Write all the specific rules and guidelines you want. If people want to behave badly, they will.”

Just over a third of survey participants were unsure as to whether stricter guidelines would improve contracting. One interviewee in this camp discussed the need for clearer principles rather than just a checklist of rules or a standard clause: “We’re pretty mushy around this. Is it the *rules* or the *roles*?”

Transparency: Striking a Balance

Respondents discussed two types of transparency: internal, which helps organizations run more effectively, and external, which is the key to maintaining the public trust.

Internal transparency involves making data visible and reliable for decision-making. “The information age—technology, transparency, communication—has flattened organizations. It changes how we look at things. If you make data transparent and tell people where you want to go, new processes will emerge,” said a respondent. This type of transparency will drive innovation and help with self-assessment—a key to more effective oversight.

Over the past two years, the push for more external transparency in contracting has given rise to legislation that would mandate public disclosure of procurement information—from contract awards to justification for sole-sourced procurements. The Federal Funding Accountability and Transparency Act, signed into law in late 2006, created USASpending.gov, a website that will eventually list all federal grants and contracts. Recent proposals would increase the level of detail for information posted to the website, to include cost and past-performance data, which is now available only to government officials.

“It’s important for the public to trust contractors,” said one interviewee. Indeed, nearly all participants expressed a deep commitment to transparency—demonstrating accountability to Congress and the public. Many expressed, however, that transparency must be balanced with other needs, such as national security, privacy, protecting proprietary information and due process.



“Make the contracting officer a judge? That doesn’t make any sense.”

“There has to be a national security exception for public disclosure,” said one. “Are we really going to be putting all this stuff on the web? A lot is proprietary. I think it’s an idea gone too far,” said another respondent, speaking of recent legislative proposals to increase the amount of data reported to the public.

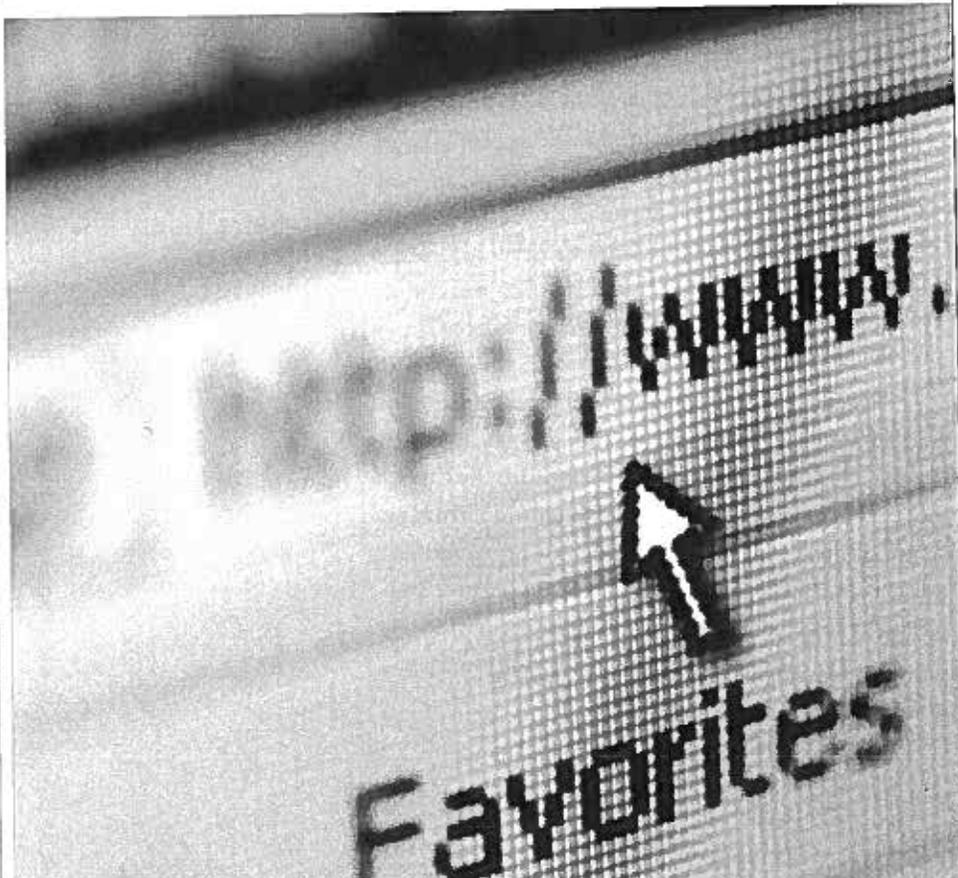
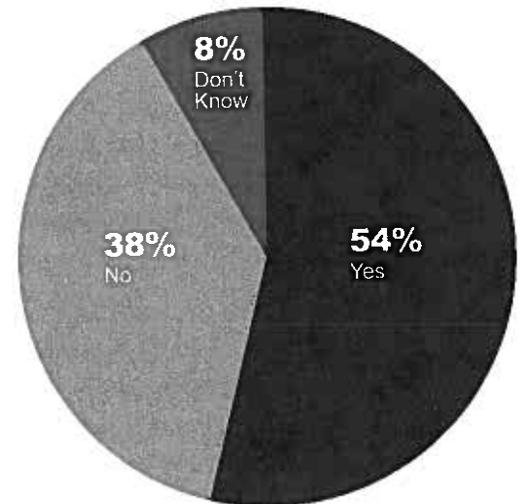
Proprietary Information in Sole-Source Justifications. While more than half of interviewees thought that public disclosure of sole-

