



PRICING

FOR CONTRACT AND GOVERNMENT PROFESSIONALS

March, 2022

**DARPA Solicitation Makes the Case
for Higher Profits on R&D Proposals**

by Patrick Mathern

**How to use DOD's Enhanced
Postaward Debriefing Rights,
GSA's INFORM 2.0 for Stronger Bid Protests**

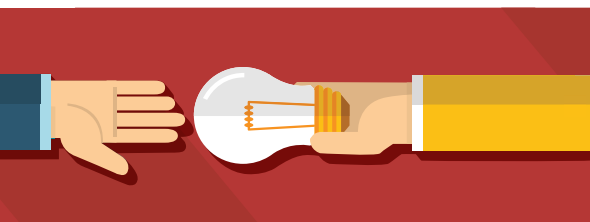
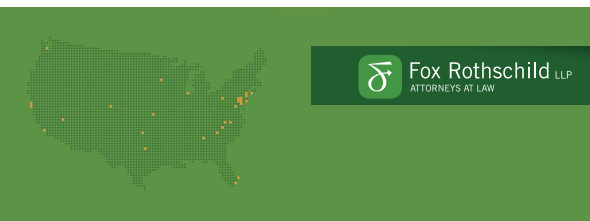
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**Tips & Tricks:
Selling Your Ideas and Innovations
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**All Things
Pre-Award Edition**

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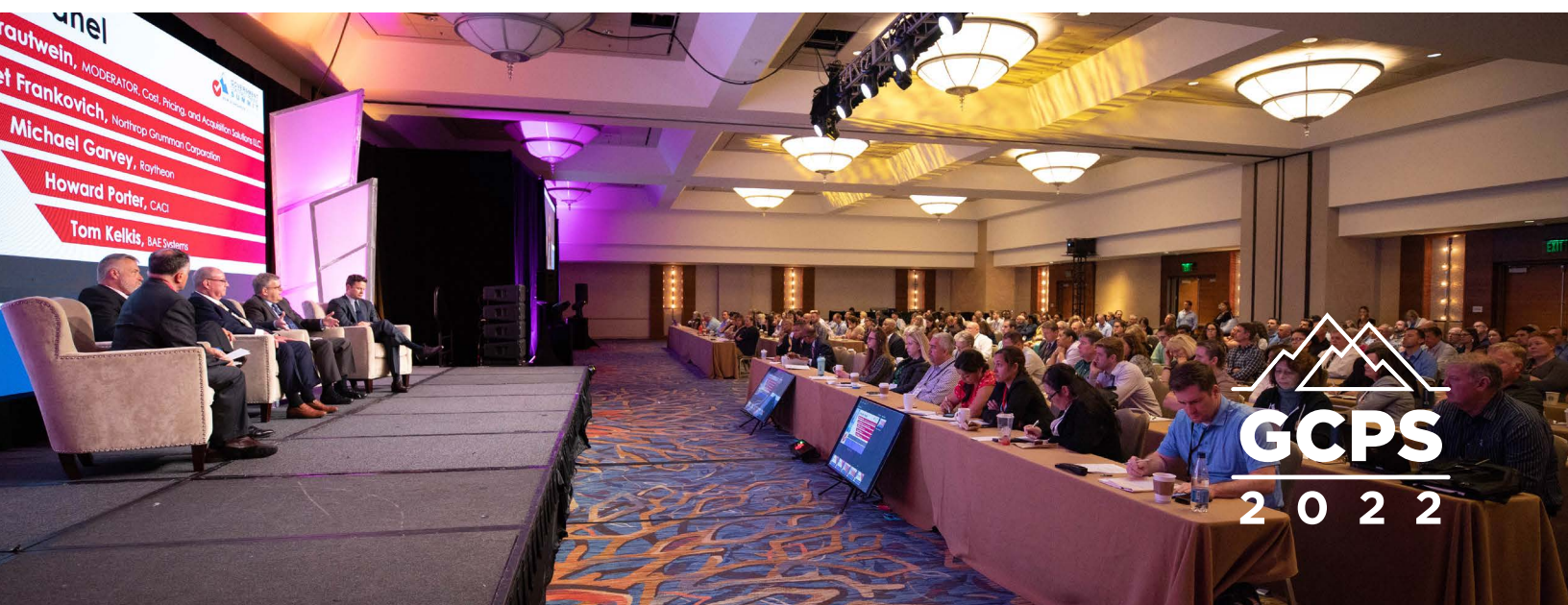
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Dear Reader,

I am pleased to welcome you to Pricing Magazine as we start our second year of publication. This year has already brought about much change, not only for this magazine and our company but also the world around us.

Our goal to address and support the needs of our worldwide contractors and federal agencies remains our top priority. Whether it is through information and education, or software and technology, there is no better time than now as we work towards accelerating and improving our processes to better serve ongoing defense contracting needs.

Today, ProPricer is tasked with leveraging modernization to promote collaboration and innovation across the defense, science, and technology communities. As we look down the road ahead, we fully embrace the challenges of our workforce. The mission is, and has always been, to streamline and develop agile solutions and deliver on expectations. I am thrilled to be leading an organization that boldly addresses those challenges that are critical to government proposal pricing. ProPricer has been leading procurement transformation since 1984 lending support in the pre-award process. In this issue, we take aim at the importance of the pre-award process, from both strategic and practical approaches.

I would like to take a moment to thank our contributors and staff for their insights and hard work that invite our readers to explore the best news and resources trending in government contracting. I hope these issues continue to illicit excitement every quarter when you receive your issue. Our work is far from done, and we hope to be a part of your continued growth through 2022 and beyond.

My best to you,

Joseph Shurance, CEO

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DARPA Solicitation Makes the Case for Higher Profits on R&D Proposals





Patrick Mathern
President of SpendLogic

Patrick Mathern is the President of SpendLogic. SpendLogic creates DCMA-Compliant tools that automate and simplify CPSR documentation. He is passionate about streamlining cost and price analysis processes while ensuring taxpayer funds are spent effectively and efficiently.

In 2021, DARPA awarded a contract to SpendLogic, in partnership with Dan Chalfant of Alexander & Associates, and Gerald Groshek and Tom Horan of Redlands University, to research how profit and fee awards could be modified to better attract “top innovators.” To better understand the problem, we surveyed Industry the following are a few take-aways:

1. Industry is not motivated by the amount of fee offered on government contracts.
2. Companies that have never had a government contract are significantly demotivated to take government contracts based on the anticipated administrative burden and the rate of return among other factors.
3. Intellectual Property (IP) rights are a motivating factor for companies to consider government contracts.
4. Smaller firms are less motivated due to the information available, staff resources, and costs of securing financing.

These points should be no surprise to anyone familiar with government contracting. Numerous studies, both formal and informal, have come to the same conclusions over the years, yet nothing ever seems to change. The reason why is easy to see: A large ecosystem of defense contractors stands ready and willing to take on new contracts. However, this masks the true problem, as a recent DARPA solicitation appears to acknowledge. The pool of bidders is stagnant and rather than attracting the country’s “top innovators,” it’s attracting innovators that focus on government contracting. This article will shed light on how we ended up here and introduce a new profit methodology to help fix the problem.

BACKGROUND

In order to stay one step ahead of our adversaries, the Department of Defense must remain in a constant state of readiness, which is only possible through continuous research and development. DARPA (the Defense Advanced Research Projects Agency) is unique among agencies in that it is comprised of a small team of employees. A group of ~225 people is responsible for investing approximately \$3.5 billion (out of a total ~\$740B DoD-wide) in "pivotal investments in breakthrough technologies for national security," according to its website.

While the use of Other Transactional Authorities (OTAs) is on the rise, the most common vehicle used for DARPA's R&D contracts is Cost Plus Fixed Fee (CPFF). These agreements are governed by Federal Acquisition Regulation (FAR) limitations and are subjected to profit analysis, most often by using the Weighted Guidelines. Traditional fee negotiations typically have two parts. One is based on the recommendation of the weighted guidelines analysis and the other involves taking into account payment terms (payment on delivery, progress payments, and performance-based payments). Regarding the latter, the contracting officer typically modifies the weighted guidelines-recommended fee downward to account for payment terms benefiting the contractor. At the end of the day, from the Prime's perspective, reaching agreement above 10% for a CPFF is worthy of a celebration, to the total bewilderment of commercial market innovators.

If DARPA wants to broaden its appeal beyond the current pool of bidders, something consideration should be given to minimize the spread between returns in the commercial marketplace and those in defense contracts. To begin to understand this gap and how to fix it, it is helpful to see the weighted guidelines approach for what it really is: a calculator designed to always give answers within a defined range between 6% and 15%, depending on

the factors used. So where did that range come from and why is it the correct range to use?

The first statutory limit on fee appeared in 1934 in the Vinson-Trammel Act. At that time, a limitation on fee was set at 10%. Over the years, this limit and how it's been applied has changed, but it has remained within a range of 6% to 15%. It's seen as a constant tight rope walk to ensure that enough profit is paid to maintain an active industrial base, but not more than is absolutely required.

These facts do nothing to explain the origins of this 6%-15% range; in fact, information on this point is very hard to come by. Because there's a thriving industrial base, it appears that what's happened is that once these fee constraints were set and codified, an industry created itself to operate within the pre-set rules of the game. This led to companies splitting into two camps: those that perform government contracts and those that do not. Over time, fee limits have remained steady while administrative burdens have grown, further complicating and reducing the chance of cross-over from the commercial to the government market.

HEAD-ON: COMMERCIAL CONTRACTS MEET GOVERNMENT-FUNDED R&D

Up until the 1990s, cutting edge defense technology was developed primarily by industry behemoths focused on government contracting. Through this time, technological innovation was focused on developing, testing, and producing technologies for fighter jets, tanks, and ships. These activities require an immense amount of investment in personnel and facilities. As a result, the pool of companies that were qualified to take on R&D was inherently limited.

