



Procurement Alert Notice

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PRESIDENT’S MESSAGE: BMRA—SUCCESSFUL & GROWING

BMRA has been in business for more than 33 years. In the early days, we were known as Don Sowle Associates. We did some training but mainly specialized in providing consulting. It was not until 1982, when BMRA won the Defense Management and Training contract, that we focused on providing procurement/acquisition training to government agencies. More than 200,000 students have attended our courses since then.

I am proud to say that I have been associated with BMRA for over two thirds of its history. I have enjoyed working with the many professional people who contributed greatly to the success of BMRA.

Many of the original founders of BMRA came from the Commission on Government Procurement (COGP). Our first president and principal founder was Don Sowle. While on active duty with the Air Force, Don played many important roles in formulating new contracting approaches and procedures. Don left BMRA in 1981 to become the Administrator of the Office of Federal Procurement Policy, and at that time we changed our name from “Don Sowle Associates” to “Business Management Research Associates.” George Ostrowski was our next president. Besides encouraging education for our workforce, George was also a leading proponent of government purchase of commercial items. Following George as president was Jack O’Leary. As were Don Sowle and George Ostrowski, Jack was a former member of the COGP. Jack was a pioneer in contracting for the Air Force. He was one of the founders of the Society of Logistical Engineers and the Society of Cost/Price Analysts. For many years

he was the Executive Director of the National Contract Management Association (NCMA). I followed Jack as BMRA President in the early 90’s.

Nearly 14 years ago, BMRA started an in-service training program for its instructors. I felt it was important to have an annual meeting to discuss teaching methods and techniques and to share our experiences with one another. We invited guest speakers from local colleges and universities, the Defense Acquisition University, and from government organizations responsible for establishing acquisition training curriculums. Some speakers specialized in adult education. I believe the In-service Program is one reason that BMRA is among the best providers of training in our field.

There are two other factors that I believe give us the mantel of one of the best training organizations. I believe our faculty is among the best in the business. Many of our faculty members have advanced degrees, years of experience in the field they are teaching, and years of good experience as teachers.

Another important factor is our office staff.

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Considering the workload of ten to fifteen courses per week, I believe that our relatively small support staff is doing an excellent job. The support staff ensures faculty members receive current material. As our courses are taught all over the world, the staff's role is very important to conducting a course. They prepare the material including the text, the slides, and the instructor aids such as our famous Wizards that are used in some of our courses. The staff also sends our mobile computer lab to the training sites where it is needed. BMRA is proud to be a women-owned small business firm. Being small means that people have to fill in for others during periods of emergencies and they have done this well.

Managers of BMRA are deeply involved in all of the processes that are necessary for the success of a business. They are constantly exploring ways to improve these processes, such as using Direct Pay Procedures, updating our accounting software, and streamlining our scheduling procedures.

I have stressed many times that we must subscribe to the four "Ps" of business. The first "P" is *perpetuation*. We plan on being in business for many years to come. The second "P" is providing a *product* that is needed. The products we provide are the training material for people in the contracting and simplified acquisition workforce. The third "P" is for the *people* that are responsible for successfully getting our products to the user. These are the instructors, the support staff, and the management. Finally, the last but not any less important than the other "Ps" I have mentioned, is *profit*. We need to make a reasonable profit to carry out the mission of BMRA, which is educating the acquisition workforce in our federal, state, and local governments.

I believe that you will agree that we have successfully carried out this mission over the years and we are growing strong. I look forward to BMRA being a leader in continuing education for many years into the future.

Let me take this opportunity to congratulate every one of you for the great job you have accomplished and I wish you all success in helping us carry out the BMRA mission in the future.