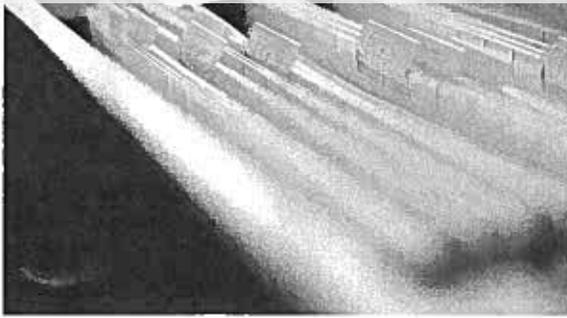
source justifications would improve contracting, many respondents had reservations about the release of proprietary data (see Figure 7).

On the positive side, one oversight professional sees public disclosure of justifications as a way to cut down the number of sole-source contracts: “Sole-sourcing should be the exception, very rare, not just a default when you’re out of time.” Another interviewee said, “We shouldn’t be afraid to hold our sole-source contracts up to public scrutiny.”

More than a third of respondents, however, did not believe that this type of disclosure would improve contracting, with most expressing concern about the disclosure of proprietary data. “This is an example of Congress creating more work for very little value,” commented one respondent.

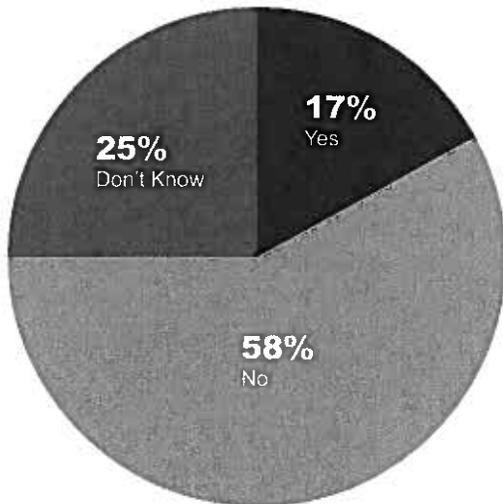
Figure 7:
Will public disclosure of sole-source justifications improve contracting?





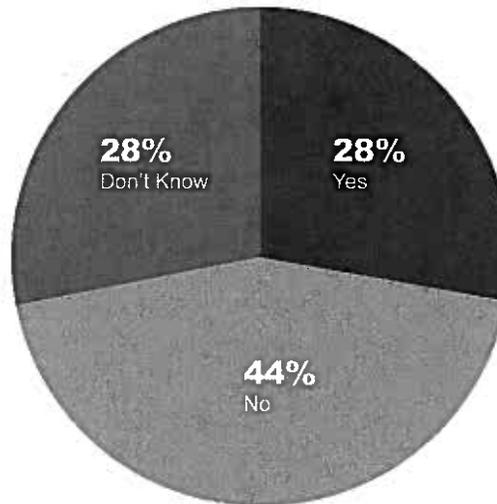
Proprietary Information in Cost or Pricing Data. When we asked whether requiring certified cost or pricing data for sole-source commercial items would improve contracting, only seventeen percent of respondents said it would (see Figure 8); many again expressed concerns about disclosure of proprietary data. “This will drive the vendor base away,” cautioned one interviewee—a concern that was echoed by several others.

Figure 8:
Will requiring certified cost or pricing data for sole-sourced commercial items improve contracting?



Due Process Concerns. Interviewees expressed trepidation when asked about the implications of a database of contractor “misconduct.” Only a quarter of respondents thought such a list would improve contracting, as shown in Figure 9.

Figure 9:
Will a database of contractor “misconduct” improve contracting?



The most common question they had was what a contracting officer would be expected to do with the information: “Make the contracting officer a judge? That doesn’t make any sense.” A few cautioned that such a database—particularly one that ignores privacy and due process concerns—would drive companies away from doing business with the government.

Those who supported the idea felt that the information should be validated and reflect final decisions. “A good database with legitimate information would be helpful,” said an oversight professional. Another respondent said, “We should only include closed cases. I want to know if my vendors have been convicted, not whether they were charged.”



Mission

In general, survey respondents felt that their focus should be on meeting the mission—not checking the box. As one respondent said, “What we really mean is, what does the [government] need in order to meet its mission goals—what do we require?” Another offered this advice: “If the new administration would recognize that procurement is a material part of the mission, performance will improve.”

Meeting the mission is a top priority for survey respondents; in fact, when asked to name a success, more than half pointed to acquisitions that helped the government accomplish specific goals. Accordingly, our survey participants answered many of our questions on topics from contract vehicles to legislative initiatives based on how they would help or hinder agencies in terms of meeting their missions.

Leadership Should See Procurement as Integral to the Mission

“The government does not see acquisition as a mission area, but instead as a support service. This fails to recognize that acquisition is integral to the mission—and it needs more attention,” lamented an oversight professional. A few respondents agreed and cited a lack of leadership involvement as a key challenge. “We need people behind the curtain who understand procurement,” said one.

