

**AGC – Department of Veteran’s Affairs (VA) Meeting
2023 Federal Contractors Conference
June 13, 2023**



MEETING AGENDA

AGC – VA Meeting

10:45 AM – 11:45 AM

Welcome and Introductions

Dave Pastrick
Chair, AGC Federal Facilities Committee

Department of Veteran’s Affairs

Michael D. Brennan, Ph.D., AIA, NCARB
Executive Director, Office of Construction and Facilities Management

Brian T. Melewski
Director, Capital Asset Management (CAM)

Zebulon Fox
Associate Executive Director, Office of Facilities Acquisition

Ross Davidson
Associate Executive Director, Office of Facilities Planning

John Thomas
Associate Executive Director, Office of Real Property

Members of the Department of Veterans Affairs Headquarters

AGC Questions for VA

1. Budget Update

Please provide a general update on upcoming and anticipated projects included in the approved FY2023 enacted budgets and the FY2024 Request. Including Minor & Major Construction Program as well as the National Cemetery Administration (NCA) program.

Questions:

- A. What is the breakdown of projects? By project types; procurement/project delivery method (design-build, CMc, design-bid-build); state/location, etc.
- 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. Infrastructure Investment

A record-setting [AGC backed](#) construction investment bill, the \$1.2 trillion bipartisan infrastructure bill, represents a critical chance to significantly invest in building and maintaining a broad range of physical infrastructure without unnecessarily burdening the construction industry with new mandates. The infrastructure bill provides significant money to VA for infrastructure investments.

Questions:

- A. Please describe VA plans to execute projects originating from this infrastructure bill.
- B. Will there be a preferred project delivery method? For example: For example: IDIQ programs, Design–Build, Best-Value, etc.
- C. How can AGC and VA work together to expedite the completion of these projects?

3. Asset and Infrastructure Review

In 2022, Congress eliminated the [Asset and Infrastructure Review \(AIR\) Commission](#) regarding the modernization or realignment of Veterans Health Administration (VHA) facilities, as was required by the 2018 MISSION Act. The VA is continuing to evaluate its physical footprint. At the same time, Congress authorized 31 new leases for VA medical facilities last year and provided roughly \$1 billion to procure them.

Questions:

- A. How does the VA intend to accomplish its goals in absence of the AIR Commission?
- B. What impacts may this have on construction and demolition of VHA facilities?
- C. Does the VA have an estimate on the amount of new construction it is targeting in its reevaluation of the VA’s physical footprint?

4. Revise and Streamline the VA Acquisition Regulation

AGC understands the VA is proposing to amend and update its VA Acquisition Regulation (VAAR). Under this initiative, all VA regulations will be reviewed in phased increments in order to: Revise or remove any policy that has been superseded by changes in the FAR; to remove any procedural guidance that is internal to the VA; and to incorporate any new regulations or policies.

Questions:

- A. Can you provide us with an update on the progress being made with this initiative? Specifically, any progress relative to Part 836 of VAAR: Specific Aspects of Contracting for Construction; Contract Clauses; and Architect-Engineer Services.
- B. What changes can the industry expect to Part 836 of the VAAR?
- C. Please speak to the proposed VAAR revisions already proposed:

- D. Adding a new section to encourage making payments to small business contractors within 15 days of receipt of invoice.
- E. What is the timeframe for a rollout of the updated VAAR?
- F. When the VAAR is finalized, how will it affect projects that are ongoing before the VAAR update? Will the new rules be retroactive?

5. 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. How does VA intend to apply this to its projects?
- B. How does VA intend to pursue exemptions for its programs?

6. Partnering

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

Questions:

- A. What is VA’s policy on Formal vs. Informal Partnering?
- B. Does VA 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 VA 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 VA work together to increase partnering?

General Questions

Open questions from the floor?