The need for inclusion of a wide range of businesses was formally acknowledged in 1953 when

Congress passed the Small Business Act. It states that "The essence of the American economic system of private enterprise is free competition. The preservation and expansion of such competition is basic not only to the economic well-being but to the security of this Nation."

In the late-1990s and early 2000s, a new "Cyber" battlefield emerged. No longer was the majority of the world's cutting-edge technology coming from a handful of industry leaders, think tanks, or specialized research laboratories. This period saw hardware and software developments introduced by engineers working in basements and garages. For example, Insitu, based in Bingen, WA, started out in just this way, developing drones aimed first at weather reconnaissance, then later at improving the efficiency of the tuna fishing industry. The value of the technology was recognized by Boeing, marketed to the DoD, and they are now a Boeing subsidiary and counted among the drone industry's leaders.

The Insitu example illustrates how research and development has changed. Small, relatively inexpensive sensors and development of complex algorithms are increasingly becoming the focus. Commercial companies are now valued in the trillions of dollars and opportunities for founders of new companies to be funded, or outright purchased, have never been better. These shifts present government agencies, and DARPA especially, with a dilemma: As government and commercial R&D interests merge while traditionally-high barriers to entry fall, how can the government to compete with commercial to attract top innovators?

THE FIX

Short of a literal Act of Congress, it is unrealistic to believe that the statutory limits on fee will change anytime soon. Therefore, any solution will be required to fit within the pre-defined rules of the

game. We recommend looking at fee considerations in two parts: “Statutory Fee On Cost” and “Other Return Enhancements.”

- “Statutory Fee On Cost”: This is the fee that is stated in the contract and is limited by Congress (currently 15% on CPFF R&D contracts).
- “Other Return Enhancements”: These include contract-based fee levers, such as payment terms and IP considerations, that are within the control of the Contracting Officer.

Note: A third component of profit would be “total internal return” which translates to Internal Rate of Return (IRR) and is a true reflection of a company’s return. However, to calculate IRR, a comprehensive view of the company’s operations or the ability to look backward in time after a project is complete would be required. For the purposes of setting fee, neither of these is feasible.

STATUTORY FEE ON COST

Today, fee on cost is determined using a structured approach, one of which is the Weighted Guidelines. This particular approach has little, if any, connection to market conditions or socioeconomic attributes. It pays no attention to what rate of return on expected cost a particular company would find to be motivating.

On the other hand, a firm’s cost of equity reflects the rate of return required by investors to take on new projects. The calculation of this value for a non-traditional government contractor centers on company-specific attributes that reflect the industry in which it operates, as well as challenges it faces due to size, geography, and socioeconomic factors. There are several ways of determining a non-traditional company’s cost of equity, but the method we chose is as follows:

- Obtain averages, by industry, of total market returns, market betas, and debt-to-equity ratios.

- Adjust the average market equity return by taxes, borrowing rates of interest, and average debt-to-equity ratios to remove the effects of debt. This leaves an average cost of unlevered equity for existing firms in the industry.
- To make this specific to the non-traditional company in question, adjust the industry value for that company’s debt/equity ratio and their cost of debt. This leaves an average cost of equity for the industry. To make this specific to the company in question, adjust for the company’s debt/equity ratio and apply their state tax rate.
- The result is a generalized cost of equity for any project in a non-traditional firm, which will be close to, or higher than, the regulatory limitations.

For companies that operate outside the defense industry, the recommended fee will likely exceed the limits set by the FAR, while established defense contractors will see recommended rates within the bounds of existing regulations. To broaden appeal of the project, the Contracting Officer’s job at this point is to make the project more enticing from a profitability standpoint, while staying within the boundaries set by the FAR.

OTHER RETURN ENHANCEMENTS

Traditionally, the contracting officer would adjust the weighted guidelines fee downward due to financing or payment terms and dual use rights. However, reducing the fee when it’s already below the market-based cost of equity simply reduces the number of bidders that will be interested. Our recommendation is to flip this thinking on its head. Instead, contracting officers should use these levers to increase the profit that prime contractors will realize, up to at least the company’s cost of equity.

Our model awards profit based on

the aforementioned cost of equity, which is typically near or exceeding the statutory limits set by FAR. The model then allows the contracting officer to increase the effective return by highlighting additional benefits accrued to the Prime by way of payment terms and future business opportunities (IP rights). Using this methodology, it would be possible for DARPA to award a contract within the 15% fee limitation, but also market the opportunity to industry innovators in terms that relate more closely to typical commercial returns.

THE TAKEAWAY

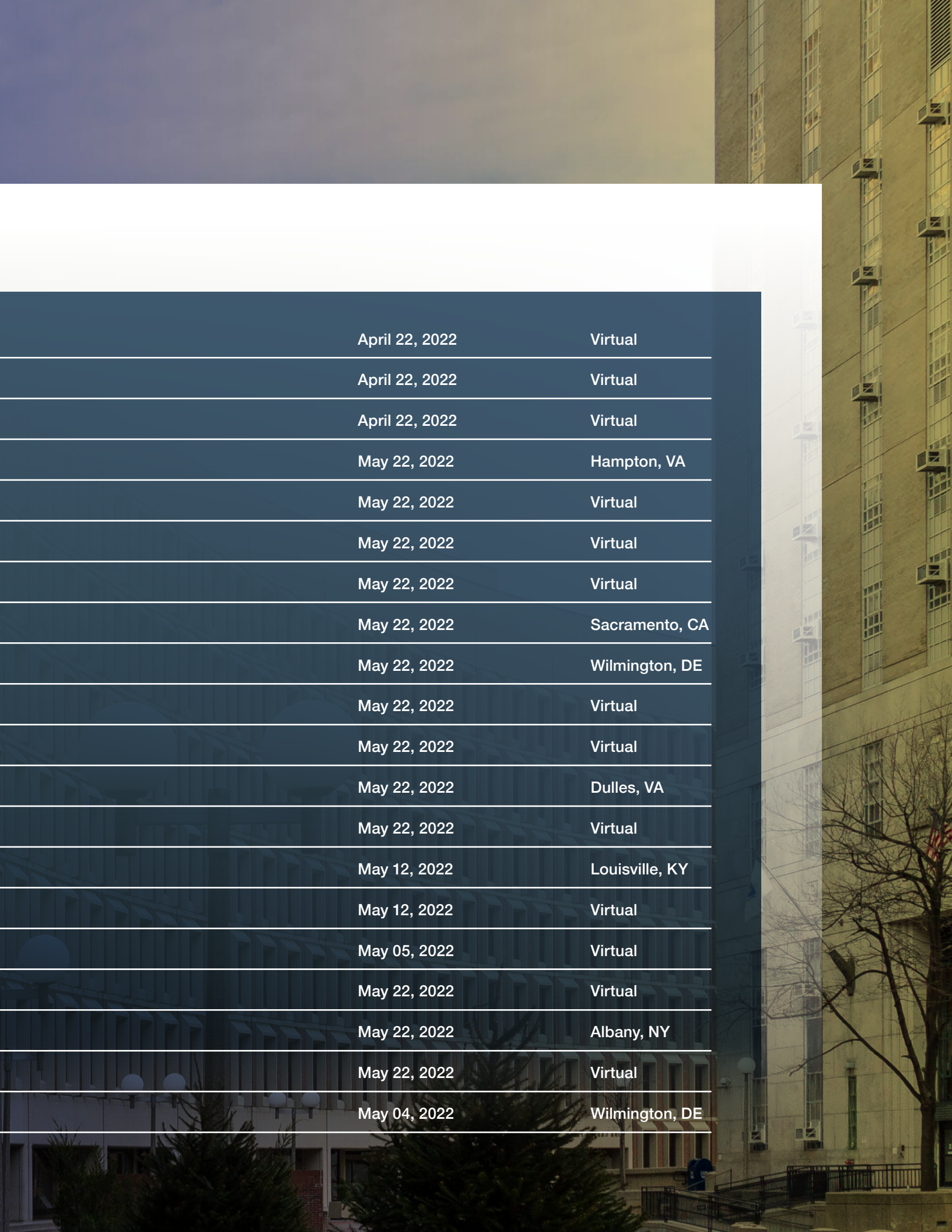
The government’s quest to attract top industry innovators is hamstrung by statutory limitations on fee and the gap between defense and commercial returns. DARPA should be commended for investing in finding solutions, but it is yet to be determined whether they’re truly prepared to act. It seems that they are interested in changing the computational model used for assigning profit. However, if the accepted solution is a new calculator that simply provides the same answer, it is unreasonable to expect the current situation to change.



Industry

Events

- [2022 - FAR Supplement - AIDAR - USAID](#)
- [Google Cloud CCAI Webinar](#)
- [Pre-Award How To Prepare An Offer](#)
- [AFCEA Tidewater Integrated Cyber Symposium \(TWICS\)](#)
- [NASA Webcast Series: Data Security for All](#)
- [FUN with the FARSM Season 9](#)
- [For Industry: Making Market Research Easy](#)
- [California Public Sector CIO Academy 2022 - LIVE!](#)
- [TOC Annual Institute](#)
- [For Industry: Making Market Research Easy](#)
- [Cognitive Project Management for AI \(CPMAI\) Methodology Training and Certification](#)
- [Becoming an Awesome New Auditor! \(24 CPEs\)](#)
- [FUN with the FARSM Season 9](#)
- [2022 NAGC Communications School](#)
- [Social Media Strategies Summit for Public Agencies & Government](#)
- [Coursera Conference](#)
- [GCW: Second Annual IC Acquisition and Technology Innovation Summit](#)
- [Government Innovation New York](#)
- [Gartner Application Innovation & Business Solutions Summit](#)
- [TOC Annual Institute](#)



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How To Use DOD's Enhanced Postaward Debriefing Rights, GSA's INFORM 2.0 for Stronger Bid Protests

By Reggie Jones and Morgan M. Tapp, Fox Rothschild LLP

Information shared by the federal government during a post-award debriefing can be the catalyst for an effective bid protest. And in recent years, the federal government has made it easier for contractors to understand the source selection and contract award process.