One in four interviewees had strong opinions on the role of the Chief Acquisition Officer and other procurement leaders, stressing the need for qualified people with access to the top. “Making the CAO a political appointee is a mistake,” offered one respondent. “You need qualified people in that role.”

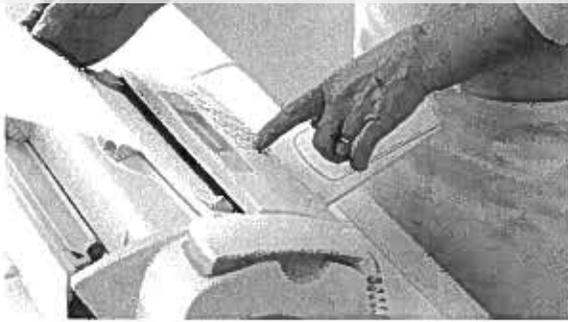
On the other hand, a few respondents thought it was important that a CAO have the ear of the secretary—more likely to occur with a political appointee. Rather than assign CAO responsibilities to an executive who would manage other duties (those of the Chief Financial Officer, Chief Human Capital Officer, etc.) one felt that the CAO should “just wear the CAO hat—their primary focus should be acquisition.”

Respondents felt that government-wide leadership was equally important as agency leadership. “Get an [Office of Federal Procurement Policy] Administrator who understands government procurement [and] is charismatic. Fill the position quickly,” advised a respondent.

Broaden Definition of the Acquisition Workforce

Two-thirds of respondents stressed the importance of broadening the definition of the acquisition





workforce to include program managers, contracting officer technical representatives and other related disciplines, as has been done at DoD. “We need to redefine the acquisition community to include not just the contracting officer but the program people, the logisticians, the engineers. When you break things up you lose that strategic vision. You need the whole puzzle, or you’re just tactically buying,” said an interviewee.

Focus on Requirements and Pre-Award Planning

More than half of all survey respondents saw the need to involve program managers earlier in the procurement process and to focus on the requirements side of contracting. “Everybody is a requirements person,” said an interviewee. “As we’ve looked at the processes, we found the flaws are at the front end—not the execution. We need to be doing the homework so that we set the right requirements up front to accomplish the mission.”

An oversight professional echoed this concern: “As long as planning and establishing requirements falls on acquisition personnel instead of program people, the result will not be as good.”

Appropriations Process Hinders Effective Acquisition

With about a quarter of respondents citing budget constraints as a top concern (particularly as a result of operating under continuing resolutions), it came as no surprise that respondents were unhappy with the congressional appropriations process.

“You have much less time to develop requirements when you get the money late in the year, so the broken appropriations process contributes to the proliferation of time and materials contracts,” said a respondent. Another was more

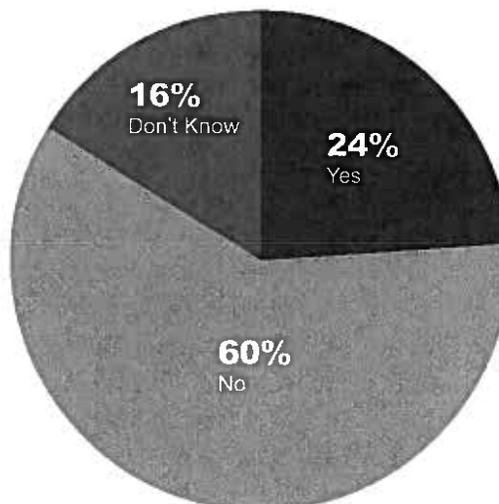
direct: “Appropriations is a lot of the problem. I’m a strong believer in our form of government, but the appropriations process is dysfunctional.”

One-Size-Fits-All Policies Will Hurt Contracting

Respondents need access to all types of contracts (firm fixed price, time and materials/labor hour, cost plus, etc.) to meet their needs. In a perfect world, fixed price contracts are the preferred type, but speed and flexibility are important when the primary goal is meeting a mission. As one interviewee said, “The world is changing. We need to move fast and spend wisely—and if we are held up at every turn, we won’t be able to meet the mission. Taking everything and force-fitting it into one type of contract doesn’t work.”

For example, less than a quarter of respondents felt that new FAR restrictions on time and material contracting would improve procurement, as shown in Figure 10.

Figure 10:
Will restrictions on time and materials contracts improve procurement?





“The world is changing. We need to move fast and spend wisely—and if we are held up at every turn, we won’t be able to meet the mission. Taking everything and force-fitting it into one type of contract doesn’t work.”

Time and materials contracts are one of many tools used by contracting officers, interviewees said, and there should not be arbitrary restrictions on which tools can and cannot be used. Several suggested that better requirements and upfront planning are the key to making better, more appropriate use of time and materials contracts. One respondent put it this way: “Time and materials contracts are just one tool in the tool belt, and all the tools are useful for a specific purpose. If you see someone using a wrench as a hammer, you teach them to use the hammer—you don’t throw away the wrench.”

“There is a time and a place for time and material contracts. It shouldn’t be legislated. Firm fixed price contracts transfer the risk to the contractor, and whenever you transfer risk, the price goes up,” warned an interviewee.

Performance-Based Acquisition is No Panacea. While performance-based acquisition is seen as a way to improve contract outcomes, only a third could name the percentage of performance-based contracts in their agencies, with answers ranging from zero to 100 percent. Some respondents took a cynical approach. “They are performance-based in name—not in reality,” said one. Another added, “Whatever percentage people are giving you, it’s probably overstated.”

