MEETING AGENDA

AGC – NAVFAC Meeting 1:00 PM – 3:30 PM

Welcome and Introductions

Matt Ferguson

*Vice Chair, AGC Federal Division & Heavy Construction Division*

Naval Facilities Engineering Command

*Members of NAVFAC Headquarters*

AGC Questions for NAVFAC

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 state/location.
   
   B. There are projects that are authorized, but do not have funds appropriated. What is the status of these projects, and when are appropriations expected?

2. **PLA Executive Order**
   AGC is expecting the final regulations that will implement President Biden’s Executive Order mandating Project Labor Agreements (PLAs). When in effect, this regulation will require every prime contractor and subcontractor to engage in negotiation or agree to PLAs on federal construction projects valued at $35 million or more. (AGC of America comments) According to an AGC of America analysis of data obtained via a Construction Advocacy Fund-financed lawsuit under the Freedom of Information Act, the Department of Defense federal construction agencies rejected PLA mandates 99.4 percent of the time even when encouraged to do so under the Obama Administration.

   Questions:
   
   A. AGC members to provide feedback on the potential impacts to NAVFAC projects.
   
   B. How does NAVFAC determine whether a PLA is required on a project?
   
   C. How does NAVFAC intend to apply this new PLA requirement?
   
   D. How does NAVFAC intend to pursue exemptions for its programs?
3. **Speed to Award**
Awarding projects and quickly beginning work has long been a priority for NAVFAC and AGC. Quickly awarding projects help NAVFAC and AGC members mitigate the many risks and uncertainties that currently face NAVFAC projects.

Questions:
A. What initiatives from NAVFAC will help increase the speed to award?
B. What recommendations do AGC members have?
C. What can NAVFAC do to reduce instances where AGC members are asked to hold bids?

4. **Electronic Construction Management System (eCMS)**
eCMS is NAVFAC’s web-based collaboration tool for transferring, sharing, and managing technical submittals and documents. NAVFAC has recently updated eCMS to improve mobility, document control, tracking, etc.

Questions:
A. AGC members to provide NAVFAC feedback on eCMS
B. NAVFAC to provide update on eCMS and any developments planned.

5. **Early Contractor Involvement (ECI) Program**
AGC members report seeing more Early Contractor Involvement (ECI) as a project delivery method in some NAVFAC solicitations.

Questions:
A. Please give an update on the stats of ECI Projects and any NAVFAC initiatives.
B. Contracts are reporting seeing different ECI solicitations/RFP’s on NAVFAC projects. Is there a reason for the variation or should they all be essentially the same?
C. Have the different FAC’s been adequately trained on how to view and evaluate them?
D. Does this fundamentally make a “best value” award, since performance is highly weighted toward advisory services?
E. Are there plans to more feedback from the AGC and industry?

6. **Partnering**
NAVFAC, AGC, and AGC members have a long history of partnering to deliver the high-quality infrastructure projects in a safe and effective manner. AGC believes that engaging in project-level partnering as committed team members with NAVFAC will improve project execution, staff efficiency (NAVFAC and contractor), safety, trust, and the project team relationships. AGC members have embraced partnering and are committed to bringing key decision makers into
the fold in order to get the most out of the process. We see an opportunity to improve the process by getting a commitment from all parties attending to bring key decision makers (i.e. Design Manager, Contracting Officer, Contract Specialist, Project Manager, and Operation Manager, FEAD Director, Public Works Officer, etc.).

Questions:

A. NAVFAC is requiring/mandating more frequently in contracts, are metrics being tracked and if so which ones and can they be shared, are other improvements being implemented as previously suggested by AGC?
B. NAVFAC to provide an update on partnering goals or initiatives.
C. How does NAVFAC ensure that partnering is actually followed through and abided by?
D. What metrics are tracked from the date of partnering through project completion?
E. How can AGC assist in providing help to contractors on Partnering training, expectations, best practices, etc.?

General Questions
Open questions from the floor?