The U.S. Department of Defense (DOD) has implemented the Enhanced Postaward Debriefing Rights and the General Services Administration (GSA) has the In-Depth Feedback through Open Reporting Methods 2.0 (INFORM 2.0) program.

For federal contractors to have any meaningful chance of winning a contract where they were not selected, they must understand the rules that manage the competitive procurement process. A bid protest is "a challenge to the award or proposed award of a contract for the procurement of goods and services or a challenge to the terms of a solicitation for such a contract."¹ Bid protests are designed to protect the integrity of the procurement process and to allow disappointed bidders or offerors the opportunity to seek relief for an improper or flawed solicitation or contract award decision.

DEBRIEFINGS AS A TOOL FOR BID PROTESTS

Whether before the U.S. Court of Federal Claims, the General Accountability Office or an agency, the key to a successful protest is to set forth a detailed statement of the legal and factual grounds, including identifying specific facts.² Other than potential issues with how the contractor's proposal was evaluated, the protester will typically have little insight into the decision-making process until the debriefing. The debriefing allows the contractor to collect information about the procurement and award decision. During the debriefing, the contractor should try to determine whether the source selection committee made identifiable procurement errors. Two issues to look for:

- Flawed evaluations, like errors in the assessment of the bid or a diversion from the stated evaluation process or procedure listed in the solicitation
- Unfair practices, like sidebar conversations and other improper advantages given to the winner of the solicitation or bid

WHAT IS A STANDARD DEBRIEFING?

Once an offeror has submitted a written request for a debriefing to the agency, the agency will furnish the basis for the selection decision and contract award.³ A standard debriefing must contain the following information:

1. The government's evaluation of the significant weaknesses or deficiencies in the offeror's proposal, if applicable.
2. The overall evaluated cost or price (including unit prices) and technical rating, if applicable, of the successful offeror and the debriefed offeror, and past performance information on the debriefed offeror.
3. The overall ranking of all offerors, when a ranking was developed by the agency during the source selection.
4. A summary of the rationale for award.
5. For acquisitions of commercial items, the make and model of the item to be delivered by the successful offeror.
6. Reasonable responses to relevant questions about whether source selection procedures contained in the solicitation, applicable regulations and other applicable authorities were followed.⁴

The government does not need to include a point-by-point comparison of the debriefed offeror's proposal with those of other offerors. Moreover, the agency will not discuss privileged or confidential information such as cost

breakdowns, profit, indirect cost rates and similar information relating to the other offerors or winner.⁵

WHAT IS AN ENHANCED DEBRIEFING?

DOD introduced the Enhanced Postaward Debriefing Rights in March 2018 through the issuance of a class deviation (a deviation from the FAR and DFARS that is applicable to all contracts) and the final rule was published on March 18, 2022.⁶ With enhanced debriefing rights, contracting officers (CO) are now required to allow offerors the opportunity to submit additional questions related to the debriefing, the response from the agency must be in writing, and may include a redacted source selection document.⁷

INFORM 2.0

Similarly, GSA launched the INFORM pilot program in October 2018. This program focuses on enhancing the post-award experience by providing unsolicited insight into why a contractor did or did not win an award.⁸ The INFORM pilot program compared 50 acquisitions that went through the INFORM and the traditional processes, analyzing the industry's perception through an Industry Satisfaction Survey.⁹ The positive feedback from the program led GSA to implement INFORM 2.0 in April 2020.¹⁰

Applicability

The INFORM 2.0 procedures apply to all acquisitions with planned solicitation dates since April 1, 2020, that also meet the following criteria:

- For procurements with a total estimated contract value (including options) at or above \$10 million:
 - Public Buildings Service (PBS)
 - Office of Administrative Services (OAS)
 - Federal Acquisition Services (FAS) Assisted Acquisition Services (AAS) and Department for Defense (DOD) actions
- For procurements with a total estimated contract value (including options) at or above \$100 million:
 - FAS procurements for non-DOD actions¹¹

There are some exclusions:

- Multiple award contracts with 10 or more awards expected
- Awards evaluated on a lower price technical acceptable basis
- Emergency acquisitions conducted under the procedures outlined in FAR 18¹²

Process

If the agency deems an offer unacceptable for further review, the CO will send a Notification of Decision Statement (NODS) to the offeror stating why the submission was deemed unacceptable. They will provide the offeror with three options:

1. Do nothing, which ends the INFORM 2.0 process for the offeror
2. Submit written questions only (no oral feedback meeting)
3. Request an oral feedback meeting (with or without submitting questions)¹³

Oral Feedback

INFORM 2.0 allows for an oral feedback meeting with members selected by the CO, who should be key personnel knowledgeable in significant aspects of the evaluation process.¹⁴ The typical members include the CO, a technical lead who may present all or a portion of the technical findings, a cost/price analyst, other specialists as required, a source selection authority which is typically the CO, and legal counsel. Legal counsel must attend if the contractor brings or involves their legal counsel.¹⁵ The CO should devise a strategy for the oral feedback meeting that provides as much information as the contractor may reasonably request.¹⁶

Feedback Questions

The offeror may provide questions before, during or after the oral feedback meeting. The CO should address the pre-meeting questions and the questions asked during the meeting in the meeting itself. For post-meeting questions, the CO should prepare a response to the questions, obtain a legal review and concurrence (if required) and send the response to the contractor.

DIFFERENCES BETWEEN THE STANDARD DEBRIEFING, ENHANCED DEBRIEFING AND INFORM 2.0

With enhanced debriefing rights and INFORM 2.0, the offeror's right to obtain information from the agency is amplified — allowing the contractor to better understand the agency's position before submitting a bid protest. In a standard debriefing, the CO's required responses to questions were limited to whether source selection procedures contained in the solicitation, applicable regulations and other applicable authorities were followed.¹⁷ There was no requirement for the CO or agency to respond in writing. Now, however, agencies have a broader range of questions they must respond to, and they must do so in writing.¹⁸ INFORM 2.0 also provides a greater structure for post-award feedback than the standard debriefing and enhanced debriefing.

Enhanced debriefing rights and INFORM 2.0 also grant the contractor more time to submit a bid protest. The general rule is that a protest is timely if it is filed within 10 days after the debriefing. The FAR does not clarify whether the 10-day window begins before or after the agency responds to the offeror's additional questions. However, the DOD Class Deviation – Enhanced Postaward Debriefing Rights memorandum states that “the agency shall not consider the postaward debriefing to be concluded until the agency delivers its written responses to the unsuccessful offeror.”¹⁹ The GSA's In-Depth Feedback through Open Reporting Methods Guide 2.0 states, “if additional questions are submitted within two business days, the INFORM 2.0 process and FAR requirements for debriefs or explanations will conclude after the offeror receives the written responses.”²⁰ This means that the 10-day time window begins only after the agency has delivered its written responses.



STANDARD DEBRIEFING

ENHANCED DEBRIEFING

INFORM 2.0

Limited to question about whether certain procedures and authorities were followed.

Open to questions related to the debriefing.

Contractor is permitted to ask relevant questions pertaining to whether GSA personnel followed the evaluation and selection procedures set forth in the solicitation, applicable regulations and other applicable authorities.

Responses may be oral or in writing.

Responses must be in writing.

If the contractor submits written questions or requests a meeting to receive oral feedback, agency must provide written responses or conduct a debriefing.

No guidelines for when questions must be submitted, or when the agency must respond.

The contractor must submit additional questions within two business days after the debriefings. The agency must respond to the questions within five business days after receipt of the questions.

Additional questions must be submitted within two business days of the oral feedback meeting.

No clear guidance on when the debriefing is concluded and the 10-day time frame to submit a bid protest begins.

The debriefing is not concluded until the agency delivers its written responses to the unsuccessful offeror.

Debriefing concludes after contractor receives the written responses.

The CO should normally chair any debriefing session held. Individuals who conducted the evaluations shall provide support.

The same as standard debriefing.

The CO should select only key personnel that are knowledgeable in significant aspects of the evaluation process. Typically, the members include: CO, technical lead, cost/price analyst, other specialist(s), source section authority and sometimes legal counsel.

HOW TO ASK BETTER QUESTIONS WHILE PREPARING A BID PROTEST

As mentioned before, the offeror will want to determine during the debriefing whether there is evidence of procurement errors or unfair practices. Therefore, it is imperative that the contractor ask the right questions to better understand the agency's decision and uncover any errors. Below is a list of sample questions and requests a contractor might ask of the CO to prepare for a bid protest.

1. Was the offeror's proposal responsive to all Request for Proposal (RFP) requirements? If not, which parts of the proposal were deemed nonresponsive? Why?
2. Please provide the overall proposal rankings/ratings for the offeror and the awardee.
3. Please provide the past performance relevancy ratings and confidence assessments for the offeror and the awardee.
4. Who is the next offeror in line for the contract award after the awardee?
5. What were the strengths/weaknesses of the offeror's proposal?
 - a. Management approach?
 - b. Staffing approach?
 - c. Past performance?
 - d. Small business participation plan?
6. Please explain why these issues were deemed to be strengths/weaknesses.
7. Was the offeror's price proposal fully responsive to the RFP requirements? If not, which parts of the price proposal were deemed nonresponsive? Why?
8. Why did the agency select a higher-priced offer than the offeror's (if this is the case)? What basis justified selecting the higher price?
9. Did the agency evaluate any information not contained in or submitted with the offeror's proposal? If so, what information was evaluated?
10. Were discussions held with the awardee prior to the award? Was the awardee provided the ability to clarify any parts of its proposal?

¹ FAQs, *Thinking about Filing a Bid Protest*, <https://www.gao.gov/legal/bid-protests/faqs>.