Not one respondent felt that the government was doing a decent job writing performance-based statements of work or statements of objectives. “We have a hard time with this—we’re still caught up in measuring transactions. We’re betting on taking every risk away, and you’ll never do that,” said a survey participant.

“We need more help at the front end—pre-award—if we are going to use performance-based contracting,” said one respondent. “They should change the name to performance-based requirements.”

Many cautioned that performance-based contracting would not solve every problem. Said one interviewee, “It’s an outstanding tool in the right environment, but that doesn’t mean it will work perfectly every time as some claim.” Another presented the disconnect between policy and practice: “It sounds good in theory, but in practice it breaks down because lots of things are hard to measure. If you try to force it, it’s like pushing water uphill.”

Contracting Vehicles: Benefits and Problems

One way to make do with a shrinking acquisition workforce is to leverage a variety of contract vehicles, including interagency contracts, government-wide acquisition contracts (GWACs), General Services Administration (GSA) Schedules, and multiple award contracts. The majority of interviewees felt that agencies have no difficulty making the best use of these vehicles, as shown in Figure 11. They have the potential to create efficiencies, respondents said, but they are not perfect.

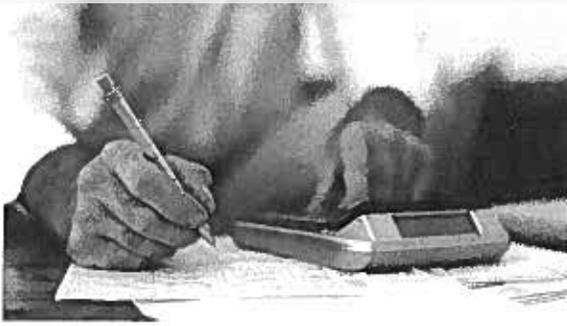
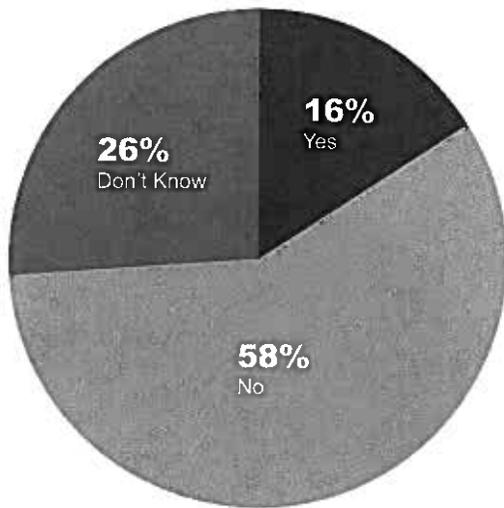


Figure 11:
Does your agency (or agencies in general) find it difficult to use interagency, multiple award or GSA Schedules contracts?



Nearly a quarter of respondents cited unclear lines of responsibility as one of the main problems in using interagency contracts. “There is no agreement as to who is responsible for their outcomes,” said an oversight professional. One thing that may help is better guidance: “There is a need for model interagency contracts to be used as examples throughout government.”* Several pointed out that interagency contracting is on GAO’s High Risk List because of these concerns. “Interagency contracting has gotten a bad rap,” said a respondent, pointing to disagreements between certain agencies and dueling IG reports on the proper use of funds.

* In July 2008, the Office of Federal Procurement Policy issued guidance to federal agencies on the use of interagency contracting, including examples of model contracts.

GSA Schedules Get High Marks. More than half of respondents were pleased with General Services Administration (GSA) schedules. Most felt that ordering off a GSA schedule was easy, quick and economical. “There are so many benefits from the schedules,” said a respondent. “It was actually painful before we had them.” Others thought the process for vendors to get on GSA schedules needs improvement: “There’s something wrong when companies have to pay \$25,000 to a consulting firm to ‘help’ them get on a schedule.”

Proliferation of Enterprise Contracts Seen as Problematic. The proliferation of enterprise contracts, generally meaning multiple award contracts awarded and primarily to be used by a single federal department or agency (such as DHS EAGLE), is seen as a dangerous trend by a few respondents. “There is a tendency for all agencies to try to solve their problems within their own four walls, and that’s not good,” said one respondent. “They need to leverage the resources of the entire government.”

“There is a tendency for all agencies to try to solve their problems within their own four walls, and that’s not good. They need to leverage the resources of the entire government.”

“The concern is that you have agencies expanding their own procurement shops. It is important to centralize expertise at GSA, to make GSA the premiere contracting agency,” said one oversight professional. “It’s also bad for industry—especially small businesses—because they have to meet all kinds of different requirements.”

