



Procurement Alert Notice

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PRESIDENT’S MESSAGE

I have just read my morning newspapers, the *Washington Post* and the *Washington Times*. The former gives the left side of issues and the latter gives the right side. I like to read both because the truth lies somewhere in between the two. In recent years, newspapers have made many adjustments to stay in business, not unlike our own business.

When I started at BMRA, over 25 years ago, we wrote our own textbooks and we did a good job. Every agency had its own training program, with courses developed by different sources. The result was inconsistency in topics, sequences, and standards. Today we use the Defense Acquisition University course materials, which have been adopted by many civilian agencies under the auspices of the Federal Acquisition Institute (FAI).

Although some courses in the DAU curriculum have names that differ from the ones we used, much of what we teach is the same as it was 25 years ago. Nothing much has changed when it comes to Cost and Price Analysis. In Contract Law, many of the cases are new, although landmark cases such as the Christian Doctrine are still important. COR/COTR courses (at one time named Contracting for Technical Personnel), are still favorites of our clients, and the topics that were taught in Acquisition Planning and Contract Administration are still important. Fundamental acquisition principles don’t change much.

DAU course materials use military examples and references to teach fundamental principles, and students sometimes object. We change them to meet students’ preferences as required by their agencies. This task is time-consuming and costly. The cost

must ultimately be passed on to our customers, and it’s not clear that the benefits actually merit the cost. Too often, a student complains, “This isn’t relevant to what I do,” what he/she really means is, “I don’t want to learn how to solve problems. I just want you to hand me the one answer to the one problem that’s bothering me right now.”

Certainly, it is important to find out how students perceive their needs. But, just as one needs to read more than one newspaper, to get an accurate picture, we need more than one viewpoint to assess the effects of our courses. Instructors are on the front line and are one of our best sources of information about what students want and what their needs are.

I encourage all our instructors to share their perceptions and experiences in the classroom with all of us. Your end of course report is the best way. We read each one, passing them to staff as appropriate. Although we can’t always act on them immediately, we record specific recommendations in our databases and tracking systems. It’s important to do this to ensure that we have satisfied clients and that the students are getting what they need or want.

CONTENTS

PRESIDENT’S MESSAGE	1
STIMULUS BUDGET EFFECTS	2
SECRETARY OF DEFENSE SIGNALS CHANGE IN DOD POLICY.....	2
END-OF-COURSE DOCUMENTATION	2
SURVEY ON DAU EQUIVALENT COURSES	2
RECENT FAR CHANGES: FAPIIS	2
STAYING FAR-CURRENT	3



STIMULUS BUDGET EFFECTS

Due to the Stimulus budget, as a result of the American Recovery and Reinvestment Act, BMRA has been asked to perform additional Procurement System Reviews (PSRs) over the last several months for the Federal Transit Administration. The stimulus funds assisted recipients in obtaining funding for construction contracts.

The stimulus act has played a large role in the administration's effort to stimulate the economy. It includes many billions of dollars for the Department of Transportation and the Federal Transit Administration. It has also expanded BMRA's role in reviewing construction contracts during the PSRs.

SECRETARY OF DEFENSE SIGNALS CHANGE IN DOD POLICY

As part of the DoD realignment, Secretary Gates announced plans to reduce the number of support service contractors and replace them with full time civil servants. DoD plans to hire 13,000 new employees in FY 2010 and in five years this plan would include 30,000 conversions of 11,000 contractors who perform acquisition functions. At this time, DoD has not specified how it will accomplish this in-sourcing goal. In consultation with the White House, Mr. Gates also stated that DoD plans to reform how it buys, including a fundamental overhaul of the approach to procurement, acquisition, and contracting. Watch for further developments.

END-OF-COURSE DOCUMENTATION

Recently instructors received an e-mail requesting that they return a copy of the instructor letter along with the other end-of-course paperwork. We made the request to streamline our end-of-course administration. Different customers have different follow-up requirements after course completion, and the information in the letter will help us make sure each one gets what it wants. In addition to assisting us in completing customer end-of-course requirements, it will make paying you for your teaching efforts more efficient.

For additional information or comments on this matter please call Richard (Extension 11) or Meghan (Extension 25) at 703-691-0868.

SURVEY ON DAU EQUIVALENT COURSES

DAU is asking for feedback from students on DAU courses and course presentations, including those presented by BMRA and other commercial vendors. It has set up a web-based survey at <http://www.metricsthatmatter.com/s.asp?e=2571518&s=6224552>.