John Lynch
President

NOTES FROM THE VICE PRESIDENT: OUR CHANGING AUDIENCE

On August 12, BMRA will present its 13th In-service Training program. So much has changed since we first started these training sessions! Many changes were driven by developments in computer technology. When we did our first In-service, a typical business computer system consisted of a mainframe and one terminal for every fifteen people. Modern computer systems multiplied, by truly breathtaking factors, the amount of information that can be accessed and the number of people who can access it readily. As a result, the way people are likely to think about information has changed. A body of knowledge used to be like a mountain: solid, predictable, changing only very slowly. Knowledge today is more like a body of water: ebbing and flowing, changing by the minute, shaped by its container, and yet concrete and powerful in its own way. It's hard to overstate the impact of these changes on those whose business consists of conveying information and helping others use it.

Our everyday experiences with computers have changed our general expectations. Ask five different people how to make a copy of a file, and you'll get five different answers—all of them right. As a consequence, people now are more accustomed to having multiple "right" answers: Our students fully expect many alternative solutions to any problem, each one suited for particular circumstances.

We've seen changes in attitude and expectations of our students and their employers. They don't want or need specific information so much as they need methods of finding the information and instruction on how to filter and apply it. They expect the information that is provided to be current down to the instant. And above all, they expect to have particular information that is best suited for their unique needs.



At the same time, they demand the same economy, efficiency, reliability, and predictability of mass production: They want their standardized, assembly-line courses—customized.

In-service Training August 12th—Don't Miss It!





How can BMRA reconcile these somewhat conflicting goals? Ultimately, the answer lies in our instructors. But to enable our instructors to fill these needs, we must make

some important changes to our courseware. Especially since 1999, our curriculum has evolved into a core of generic, fundamental courses with an assortment of more special-purpose ones. We will continue to apply that principle—standardized core with specialized supplements—to individual courses as well as to the curriculum as a whole.

Further, we will continue to focus on doing whatever needs to be done to help instructors master the presentation of that generic core with maximum efficiency, leaving each instructor more free to apply his or her creativity and ingenuity to respond to the unique needs of individual students, individual agencies, and individual acquisitions.

Our aim is to make sure that every set of course materials includes explicit learning objectives for the course as a whole and for each of its subsections; activities to support the objectives and instructions on how to administer the activities; detailed schedules; presentation slides and notes on using them; school solutions for all exercises and activities; discussion points for all case studies; and answers to tests and quizzes with references to relevant printed information. We're not at all discouraged by the fact that we have a long way to go.

Our business is founded on the understanding that providing written materials represents only part of the total effort required to teach a topic, whether the topic is how to write statements of work or *how to teach* people to write statements of work. Which brings me back to where I started: **BMRA's August 12 In-service Training program**. This year's theme, "BMRA: Ford Meets Faberge," relates to our challenge to assure standardized excellence while providing precisely crafted customized responses to our customers' unique needs. We encourage all of our faculty members to attend!

Mary Ackerman
Executive Vice President



THE NEW MODALITIES: BLOGGING, PODCASTING, AND MOBILE LEARNING

For years BMRA has advocated an instructional approach that promotes discovery learning and engagement, one that is constructivist oriented and learner-centric. These criteria are pushed by learning imperatives built on connectedness, communication, creative expression, "hands-on" activities, and collaboration. Enter the new modalities: blogging, podcasting, and mobile learning.

There are challenges in adapting to the new modalities. To adapt, we will need to relinquish control, take more risks, let others do more, and let go of the notion that we are the "guardians" of knowledge. Learners offer great input, and the new modalities provide a non-threatening means of capturing that content. We need to take a serious look at the new learning experiences afforded by blogging and podcasting and the role of mobile learning.

Blogs encourage a deeper level of engagement. How often does an interesting topic, related but not specific to the course, come up in the classroom that presents an interesting diversion but sadly cannot be explored due to time restraints. Solution: Link to an ongoing blog connecting one class to the next.

Podcasting is a user-friendly, affordable time management tool. Instructor podcasts can be archived and downloaded onto student computers and iPods for playback outside the classroom—an effective means of sharing supplemental information not covered in depth in the classroom. They also offer an economic alternative to "live" guest speakers.