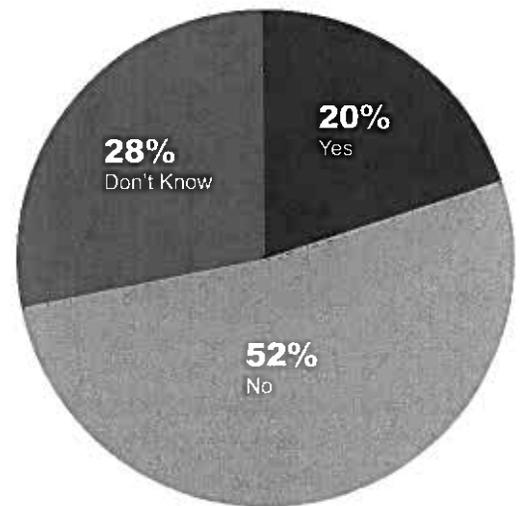


Do Multiple Award Contracts/IDIQs Inhibit Competition? The lack of competition and transparency on task orders placed against multiple award contracts is of concern to a few respondents. “Task orders are too big and not well-defined. Most of the expenditures are coming through modifications,” said a concerned respondent. “We actually use [multiple award contracts] too much,” said another acquisition professional. “You have less transparency. I think the competitive marketplace is suffering. IDIQs [Indefinite Delivery/Indefinite Quantity contracts] tend to be beauty contests, not head-to-head competitions based on a specific body of work.”

“The new administration should take a look at the rules for IDIQs,” offered one interviewee. “They should have exit and on ramps so that companies can get on [the contract] in the interim—not just every five or ten years and that’s it. It would open up competition dramatically.”

Protests at the Task Order Level will not Improve Contracting. More than half of survey respondents thought that task order protests would do nothing to improve contracting, and only one in five thought they would help. About a quarter were neutral, as shown in Figure 12.

Figure 12:
Will protests at the task order level improve contracting?





One interviewee said, “If you look at why most people file protests, it’s because they don’t know why they lost. That’s what debriefs are for.” Some predicted more dire consequences: “It will be a nightmare for everybody. You’re already starting to see the effects, with agencies starting to speed up their decisions.” Another added, “It will kill us. We don’t have the workforce.”

“I would prefer to have protests than to lose the tool,” said one interviewee who did not see a benefit in task order protests. “It may cause less use of multiple award [contracts].”

A few posited that task orders present special challenges for small businesses. “Many times the task orders are beginning to look like contracts,” said one interviewee. Another echoed this concern: “IDIQs are crushing small businesses that could be competing for some of those task orders as separate procurements.”

Maintaining the Industrial Base is Critical

Many also pointed to a focus on the industrial base as an important aspect of procurement policy—particularly with regard to balancing small business policy and practices with the need to maintain a diverse, competitive supplier base. (In fact, half of all respondents did not think current small business policies are effective or working as intended, which is discussed in the following section.)

Nearly half emphasized that acquisition policies affect the industrial base and that ineffective policies can drive companies away from the federal marketplace, thereby depriving the government of the things it needs to meet its mission. “The riskier we make it for companies to do business

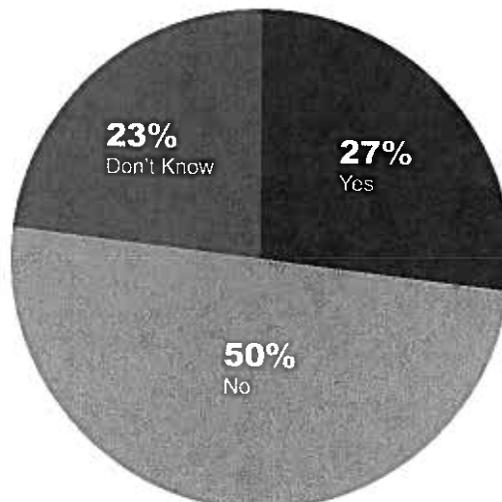
“The new administration should take a look at the rules for IDIQs. They should have exit and on ramps so that companies can get on [the contract] in the interim—not just every five or ten years and that’s it. It would open up competition dramatically.”

with the federal government, the less access we will have to the latest technologies,” warned one respondent.

Small Business Policies Not Working as Intended

Only slightly more than a quarter of respondents thought that small business policies and preference programs were working as intended and designed. Fifty percent said they are not working as intended, as shown in Figure 13.

Figure 13: Do current small business policies and preference programs work as intended and designed?





“It’s a joke,” said one oversight professional. “I’m not sure the set-aside program even works.” Another put it more subtly, saying that the “aims are noble but naïve.”

“If all we want to do is spread the wealth around, then we are doing okay. If the aim is to grow businesses, then we are failing miserably,” said one acquisition professional. More than half of interviewees used the word “arbitrary” when discussing small business goals.

“[The next administration] should do a study on where small businesses are in our mission and what capabilities we want them to have. Look at it as an industrial base issue—not a contracting issue.”

“The percentage goal-oriented structure is failing the small business community. Policies were created at different times for different reasons, and they need to be re-examined,” said a respondent. “The [quota] environment just encourages people to game the system,” said another.

“We feel like we are being ‘goaled’ to death,” said a respondent. “Set-asides may drive the wrong decisions: meet the goal or meet the mission.”

Many thought the focus of small business policies should be on improving the industrial base and fostering innovation. “If you go back to the Small Business Act, you see that the purpose of these programs was more than simply giving federal money to companies. It was a way to help support and grow companies that would contribute to economic growth. We’ve lost sight of that,” said one respondent. “[The next administration] should do a study on where small businesses are in our mission and what capabilities we want them to have. Look at it as an industrial base issue—not a contracting issue.”

