



# Galaxy News

## NCMA Space City-Houston Chapter

May 2010

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### Message from the President

Greetings to all of our Chapter Members!

After what seemed like a long and cold winter (at least by Houston standards), and a short spring, summer is almost here. NCMA and NCMA Space City-Houston will both have events coming up to help us escape the heat. NCMA Space City-Houston will be having its Spring National Education Seminar, 7 Habits for Managers™, on May 19, 2010, taught by Dr. John Wilkinson at the University of Houston-Clear Lake. In addition, our chapter will be having a dinner cruise on Clear Lake for our June meeting.

The 2010 NCMA World Congress has become a summer event, taking place in July at Fort Lauderdale, Florida. Keynote speakers will include former Secretary of Defense William Cohen, OMB Office of Federal Procurement Policy Administrator Daniel Gordon, SAIC Chief Executive Officer Walter Havenstein, and CNBC Senior Analyst Ron Insana.

NCMA Space City-Houston has had some outstanding events in the last couple of months that would not have been possible without the help of numerous volunteers. In January, Bernie Roan, Johnson Space Center Chief Counsel spoke to our luncheon meeting. In February, David Bolton, Legal Counsel for United Space Alliance spoke to our luncheon meeting. In March, a tremendous turnout occurred for our annual Small Business Conference held at South Shore Harbour. And finally, in April, Ryan Korsgard, KPRC Local 2 News Reporter shared his observations of NASA, many of which were obtained as a reporter covering both the Marshall Space Flight Center in Alabama and the Johnson Space Center.

On behalf of this year's Board of Directors, thank you for all the hard work put in volunteering to put on the events this year. And I would also like to thank this year's board, who has put in countless hours to make this another successful Space-City Houston year.

### Membership

The Chapter continues to grow. Eight new members joined us since last reported January. Welcome everyone and we look forward to having as well as serving you. If you have any membership questions, please don't hesitate to contact Krystine Bui at 281-483-4186 or email at [krystine.o.bui@nasa.gov](mailto:krystine.o.bui@nasa.gov)

## Regulation Update Proposed Rules

Were you aware that there are currently over 60 FAR Cases out for comment? For a list, please click link below:

<http://www.acq.osd.mil/dpap/dars/opencases/farcasenum/far.pdf>

Last Name	First Name	Company
Cortez	Vicente	Home
Deleon	Elizabeth	Kellogg, Brown & Root Services Inc.
Dhodapkar	Amy	
Falzone	Michael	
Fraley	Penny	M.H. Chew & Associates Incorporated
Garrett	Roderick	
Kennedy	Rod	Med Security Incorporated
Verborgh	Tim	AeroSpace Applications North America

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## Membership Benefit- \$50 Discount at University of Houston!

UHCL has several seminars coming up in 2010 which you may be interested in attending.

You can find a brochure for this program, which includes a detailed course outline, on their website at [www.uhcl.edu/camp](http://www.uhcl.edu/camp) - click on "Event Schedule" at the left of the page and then scroll down to March for the brochure link. Courses coming up include:

June 2010-Subcontracting and Subcontract Management

September 2010-Introduction to Government Contracting

April 2011-Cost Estimating Systems with Truth-In-Negotiations Requirements

September 2011-Audits in Government Contracting

April 2012-Equitable Price Adjustments and Claims

September 2012-Application of Cost Accounting Standards Requirements (CAS)

April 2013-Understanding the Federal Acquisition Regulation (FAR)

September 2013-Understanding the FAR Cost Principles

April 2014-Introduction to Government Contracting

September 2014-Cost Estimating Systems with Truth-In-Negotiations Requirements

These courses are co-sponsored by NCMA Space City/Houston Chapter, so UHCL has agreed to offer a \$50 discount off the registration fee for NCMA members.

