



Request for Proposals—April 2, 2013

The GPRA Modernization Act of 2010:

Examining Constraints To, and Providing Tools For, Cross-Agency Collaboration

The Administrative Conference of the United States is seeking a consultant to undertake a research project that will study the Government Performance and Results Act Modernization Act of 2010 (GPRA Modernization Act), specifically examining the Act's requirements for cross-agency collaboration, constraints to such collaboration (with a particular focus on legal constraints) and highlighting tools available to facilitate such collaboration. Proposals are due by 9:00 a.m. Eastern Time on Tuesday, April 30, 2013.

Background

The GPRA Modernization Act of 2010 became law on January 4, 2011.¹ Among other things, the Act requires the Office of Management and Budget (OMB) to coordinate with most federal agencies to establish outcome-oriented federal government priority goals—otherwise referred to as Cross-Agency Priority (CAP) Goals—covering a number of policy areas as well as goals to improve management across the federal government.² The Act also requires OMB to identify a goal leader for each CAP Goal and these goal leaders are responsible for coordinating efforts to achieve each of the goals.³ Goal leaders are given flexibility in how to manage CAP Goals and are encouraged to leverage existing structures as much as practicable, (*e.g.*, existing working groups, inter-agency policy committees, councils).⁴

As designated agency representatives work to achieve CAP goals and to implement the intent of the GPRA Modernization Act, studies suggest they may be facing certain institutional constraints to effective collaboration and thus need tools to aid them in their efforts.⁵ While several studies have noted management, resource, personnel, technology or other constraints to cross-agency

¹ Pub. L. No. 111-352, 124 Stat. 3866 (2011). The GPRA Modernization Act of 2010 amends the GPRA Act of 1993, Pub. L. No. 103-62, 107 Stat. 285 (1993). For a concise explanation of the Act, *see* John Kamensky, “GPRA Modernization Act of 2010 Explained,” IBM Center for The Business of Government blog *available at* <http://www.businessofgovernment.org/sites/default/files/GPRA%20Modernization%20Act%20of%202010.pdf>.

² 31 U.S.C. § 1120(a)(1). More specifically, the Act requires OMB, starting with the FY 2015 budget, to develop long-term, outcome-oriented goals for a limited number of cross-cutting policy areas and goals for management improvement areas, including: financial management; human capital management; information technology management; procurement and acquisition management; and real property management. *Id.* The goals are to be developed in coordination with agencies and in consultation with the Congress. In addition, OMB is required to develop interim priority goals, starting with the President’s 2013 budget. *Id.*

³ Memorandum from Jacob Lew, Director, Office of Management and Budget to Heads of Executive Departments and Agencies on Delivering an Efficient, Effective and Accountable Government (Aug. 17, 2011), *available at* <http://www.whitehouse.gov/sites/default/files/omb/memoranda/2011/m11-31.pdf>.

⁴ *Id.*

⁵ *See, e.g.*, JANE FOUNTAIN, IBM CENTER FOR THE BUSINESS OF GOVERNMENT, IMPLEMENTING CROSS AGENCY COLLABORATION: A GUIDE FOR FEDERAL MANAGERS (2013), *available at* <http://www.businessofgovernment.org/sites/default/files/Implementing%20Cross%20Agency%20Collaboration.pdf> (setting forth four institutional constraints to cross-agency collaboration and recommending additional guidance from OMB).



collaboration,⁶ no study has specifically examined what constraints (real or perceived) may exist and what tools agency representatives may use to effectively collaborate given such constraints.

Description of Project

The Administrative Conference plans to undertake a study the GPRA Modernization Act. The goal of the project is to specifically examine the Act's requirements for cross-agency collaboration; identify existing constraints (real or perceived) to collaboration (with a particular focus on legal constraints); highlight tools available to help agencies collaborate; and recommend potential new (or enhanced) avenues of collaboration.

The study should:

- Identify and examine existing constraints (real or perceived) to collaboration on, and implementation of, CAP Goals by working with the Office of Performance and Personnel Management (OPPM) at OMB, as well as other federal agencies;
- Focus on legal constraints and accordingly, identify, examine and/or consider the following possible constraints:
 - Laws and regulations which may impede cross-agency collaboration, such as requirements affecting the division of labor, resources, authority and responsibility when agencies seek to collaborate;
 - The legal authorities, roles, and models that individuals appointed as CAP Goal leaders might use in performing their duties;
 - Legal requirements under the federal budget system which restrict the use of funds in ways that may constrain cross-agency collaboration;
 - The interplay between collaboration, which can often lead to shared accountability, and legal requirements that assign accountability for implementing a policy to one particular agency;
 - The role of contracts, interagency agreements and other legal documents in cross-agency collaboration;
 - The interplay between cross-agency collaboration and laws requiring agencies to make information available to the public;
 - The role of agency general counsels, inspectors general and other agency attorneys in advising senior agency officials and those non-attorney staff who are coordinating and implementing cross-agency collaboration efforts; and

⁶ See, e.g., U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-12-1022, MANAGING FOR RESULTS: KEY CONSIDERATIONS FOR IMPLEMENTING INTERAGENCY COLLABORATION MECHANISMS (2012), *available at* <http://www.gao.gov/assets/650/648934.pdf> (setting forth a number of constraints to cross-agency collaboration).