One third of respondents were concerned about what happens to companies that have grown beyond their small business size status but are not yet large enough to vie for federal contracts without some help. “When they graduate from small status, they may not be economically able to compete in the marketplace. If they fail, all our federal investment in them is lost. We have to figure out how to support these ‘graduated’ small businesses through the middle period.” Put another way, a participant asked, “What good is your ‘degree’ if you can’t do anything with it?”



Advice to the New Administration

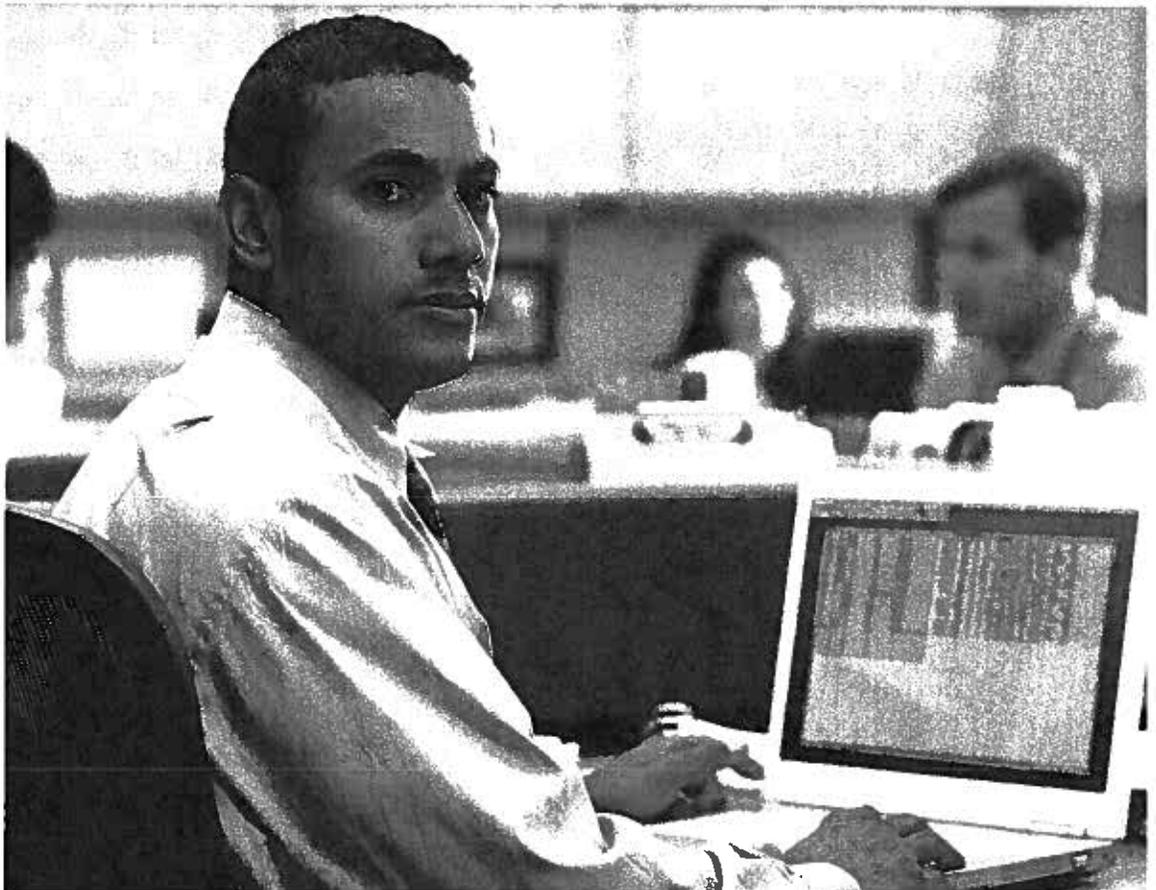
We asked respondents to offer direction to the new presidential administration. The number one answer—focus on the workforce:

- Improve training
- Delegate direct hire authority and dual compensation waiver authority for re-employed annuitants
- Foster internship programs
- Secure a dedicated funding stream for the procurement workforce

The second most common piece of advice was to take a holistic approach to oversight. “We are doing piecemeal work on some very basic policy and decisions,” said one oversight professional, echoing the thoughts of many respondents.

Survey participants also discussed leadership. They would advise the new president to make acquisition a priority and to appoint qualified people to oversee and lead it.

A quarter of respondents asked for no new initiatives and no more studies: “We’ve had Reinventing Government, the President’s Management Agenda—what gimmick will be next? My personal suggestion: how about no gimmick? No branded initiative. Rather than layering on another thing and putting the graphic artists to work, just step back.” Another added, “We don’t need any more commissions to study why we need this or that.” The general consensus was to give current policies time to work.





Conclusion

As the 2008 Procurement Policy Survey demonstrates, federal acquisition professionals are preoccupied with high-level, strategic questions. Concern is clearly growing about the stature, role and empowerment of the acquisition community, even as the demands on it continue to increase.

As many of the responses also show, while there are varying “flavors” of attitudes towards individual issues—from the definition of “inherently governmental” to the role of contractors, from the nature and role of oversight to the impacts of external pressures—clear and notable unanimity emerged on what might be the single most important issue discussed by participants:

the need to focus on the front end of the process, and the management skills and structures that can positively affect acquisition planning and execution (including contract administration). This, as several respondents made clear, is more likely to drive real performance improvement and confidence in the federal acquisition system than anything else.