² See GAO, *Bid Protests at GAO: A Descriptive Guide*, May 2018, available at <https://www.gao.gov/assets/gao-18-510sp.pdf>

³ FAR 15.506(a).

⁴ *Id.* at (d).

⁵ *Id.* at (e).

⁶ 87 Fed. Reg. 15,808 (March 18, 2022).

⁷ *Id.*; see also Memorandum from Shay D. Assad, Director, Defense Pricing/Defense Procurement and Acquisition Policy (March 22, 2018) (available at <https://www.acq.osd.mil/dpap/policy/policyvault/USA000563-18-DPAP.pdf>).

⁸ GSABlog, *GSA Focused on Improving Post-Award Communication*, Jeff Koses (available at <https://www.gsa.gov/blog/2020/02/07/gsa-focused-on-improving-post-award-communications>).

⁹ *Id.*

¹⁰ See *Id.*

¹¹ GSA, *In-Depth Feedback through Open Reporting Methods Guide 2.0*, at 3-4, available at <https://www.gsa.gov/cdnstatic/INFORM%2020%20Guide.pdf>

¹² *Id.*

¹³ *Id.* at 8.

¹⁴ *Id.* at 12.

¹⁵ *Id.*

¹⁶ *Id.* at 13.

¹⁷ FAR 15.506(d)(6).

¹⁸ See GSA, *In-Depth Feedback through Open Reporting Methods Guide 2.0* at page 11. See Memorandum from Shay D. Assad, Director, Defense Pricing/Defense Procurement and Acquisition Policy at page 1.

¹⁹ Memorandum from Shay D. Assad, Director, Defense Pricing/Defense Procurement and Acquisition Policy.

²⁰ GSA, *In-Depth Feedback through Open Reporting Methods Guide 2.0*, at 19-20.



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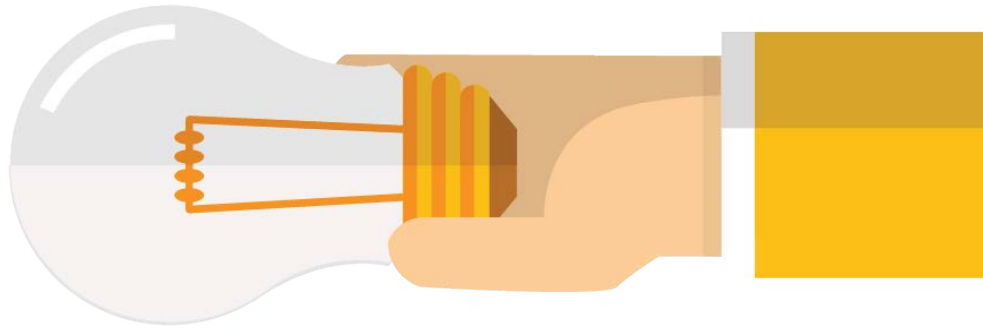


Karla Williams
GovCon Academy

Karla Williams loves GovCon. She has worked on both sides of the table as a contracting professional for the government and as an executive overseeing successful service delivery to numerous agencies. As such, she has won millions of dollars in contracts for companies large and small. Presently, she is focusing on helping bridge the gap between how tech companies sell their products and services and how the government buys those products and services. Look for events on this subject to be held in the DMV and online during this fiscal year and the next.

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At times, the government struggles to harness the growing power of technology to solve their problems. Blockchain, Machine Learning, Artificial Intelligence, and Robotic Process Automation are just a few of the latest technologies that can help government solve some of their largest problems. These technologies can assist the government in improving customer service, detecting fraud, protecting against network attacks and disruptions. Technology can even help the government do more with fewer employees by automating routine tasks, freeing current personnel to focus on tasks that only a human can do.

Recently, Techcrunch published an article encouraging venture capital (VC) firms to embrace the opportunity offered by selling to the US government. They cited Databricks as an example of a firm that has invested in the time, talent, and education needed to figure out how to sell to the government.

It's not just VC firms that struggle to sell their technical solutions to the government. Many small businesses struggle for many of the same reasons.

- Long buying cycles that often make technology obsolete by the time the contract is awarded.
- Complicated rules and buying processes.
- Lack of internal expertise in the government which leads to solicitations with requirement descriptions that don't readily match the solutions firms offer.
- Misunderstanding of how the solutions offered solve government issues or improve government operations overall.

Since the government is very unlikely to drastically change how they do business, industry must change the way they position themselves to sell to the government. The following recommendations are aimed at helping firms identify what changes they need to consider in order to sell "cutting edge" solutions to the government more effectively.

Do you want to sell your ideas and innovations to the Government? If so, there are a few things you need to keep in mind.

1 **Talk to the right people.**

Yes, you are selling tech, but the tech is solving a problem. Figure out who benefits from your technology and create your messaging around their needs. In other words, you are probably not selling to the Chief Information Office (CIO) or the Chief Technology Office (CTO). Let's say you are selling an artificial intelligence chatbot solution to an agency that handles lots of inquiries from the public. You would want to talk with the office that manages those inquiries the old fashioned way and show them how your solution will improve the citizen experience when dealing with their agency. This requires you to have a team that understands the agency, their culture, and the outcome that is needed—either through first-hand knowledge or highly targeted research.

2 Focus on a current challenge or initiative of the target agency.

For example, in the State of the Union address in March, President Biden announced that the Department of Justice will name a prosecutor to address pandemic fraud. Finding fraud requires hours of painstaking analysis of lots of data by already overworked government employees. This is exactly the type of situation that can be improved by adding technology that combs through the data and highlights anomalies. This technology would allow agency personnel to home in on the situations with the highest probability of fraud, as opposed to looking at every record and data set whether irregularities are present or not. The result is that highly trained employees focus on delivering results because the time-consuming, labor-intensive tasks have been automated to support the objective—uncovering fraud.

3 Show, don't tell.

You are the expert. Your prospects are not. Telling them about your solution is great, but many people need to see how what you are proposing will work in their environment. So, consider having educational events that walk prospects through the process that you are proposing. Explain why your solution works and where it has worked before. If it is brand new, you will need to come up with a demo or a prototype so they can see the process and the output.



4 Make it easy.

The best way to get things accomplished in any organization—especially in government—is to make it easy. Here are some top suggestions.

- **Read and gain an understanding of the TechFAR.** This way you can be a true solution partner by helping your prospect find the easiest way to buy technology (the TechFAR highlights flexibilities in the regulations that help agencies more readily and rapidly gain access to technological solutions).
- **Invest in people that speak government.** The way the government does business is nothing like the way most corporations in the private sector do business. You need people on your team that can bridge that gap so you get more results faster.
- **The right messages in the right places.** The US government community is largely on LinkedIn. Use this fact to point them to use cases or case studies that show the results you have delivered under similar circumstances. Even if your success was in the private sector.
- **Create a sandbox or other place where people can experiment.** Proof is critically important in the government. You may have heard the saying that no one gets fired for hiring IBM. Unless you are well known, you've got to find a way to make them confident that your solution is their best option.
- **Offer a one and done solution.** Be prepared to implement and to provide operational support after your technology is launched. The tech talent shortage is even more pronounced in the public sector than in the private sector. When you sell your solution and win a contract, you may be working with a government team that has limited knowledge of how to implement your solution, let alone how to maintain it.

5 Never forget this is a people business.

It's true that selling to the government is procedural and rules based. But underneath all the procedures and rules, people are the ones doing the work, deciding what is needed, and who will fulfill the need. Build relationships wherever you go in GovCon and maintain these relationships. It will make a difference in the long run.

CONTRACTING, WHERE WE ARE, HOW WE GOT HERE, AND A LOOK TO OUR FUTURE

by Dr. Joni Dowling and Ms. Susan Pollack

“This renewed commitment to professional currency and lifelong learning provides the workforce with more elective learning opportunities to meet current mission needs, future development opportunities, and an individual’s career goals.”

John Tenaglia, DoD
Contracting Functional
Area Leader.

CHANGE IS ALL AROUND US, AS INDIVIDUALS, AS A COMMUNITY, AND AS A COUNTRY.

Most of you reading this article know that the Defense Acquisition Workforce’s training programs for career certification have gone through a significant transformation. You probably remember reading the Sept. 2, 2020, memorandum from the Under Secretary of Defense for Acquisition and Sustainment (USD(A&S))—titled “Back-to-Basics (BtB) for the Defense Acquisition Workforce”—that explained the need for the acquisition community to make a directional turn from the broad-spectrum approach of workforce development to one that is streamlined and tailored.

You may also know that implementation of BtB was delayed and pushed to February 2022. Despite the delay, many individuals at multiple organizational levels were involved in this process. Their commitment and dedication to you, as a member of the Defense Contracting career field (the Contracting Functional Area), should not go unnoticed.

You may recall from one of the earlier BtB informational videos that if you are assigned to one of the six Functional Areas (Program Management, Engineering, Test and Evaluation, Contracting, Life Cycle Logistics, or Business Financial Management/Cost Estimating), your certification requirements likely have changed. The specific training courses and experience requirements could also change. You may also be required to take a final comprehensive exam or submit a resume to complete your certification. For the Defense Contracting career field, we transitioned from a three-tiered certification model to a single-level certification model. To describe our new certification program, the Contracting Certification Taskforce coined the phrase “initial readiness” to perform basic contracting functions.

**** Read the article in its entirety to learn more about the BtB framework and the increased importance it places on training and experience after certification, through credentials, local training, and on-the-job training to promote career- long learning and professional development. Access here.*

DAU

Acquisition requires speed, agility and a workforce that can think critically, make smart decisions and move quickly.



