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Levin Center Testifies about Gaps in State Contract Oversight and Recommends Best Practices in Pennsylvania House Hearing

7/20/2021 – Today, Levin Center staff testified before a Pennsylvania House subcommittee on how state legislatures can do a better job overseeing state government contracts, especially emergency contracts issued outside the ordinary procurement process. Elise Bean, a Democrat who directs the Levin Center’s Washington Office, and Ben Eikey, a Republican who leads the Center’s state oversight efforts, spoke at a hearing of the Subcommittee on Government Operations, sharing lessons from the Center’s research into state legislative oversight of government contracts.

“Good stewardship of government contracts ensures the wise use of taxpayer dollars and redeems the public’s faith in their elected leaders and, ultimately, the democratic process,” said Bean. The testimony from Bean and Eikey drew on two reports commissioned by the Levin Center over the past year that took an in-depth look at oversight of Covid-related emergency contracts and actions taken by state legislatures to strengthen their contract oversight efforts. They followed a 2019 report funded by the Levin Center which described the legislative oversight practices in all 50 states and found that most state legislatures conducted minimal oversight of state-issued contracts.

“Our studies of state oversight of government contracts reveal that often state legislatures don’t conduct rigorous oversight of government contracts even when these contracts involve important government responsibilities and large amounts of money,” Eikey said. “But a growing number of state legislatures are finding ways to improve oversight of state contracts and we are pleased to see the Pennsylvania Legislature tackle this issue. We hope our findings and recommendations are helpful to this committee as it moves forward,” Eikey said.

The Levin Center’s recommendations for improving contract oversight, based on best practices in state legislatures across the country, included:

- Formally assigning contract oversight to a specific committee in the legislature;
- Assigning contract oversight to a joint committee comprised of members from both houses of the legislature and equal membership from both parties;
- Using an audit agency to identify problems with contracting practices;
- Collaborating with state administrative procurement staff to develop effective methods of contract oversight; and
- Prioritizing certain types of contracts for in-depth oversight, such as contracts involving substantial taxpayer dollars, essential services, or vulnerable populations served.

The Levin Center's testimony can be found at https://law.wayne.edu/levin-center/pdfs/2021-7-20_levin_center_testimony_before_pennsylvania_hearing_on_emergency_contracts.pdf. Copies of the Levin Center-commissioned reports on state legislative oversight can be found on its website: the 2019 report on oversight practices in all 50 states,¹ the 2020 report on state legislative oversight of emergency COVID-related contracts,² and the 2021 report on how six state legislatures improved their contract oversight.³

The Levin Center at Wayne Law is named in honor of former U.S. Sen. Carl Levin, Michigan's longest-serving U.S. senator who retired in 2015 after 36 years in the Senate conducting fact-based, bipartisan oversight investigations. Levin serves as the chair of the center which is headquartered at Wayne State University Law School in Detroit. The center's mission is to promote high quality oversight in Congress and the 50 state legislatures through oversight workshops, research, events, commentary, and other activities. While the Levin Center is affiliated with Wayne State University Law School, its views do not present the institutional views, if any, of Wayne State University or the Law School.

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¹ <http://stateoversightmap.org/>

² https://law.wayne.edu/levin-center/pdfs/three_covid_case_studies-levin_center-final_11-18-2020.pdf?utm_source=link&utm_medium=email-5fa968a8e1a47&utm_campaign=Report+Release%3A+%26quot%3BState+Legislative+Oversight++of++Emergency&utm_content=Download+the+report

³ https://law.wayne.edu/levin-center/pdfs/legislative_oversight_of_state_government_contracts_april_2021.pdf