## Articles of Interest

### NCMA Aerospace and Defense Conference

Submitted by Judy Love

The 48<sup>th</sup> Annual Aerospace and Defense Contract Management Conference was held in San Diego on March 25-26, 2010. This two-day conference brought together more than 300 participants to gain enlightenment on the challenges and risks we face and discover best practices necessary for establishing and maintaining effective and successful contracting relationships. Keynote speakers included James Bell, Corporate President, Chief Financial Officer The Boeing Company; Timothy K. Dowd, Executive Director, Contracts, Space & Naval Warfare Systems Command; Lieutenant General John T. (Tom) Sheridan, Commander, Space & Missile Systems Center, Air Force Space Command; and Craig Cooning, Vice President & General Manager, Space & Intelligence Systems, The Boeing Company.

There were a number of panels including one on Perspectives of Industry Leaders with Susan Cote, Larry Trowel, and Darryl Scott from Northrop Grumman, GE Transportation Aircraft Engines, and Boeing respectively. The next panel discussion was then on the Perspectives of Government Leaders with Francis Summers, Charlie Williams, and Edward Harrington from DCAA, DCMA and the Deputy Assistant Secretary of the Army (Procurement) respectively. Another interesting panel discussion was entitled "Contingency Contracting: Lessons Learned from Iraq & Afghanistan" with both industry and DOD participants. There was a panel discussion on legislative and regulatory updates and another that presented a Program Case Study on the Transformational Satellite Communications System (TSAT) program.

The newly formed NCMA Women's Forum held a breakfast on Friday morning, with two speakers from the Women in Defense (WID) organization. The speakers shared what enabled them to achieve success and how their involvement in WID helped them professionally, personally, and allowed them to make a difference in the national security community.

You may view the presentation materials from the conference on the NCMA Website at <http://www.ncmahq.org/Events/ADC10Detail.cfm?ItemNumber=6122&navItemNumber=535>

The next Aerospace and Defense Contract Management Conference will be held in Glendale, Arizona on March 17-18, 2011.

### Upcoming Events

May 18, 2010 NCMA  
Webinar Performance-  
Based Contracts

May 19, 2010 NCMA  
NES Franklin Covey  
"The 7 Habits for  
Managers™"

June 9, 2010 NCMA  
Webinar Government  
Contract Compliance -  
Recent Developments

June 17, 2010 NCMA  
Dinner Cruise  
Induction of New  
Officers

June 22, 2010 NCMA  
Webinar ARRA  
Contracts and Grants:  
Taking Government  
Procurement to a New  
Place...

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### CPCM Certification

Submitted by Krystine Bui and Jay Parker

We started the CPCM study group in August of 2009 with 28 participants. After months of dedication, we've officially completed the journey. A big hand to all participants for your perseverance. Good luck in taking and passing the exam! Don't forget, if you pass, the Chapter will reimburse your application and exam fees. The Chapter might host another study group after the summer. Information will be posted on our website or you can contact the facilitators, Krystine Bui or Jay Parker.

Krystine Bui at 281-483-4186, krystine.o.bui@nasa.gov  
Jay Parker, CPCM, at 281-226-4442, jay.parker@boeing.com

## Contact Us

<http://www.ncmaspacecity.org>

Jeff Cullen, President

Judy Love, Vice President  
/President Elect

Melisa Reyna, Secretary

Janet Arkinson, Treasurer

Krystine Bui, VP  
Membership

Stephanie Murphy, VP  
Education

Ann Binion, VP Programs  
NCMA Space City Houston  
PO Box 58513  
Houston, TX 77258-8513

Galaxy Editor:

Stephanie Murphy

[smurphy@meitechinc.com](mailto:smurphy@meitechinc.com)

For Webinars:

Mara Savely

[mara.e.savely@usa-spaceops.com](mailto:mara.e.savely@usa-spaceops.com)

For Luncheon Registration:

Contractors:

Darien Onizuka-Morgan

## World Congress 2010

Submitted by Judy Love

World Congress will be held on July 18-21, 2010 in Ft. Lauderdale, Florida. World Congress is about bringing together both government and industry minds to provide advice, best practices, and tools you can put to immediate use to help you and your organization deal with the issues we confront every day. If you have never been to a World Congress before, please consider attending. It is a gathering that offers a wonderful opportunity to network with executives, employers, and other contract management professionals from across the country.

What's Happening at World Congress 2010?

