

Federal Contracting Oversight and Reform Act

Section-by-Section

Section 1 titles the bill as the Federal Contracting Oversight and Reform Act of 2010.

Section 2 defines “appropriate congressional committees” as the Senate Homeland Security and Governmental Affairs Committee and the House Committee on Oversight and Government Reform.

Section 3 amends the Clean Contracting Act of 2008 to permit access to the Federal Awardee Performance and Integrity Information System (FAPIIS) database to all members of Congress.

Section 4(a) makes completion of particular Federal Acquisition Regulation certifications and the self-reporting requirements of the Clean Contracting Act of 2008 a condition for the award of a contract for the procurement of property or services.

Section 4(b) instructs the Inspectors General of each federal procuring agency to:

- conduct an annual audit of the contract files required by the Clean Contracting Act of 2008 to ensure that federal agencies are appropriately considering the past performance and misconduct of contractors.
- submit a report containing the results of the audit to the appropriate congressional committees.

Section 4(c) instructs the Inspector General of the General Services Administration to:

- conduct an annual audit of the Excluded Parties List System to determine if contractors listed on EPLS are being properly identified by federal agencies with a DUNS or other identifying number.
- submit the results of this audit to the appropriate congressional committees.

Section 4(d) instructs the Comptroller General of the United States to submit an annual report to the appropriate congressional committees describing the overlap between the suspension and debarment lists on the EPLS Database and the list of contractors receiving federal funding on USASpending.gov, or those that have received agency waivers to receive new contracts.

Section 5 instructs the Office of Management and Budget to submit a report to the appropriate congressional committees on the feasibility and potential approaches to integrating and consolidating the existing contracting information databases into a single searchable linked network, including the EPLS, CCR, FAPIIS, FBO, FPDS, and PPIRS databases.

Section 6 instructs the Inspector General of the General Services Administration to conduct a study on unique identifying numbers that includes:

- a determination of whether the existing system of identifying numbers for contractors is adequately tracking federal contractors.
- an assessment of the feasibility of developing and adopting a new unique federal contractor identification system.

Section 7 expands the scope of the Federal Awardee Performance and Integrity Information System (FAPIIS) database in order to make a broader set of information available to federal contracting officers, including:

- relevant contractor performance and conduct data from the last ten years, instead of just five;
- relevant contractor performance and conduct data in connection with any contract, not just federal contracts; and
- administrative judgments and legal settlements that do not contain an explicit finding or acknowledgement of fault.