



Action Plan on Agency Equity (EO 13985)

January 20, 2022

Purpose

The Administrative Conference of the United States (ACUS) submits the following *Agency Action Plan* in accordance with Executive Order 13985.

Executive Summary

About ACUS

ACUS is a small independent agency charged with convening expert representatives from the public and private sectors to recommend improvements to administrative process and procedure. The agency principally serves as an advisory body to other federal agencies, the President, Congress, and the Federal Judiciary.

ACUS is approved for 18 full-time employees and receives an annual appropriation of \$3.4 million (FY 21). Accordingly, only a small portion of the agency's budget is directed to procurement and contracting.

Agency Mission

ACUS brings together experts from the public and private sectors to advise the President, Congress, federal agencies, and the federal judiciary. These experts collaborate to design recommendations seeking to maximize fairness and efficiency in the administration of government programs.

Summary of Early Accomplishments

As detailed below, ACUS has identified several specific mediums for publicizing its contracting opportunities to a broad and diverse applicant pool.

Agency Background: Equity in Agency Procurement and Contracting Opportunities

ACUS engages in limited procurement and contracting, nearly all of which is via the General Services Administration (GSA) Schedule of approved vendors and blanket purchase agreements. Further, ACUS has not entered into any form of procurement exceeding the \$100,000 Simplified Acquisition threshold since 2010. It is unlikely the agency will have a need for full and open competition exceeding the Simplified Acquisition threshold in the foreseeable future as over 75% of the agency's appropriation is directed to employee salaries, benefits, and fixed overhead costs such as rent.



Most agency procurement outside the GSA schedule is in the form of research and reporting contracts, typically related to topics of administrative law and typically valued at \$25,000 or less. Because the subject matter expertise is highly focused and specialized, extra effort is required to ensure that underserved communities and individuals are aware of contract and procurement opportunities. All research RFPs are noticed on the acus.gov website and thereby publicly accessible to anyone. Further, ACUS utilizes targeted postings on information exchange bulletins and subject matter-related forums with particular effort made to reach underrepresented communities to ensure awareness of contracting opportunities.

ACUS continues to pursue new and additional avenues to publicize procurement opportunities to underserved communities and individuals.

Equity Action Plan

The vast majority of ACUS procurement is via the GSA schedule or comparable open-market or micro-purchasing mechanisms. All other procurement and contracting are in the form of low-value (typically \$25,000) task orders for research and related reports examining a variety of administrative process topics. ACUS typically issues 6 to 10 researcher contracts per fiscal year.

Given ACUS's micro size (15 filled FTEs), the number of contract task orders awarded per year (6 to 10), and the small value of each contract (approximately \$25,000), ACUS has focused the agency action plan on the selection and award of its research contracts.

Agency Action:

Solicit project (contract) proposals from a broad and diverse applicant pool.

- A. **Barrier to Equitable Outcome:** ACUS projects are almost universally focused on administrative process and related subject matter. Projects are typically undertaken by academics and experts in those fields. Given this highly specialized academic area, the number of qualified contract consultants is limited. Qualified applicants would necessarily require a scholarly background in administrative law and related fields. Additionally, a qualified applicant must have a substantial command of English language and grammar to effectively analyze the complex legal text and legal concepts germane to the agency's work.
- B. **Action and Intended Impact on Barrier:** ACUS has identified targeted mediums for publicizing agency projects and research consultant contracts with the objective of reaching the broadest possible applicant pool. ACUS prioritizes this action because it is both measurable and achievable, and because agency management strongly supports utilizing new methods for reaching potential contractors and ensuring that contract opportunities are known to all qualified experts.

Several listservs and web forums that specialize in administrative law and policy and are intended to reach historically underserved communities have already been identified. In many cases, ACUS also utilizes these mediums to promote job and



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internship opportunities to underserved and underrepresented communities. Specifically:

- The Administrative Law Professor's Listserv (adminlaw@listserv.lsu.edu) is the most widely subscribed distribution list in this field. Nearly all law professors specializing in administrative law are affiliated with this listserv. Circulating all research RFPs (contracting opportunities) on this listserv will go far in assuring that a broad and diverse pool of qualified applicants is aware of RFP opportunities.
- The Association of American Law Schools (AALS) maintains a vast data set and listserv network. AALS data includes both subject matter expertise and demographic data provided by members, thereby allowing additional targeted engagement with potentially qualified applicants.
- Several national Bar associations have been identified as serving historically underserved and underrepresented groups. ACUS may engage these associations to further disseminate contracting opportunities. Specific groups and associations targeted for outreach include:
 - Washington Bar Association (African American),
 - National Conference of Women's Bar Associations,
 - Hispanic Bar Association of the District of Columbia,
 - LGBT Bar Association of the District of Columbia,
 - Asian Pacific American Bar Association-DC,
 - and the Capital Area Muslim Bar Association.

ACUS is committed to a broad, inclusive approach when soliciting private contractors to work on research studies and will continue to identify additional avenues of outreach in furtherance of that objective. As noted, most ACUS-issued research contracts go through a request for proposal (RFP) process that solicits proposals from any interested party. That process includes posting all RFPs to the [acus.gov](https://www.acus.gov) website (<https://www.acus.gov/research-rfps>) and circulating every RFP to a national listserv that includes nearly all administrative law professors from across the nation. Additional outreach, as identified in the above section, will assist ACUS in targeting underserved and underrepresented communities to ensure awareness of agency contracting and procurement opportunities.

- C. *Tracking Progress*: In the medium term (2-4 years), ACUS views success as realizing an overall increase in the number of qualified RFP responses and an increase in RFP responses from experts new to ACUS. In the longer term (5-8 years), ACUS successful implementation of this action would result in contract participation representative of the research field demographics.
- D. *Accountability*: ACUS is in the process of updating its 5-year *Agency Strategic Plan* and may opt to include language supportive of the goals and actions described above. Additionally, ACUS functions more as an advisory body than a traditional federal



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agency and, as such, is comprised of agencies and member organizations from both the public and private sectors. ACUS's composition adds an additional level of accountability.

In addition to the agency's management, ACUS members also hold to the agency accountable, as reflected in both its event programming and its scholarly body of work. For example, during November 2021 ACUS held a [5-part virtual symposium](#) examining participation of historically underserved communities in the regulatory process. While not the same, there's significant overlap in the objectives set forth in EO 13985 and those that underpin ongoing ACUS projects and programming.