

**AGC - General Services Administration (GSA) Meeting
2023 Federal Contractors Conference
June 13, 2023**



MEETING AGENDA

AGC – General Services Administration

8:45 AM – 10:30 AM

Welcome and Introductions

Dave Pastrick
AGC Chair, Federal Facilities Committee

General Services Administration

Nina Albert
Commissioner, Public Buildings Service

Jennifer Groman
Assistant Commissioner, Office of Design and Construction

Julia De Rosi
Deputy Assistant Commissioner, Office of Design and Construction

Charles (Chuck) Hardy
Chief Architect, Office of the Chief Architect

Tracy Marcinowski
Assistant Commissioner, Office of Acquisition Management

Flavio Perez
Assistant Commissioner Real, Property Utilization and Disposal

Chad Gilchrist
Assistant Commissioner, Office of Portfolio, Management and Customer Engagement

Members of GSA Headquarters

AGC Questions for GSA

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 (Federal Buildings, Courthouses, LPOE, R&A); By procurement/project delivery method (design-build, CMc, design-bid-build); By IDIQs; 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. Construction Excellence Awards

AGC is pleased that GSA has recently initiated the [Construction Excellence Program](#). The GSA Construction Excellence Program provides national leadership and strategic direction to better serve GSA's workforce, customers and programs through the development of policy, guidance, tools, peer reviews, audits, risk management, innovation and technology for project delivery.

Questions:

- A. Please describe the Construction Excellence Program and how GSA evaluates projects.
- B. How can AGC member companies get involved?

3. Construction Manager as Constructor (CMc) Program

In January 2020, the General Services Administration Acquisition Regulation (GSAR) was amended to formally adopt Construction Manager as Constructor (CMc) (aka CM at Risk) as a project delivery method. AGC supports the CMc delivery method for GSA's consideration, and AGC members provided industry feedback to the rule (Subpart 536.71 - Construction-Manager-as-Constructor Contracting).

Questions:

- A. Please give an update on the status of the CMc rule.
- B. Are there plans to revisit the rule for changes suggested by the public and industry?
- C. AGC members to provide recommendations and feedback.
 - a. Broader discussion on Project Delivery.

4. New GSA Carbon-Based Construction Materials Requirements

In 2022, GSA issued new [carbon standards](#) under its Facilities Standards for the Public Buildings Service ([P-100](#)) to require the use of lower carbon concrete products and asphalt paving practices for all GSA design and construction contracts that involve at least 10 cubic yards of

those materials. The general contractor now must source concrete that meet specific carbon requirements; collect and maintain documentation associated with both materials; and, in the case of asphalt, employ carbon reduction practices such as recycled content or reduced mix temperatures.

Questions:

- A. How does GSA intend to apply this to PBS projects?
- B. AGC members to provide feedback on the potential impacts to PBS projects.

5. Low Embodied Carbon

The Inflation Reduction Act (IRA) appropriated funding to GSA for construction materials and products with “substantially lower levels of embodied greenhouse gas emissions [also known as ‘embodied carbon’] . . . as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency” (EPA). In 2023, GSA released guidance: [GSA Inflation Reduction Act Low Embodied Carbon Material Standards](#). On May 17, GSA [announced](#) GSA pilots Buy Clean Inflation Reduction Act Requirements for low embodied carbon construction materials for 11 projects.

Questions:

- A. How does GSA intend to apply this to PBS projects?
- B. AGC members to provide feedback on the potential impacts to PBS projects.

6. Speed to Award and Execution

Awarding projects and quickly beginning work has long been a priority for GSA and AGC. Quickly awarding projects help GSA and AGC members mitigate the many risks and uncertainties that currently face GSA projects.

Questions:

- A. What initiatives from GSA will help increase the speed to award and execution?
- B. What can GSA do to reduce instances where AGC members are asked to hold bids?
- C. What recommendations do AGC members have?
 1. Allow for payment of stored materials, both onsite and offsite. FAR 52.232-5 subparagraph (2).
 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. Allow contractors to make an escalation adjustment to submitted pricing (in response to updated Davis-Bacon wage decisions, for example) just prior to award.

7. Social Cost of Carbon

**AGC - General Services Administration (GSA) Meeting
2023 Federal Contractors Conference
June 13, 2023**



In following President Biden’s [Executive Order on Climate-Related Financial Risk](#), the Federal Acquisition Regulation Council (FAR Council) is expected to soon release a proposed rule requiring federal acquisition to factor in the “social cost of carbon.” The proposed rule will require federal agencies to factor in the social cost of greenhouse gas emissions in major procurement decisions.

Questions:

- A. How does GSA intend to apply this proposed rule to PBS projects?
- B. How does GSA intend to calculate the “social cost”?
- C. AGC members to provide feedback on the potential impacts to PBS projects.

8. 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 PBS projects.
- B. How does GSA intend to apply this to PBS projects?
- C. How does GSA intend to pursue exemptions for its programs?

9. Partnering

AGC believes that engaging in project-level partnering as committed team members with GSA will improve project execution, staff efficiency (GSA 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, etc.).

- A. What is GSA’s policy on Formal vs. Informal Partnering?
- B. Does GSA have a policy regarding what agency staff should participate in this process?
- C. If so, what is that policy and what can contractors do to help encourage attendance by key decision makers, particularly on large or complex projects?

**AGC - General Services Administration (GSA) Meeting
2023 Federal Contractors Conference
June 13, 2023**



-
- D. How does GSA ensure that partnering is actually followed through and abided by?
What metrics are tracked from the date of partnering through project completion?
 - E. How can AGC and GSA work together to increase partnering?

General Questions

Open questions from the floor?