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**MEETING AGENDA**

**AGC – OBO Meeting**

**10:45 AM – 11:45 AM**

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**Welcome and Introductions**

Carole Bionda  
*Past AGC Federal Division Chair*

**Bureau of Overseas Buildings Operations**

Tracy Thomas  
*Managing Director for Construction, Facility & Security Management*

Rick Sullivan  
*Acting Managing Director for Program Development, Coordination and Support*

Roman Tellez  
*Office Director, Office of Construction Management*

Jillian Savage  
*Contracting Officer  
Facilities, Design & Construction Branch Chief, Office of Acquisitions Management*

*Members of OBO Headquarters*

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**AGC Questions for OBO**

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

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## **2. EMBASSY AFTER NEXT Program**

AGC and OBO have had discussions to address the challenges OBO and the construction industry face in building embassies. Among the topics discussed were OBO's Embassy After Next program, formal partnering, and difficult contract requirements.

- A. Please give an update on the status of the Embassy After Next program.
- B. How will this program be different from the past Standard Embassy Design and Design Excellence programs?

## **3. 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.

- 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?

## **4. Applicability of Small Business Regulations Outside the United States**

In 2022, the final [FAR rule](#) went into effect 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.

- A. Please give an update on the implementation of this rule on OBO projects.
- B. What challenges/opportunities does OBO see implementing this rule?

## **5. 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's minimum past performance requirements.

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

## **6. Partnering**

**AGC – Bureau of Overseas Buildings Operations (OBO) Meeting  
2023 Federal Contractors Conference  
June 13, 2023**



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AGC believes that engaging in project-level partnering as committed team members with OBO will improve project execution, staff efficiency (OBO 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 OBO’s policy on Formal vs. Informal Partnering?
- B. Does OBO 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?
- D. How does OBO 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 OBO work together to increase partnering?

**General Questions**

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Open questions from the floor?