- More than 120 educational sessions;
- More than 80 exhibits;
- Networking & social events;
- A **FREE** Contract Management Career Fair;
- Onsite certification exams;
- Three NCMA post-conference seminars; and
- Most importantly, the development of over 1,400 contracts professionals!

Keynote Speakers Include:

**William Cohen**, Distinguished Statesman, Secretary of Defense (1997–2001) and CEO, The Cohen Group

**Daniel I. Gordon**, Administrator, OMB Office of Federal Procurement Policy

**Walter Havenstein**, Chief Executive Officer, SAIC

**Ron Insana**, Senior Analyst, CNBC, and Financial Industry Expert

For more detail and registration information, go to the NCMA World Congress website at

<http://www.ncmahq.org/Events/WC10Detail.cfm?ItemNumber=6125&navItemNumber=4039>

## Small Business Conference

Submitted By Chuck Williams

The 8th annual NCMA Small Business Conference & Trade Fair was held on March 11, 2010 at South Shore Harbour Resort & Conference Center, and was the largest, most productive to date. The event was chaired by Debra Johnson, NASA-JSC Director, Office of Procurement, Charles Williams, NASA-JSC Senior Small Business Specialist and Cheryl Linville, United Space Alliance (USA) Small Business Liaison Officer. The move from the JSC Gilruth to South Shore Harbour was highly praised by the over 250 attendees, who included 16 sponsors and 15 small business resource organizations. The NASA welcome was provided by NASA-JSC Chief of Staff Bobby Watkins. Keynote speaker was Yolanda Olivarez, SBA Regional VI Administrator for Texas, Arkansas, Louisiana, New Mexico and Oklahoma. Her inspirational message pledged her strong, active

Darien.onizuka-  
morgan@boeing.com

NASA:

Myoshi Thompson

Miyoshi.thompson-  
1@nasa.gov

support for SBs in her region. The program also included Valerie Coleman, who spoke regarding the latest SBA issues and Katherine Autry, Deputy Manager, Space station Procurement Office, who provided an International Space Station Program Overview. NASA's photo-ready astronaut and USA's large shuttle model were on exhibition, and generated a lot of attention from the crowd, all wanting to have their photos taken.

A Small Business Panel comprised of small business owners who have forged successful partnerships with NASA-JSC Prime Contractors, discussed the challenges they encountered and how they overcame them to become a preferred supplier for their respective clients. The panel was comprised of Israel Galvan, GHG Corporation; David Strack, Odyssey Space Research and Nikki Pinto, Tejas Office Products.

The 9th Annual NCMA Small Business conference has been scheduled at SS Harbour Thursday, March 10, 2011.

Supplier Quotes:

"Glenda and I have recruited so much relocation business for Nino and Associates that we feel as if we have hit the lottery and are looking forward to an early retirement. We are hoping that you will meet us to celebrate our incredible successes....maybe over lunch someday soon. Thanks again for including us at the Small Business Conference." -  
-Barbara Aksamit, Nino & Associates--

"What a great conference. It was well attended and everyone I talked with was impressed." --Bill Whatley, A-B Computer Solutions--

"I wanted to take a moment to say thank you so much for such a wonderful conference yesterday. It was very valuable information and gave me the opportunity to meet a lot of really great people. I was extremely impressed with all you and the other members did to put this conference together. The speakers were excellent and the food was fantastic. It was the first time I had attended the conference and I really look forward to attending next year as well. I wanted to personally thank you and re-introduce myself to you yesterday but not only were you very busy but you were always surrounded by many people so I am sorry that I didn't get to thank you in person for such a great experience. Again, I appreciate everything and look forward to meeting you again soon. Have a wonderful weekend." --Ann Bedford-Flood, ProSource Staffing--

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## NCMA Government Contract Management Conference

Submitted by Judy Love

The 28<sup>th</sup> Annual NCMA Government Contract Management Conference was held in Bethesda, Maryland on November 5-6, 2009. This two-day conference brought together more than 900 participants to network, discuss the impact of contract management processes, and share best practices for increasing the efficiency of contract departments. Keynote speakers included Ann Altman, General Manager, Global Public Sector of IBM, and David Theimer from NISH. Also speaking with Mr. Theimer was Mr. Robert Graham, who gave a very touching testimonial of the impact the NISH sponsored AbilityOne program had on his life. The AbilityOne program

creates job opportunities for persons with severe disabilities and is the single largest employer of people with severe disabilities.

