MEETING AGENDA

AGC – International Construction Forum 10:15 AM – 11:20 AM

Welcome and Introductions

Representatives from NAVFAC, USACE and AFCEC

NAV FAC Representative

USACE Representative

AFCEC Representative

AGC Questions for Agencies

1. Budget Update
   Please provide a general update on upcoming and anticipated projects included in the approved FY2023 enacted budgets and the FY2024 Request.

   Questions:
   A. What is the breakdown of projects? By project types; By procurement/project delivery method (design-build, CMc, design-bid-build); By location.
   B. As U.S. operations in the Middle East ends, contractors are seeing a shift in focus from the Middle East to the South Pacific. Do the agencies believe this trend will continue in the near term?

2. Small Business Subcontracting
   FAR 17.702, statutory requirements Small Business Subcontracting Program, provides that subcontracting plans are not required “for contracts or contract modifications that will be performed entirely outside of the United States and its outlying areas”; both FAR 52.219-8, Utilization of Small Business Concerns, and FAR 52.219-9 Small Business Subcontracting Plans, employ FAR or SBA definitions of small businesses.

   Questions:
   A. Please confirm that for international projects, your agencies will not require the submission of Small Business Subcontracting Plans.
   B. Federal agencies such as NAVFAC, USACE, and GSA are now requiring Small Business Participation Plans as an evaluation factor. While these plans are
different from subcontracting plans, they employ the FAR and SBA definitions of small business. Would a given agency apply the small business evaluation factor on these international projects; and if so, how?

3. **Applicability of Small Business Regulations Outside the United States**
   The final FAR rule went into effect in 2022 to support the Small Business Administration policy of including overseas contracts in agency small business contracting goals. This final rule allows small business contracting procedures, e.g., set-asides, to apply to overseas procurements.

   Questions:
   A. Please give an update on the implementation of this rule on your agency projects.
   B. What challenges/opportunities does your agency see implementing this rule?

4. **General Contractors’ Impediments When Performing Overseas**
   AGC has seen an increase in solicitations that require past performance experience to be limited to work in a given country. This seems to unreasonably restrict competition, particularly when the project’s technical specification requirements mirror U.S. standards and goes above and beyond the agency minimum past performance requirements.

   A. What is the agency position on past performance qualifications?
   B. What positions are in the most need of flexibility?

**General Questions**
Open questions from the floor?