



INHERENTLY GOVERNMENTAL

- ARE YOU ASKING A CONTACTOR TO....
 - determine what supplies and/or services to buy
 - participate as a voting member on a source selection board/performance evaluation board?
 - approve contract documents?
 - award, administer or terminate contracts?
 - determine price reasonableness?

Stop if you answered yes to any of these questions!

**THESE SERVICES CANNOT BE SOLICITED under the GSA
Multiple Award Schedule**



Definitions

- "***Inherently governmental function***," as defined in section 5 of the Federal Activities Inventory Reform Act, Public Law 105-270, means a function that is so intimately related to the public interest as to require performance by Federal Government employees.
- "***Critical function***" means a function that is necessary to the agency being able to effectively perform and maintain control of its mission and operations. Typically, critical functions are recurring and long-term in duration.



Functions Closely Associated with Inherently Governmental Services

- Acquisition Planning, such as market research, developing government cost estimates, and drafting statements of work
- Source Selection, such as preparing technical evaluations, serving as a technical advisor to a source selection board and drafting price negotiations memoranda
- Contract Management, such as assisting in the evaluation of a contractor's performance and providing support for assessing contract claims and preparing termination settlement documents.

All of these functions are currently available on the **GSA Multiple Award Schedule (MAS)**, SIN 541611.



There are services “closely associated with Inherently Governmental” on the Professional Services Schedule, under Management Consulting Services

It’s ok for contractors to perform these services ...

...but with caution!



Steps You Can Take to Avoid Becoming Inherently Governmental

- Take special care to retain sufficient management oversight over how contractors are used to provide acquisition support services.
- Ensure that Federal employees have the technical skills and expertise needed to maintain control of the agency mission and operations.
- Take steps to employ and train an adequate number of government personnel to administer contracts, and manage and oversee contractor performance.
- Ensure that government officials are performing adequate oversight of contractors performing acquisition support services
- Make clear to other government organizations or to the public when citizens are receiving services from contractors rather than federal employees.



CONFLICT OF INTEREST

Has the offeror:

- participated in earlier work related to your program or activity?
- ever been privy to information that could influence government decision making on the work being performed?
- or any of their personnel ever worked for you agency?
- worked with clients who would somehow be affected by your task order?

Stop if you answered yes to any of these questions!
Before Proceeding, Make sure you ...

- Evaluate for potential conflict of interest
- Obtain legal counsel review