



CONTRACTORS ACCOUNTABILITY ACT

POSITION:

SMACNA supports legislation that requires prospective federal contractors to meet the highest standards for contract performance and compliance with applicable laws as a condition of being found “responsible” for performing a federal contract. Public agencies and taxpayers, generally, should demand nothing less.

ISSUE:

Legislation, as introduced in past sessions of Congress would establish a central database for actions taken against federal contractors to provide contracting officers with the most current information on those seeking federal contracts. It would require full disclosure and a fair but rigorous analysis of material performance issues and records of prior compliance as part of the contract pre-award process for determining “responsibility.”

Severe strictures would be faced by contractors not meeting the highest standards of responsibility.

FACTS:

- The Federal government is the largest consumer of goods and services. It is in the best interest of the government (and taxpayers) to procure construction from legitimate firms with strong quality performance records.
- A computerized central database creates an efficient system for contracting officers to research potential contractors that are seeking business from the federal government. A centralized database has recently been successfully used in cities such as New York and Los Angeles.
- Every time the federal government awards a contract to an unethical contractor; a responsible and deserving contractor loses work.
- Contracting officers are responsible for protecting the business interests of the United States. Creating an opportunity to glean all pertinent information in one place would help officials achieve this goal.
- A 2002 report from the Project on Government Oversight (POGO) revealed the top 43 federal contractors have paid \$3.4 billion in fines, restitution, and settlements in a little more than a decade. (Within the top 43, only 13 have never paid a fine.) Furthermore, four of the top 10 have at least two criminal convictions.

STATUS:

HR 3033, legislation that would increase oversight for the awarding of public contracts for government services and to strengthen government accountability in the suspension and debarment process. Introduced July 12, the legislation was referred July 17th to the House Oversight and Government Reform subcommittee on Government Management, Organization and Procurement with hearings expected in 2007 or 2008.

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CAPITOL HILL OFFICE: 305 4TH STREET NE • WASHINGTON DC 20002
PHONE: 202 547 8202 • FAX: 202 547 8810

HEADQUARTERS: 4201 LAFAYETTE CENTER DRIVE • CHANTILLY VA 20151-1209
MAIL ADDRESS: P.O. BOX 221230 • CHANTILLY VA 20153-1230
PHONE: 703 803 2980 • FAX: 703 803 3732
WEB: www.smacna.org