Mobile learning is about anytime, anywhere. One only has to look at the booming market for wireless notebooks, iPods and handheld devices—and the convergence of these technologies in the new smart phones—to recognize that we are at a "tipping point" of a powerful and irrepressible movement that is not so much about learning as it is about access to knowledge. "It is the learner that is mobile, not the technology."

Anne Palmer Johnson

This is the third in a series of PAN articles focused on how we are creating new learning experiences by addressing the question: "What are the core competencies for future learning professionals?" Next issue: A closer look at blogs and wikis.

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FAC 2005-09 SUMMARIES



Federal Acquisition Circular (FAC) 2005-09 amended the Federal Acquisition Regulation (FAR) as indicated below.

Item I—Federal Technical Data Solution (FedTeDS)

This final rule requires contracting officers to make solicitation-related information that requires limited availability or distribution available to offerors electronically via the Federal Technical Data Solution (FedTeDS), unless certain exceptions apply. FedTeDS provides secure, user identification and password protected access to solicitation-related data that should not be made available to the public on the Governmentwide Point of Entry (GPE) website.

Item II—Definition of Information Technology

This final rule adopts the amendment that revised the definition for “information technology” to include “analysis” and “evaluation” and to clarify the term “ancillary equipment.”

Item III—OMB Circular A-76

This final rule provides language that is consistent with OMB Circular A-76 (Revised), Performance of Commercial Activities, dated May 29, 2003. In addition, two new provisions inform potential offerors of the procedures the Government will follow for streamlined and standard competitions, as they are defined in the Circular.

Item IV—Combating Trafficking in Persons

This interim rule requires that the contract contain a clause allowing the agency to terminate the contract without penalty if the contractor or subcontractor engage in severe forms of trafficking in persons or has procured a commercial sex act, or used forced labor in the performance of the contract. It applies to contractors awarded service contracts (other than commercial service contracts under Part 12). Such contractors must develop policies to combat trafficking in persons.

Item V—Confirmation of HUBZone Certification

The final rule clarifies that prime contractors must confirm that a subcontractor representing itself as a Historically Underutilized Business Zone (HUBZone) small business concern is certified.

Item VI—Expiration of the Price Evaluation Adjustment

This final rule cancels the authority for civilian agencies, other than NASA and the U.S. Coast Guard, to apply the price evaluation adjustment to certain small disadvantaged business concerns in competitive acquisitions. The statutory authority for the adjustments expired. DoD, NASA, and the U.S. Coast Guard are authorized to continue applying the price evaluation adjustment.

Item VII—Removal of Sanctions Against Certain European Union Member States

This interim rule removes the sanctions in FAR Part 25 against Austria, Belgium, Denmark, Finland, France, Ireland, Italy, Luxembourg, the Netherlands, Sweden, and the United Kingdom on acquisitions not covered by the World Trade Organization Government Procurement Agreement (WTO GPA).

Item VIII—Free Trade Agreements—Morocco

This interim rule allows contracting officers to purchase the products of Morocco without application of the Buy American Act if the acquisition is subject to the Morocco Free Trade Agreement. The threshold for applicability of the Morocco Free Trade Agreement is \$193,000 for supplies and services, \$7,407,000 for construction.

Item IX—Fast Payment Procedures

This amendment permits, but does not require, fast payment when invoices and/or outer shipping containers are not marked “Fast Pay”, provided the contract includes the “Fast Payment Procedure” clause. If the Fast Payment clause is in the contract, such unmarked invoices will no longer be rejected.

X—Technical Amendment

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FAC 2005-10 SUMMARIES

FAC 2005-10 amends the FAR as specified below:

Item I—Central Contractor Registration—Taxpayer Identification Number (TIN) Validation

The rule adds the process of the government validating a Central Contractor Registration (CCR) registrant's taxpayer identification number (TIN) with the Internal Revenue Service (IRS) to improve the quality of data in the CCR and the federal procurement system. Additionally, the rule removes outdated language.

Item II—Procedures Related to Procurement Center Representatives

This final rule amends the Federal Acquisition Regulation (FAR) to provide internal procedures to cover situations when the FAR requires interaction with a procurement center representative and one has not been assigned to the procuring activity or contract administration office. It primarily impacts contracting officers and procurement center representatives.

