

**AGENCY INVENTORY ANALYSES
SERVICE CONTRACT INVENTORY
CONSUMER PRODUCT SAFETY COMMISSION
FY 2011**

In accordance with section 743(e), the Consumer Product Safety Commission's agency inventory analysis includes a review of the contracts and information in the inventory as set forth below:

1. The Consumer Product Safety Commission has reviewed each Special Interest Function, D302, (ADP Systems Development Services and D314, ADP System Acquisition Support Services) contracts in the inventory to determine whether any personal services contracts have been entered into, and are being performed, in accordance with applicable laws and regulations. The CPSC Service Contract Inventory Checklists are attached in full text to this analysis.

Based on the review it has been determined that no personal services contracts have been entered into during this period.

2. The Consumer Product Safety Commission has given special management attention, as set forth in FAR 37.114, to functions that are closely associated with inherently governmental functions.

FAR 37.114 states:

37.114 Special acquisition requirements.

Contracts for services which require the contractor to provide advice, opinions, recommendations, ideas, reports, analyses, or other work products have the potential for influencing the authority, accountability, and responsibilities of Government officials. These contracts require special management attention to ensure that they do not result in performance of inherently governmental

functions by the contractor and that Government officials properly exercise their authority. Agencies must ensure that—

(a) A sufficient number of qualified Government employees are assigned to oversee contractor activities, especially those that involve support of Government policy or decision making. During performance of service contracts, the functions being performed shall not be changed or expanded to become inherently governmental.

(b) A greater scrutiny and an appropriate enhanced degree of management oversight is exercised when contracting for functions that are not inherently governmental but closely support the performance of inherently governmental functions (see [7.503\(c\)](#)).

(c) All contractor personnel attending meetings, answering Government telephones, and working in other situations where their contractor status is not obvious to third parties are required to identify themselves as such to avoid creating an impression in the minds of members of the public or Congress that they are Government officials, unless, in the judgment of the agency, no harm can come from failing to identify themselves. They must also ensure that all documents or reports produced by contractors are suitably marked as contractor products or that contractor participation is appropriately disclosed.

3. Based on the review of each Special Interest Function contract (as defined in FAR 7.5) it has been determined that the Consumer Product Safety Commission is not using contractor employees to perform inherently governmental functions.
4. The Consumer Product Safety Commission 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. These safeguards involve continuous review of performance by the CPSC Contracting Officer's Representatives (COR) and Procurement Officials.
5. The Consumer Product Safety Commission 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.
6. The Consumer Product Safety Commission has ensured that there are sufficient internal agency resources to manage and oversee contracts effectively.

Concurrence

Donna Hutton, Director, Division of Procurement Services

Date

Jay Hoffman, Chief Financial Officer

Date

Donna Simpson, Acting, Chief Human Capital Officer

Date

Patrick Weddle, Chief Information Officer

Date

Kenneth R. Hinson, Chief Acquisition Officer/
Senior Procurement Executive

Date