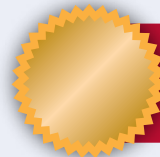
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- Striking the Balance
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- COR Cafes and Open Office Hours



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Dr. Renee Butler

*Learning Director,
Defense Acquisition University*

Seasoned and highly esteemed contracting expert Dr. Renee Butler has spent the past 15 years as a Learning Director at Defense Acquisition University - the modern learning platform that delivers continuous learning and support to the Defense Acquisition Workforce. Dr. Butler has a demonstrated history working within the Defense & Space industry. Skilled in the U.S. Department of Defense, Government, Leadership, Military, and Team Leadership, Dr. Butler holds a Doctorate in Business Administration with a concentration in Finance. Prior to joining DAU, Dr. Butler spent 20 years with the US Air Force as a Contracting Officer and continues to serve the GovCon industry with her thought leadership, knowledge, and expertise.

The key to professional development for contracting pricing personnel is to take responsibility for their learning to ensure they have the training for current and future roles.

Defense Acquisition University (DAU) is taking a huge, transformative step in how we provide training to our acquisition workforce. The Defense Acquisition Workforce Improvement Act (P. L. 101-510), or DAWIA, was initially enacted on November 5, 1990. DAWIA required the Department of Defense to establish education and training standards, requirements, and courses for the civilian and military workforce. Since the early 90s, a three-tier system, DAWIA Levels I, II, and III characterized the training for the contracting workforce. While that system provided comprehensive training, it often required the workforce to spend too much time on training that was not relevant to their current positions, without the opportunity to refresh or renew their skillset later in their careers.

By modernizing the implementation of DAWIA through the Back-to-Basics initiative, required certification training is limited to skills and knowledge needed by everyone in contracting at the foundational level. Following the foundational training, workforce members will build their knowledge and skills through a series of elective training

courses and credentials. The key to professional development for contracting and pricing personnel is to take responsibility for their learning to ensure they have the training for current and future roles.

For example, when an 1102 is assigned to an operational assignment in construction, they may want to take credential CCON 011, Construction Contracting. Later, if they move to a position in major weapons systems contracting, they may want to expand their skill set to learn more about business acumen, the Cost Accounting Standards, or indirect cost rates. The point is employees will now, in consultation with their supervisor and service/agency policies, determine the training that is right for them.

On page 32 of this issue, an excerpt was taken from the article entitled Contracting, Where We Are, How We Got Here, and a Look to Our Future, by Dr. Joni Dowling and Ms. Susan Pollack. Originally published in the March 2022 Special Issue of the Defense Acquisition magazine, Empowering the Workforce, this article provides a comprehensive view of the history

and rationale for the change to the certification framework. To view the entire issue, go to [Defense Acquisition Magazine March-April 2022 \(dau.edu\)](https://dau.edu/Defense-Acquisition-Magazine-March-April-2022).

Pricing professionals will acquire training through elective courses and credentials that interest them and relate to their immediate job. The remainder of this article will address the courses and credentials that fall under the Price, Cost, and Finance umbrella, but are broadly applicable to all contracting employees. We have worked closely with Ms. Janice Muskopf, Director, Price, Cost and Finance (PCF), in the Office of the Principal Director, Defense Pricing and Contracting (DPC), to ensure our courses reflect what the workforce needs and to provide relevant examples of how to tackle the complex issues facing the contracting and pricing workforce today.

DAU's pricing curriculum looks a bit different than it has in the past. Previously, there were five, two-week, in-resident training courses. DAU will now offer 48 separate courses, numerous videos, games, business simulations, webinars and tools comprising of up to 14 pricing credentials. The courses may be Virtual Instructor-led Training (VILT) with synchronous and asynchronous pieces to make it easier for balancing work and training, On-line Training (OLT), Coursera courses, or Harvard Business Modules. A list of the credentials, a brief description, list of potential assets to be taken to complete the credential, and estimated release dates are included in the table below.

CCON 001 - Advanced Proposal Analysis Credential

Description: In this credential, learners will do a deep dive into the cost elements identified in FAR Table 15-2.

- CON 7100 Materials and Services
- CON 7110 Direct Labor
- CON 7030V Advanced Indirect Cost Analysis
- CON 7120 Other Direct Costs
- CON 7130 Royalties
- CON 7140 Advanced Cost Modeling
- CON 7150 Technical Analysis
- CON 7160 Analyzing Profit or Fee
- CON 7170 Facilities Capital Cost of Money
- CON 7180 Cost Realism Analysis

Estimated Delivery 4QFY22

CCON 002 - Business Foundations Credential

Description: The purpose of this credential is to help prepare acquisition workforce members meet the economic threats to our nation, by providing a more sophisticated understanding of how the broad business markets work and how those pressures influence the behavior of our industry partners when negotiating deals with the government. Students will then learn how to use these concepts during a complex negotiation. As part of this credential, students will view several videos that showcase why understanding business acumen is important, and how one major program used the concepts to form their contracting and negotiations strategy. Students will also be challenged in the role of a CFO making various investment and proposal decisions with a complex business simulation.

- CCON 002 Video Introductory Video
- CON 7200V Better Business Deals
- CCON 002 Video Understanding the Defense Industry
- CCON 002 Video Case Study: GBSD Contracting Strategy
- CON 1770V RED TEAM Negotiations
- CCON 002 Video Case Study: GBSD Negotiation Strategy

This credential is available for registration. This credential is open to the DoD only as it contains learning assets available under license to DAU.

CCON 006 – Incentive Contracting

Description: This credential will provide an overview of incentive contracting along with a variety of learning assets on many incentive contract types.

- CCON 006 Introductory Video
- CON 7600 Introduction to Incentive Contracting
- CON 7610 FPIF
- CCON 006 FPIF Tool Demo Video
- CCON 006 F-22 Sustainment Videos
- CCON 006 Program Incentive Strategy Video
- CCON 006 FPIF Webinar Video
- CON 7620 CPIF
- CCON 006 CPIF Tool Demo Video
- CCON 006 Stryker Video
- CCON 006 CPIF Webinar Video
- CON 7630 Award Term/Award Fee
- CCON 006 Award Fee Video ACC/AMIC
- CON 7640 Multiple Incentives
- CCON 006 Multiple Incentive Webinar

Estimated Delivery: 1QFY23

CCON 007 Defective Pricing

Description: This credential was developed to provide training on how to process defective pricing findings from the Defense Contract Audit Agency (DCAA) audit through settlement/litigation. This credential consists of four learning assets:

- CON 7700 Defective Pricing (this course is available for registration)
- CCON 007 Interest Calculator Assessment (not available outside of credential)
- CCON 007 Defective Pricing Game (not available outside of credential)
- CCON 007 Novel Industry Negotiation Strategies Micro-learning Asset (MLA)

This credential is available for registration. This credential is open to the Defense Acquisition Workforce only; however, CON 7700 Defective Pricing and the MLA are available to the public.

CCON 008 Commercial Acquisition

Description: This credential provides an overview of commercial acquisition in CON 7800 and culminates in CON 7810V, which allows students to practice the skills they learned in CON 7800. We will also include two videos from an upcoming webinar series on commercial acquisition.

- CON 7800 Commercial Acquisition
- CON 7810V Commercial Item Workshop
- CCON 008 Commercial Item Acquisition Webinar Part 1 Video
- CCON 008 Commercial Item Acquisition Webinar Part 2 Video

Estimated Delivery: 4QFY22

CCON 010 Special Topics in Contract Pricing

Description: This credential was developed to provide training on specialized pricing topics. This credential includes five learning assets:

- CON 7040 Cost Accounting Standards Part 1 (available March 2022)
- CON 7050 Cost Accounting Standards Part 2 (available April 2022)
- CON 7060 Cost Accounting Standards Part 3 (available April 2022)
- CON 7030V Advanced Indirect Cost Analysis
- CON 7020 Should Cost Analysis (available May 2022)

Estimated Delivery: 4QFY22

CCON 016 Excel Skills for Data Analytics and Visualization

Description: Learners will develop analytical and visualization skills improving the learner's ability to analyze and display data using advanced Excel functions, creative visualizations, and powerful automation features. The courses in this credential will equip the learner with a comprehensive set of tools for transforming, linking, and analyzing data; including a broad range of charts and interactive dashboards. This credential begins with an introductory video where senior contracting leaders discuss the importance of acquiring a data analytics skillset. From there, students will enroll in the Excel Data Analytics and Visualization courses: Excel Fundamentals for Data Analytics, Data Visualization in Excel, and Excel Power Tools for Data Analytics. Upon completion of the Data Analytics and Visualization courses, students will view a DoD Application which highlights ways in which data analytics and visualization can be applied in the DoD; best practices for acquiring data; illustrations on how to use data analytics and visualization in proposal analysis; and a comparison of the top data analysis tools available in the marketplace. Learners who are unfamiliar with Excel should consider completing CCON 018, Excel Skills for Business, prior to enrolling in this credential.

- CCON 016 Introductory Video
- HOS 0009 Excel Fundamentals for Data Analysis
- HOS 0010 Data Visualization in Excel
- HOS 0011 Excel Power Tools for Data Analysis
- CCON 016 DoD Data Analytics and Visualization Capstone Video

This credential will be available in April 2022. This credential is open to the Defense Acquisition Workforce only as it contains learning assets available under license to DAU.

CCON 017 Pricing Tools and Techniques

Description: This credential provides a survey of various pricing tools and techniques available to the workforce to analyze contract proposals. This credential includes:

- CCON 017 Introductory Video
- HOS0016 Power BI Guided Project
- HOS0017 Visualizing Citibike Trips with Tableau
- CON 7140 Advanced Cost Modeling
- CON 0760 ProPricer

This credential will be available in April 2022. This credential is open to the Defense Acquisition Workforce only as it contains learning assets available under license to DAU. However, CON 7140V Advanced Cost Modeling and CON 0760 ProPricer are available to the public.

CCON 018 Excel Skills for Data Analytics

Description: In the Excel Skills for Business Credential, learners develop advanced Excel Skills for Business. After completing this credential, learners can design sophisticated spreadsheets, including professional dashboards, and perform complex calculations using advanced Excel features and techniques. Learners will have acquired the skills to manage large datasets efficiently, extract meaningful information from datasets, present data and extract information effectively. In addition, learners will have mastered the skills needed to validate data and prevent errors in spreadsheets, create automation, apply advanced formulas and conditional logic to help make decisions and create spreadsheets that help forecast and model data.

