

EXECUTIVE SUMMARY

SUBJECT: Court Reporting Services

BACKGROUND: The FLRA has contracted court reporting services for Office of the General Counsel unfair labor practice charge hearings and representation case appeals by the FLRA Administrative Law Judges. Occasionally, the FLRA Authority, and FSIP require court reporting for fact finding or court cases. These FLRA components would contract such services through the FLRA Administrative Services Division. The Office of the Solicitor, representing the Authority in labor management related court cases, stated that the subject court usually provides court reporting services.

FACTS: The most recent FLRA court reporting services contract started in FY 2001 and ended in December 2003. Management extended the contract for 90 days. The FLRA Contracting Officer drafted a new contract for these services and informed management several times that the extended contract would be ending shortly and time was needed for the competitive process for the 2004 contract. As a result of management not rendering a decision with enough time to compete a new contract, the FLRA used blanket purchase agreements (BPAs) to order court- reporting services for the remainder of FY 2004. This process required more paperwork but seemed to work without major problems although it placed the FLRA in a more vulnerable status of cost increases . On September 13, 2004, FLRA management submitted an interagency agreement and contract statement of work to the Department of Treasury FedSource to administer court reporting services. The contract submission was not accepted by the FLRA because of its high pricing and the use of Budget Purchase Agreements has been extended.

CONCLUSION:

Unlike contracts, blanket purchase orders do not obligate standardized costs and actions and is not the best way to procure court reporting services. At the time of this review, FLRA management decided to use BPAs because their extended contract had ended and a new contract had not been processed. As of December 31, 2004, the FLRA is in the same situation because the contract offered by the Department of Treasury FedSource for court- reporting services contained high costs which were not negotiated to a competitive level.

FINDINGS AND RECOMMENDATIONS:

Finding 1: FLRA management has not properly executed court reporting contracting services to minimize time, costs and problems.

Recommendation 1: FLRA should improve its contracting services for both internal and external contracting and should involve input from managers who will be affected by the outsourced actions prior to submitting proposals.

Finding 2: While the use of BPAs for contracting services over the last nine months has not, caused any major problems, it is normally used for material purchases, not long term Federal services because it does not protect an Agency from changes (increase in costs, failure to provide services properly, etc.)

Recommendation 2. FLRA management should contract court reporting services