It is also notable that few of the respondents shy away from growing pressures for more transparency and accountability. The vast majority believe that the system, while facing enormous challenges, is not quite the dysfunctional mess some seem to believe. But their observations on how best to achieve transparency and accountability, and how to balance these goals against other important considerations, merit close attention. In their view, acquisition leadership must not only be a key cog in the senior management structure of their agencies, but can also be a key partner with the oversight community in meeting the goals of transparency and accountability.

All analysis or interpretation contained in the report is based on information collected during our interviews, and all direct quotes are those of survey participants. As such, this is one vehicle that offers the chance to hear the voices of the federal acquisition community at a critical time. And their voices matter greatly.





Appendix 1: 2008 Procurement Policy Questionnaire

1. What are your top three acquisition success stories over the past two years?
2. What are your top three acquisition challenges right now?
3. Our 2006 survey identified workforce issues as the top challenge to the federal acquisition community. Have your procurement workforce challenges improved, grown worse or stayed about the same since 2006?
 Better Worse About the same
 Don't know/does not apply

If you answered "better" or "worse," what caused the situation to change?

If you answered "worse," what would you recommend to improve the situation?

4. Do you believe the current definition of "inherently governmental" is adequate?

Yes No Don't know/does not apply

If your answer is no, how should the definition change?

Do you believe your agency is contracting for work that is "inherently governmental?" If so, in which areas?

There is increased focus on work that is "closely associated with inherently governmental functions." Some say such work should never be contracted; others say the real issue is whether agencies are exercising adequate oversight and management of those contracts. What is your view?

5. In your opinion, do current small business policies and preference programs work as intended and designed?

Yes No Don't know/does not apply

If your answer is no, what are the major challenges and how should they be modified?

6. Please tell us what you think about the following legislative or regulatory initiatives.

Initiative	Will/has this improve(d) the quality or cost of the professional services purchased by the federal government?		
Protests at the task order level	Yes	No	DK/DA
Public disclosure of justifications for sole source contracts	Yes	No	DK/DA
Proposed database of civil, criminal or administrative actions against contractors	Yes	No	DK/DA
Increased audit activities	Yes	No	DK/DA
Stricter guidelines for personal conflict of interest rules	Yes	No	DK/DA
Stricter guidelines for organizational conflicts of interest	Yes	No	DK/DA
New FAR rules limiting the use of time and material contracts	Yes	No	DK/DA
Requiring certified cost or pricing data for sole-source commercial contracts	Yes	No	DK/DA

7. Do you believe that oversight of procurement activities has increased over the past two years?

Yes No Don't know/does not apply

If so, has this added oversight improved acquisition in your agency?



8. Has your agency (or have agencies in general) found it difficult to use interagency, multiple award or GSA Schedules contracts?

- Yes No
- Yes and No (some difficulties and some benefits)
- Don't know/does not apply/organization does not use these vehicles

What are the main difficulties that you had with these vehicles?

What are the main benefits that you gained from using them?