This credential begins with an introductory video where senior contracting leaders discuss the importance of acquiring a data analytics skillset. From there, students will take a series of Excel courses from Intermediate I to Advanced. Finally, students will view a DoD Application, which highlights how a contracting professional can leverage Enterprise Resource Planning data and Excel to analyze support and touch labor on a major contractor proposal.

DAU is leveraging the Excel Skills for Business Specialization series from Macquarie University, available through DAU under a license with Coursera for this credential. If students do not feel prepared for the more advanced courses, or if they merely want a refresher, they can enroll in HOS 012, Excel Skills for Business: Essential prior to enrolling in CCON 018.

- CCON 018 Introductory Video
- HOS 0013 Excel Skills for Business: Intermediate I
- HOS 0014 Excel Skills for Business: Intermediate II
- HOS 0015 Excel Skills for Business: Advanced
- CCON 018 Using ERP and Excel to Analyze Labor Video

This credential is available for registration. This credential is open to the Defense Acquisition Workforce only as it contains learning assets available under license to DAU.

CCON 019 Negotiations Credential

Description: In this negotiations credential, students will be exposed to various negotiation tenets ranging from an orientation of the language of negotiations, through tactical styles and techniques, internal teamwork and communication and culminating in a strategic view of negotiations.

- HBS 428 Negotiating
- CON 1771 Negotiations Orientation
- CON 1772 BATNA
- CON 1773 Internal Teamwork and Communication
- CON 1770V RED TEAM Negotiations (available for registration)

Estimated Delivery: FY23

MORE WAYS TO OBTAIN TRAINING

In addition to the wide-variety of learning assets offered, DAU also collaborates with DPC PCF on a pricing webinar series, Striking the Balance (playlist of previous episodes may be found here [Striking the Balance - Defense Acquisition University \(dau.edu\)](#)). I am pleased to announce a new collaboration with my fellow Learning Director for Small Business, Mr. Ken Carkhuff, DPC PCF, and DCAA Small Business by creating a new webinar series, "Summer Small Business Pricing Series." In this webinar series, we will focus on providing assistance, consultation and training with regard to audit requirements and their application to small business.

To stay current on the launch of new course, credential, or webinar series, please subscribe to our Contracting blog at [Blog \(dau.edu\)](#)

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Federal News Network is the key source of breaking news, information, and analysis on the topics that matter most to federal agency managers, policy makers, and contractors. We cover the federal government and those who do business with the government, concentrating on workforce, management, defense, technology, contracting, policy, and pay and benefits issues.



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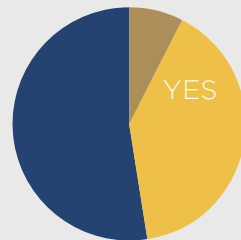
Event & Conference Planning

All Things Pre-Award Survey

*“All
progress
takes place
outside
the comfort
zone.”*

MICHAEL JOHN BOBAK

Do you have a team dedicated to market research?



- Yes, but we could use more help - 7.50 %
- Yes, but we have a market research team - 40 %
- No, we don't have a market research team - 52.50 %

40 Answers

Has your team experienced a protest that could have been avoided with market research?



- Yes - 2.50 %
- No - 97.50 %

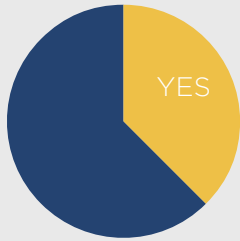
40 Answers



Do you use software to conduct market research?

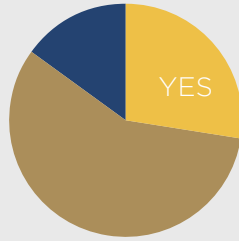
What role does pre-award market research play in the proposal process?

Does your team struggle with communication when data changes occur in the RFI or RFP?



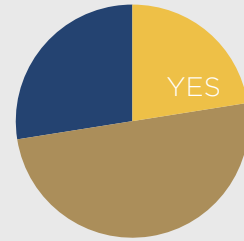
- Yes, software makes market research easy - 37.50 %
- No, we prefer to have one-on-one conversations with the market to conduct our research - 62.50 %

40 Answers



- It's the most vital step of the pre-award process - 27.50 %
- We could invest more into market research- 57.50 %
- It doesn't play a role - 15 %

40 Answers



- Yes, absolutely - 22.50 %
- There is some struggle - 50 %
- No - 27.50 %

40 Answers

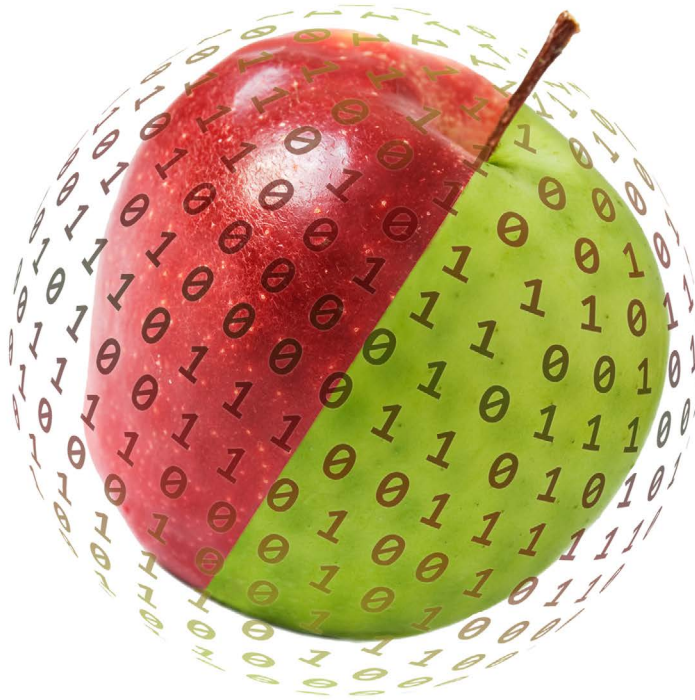
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Industry News

BIDEN ADMINISTRATION SETS REFORMS ON FEDERAL PROCUREMENT PROCESS WITH PRICE ACT

"While contracts are getting bigger and bigger, we are creating an insular club where fewer and fewer businesses successfully compete for government contracts, creating a less competitive marketplace and reducing opportunities in the process. Small businesses are bearing the brunt of this decline,"

Ben Cardin

U.S. Senate Committee on Small Business & Entrepreneurship Chair

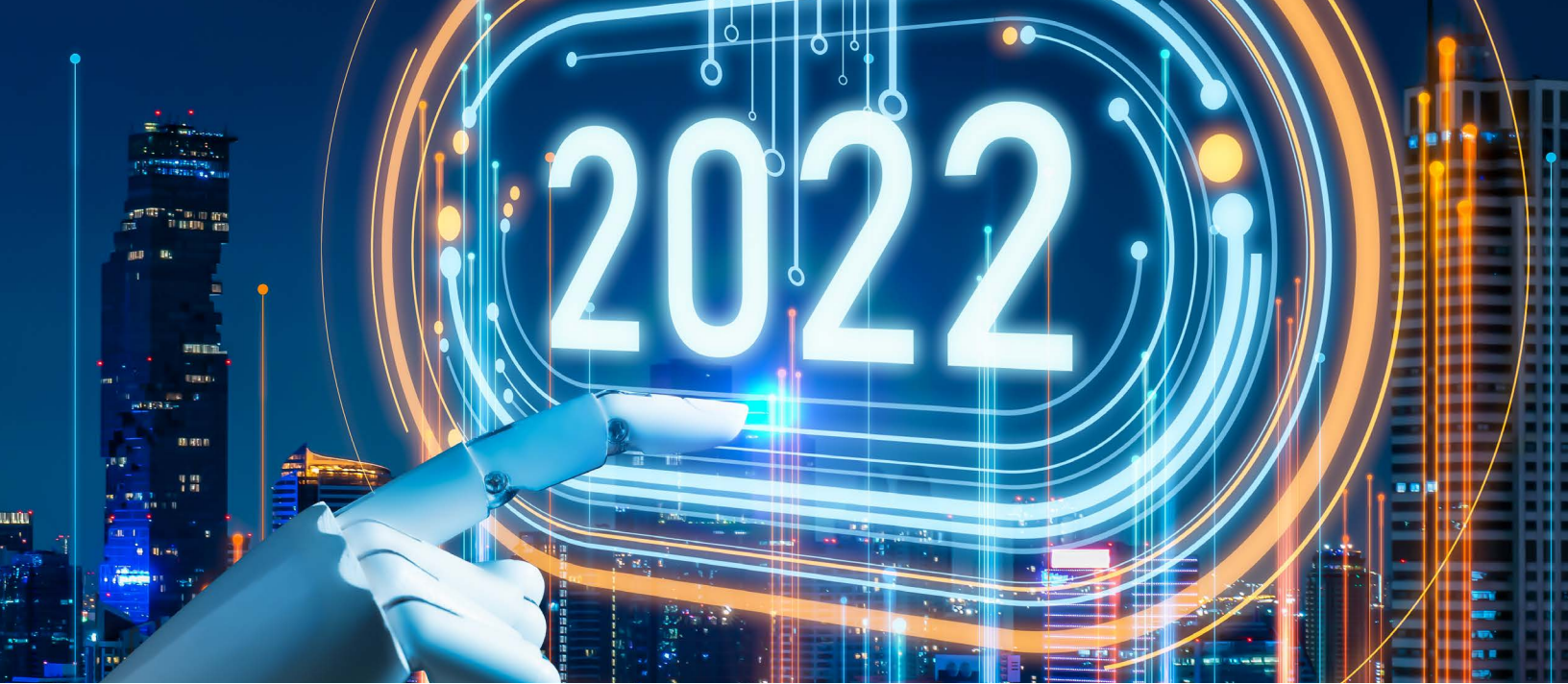
Despite the growing diversity among the small business landscape, few contracts are awarded to women-owned, veteran-owned, minority-owned, and disadvantaged small businesses. According to Goldman Sachs 10,000 Small Business Voices, there was a 79% decline in the number of small businesses entering the procurement marketplace between 2010 and 2019. At the national level, less than 10% of the "contracting dollars" from federal agencies go to small, disadvantaged businesses, and less than 5% is awarded to women-owned small businesses.

