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**MEETING AGENDA**

**AGC – Defense Agencies Joint Session**

**1:30 PM – 3:00 PM**

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**Welcome and Introductions**

Tyler Stephens  
*Chair, AGC Corps of Engineers Committee—Military Construction*

Stan Ekren  
*Chair, AGC Corps of Engineers Committee—Civil Works*

Matt Ferguson  
*Chair, Naval Facilities Engineering Command Committee*

**Defense Agencies Joint Session: NAVFAC & USACE**

Cindy Readal  
*Assistant Commander for Acquisition*

Herman Pablo  
*Construction Product Line Leader, Capital Improvements*

Tim Bayse  
*Senior Construction Engineer*

Kimberly Armstrong  
*Senior Construction Engineer, Capital Improvements*

Pete Perez  
*Chief, Engineering and Construction Division*

Liz Walker  
*Director of Contracting*

Kenny Simmons  
*Chief, Construction Branch*

Darrick Godfrey  
*Senior Construction Engineer*

Andrea Hinkle  
*Senior Construction Engineer*

Rick Calloway  
*Senior Construction Engineer*

Mukesh Kumar  
*Cost Engineering Community of Practice Leader*

*Members of NAVFAC & USACE Headquarters*

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## **AGC Questions for NAVFAC & USACE**

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### **1. Period of Performance**

Accurate Period of Performance requirements, during which the federal agency authorizes a grantee to complete the approved work of the project described in the application, is critical to AGC members, NAVFAC, and USACE. Inaccurate Period of Performance requirements can not only have a negative effect on the federal projects but can cause tension between AGC members and federal partners. AGC members identify key factors that can impact performance periods: 1) Supply chain disruptions; 2) Labor constraints, including skill and qualifications; and 3) Schedule compression.

Questions:

- A. What factors does NAVFAC/USACE view as impacting Period of Performance requirements?
- B. What solutions can AGC members, NAVFAC, and USACE offer to ensure accurate Period of Performance requirements?

### **2. Speed of Award and Execution**

Time is money in the construction industry. Any delays in project award or execution are costly to both AGC contractors and their federal partners. Delays have increasingly become more costly and disruptive because of supply chain disruptions, labor shortages, and the cost of doing business with the federal government (such as more complex and onerous regulations).

Questions:

- A. What initiatives from NAVFAC/USACE will help increase the speed of project award?
- B. What initiatives from NAVFAC/USACE will help increase the speed of project execution?

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- C. What progress to improve staffing levels has been made in the past year and what is your staffing plan moving forward?
  - D. What is your training plan for new staff coming on board?
  - E. What can NAVFAC/USACE do to reduce instances where AGC members are asked to hold bids?
  - F. What recommendations do AGC members have?
    1. Allow contractors to make an escalation adjustment to submitted pricing (in response to updated Davis-Bacon wage decisions, for example) just prior to award.
    2. Do not allow offices to request a Best and Final Offer plus agreement to hold that price for long periods of time, such as 120 or 180 days.
    3. On long (3+ year projects), increase use of alternative delivery strategies (GMP, ECI, progressive design-build, etc.) that allow contractors flexibility to adjust pricing in response to market fluctuations.
    4. Make it easier for contractors to secure and bill for offsite stored materials/equipment, to reduce escalation risk and mitigate supply chain uncertainty on project schedules? FAR 52.232-5

### **3. Project Labor Agreements**

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 and USACE projects.
- B. How does NAVFAC and USACE intend to apply this on its projects?
- C. How does NAVFAC and USACE intend to pursue exemptions for its programs?
- D. Would NAVFAC and USACE consider standard survey questions?

### **4. Partnering / Building Relationships**

USACE, NAVFAC, and AGC members have a long history of partnering to deliver the high-quality infrastructure projects in a safe and effective manner. 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.

Questions:

- A. Recently, USACE published [USACE Construction Project Partnering Playbook \(2022\)](#) and [Firm Fixed Price Contract Changes Playbook \(2002\)](#) on its [partnering website](#).
- B. NAVFAC published [Project Partnering Implementation Guide \(2020\)](#).
- C. NAVFAC and USACE 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.
- D. How does NAVFAC and USACE ensure that partnering is actually followed through and abided by?
- E. What metrics are tracked from the date of partnering / building relationships through project completion?
- F. How can AGC assist in providing help to contractors on Partnering training, expectations, best practices, etc.

**General Questions**

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Open questions from the floor?