There were a number of panels including one on Federal Acquisition Legislation Updates and on the Federal Acquisition Policy Initiative on Insourcing and Inherently Governmental Functions. There were 15 breakout sessions, of which notable ones included:

- Best practices in avoiding protests
- Personal conflicts of interest
- Addressing challenges in IT acquisitions

One with the highest attendance was on the American Recovery and Reinvestment Act of 2009 – Implementation and Reporting Requirements led by Christopher Yukins, Associate Professor of Government Contracts Law at George Washington University Law School.

Although this conference is primarily directed to and attended by federal government procurement employees, it had plenty to offer contractor employees alike with the array of panel discussion topics and breakout sessions. You may view the presentation materials from the conference on the NCMA Website.

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## Nuggets of Knowledge: Exchanges with Offerors

Submitted By Jay Parker, CPCM

In the early developmental stages of our careers, we contracting professionals learn about the four legal requirements to creation of a valid contract: (1) a “meeting of the minds” (offer & acceptance); (2) reciprocal flows of consideration (legal detriment); (3) legal capacity; and (4) legal purpose. In today’s Nugget, we take a look at the “meeting of the minds” element as it relates to Buyer interpretation of proposals received and exchanges with offerors.

Buyers and Sellers routinely exchange information to improve their respective understandings of Buyer requirements and Seller (or industry) capabilities. Such exchanges are a fundamental enabler to the parties’ interest in achieving a meeting of the minds. For this reason, smart Sellers work hard to establish strong customer relationships, to understand and anticipate their customers’ needs. In turn, Buyers work hard to facilitate those relationships and understand industry capabilities (Sidenote: No Buyer wants to create a requirement that is impossible to perform, for it simply leads to economic loss and frustration for all the parties concerned).

The pursuit of happiness (wealth) through open and unfettered markets has been a core American value since this country’s founding. And the American legal system routinely fosters this value through common, legislative and administrative rules of law designed to sustain competitive markets and equal opportunity. One such administrative rule comes to us through FAR 15.306, which places limits on exchanges of information once the Buyer has received proposals from offerors. These limits are established to ensure the Buyer deals fairly with each offeror. [In this instance, fair dealing is a subset of equal opportunity. The Uniform Commercial Code also addresses fair dealing, but it turns first to the lens of “commercial standards” to interpret fair dealings, not administrative law (see “Good Faith” at UCC 1-201(b)(20))

<http://www.law.cornell.edu/ucc/1/article1.htm#s1-201>

FAR 15.306 provides for three kinds of exchange: Clarifications; Communications; and Discussions (a.k.a., Negotiations). Clarifications are “limited” exchanges that may occur when award without discussions is contemplated. Clarifications typically permit the offeror to clarify proposal ambiguities and/or resolve errors that are minor or clerical in nature. Also, they may provide an offeror the opportunity to (1) demonstrate relevance of past performance information or (2) respond to adverse past performance information to which the offeror has not previously had a reasonable opportunity to respond.

Communications, like clarifications, only provide for “limited” exchanges. But, as their purpose is to establish “the competitive range” in support of subsequent discussions, communications shall address past performance information with an offeror when such information is the determining factor preventing the offeror from being placed within the competitive range. In addition, communications may be held with those offerors whose inclusion in the competitive range is “uncertain.”

Discussions are negotiations. When a Buyer initiates discussions with Offerors, it is with the express intent of having each offeror, as a result of discussions, make one or more proposal changes to improve the proposal’s overall value to the Buyer.

To understand the significance of exchanges and how they come into play, consider reviewing the case Environmental Quality Management, Inc., (EQM) brought before the GAO when the Air Force excluded it from the competitive range due to an unidentified clerical error in EQM’s proposal.

<http://www.gao.gov/decisions/bidpro/4022472.pdf>