On February 7, 2022, the U.S. House of Representatives passed bipartisan legislation to combat disparities and leverage the playing field among small businesses and minority entrepreneurs. The new legislation aims to remove the barriers undercutting small businesses from competing for government contracting opportunities, such as insufficient guidance, and improve the lack of knowledge and agency accountability.

The Price Act (Promoting Rigorous and Innovative Cost Efficiencies for Federal Procurement and Acquisitions) directs the Department of Homeland Security

to compile and publish an annual report on projects that have used "innovative procurement techniques." It also requires the Office of Management and Budget to work with federal acquisition administrators to share innovative best practices that will help modernize contracting procedures, realize cost savings for taxpayers, and ensure small businesses have better access and positioning in federal contracting. Key takeaways in the legislation include:

- Increase in the share of contracts going to small, disadvantaged businesses to improve and encourage competition.
- Promote accountability and



ensure small business contracting goals are met each year.

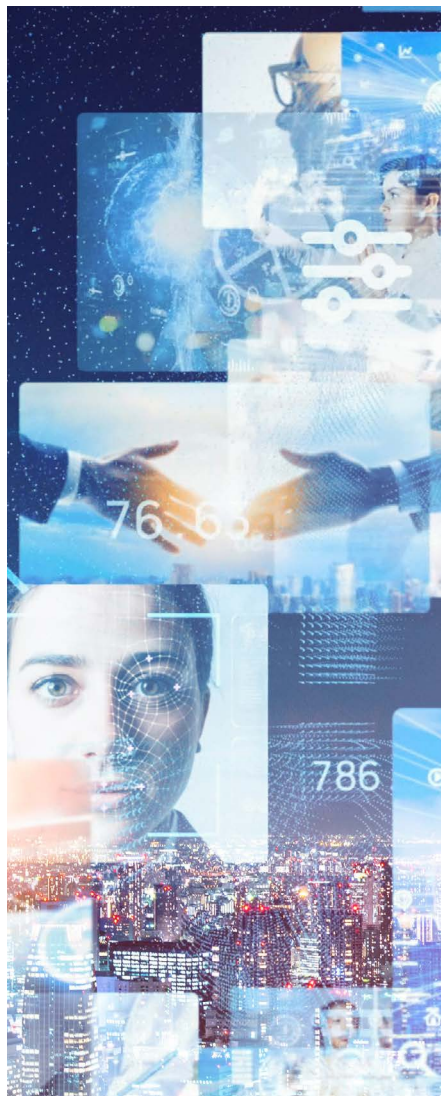
- Reduce time to award and achieve cost savings.
- Better mission outcomes and meeting goals for contracts awarded to small businesses.

The legislation was presented to President Joe Biden on February 14 to be signed into law.

[Legislation to expand federal contracting opportunities reaches president's desk - FCW](#)

[S.583 - 117th Congress \(2021-2022\): Promoting Rigorous and Innovative Cost Efficiencies for Federal Procurement and Acquisitions Act of 2021 | Congress.gov | Library of Congress](#)

[Majority Media | Homeland Security & Governmental Affairs Committee | Homeland Security & Governmental Affairs Committee \(senate.gov\)](#)



INFLATION IN THE TIME OF GOVERNMENT CONTRACTING

Currently, one of the biggest challenges in the federal procurement system is meeting contractual obligations in a time when the global supply chain and inflation are wreaking havoc on businesses across the economy. Financial managers and program managers are experiencing a lack of flexibility and limited rate of production under the extended Continuing Resolution season slowing acquisition tasks. Operation materials and expenses have been subjected to inflation which has impacted the budget, leading to a type of “pick and choose” scenario akin to a mindfulness of what you pay, and which obligations are ultimately worked. It's this cause-and-effect conundrum that leads to the contracting officer to make short-term contracts and rework the contracting action.

In this matrix, it is imperative that the communication between staff and the budget office addresses the following:



- Managing the timing of when awards need to be made, and how long you can keep going.
- How to maximize the flexibility you have during the Continuing Resolutions to accomplish the most critical missions.

The challenge of the program manager is managing the risk of their program, while budget officers must face the risk of the enterprise.

A NEED FOR MACRO-LEVEL PLANNING

The government schedules contracts with option periods that end or awards new option periods in the months between February and June. The Department of Defense is required to have 80% of funds obligated by the end of June. “There needs to be a strict timeline for getting funds out the

door. Their goal is to try to get those awards sequenced and have some of the flexibilities that this allows them to manage the CR. The inflation over the last year has killed budgets, and any growth of authorized dollars is already going to combat inflation,” said U.S. Navy CFO and Acting Secretary Tom Harker.

THE GSA MULTIPLE AWARD SCHEDULE PROGRAM IS VULNERABLE TO THE IMPACT OF INFLATION

What’s at stake is the ability for contractors to support successful agency missions. The impact of inflation has led to a gap between the commercial market and the schedule’s program widening from the pricing perspective. It takes months to get modifications to address price increases that are being driven by

the commercial market. Contractors are being squeezed because their schedule pricing isn’t changing, while acquisition costs are increasing significantly without the government adjusting to that reality. Contractors are losing money and performing their government contracts, leading them to take products off contract and harm the schedule’s program, thereby harming the ability to support agency missions. It’s vital for the General Services Administration (GSA) to think about how to expedite decision-making in this area.

In the short term, the effects of inflation on the supply chain can give rise to less-than-optimal performance in meeting contract requirements. In the long term, they threaten the health of the federal government’s industrial base and associated supply chain. If the spiral continues, contractors will leave the federal market and will not





(AJRD.N). Aerojet Rocketdyne, an American manufacturer of rocket, hypersonic, and electric propulsive systems, is the last independent supplier of critical components for the missiles made by Lockheed Martin and other defense contractors. The complaint argued that if the merger was allowed, Lockheed would be in position to harm rival defense contractors through their control of Aerojet, thereby consolidating markets crucial to national security and defense.

In a statement issued by the FTC’s Bureau of Competition, Director Holly Vedova said of the proposed merger, “Lockheed is one of a few missile middlemen the U.S. military relies on to supply vital weapons that keep our country safe. If consummated, this deal would give Lockheed the ability to cut off other defense contractors from the critical components they need to build competing missiles. Without competitive pressure, Lockheed can jack up the price the U.S. government has to pay, while delivering lower quality and less innovation. We cannot afford to allow further concentration in markets critical to our national security and defense.”

Lockheed—the world’s largest defense contractor and leading missile supplier—acts as a prime contractor to

the Department of Defense, along with competitors Raytheon Technologies, Inc., Northrop Grumman Corporation, and the Boeing Company. The proposed vertical merger, had it gone to court, would have been the first litigated defense merger challenge since the late ‘90s. Allegedly, advantages gained in post-acquisition over access to sensitive proprietary information could have impacted research and development and future innovation.

Lockheed Martin ceased plans to acquire Aerojet Rocketdyne on February 13 amid the opposition.

The FTC filed a complaint in the U.S. District Court for the District of Columbia seeking a Preliminary Injunction to stop the deal pending an administrative trial. The administrative trial was scheduled to begin on June 16, 2022.

[U.S. FTC to sue to block Lockheed Martin's \\$4.4 billion Aerojet deal | Reuters](#)

[FTC Sues to Block Lockheed Martin Corporation's \\$4.4 Billion Vertical Acquisition of Aerojet Rocketdyne Holdings Inc. | Federal Trade Commission](#)

participate, because they can’t make a reasonable profit and address their margins. Small businesses will also be pushed out of the federal marketplace and out of the schedule’s program due to slim margins, scarce resources, and limited channels to the federal buyer.
-Roger Waldron, The Coalition for Government Procurement.

[Addressing the Impact of Inflation on Government Contracts | The Coalition for Government Procurement \(thecgp.org\)](#)

[The CR squeeze on financial managers; Impact of inflation on contracts; Collaborating to implement ZTA - FedScoop](#)

NO. 1 U.S. DEFENSE CONTRACTOR CANCELS ACQUISITION OF LAST INDEPENDENT U.S. SUPPLIER OF PROPULSION SYSTEMS AFTER FTC LAWSUIT

In response to antitrust concerns, The U.S. Federal Trade Commission unanimously voted 4-0 in January to block Lockheed Martin (LMT.N) from the \$4.4 billion vertical acquisition of Aerojet Rocketdyne Holdings, Inc.



Peer to Peer Interview



with William Randolph, CEO of THINK Acquisition

Heard of the 5 P's? "Prior Planning Prevents Poor Performance." Early planning and research are the first steps in any acquisition. For government contractors, market research can provide critical information and practical education that is more than just a process. For federal agencies, it helps equip acquisition professionals with the knowledge and understanding of the industries and sectors that make up the global market for the products or services they support.

To help provide real-world examples and best practices, ProPricer's Natasha Mendez met with William Randolph, CEO of Think Acquisition. With over twenty-six years of acquisition experience, helping leaders and acquisition teams master the execution and delivery of 'outcomes-oriented' solutions, Mr. Randolph has seen the good, the bad, and the ugly. The two discussed the importance of over communication, his views on market research, and the due diligence businesses need to commit their time to during the pre-award process.

