

DON Response to 03 MAY 2011 Defense Science Board Task Force on Improvements in Services Contracting

DON concurs with the DSB report, with comment. Recommendations that DON concurs with completely are not listed below. Below are listed the only recommendations on which DON has comments.

Recommendation 1.1: USD (AT&L) establish a meaningful taxonomy to track services contracting.

Concur, with comment. Assessment of the current taxonomy's strengths and weaknesses preliminarily matches DSB recommendation 1.1. DON is evaluating methodologies to better utilize the current verification and validation process for DON FPDS-NG data to determine if, and if so, how much of an impact this may be for the DON.

Additionally, DON recognizes that beyond taxonomy, reporting data from FPDS-NG needs to be evaluated against the future requirements for reporting broader, more actionable services contracting data.

1.2: USD(AT&L) establish and monitor definitions, performance standards, and outcome measures for each portfolio of series in the taxonomy.

Concur, with comment. DON is working with DAU in developing these efforts. Initial evaluation indicates that there are a finite number of standardization options and that there will exist requirements that defy short-term standardization.

1.4: USD(AT&L) require competition for those non-inherently governmental activities being performed non-competitively by government personnel to determine if government or contractor personnel should perform them.

Concur, with comment. Instead of requiring a competition (A-76, or similar), recommend an evaluation of activities and market capabilities to make an assessment of the most cost-effective method of providing that activity / capability.

1.5: USD(AT&L) provide meaningful incentives to services for high performance at low cost.

Concur, with comment. DON believes that past performance evaluation, and increased consideration when past performance metrics are higher, is an already available incentive.

Develop penalties to discourage unjustified protests is attractive; but there are no guarantees that such a rule would not inadvertently lead to appropriate protests to be withheld out of fear of possible penalty. Additionally, GAO, in report B-401197 dated April 09, 2009 indicated they would not be in favor of such penalties. The GAO report indicates "GAO does not need to determine that a protest is "frivolous" to promptly close it, and, in our view, making such a determination could add substantial costs to the protest process and have the unintended

consequence of discouraging participation in federal contracting and, in turn, limiting competition.”

1.7: USD(AT&L) provide clear guidance for defense acquisition personnel in the use of appropriate contract structures for the type of service.

Concur, with comment. DON believes that “no more than 5 well-qualified providers” is not substantiated as the optimal participation rate. DON recommends establishing guidelines for evaluating the market and the available capabilities to establish general guidelines.

2.4: Each military department establish portfolio-specific strategic sourcing offices and category councils for services to strengthen the connection between the acquisition community and users and services.

Concur, with comment. DON is aligning Services Oversight and Strategic Sourcing to take advantage of the overlap capabilities. This will not create a portfolio-specific strategic sourcing office, but will allow portfolio-specific focus as required.

3.1: USD(AT&L) establish more formal certification requirements specific to services acquisition personnel.

Concur, with comment. DON believes additional services focus to be required for a subset of current acquisition workforce (AWF) professionals in other certification areas, i.e Program Management, Contracting, etc.

DON recommends targeted training, but not full certification, for requirements owner (RO) personnel outside of the AWF as training can be cost-effectively targeted to the audience.

Recommendation 4: Establish separate policies and processes to improve management and oversight of contingency contracting.

Concur, with comment. DON does not have a contingency contracting mission.