Item III—Submission of Cost or Pricing Data on Noncommercial Modifications of Commercial Items

This final rule implements the policy that requires that the exception from the requirement to obtain certified cost or pricing data for a commercial item does not apply to noncommercial modifications of a commercial item that are expected to cost, in the aggregate, more than \$500,000 or 5 percent of the total price of the contract, whichever is greater. This new policy applies only to contracts or task or delivery orders funded by DoD, NASA, and the Coast Guard. The new policy also applies to contracts awarded or task or delivery orders placed on behalf of DoD, NASA, or the Coast Guard by an official of the United States outside of those agencies.

The change to the interim rule clarifies the policy to ensure it is applied properly. The threshold in the rule applies to an instant contract action, not to the total value of all contract actions and, as applicable to subcontractors, the threshold applies to the value of the subcontract, not the value of the prime contract.

Item IV—Implementation of Wage Determinations OnLine (WDOL)

This interim rule implements the Department of Labor (DOL) Wage Determinations OnLine (WDOL) internet website as the source for Federal contracting agencies to obtain wage determinations issued by the DOL for service contracts subject to the McNamara-O'Hara Service Contract Act (SCA) and for construction contracts subject to the Davis-Bacon Act (DBA). The rule amends the FAR to direct Federal contracting agencies to obtain DBA and SCA wage determinations from the WDOL website.

The Contracting Officer (CO) will be able to check the WDOL website (<http://www.wdol.gov>) to find the applicable wage determination for a contract action subject to the SCA or DBA. If the WDOL database does not contain the applicable wage determination for a SCA contract action, the CO must use the e98 process (available at <http://www.wdol.gov>) to request a wage determination from DOL. If the WDOL database does not contain the applicable wage determination for a DBA contract action, the CO must request a wage determination by submitting SF-308 to DOL.

The WDOL and e98 processes replace the paper Standard Forms 98 and 98a. In addition, Standard Forms 99, 98, and 98a are deleted from FAR Part 53. This interim rule also incorporates new geographical jurisdictions for DOL's Wage and Hour Regional Offices and eliminates FAR references to the Government Printing Office (GPO) publication of general wage determinations.

Item V—Free Trade Agreements—El Salvador, Honduras, and Nicaragua

This interim rule allows contracting officers to purchase the goods and services of El Salvador, Honduras, and Nicaragua without application of the Buy American Act, if the acquisition is subject to the Free Trade Agreements. The threshold for applicability of the Dominican Republic—Central America—United States Free Trade Agreement is \$64,786 for supplies and services (the same as other Free Trade Agreements to date except Morocco and Canada) and \$7,407,000 for construction (the same as all other Free Trade Agreements to date except NAFTA).

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Item VI—Buy-Back of Assets

This final rule amends the Federal Acquisition Regulation (FAR) contract cost principle for depreciation costs. The final rule adds language that addresses the allowability of depreciation costs of reacquired assets involved in a sale and leaseback arrangement.

Item VII—Technical Amendments**FAC 2005-11 SUMMARIES**

FAC 2005-11 amends the FAR as specified below:

Item I—Earned Value Management System (EVMS)

This final rule amends the FAR to require the use of an Earned Value Management System (EVMS) that complies with the guidelines of ANSI/EIA Standard -

748, in major acquisitions for development, and in other acquisitions in accordance with agency procedures. An agency shall conduct an Integrated Baseline Review (IBR) when EVMS is required. Offerors shall not be eliminated from consideration for contract award because they do not have an EVMS that is compliant with the ANSI/EIA standards, provided they submit an EVMS implementation plan with their proposal.

Item II—Emergency Acquisitions

This interim rule revises FAR Part 18 to provide a single reference to acquisition flexibilities that may be used during emergency situations. This change is expected to improve the Government's ability to expedite acquisition of supplies and services during emergency situations. The FAR Part 18 makes no change to existing contracting policy.



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