
MEETING AGENDA

AGC – NAVFAC Meeting

1:00 PM – 3:30 PM

Welcome and Introductions

Matt Ferguson
AGC Chair, NAVFAC Committee

**Naval Facilities Engineering Command
Welcome Remarks**

Rear Admiral Dean VanderLey
Commander, Naval Facilities Engineering Command and Chief of Civil Engineers

Chief Engineer Update

David Curfman
Chief Engineer & Director, Capital Improvements

Acquisition Update

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

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:

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- 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. CPARS

Performance evaluations are important to both government and contractor to provide a balanced view of performance. Therefore, it is important that CPARS are consistently and accurately issued.

Questions:

- A. Are there any current initiatives to change the CPARS rating system, if so please provide an update.
- B. AGC members to provide feedback on consistency in CPARS evaluations.
- C. Does NAVFAC have any internal metrics for tracking ratings given at each region or base? If so, what are the findings?

3. Controlled Unclassified Information (CUI) Markings

NAVFAC is implementing a new system for procurement that requires Prime Contractors to sign a Nondisclosure Agreement (NDA) prior to receiving any blueprints when secured spaces are involved. AGC members report that NAVFAC offices are being required from leadership to control documents with CUI. In turn, we have to collect NDAs from all lower tiers, manufacturer's, etc. prior to sending them plans and specs to bid. These NDA restrictive and includes criminal penalties.

Questions:

- A. What is NAVFAC Headquarters' policy on NDAs for CUI?
- B. What recommendations do AGC members have regarding this policy?

4. PLA Mandate

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:

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- 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?
 - E. What is NAVFAC currently doing in anticipation of the additional administrative burdens on their Contract Specialists and Contracting Officers?

5. 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.). AGC appreciates partnering with NAVFAC to produce

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?