



## **Analysis of FY 2017 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-17 Service Contracts. One contract for mailing support service was selected for analysis.

### **III. Methodology**

The NLRB performed an analysis of the special interest functions by pulling information on all FY 2017 service contracts from the website, <https://www.acquisition.gov/service-contract-inventory>.

The contract was analyzed by the NLRB Acquisitions Management Branch by gathering information from various systems and individuals to determine whether the contract labor is used appropriately and efficiently and if the mix of Federal employees and contractors is effectively balanced. The 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 that is a personal services contract has been entered into and is being performed in accordance with applicable laws and regulations;
- b. The agency is giving special management attention to functions that are closely associated with inherently governmental functions;
- c. The agency is not using contractor employees to perform inherently governmental functions;
- d. 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;



- e. 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
- f. There are enough internal agency resources to manage and oversee contracts effectively.

#### IV. Special Interest Functions for Evaluation

One (1) special interest function which is displayed in the table below was selected for analysis based on the both the total amount obligated and the critical nature of this function to the NLRB.

<b>Special Interest Function Code</b>	<b>Description of Function</b>	<b>Dollars Obligated in FY 2017</b>
R604	SUPPORT - ADMINISTRATIVE: MAILING/DISTRIBUTION	\$246,332.10

Initial Observations and Findings: The following analysis was completed after removal of contracts that were close-outs and/or de-obligations from the data set. The NLRB inventory analysis consisted of one (1) service contract from the stated PSC Category code which is considered “Closely Associated” by Inherently Governmental definition.

R604 – The contract representing R604, “Support- Administrative: Mailing/Distribution”, was obligated at \$246,332.10 for Office of Facilities and Property Branch. This contract award, NLRACQ130025 was mandated by Statute, FAR 6.302-5(a)(2)(i) “A statute expressly authorizes or requires that the acquisition be made through another agency or a specified source.” and is an Ability One contractor assigned to the NLRB by the NISH Board of Directors. 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 contractor performance was satisfactory and the contractor was not found performing inherently Governmental action, then no action was needed. There are no open items from previous reviews.

#### VI. Responsible Officials

The Director of the Acquisition Management Branch, Tashiana Carter, is responsible for both policy and management of the service contract inventory process at the NLRB.