To make it access easier, we have a link to the survey on BMRA's website at <http://bmra.com/dauinfo.htm>.

Instructors should encourage all students to log on and provide feedback to DAU about its courses.

RECENT FAR CHANGES: FAPIIS

Federal Acquisition Circular (FAC) 2005-40 is of particular interest to BMRA instructors.

The final rule implements section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, which requires the establishment of a data system, Federal Awardee Performance and Integrity Information System (FAPIIS).

FAPIIS contains specific information on the integrity and performance of covered Federal agency contractors and grantees. It is available for use in award decisions at the government's past performance site: <http://www.ppirs.gov/>.

Government *input* to FAPIIS is accomplished at <http://www.cpars.csd.disa.mil/>.

FAPIIS is intended to significantly enhance the scope of information available to contracting officers as they evaluate the integrity and performance of prospective contractors competing for Federal contracts and to protect taxpayers from doing business with contractors that are not responsible sources.

This final rule impacts BMRA and practically all of its students and there will be changes to the course materials. Instructors should begin immediately to address this new requirement in their oral presentations, particularly for courses that touch on evaluation of past performance and determinations of responsibility.



STAYING FAR-CURRENT

Here's a list of recent FAR changes:

- October 14, 2009 Number 2005-37
- Item I—Registry of Disaster Response Contractors (FAR Case 2008-035) (Interim)
 - Item II—Limiting Length of Noncompetitive Contracts in “Unusual and Compelling Urgency” Circumstances (FAR Case 2007-008)
 - Item III—GAO Access to Contractor Employees (FAR Case 2008-026)
 - Item IV—Use of Commercial Services Item Authority (FAR Case 2008-034) (Interim rule)
 - Item V—Limitations on Pass-Through Charges (FAR Case 2008-031)(Interim)
 - Item VI—Award Fee Language Revision (FAR Case 2008-008) (Interim)
 - Item VII—National Response Framework (FAR Case 2009-003)
 - Item VIII—Technical Amendments
 - Looseleaf Only Corrections
- December 10, 2009 Number 2005-38
- Item I—Revocation of Executive Order 13201, Notification of Employee Rights Concerning Payment of Union Dues or Fees (FAR Case 2009-017)
 - Item II—Governmentwide Commercial Purchase Card Restrictions for Treasury Offset Program Debts (FAR Case 2006-026)
 - Item III—Internet Protocol Version 6 (IPv6) (FAR Case 2005-041)
 - Item IV—Federal Food Donation Act of 2008 (Pub. L. 110-247) (FAR Case 2008-017)
 - Item V—Postretirement Benefits (PRB), FAS 106 (FAR Case 2006-021)
 - Item VI—Travel Costs (FAR Case 2006-024)
 - Item VIII—Technical Amendments
 - Looseleaf Only Corrections
- December 10, 2009 Number 2005-38 (Correction)
- March 19, 2010 Number 2005-39
- Item I—Extend Use of Simplified Acquisition Procedures for Certain Commercial Items (FAR Case 2009-035)
 - Item II—Clarification of Submission of Cost or Pricing Data on Non-Commercial Modifications of Commercial Items (FAR Case 2008-012)
 - Item III—Use of Standard Form 26 – Award/Contract (FAR Case 2008-040)
 - Item IV—Enhanced Competition for Task and Delivery Order Contracts—Section 843 of the Fiscal Year 2008 National Defense Authorization Act (FAR Case 2008-006)
 - Item V—Trade Agreements—Costa Rica, Oman, and Peru (FAR Case 2008-036)
 - Item VI—Payments Under Fixed-Price Architecture and Engineering Contracts (FAR Case 2008-015)
 - Item VII—Technical Amendment
- March 23, 2010 Number 2005-40
- Federal Awardee Performance and Integrity Information System (FAR Case 2008-027)
- April 13, 2010 Number 2005-41
- Use of Project Labor Agreements for Federal Construction Projects (FAR Case 2009-005)

Clearly, keeping abreast of what's new in the FAR is a task that's getting harder and harder. On the BMRA website is a tool that might help. It's a collection of summaries of all the FAC items from FAC 2005-01 to the most recent, together in one searchable, indexed document. Here's the URL:

<http://bmra.com/facs/summaries.htm>. You can also access it from a link on <http://bmra.com/iteach/>.