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- Highlight existing tools and identify new or enhanced tools agencies may use to improve cross-agency collaboration on CAP Goals and prevent constraints (particularly legal constraints) from unduly inhibiting effective collaboration;

Content of Research Proposal

(a) Your research proposal should set forth how you plan to conduct a study of the GPRA Modernization Act. In particular, your proposal should clearly set forth a research strategy that explains how you will examine the Act's requirements for cross-agency collaboration, identify constraints to such collaboration (with a particular focus on legal constraints) and highlight tools available to facilitate such collaboration. Your proposal should also set forth any anticipated practical limitations on your research.

(b) The study described above should include a search of the relevant (legal and non-legal) literature on the GPRA Modernization Act and/or cross-agency collaboration. Your proposal should include your plan for conducting interviews or surveying federal officials with knowledge of constraints on cross-agency collaboration, including, but not limited to, senior agency officials, agency general counsels, inspectors general and other agency attorneys.

How to Submit a Proposal

Proposals are invited from qualified persons who would like to serve as a research consultant on this project. All responses will be considered by the Conference staff and the Chairman.

To submit a proposal to serve as the Conference's consultant on this project, you must:

- Send an e-mail message to Funmi E. Olorunnipa, Attorney Advisor, at folorunnipa@acus.gov. *Proposals must be submitted by e-mail.*
- Include the phrase "ACUS Project Proposal" in the subject line of your e-mail message.

The text of your proposal may be submitted in the body of the e-mail message or as an attachment. In your submission, please:

- State the name of the project for which you are submitting a proposal: "The GPRA Modernization Act."
- Explain why you would be well qualified to work on the project. Include your *curriculum vitae* or other summary of relevant experience and research publications, if any.
- Explain your research methodology and how you would develop recommendations based on the research. There is no required format and 2-3 pages should probably be sufficient for this section.



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- State how much funding you would need for the project, keeping in mind that a typical Conference research contract includes a consulting fee of \$12,000 plus travel expenses of \$1,000, and research assistance expenses of \$1,000. There may be some flexibility in the budget based on factors relating to the proposal (*e.g.*, the consultant's location relative to Washington, DC, and the need for research assistance and empirical or interviewing work), so your proposal should suggest any special needs in this regard. The amount of the consulting fee and expenses is not a critical factor in the award of the contract; the quality of the proposal and of the consultant's ability to carry out the study will be the most important factors.
- Propose a schedule for the project. The Conference's research projects typically call for submission of an outline, a draft report, and a final report. Multiple draft reports may be necessary based on input from the Chairman, staff, or committee. The draft report should be substantially complete and ready for consideration by the committee. Proposals for this project should target the submission of the draft report so that the recommendation can be targeted for completion at a plenary session of the Conference held in December 2013. A fall 2013 submission date for the draft report is preferred, but high quality research leading to a well-written report will be the prime consideration.

Submit your proposal by 9:00 a.m. Eastern Time on Tuesday, April 30, 2013. Only proposals submitted by the stated deadline are guaranteed to receive consideration. Proposals may also be submitted or amended at any time until the award of the contract, and the Conference may consider any proposals or amended proposals received at any time before the award of the contract.

Proposals will be evaluated based on the:

- Qualifications and experience of the researcher(s), and knowledge of literature in the field (if applicable);
- Quality and clarity of the proposal;
- Timeline of the proposal, and the ability of the researcher to perform the research in a timely manner;
- Likelihood that the research will contribute to greater understanding of the subject matter studied and lead to an Administrative Conference recommendation that will improve administrative procedures in the federal government; and the cost of the proposal (although the other factors are more important); and
- Cost of the proposal (although the other factors are more important).

Failure to follow the above instructions may result in your proposal not being considered. Including the phrase "ACUS Project Proposal" in the subject line of your e-mail submission is important so that your proposal can be easily identified.



Administrative Conference Research Process

A consultant's study should result in a report that is delivered first for review by the Conference staff and Chairman. After staff review, the report, which should contain the results of the study, including the researcher's conclusions, proposed recommendations, and an Executive Summary, will be forwarded to a committee of the Conference membership for consideration. The recommendations should be suitable for adoption as recommendations of the Administrative Conference and in a form and style consistent with prior Conference recommendations. The report's proposed recommendations will be used to guide the committee in formulating its own recommendations. The consultant will be expected to work with Conference staff and the committee to refine and further shape the report and may work with Conference staff to revise the recommendations. Recommendations approved by the committee are then forwarded to the Council of the Conference for consideration, and the Council forwards the recommendations (with its views) to the full Conference membership meeting in plenary session. If approved at the plenary session, a recommendation becomes an official recommendation of the Administrative Conference. (For a general understanding of how the Conference is organized and operates, see 5 U.S.C. §§ 591-596, and <http://www.acus.gov>).

The Conference will provide a consulting fee for this study plus a budget for related expenses. The Conference also typically encourages its consultants to publish the results of their studies in journals or other publications. Thus, working as a Conference consultant provides some compensation, a publication opportunity, and the opportunity to work with Conference members from federal agencies, academia, the private sector, and public interest organizations to help shape and improve administrative law, procedure, and practice.

Persons submitting proposals should understand that, in addition to the work involved in researching and writing the consultant's report, the consultant will (in most cases) need to work with Conference staff and committees as the Conference develops a recommendation based on the report. The consulting fee is not designed to match a consultant's normal consulting rates. It is a significant public service to serve as a consultant to the Conference.