

Summary of the Clean Contracting Act

The Clean Contracting Act, which is in title 8 of S. 3001, the National Defense Authorization Act for Fiscal Year 2009, will (1) require agencies to enhance competition in contracting, (2) limit the use of abuse-prone contracts, (3) begin to rebuild the federal acquisition workforce, (4) strengthen anti-fraud measures, and (5) increase transparency in federal contracting.

Enhanced Competition Provisions

Limitation on the length of noncompetitive contracts. Section 862 limits the duration of no-bid contracts awarded in emergencies to one year.

Enhanced competition on multiple award contracts. Section 863 gives all contractors under a multiple award contract a fair opportunity to bid for work under the contract.

Curbing Abuse-Prone Contracts.

Regulations on cost-plus contracts. Section 864 requires regulations to address the use of cost-reimbursement-type contracts.

Prohibiting excessive tiering of subcontractors. Section 866 requires regulations to prevent contractors from billing taxpayers for work that is done by subcontractors and for which the contractor provides no additional value.

Minimizing abuse of commercial item authority. Section 868 requires additional cost and pricing information for goods and services “of a type” found in the commercial market place.

Better use of interagency contracts. Section 865 requires regulations to prevent abuse of interagency contracts.

Linking award fees to acquisition outcomes. Section 867 requires award fees to be paid only when a contractor has at least a satisfactory level of performance.

Acquisition Workforce Improvements

Study of the acquisition workforce. Section 869 requires OMB to conduct a comprehensive study of the civilian acquisition workforce to determine appropriate staffing and funding levels.

Contingency contracting corps. Section 870 authorizes the establishment of a contingency contracting corps to facilitate rapid contracting in the event of a national emergency.

Anti-Fraud Provisions

GAO access to contractor employees. Section 871 gives GAO the authority to interview contractor employees.

Contract Transparency

Database for suspension and debarment. Section 872 creates a database for companies that have been suspended or disbarred.

Improvements to the Federal Procurement Data System Section 873 enhances the transparency of multiple-award and interagency contracts by requiring additional reporting to the existing federal procurement database.