



Highlights of [GAO-03-32](#), a report to the Senate Committee on Governmental Affairs, House Committee on Government Reform, and the House Subcommittee on Technology and Procurement Policy.

## Why GAO Did This Study

Concerned that minimum personnel experience or education requirements in agency solicitations for information technology (IT) services were contributing to worker shortages, Congress included a provision in the fiscal year 2001 Defense authorization act requiring that the Federal Acquisition Regulation (FAR) be amended to limit the use of such requirements. Specifically, agencies are not to include these requirements in solicitations for IT services that result in performance-based contracts—those with performance work statements that set forth contract requirements in clear, specific, and objective terms with measurable outcomes—unless the contracting officer determines that agency needs cannot be met without them.

This law also required GAO to study and report on the government's implementation of this provision. Accordingly, GAO assessed whether the FAR rule implementing this requirement conforms with the provision (section 813 of P.L. 106-398) and to what extent executive agencies have complied with the new requirement. GAO chose nine agencies to review, based on its analysis of data in FedBizOpps, a governmentwide Web site containing government business opportunities over \$25,000.

In commenting on a draft of this report, agencies agreed with its findings or did not indicate a position.

[www.gao.gov/cgi-bin/getrpt?GAO-03-32](http://www.gao.gov/cgi-bin/getrpt?GAO-03-32).

To view the full report, including the scope and methodology, click on the link above. For more information, contact David A. Powner at (202) 512-9286 or [pownerd@gao.gov](mailto:pownerd@gao.gov).

## INFORMATION TECHNOLOGY SERVICES

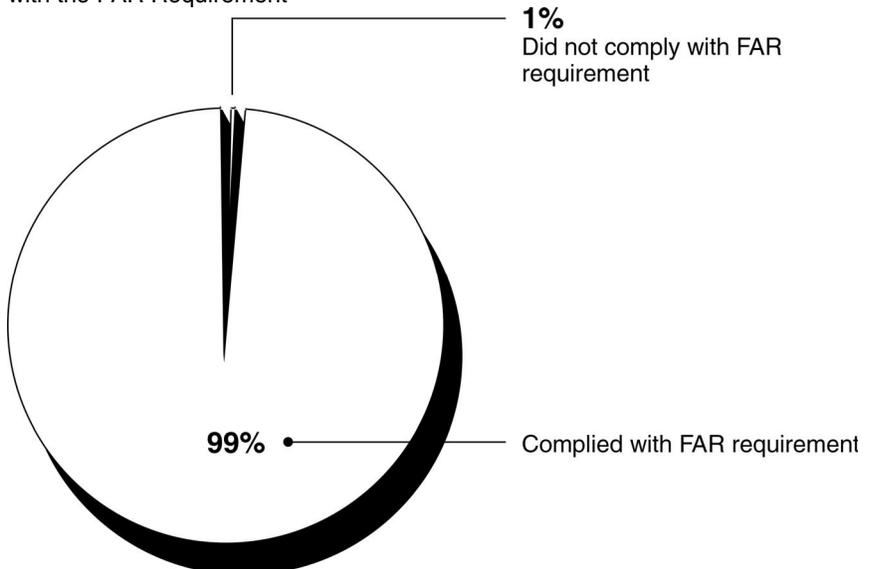
# Agencies Complying with Revision to Federal Acquisition Regulation

## What GAO Found

The final FAR rule implementing section 813 of P.L. 106-398, which was published on December 18, 2001, conforms with the requirements in this law. Specifically, as required by P.L. 106-398, the FAR now prohibits minimum experience or education requirements for contractor personnel in performance-based solicitations for IT services unless the contracting officer determines that the needs of the agency cannot be met without such requirements.

Agencies in GAO's review have been complying with the FAR's minimum experience and education requirements. Specifically, as shown in the chart below, of the 161 performance-based solicitations in GAO's review, in only 1 case—or about 1 percent—was an agency not in compliance with the FAR; that is, the solicitation contained minimum experience requirements and the contracting officer had not made a determination of agency need. In this case, the contracting officer was unaware of the FAR requirement at the time that the solicitation was issued, but stated that he would make such a determination in the future, when applicable.

Percentage of Performance-Based Solicitations in GAO's Review That Did Not Comply with the FAR Requirement



Source: GAO analysis of agency solicitations.