9. What percent of your contracts are performance-based?

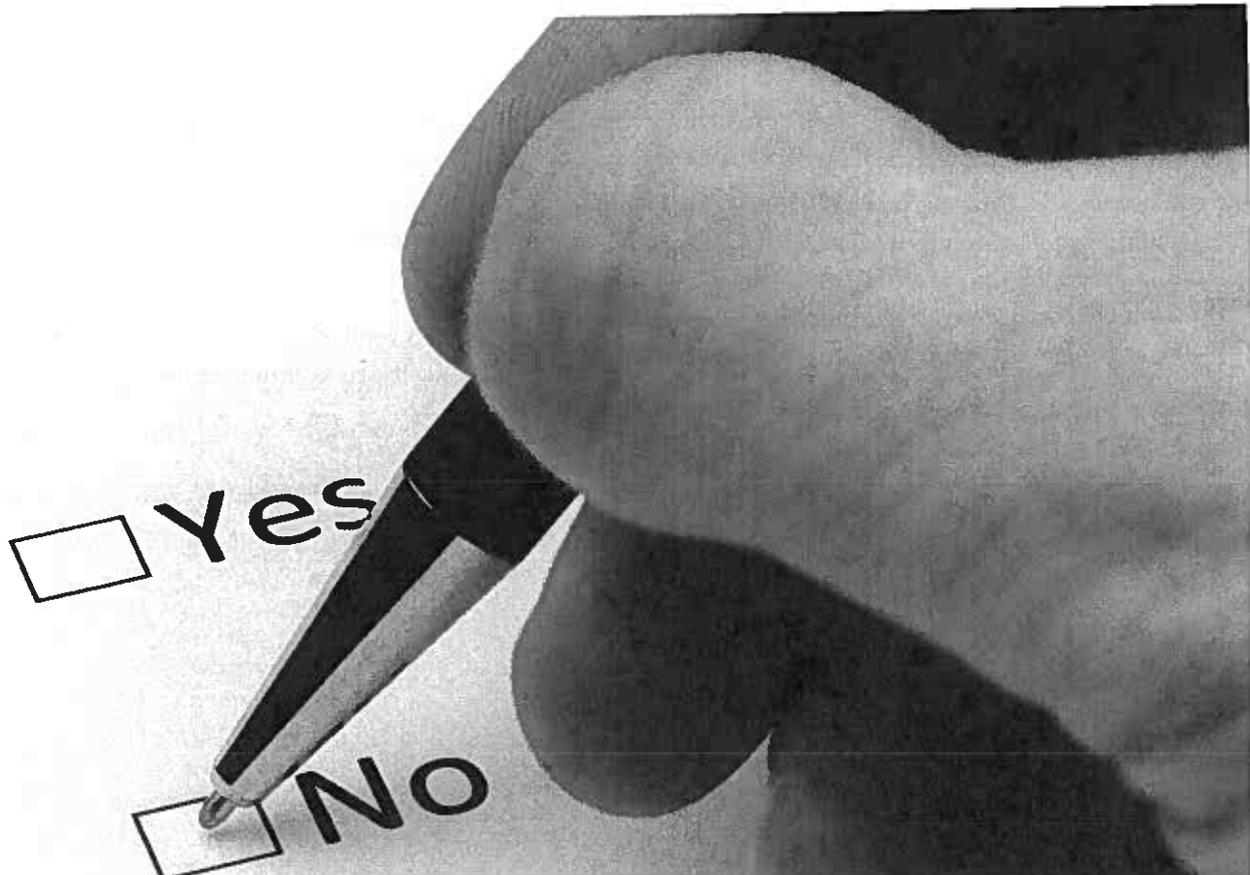
- Don't know/does not apply

___ percent

Do you believe your agency is (or agencies in general are) doing an excellent, good, average or poor job of writing performance-based statements of work and executing performance based contracts?

10. Thinking about your acquisition agenda, what would be your top three initiatives or areas of focus for the next two years?

11. What advice would you give to the leaders of the next Presidential Administration on their procurement and acquisition agenda? What procurement policies should they revisit?





Appendix 2: 2008 Procurement Policy Interviewees

Lisa Akers

Director
Federal Systems Integration and
Management Center (FEDSIM)
Federal Acquisition Service
General Services Administration

Rodney Benson

Director
Office of Acquisition and Grants Management
Centers for Medicare and Medicaid Services
Department of Health and Human Services

Mark Bogart

Acquisition Executive Chief
Defense Intelligence Agency

John Brosnan

Senior Procurement Counsel, Minority Staff
Committee on Oversight and
Government Reform
House of Representatives

Marty Brown

Deputy Assistant Secretary
Office of Acquisition Management and Policy
Department of Health and Human Services

Paul R. Brubaker

Administrator
Research and Innovative
Technology Administration
Department of Transportation

Robert Burton

Deputy Administrator
Office of Federal Procurement Policy
Office of Management and Budget

Domenico Cippichio

Contract Operations Director
Office of the Chief Procurement Officer
Department of Homeland Security

Scott Cragg

Deputy Assistant Secretary
Information Technology, Enterprise Strategy,
Policy, Plans and Programs
Department of Veterans Affairs

David A. Drabkin

*Deputy Chief Acquisition Officer and Senior
Procurement Executive*
General Services Administration

Thomas W. Essig

Chief Procurement Officer
Department of Homeland Security

Efrain Fernandez

Associate Deputy Assistant Secretary
Acquisition
Department of Veterans Affairs

Gregory Giddens

Director
Secure Border Initiative
Department of Homeland Security

Richard Ginman

Deputy Director
Program Acquisition and
Contingency Contracting
Defense Procurement and Acquisition Policy
Department of Defense

David Grant

Director
Procurement
Internal Revenue Service

Bill Greenwalt

Deputy Under Secretary for Industrial Policy
Department of Defense

Mark Krzysko

Assistant Deputy Under Secretary of Defense
Strategic Sourcing and Acquisition Processes
Business Transformation Agency
Department of Defense

Merry Lackey

Chief Acquisition Officer
Research and Innovative
Technology Administration
Department of Transportation

Michael T. McCarthy

Staff Director and Chief Counsel
Subcommittee on Government Management,
Organization and Procurement
Committee on Oversight and
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U.S. House of Representatives

John W. Nyce

Associate Director
Acquisition Services Directorate
National Business Center
Department of the Interior

Ronald A. Poussard

Director
Office of Small Business Programs
United States Air Force

Jerry Punderson

Director
Undersea Systems Contracts Division
Naval Sea Systems Command

Corey Rindner

Procurement Executive
Department of State

Katherine V. Schinasi

Managing Director
Acquisition Sourcing and Management
Government Accountability Office

Maureen Shauket

Director
Office of Acquisition and Assistance
United States Agency for
International Development

Joe Sikes

Housing and Competitive Sourcing Director
Office of the Deputy Under Secretary of
Defense for Installations and Environment
Department of Defense

Molly Wilkinson

Chief of Staff
Small Business Administration

James A. Williams*

Commissioner
Federal Acquisition Service
General Services Administration

**Mr. Williams was in the position at the time of the inter-
view. He is now the Acting Administrator of the General
Services Administration.*

**Appendix 3:
2008 Procurement Policy Survey Interviewers**

Naval Aggarwal
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Joe Alexander
Grant Thornton LLP

Alex Alveario
Stanley, Inc.

Glenn D. Baer
ARINC, Inc.

Gwen Brown
EDS

Frank Capalbo
EDS

Amy Childers
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Additional Information

For more copies of this survey or an opportunity to hear more about the contents and the challenges facing the federal acquisition community, please contact the Professional Services Council or Grant Thornton.

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