Natasha Mendez (NM): *Would you be able to tell me a little bit about market research, and why it is so important to the pre-award process?*

ANALOGY – EXPLOSIVES SMELLING DOGS

William Randolph (WR): There are two primary reasons, in my opinion, that market research is important to the

pre-award process. The very first challenge in the acquisition strategy is to identify mission demands, what the mission requires, and turn them into something that you can go into the marketplace and procure. The people that know what the mission needs are, for instance, let's say we need explosives smelling dogs. Okay. It's a need, we buy them all the time. So, there is someone in the field that says we have two dogs, and we need four. That's the mission need. The person in the field, the one closest to the need that truly understands what the ask is, and what the dog needs to do, sadly, isn't the person that's going to go buy them. So, the transfer of knowledge from that boots on the ground, hands in the stew individual being able to articulate what those needs are to a third-party is the work. [That person] then has to take that third-party knowledge and take it to the marketplace. It's really two handoffs that have to occur to make sure the mission need shows up right as the right ask to industry. That's part one.

Part two is the market research coming the other way. The government may think that the best way to buy dogs is to buy adult dogs. So, they go to the marketplace and say, "we want a three-year-old dog". But the marketplace may come back and tell them, "We can provide you with three-year-old dogs, but really the best way to buy dogs is to buy the puppy and train them. Buy the one-year-old dog and train them or have them mature in your system." So, the marketplace informs the ask. It goes both ways. That's the value of the



market research construct - the market research is used by the government to mature the ask, mature the requirement, and market research comes the other way that the industry has the ability to articulate the best way for the government to buy. That's the value, in my opinion, of market research.

NM: How important is cross-communication in the industry? How can the lack of communication affect the pre-award process or the market research process?

ANALOGY – SWISS CHEESE

WR: It's truly vital because the analogy that I often use is that government requirements often start off as a block of Swiss cheese. It has holes in it. You must go through a process to fill the holes. You have this idea, and someone that's responsible - the subject matter expert, or the representative for the end user says, "we got to go buy these dogs." But there are so many questions – so many holes in the Swiss cheese that are yet to be answered so that the marketplace can effectively serve it, sell to it, provide the service. So, the process going forward is to fill the Swiss cheese. That's why it's important. Why the exchange is important in the opposite way is there is something that, many in our community, call risk pricing. Meaning, the less mature the understanding is of the ask, the less mature the requirement is. Industry is still going to respond to it and

price it. But when they have unknowns, they'll price it as if it's unknown. They'll **risk price** it. Meaning they'll put their maximum amount of flexibility into it, which often turns into dollars to satisfy all the various scenarios and solutions that could be in the range of options.

So, from one hole to a hundred holes, guess what level they're going to price? They're going to price a hundred holes because they don't know if it's going to be two holes or fifty-seven holes, but it could be one hundred holes. Guess what gets priced? The maximum risk gets priced. A So, the less the government shares, the less mature the requirements are and the more risk is interjected into the system. And because of that, the more industry has to guess the more risk pricing manifests itself into deals.

NM: Is this something that could lead to an agency level protest, having that much high uncertainty present?

ANALOGY – TWO WHEELED MODE OF TRANSPORTATION

WR: I think an agency level protest might be the nuclear option, but it does warrant questions going back to the government saying - 'please explain yourself.' Please help us understand and mature the requirements so that we can respond to it effectively. One of the analogies that I often

use is if someone is looking for a two-wheeled mode of transportation. It's like, we need transportation, but we can only use a two-wheel mode of transportation. Think about all the things that are two-wheeled modes of transportation - scooters, bicycles, motorcycles, rocket motorcycles. It can be any of those things. So, if you don't have a good understanding, one person can bid the scooter. One person will bid the bicycle. One person will bid the motorcycle. The first unsuccessful offer, says, oh, well, what you really meant was we want bicycles. But you didn't say bicycle. So, the person that lost lost because they bid a motorcycle, which is going to be way more expensive than a bicycle. They have grounds for questions. **I won't go as far as to say protests, but they have grounds for serious questions.** And the person that bid the scooter has grounds for questions, too. They could easily question the system because they didn't provide enough information to inform them that the GOV was actually looking for bicycles, not scooters.

NM: Do you have any recommendations for better communicating any changes or for communicating outside of the RFP/RFI process so there aren't any missed questions?

WR: I won't say there won't be any questions. The process goes through the phases to minimize the questions, but there are two ways, I think, early on, two, on each side of the equation to increase understanding. Two for government, and two for industry. The two for government are to clearly be able to articulate the user's journey. Go talk to the dog handler and hear the story instead of trying to fake it. Instead of stating, "We have an idea of what the dog handler needs." Go ask the dog handler. Document the user journey. That's number one.

Then number two for government is to have communication channels open for information exchanges outside of the RFI. The RFI is "THE" communication channel, but that's only one aspect of activity that happens in the market research phase. There needs to be open channels of communication for people to talk throughout the lifecycles. They can be managed, they can be structured, but it needs to be open. So, 1) more talking. Then, 2) go ask the end user.

Two things on the private industry side: be willing to do the homework **about the mission** and the **mission needs** of the programs. Private industry must do some homework. It's not enough to just rely on the RFI or RFP ask from the government.

Number two, on the industry side, is to always offer additional channels of communication. Meaning within the RFI, when you respond to the RFI, first, when effectively responding to the RFI, industry should never submit an RFI without saying, "and if you'd like to have more information, we welcome the opportunity to sit down and talk with you."

NM: One thing that you hit on made me think about best policies or industry best practices when creating an RFP or an RFI. What would you say are some standard best practices or policies that are great to keep in mind, especially if someone's new in the industry? What do they want to really highlight and make stand out in that process?

ANALOGY: VITAMINS VS. TYLENOL

WR: My first point - don't share the 'secret sauce in open forum.' I wholeheartedly agree from a competitive industry environment there are places to share, and there are places not to share. There are always places to leave breadcrumbs to what the secret sauce is. Even in a group environment, I would not miss an opportunity, in an open forum around your competitor, to say, "Look, we have something I think you might be interested in talking about. If you give us an opportunity to come in and talk to you, obviously we're not going to share it in open forum, but please know if you give us 20 minutes, we can blow your socks off." So, one, you've got to have the secret sauce. You must be well-versed in your craft, whatever your craft is and be well-versed in your craft and have designed something that is a differentiator in your marketplace, but then leave the breadcrumbs. Finding relationships and leaving the breadcrumbs let people know you've got some good stuff over there.

The second piece is, I believe industry has to start building relationships and communication channels when there's no written requirement on the street. People get really sensitive, and their "Spidey sense" gets to tingling when there's a deal



on the street. When there's an RFI, even in the RFI stage where there's no promise of an RFP, but you let an RFP hit the street, people get tingly. Their Spidey sense goes up, and it's like, "Oh, we better not talk, we better not do this, we better not do that." They become very, very managed. So, of all the things in my coaching practice, what I tell industry participants, is build relationships and find people to talk to before there's a requirement on the street. People are much more inclined to have a conversation when there's nothing to buy. That time is available for you to learn about the mission, learn about the organization, learn about the things that are likely going to be buying – in the future.

I have this philosophy that I call "Vitamins versus Tylenol." Every day, in government, someone wakes up. And on any given day they're going to wake up with a pain, a mission pain. It's not every day, but someday in the future, they're going to wake up with a headache, a backache, a neckache, a knee ache, etc., and what we, as industry professionals want to do is, when they wake up with a headache, and he's like, "Aw, man, I needed a couple of Tylenol" - that there's an immediate connection to, "Hey, there's some people over there... I remember they sell Tylenol, don't they?" Whatever the problem is. Now that won't be every day. People don't have problems every day, but there must be a constant drum beat of knowledge and awareness that you do sell Tylenol. That Walgreens has Tylenol. You don't go to Walgreens every day, okay? But, when you need it, you know Walgreens sells Tylenol. The same construct can be used in your business as industry is identifying their targets, their agencies, and organizations. They should be looking at organizations that will likely wake up and have a pain in the area that they sell Tylenol in.

NM: *How would small businesses identify what their Tylenol is? Because a lot of small businesses say that they struggle with finding these resources or finding out where their pricing needs to land. They're struggling to find that piece to make their solution stand out. What advice would you give them?*

ANALOGY – A STAND-OUT ACCOUNTING FIRM

WR: A couple of things come to mind. The first is clearly understanding your environment, your line of business. Whatever your marketplace is, clearly understanding what the pains in this marketplace are. Let's say you are one that sells accounting services - you have an accounting firm.. What are the pains in that environment? I'm not an accountant, but I know come late winter, early spring, tax season is upon us. That's a pain. That's a demand signal that you can draw some conclusions that routinely in about February and March, people are going to wake up with some tax accountant pains. We should be prepared for that. In government, we know all the audit cycles tend to happen on the fiscal year. We should put our 'looking for pains' goggles on. Put on our binoculars and look at our environments

to see if we can identify, just by mere observation, what the pains are in our lines of business. That's number one. Number two is going back to that differentiator: What is unique about our Tylenol?

If everybody has accountants, then there's no Tylenol. If it's just accountants, if the value proposition is just having a degree in accounting, then everybody can do that. That's not a differentiator. What is the differentiator that you bring to the market? Maybe they are master degreed accountants? Maybe they have past experience at the Big Fours? There has to be something that differentiates you from the crowd. That's the second way - how you identify the things that are Tylenol. The third is - just go ask. Just go have the conversations. This goes back to communication.

The strategy that I talk about all the time is going and finding your tribe. Before, when things were open and we would go to expos, conferences, and things, you could go to the accountancy expo, and you would find people. I could walk amongst my people, and I could ask them questions. They will have experts talking, and they'd have panels and all that stuff. You'll hear what the pains are. The pandemic shut all that stuff down. What has happened over the last two years, post pandemic, is that those areas, those affinity groups have been replicated online. So, there are groups. There are accountancy groups. You go LinkedIn - if you're an accountant, you probably have five or ten groups of different types of accountant groups. Go find your tribe and live amongst your tribe. Live in the tent with them, and then open your ears and keep your eyes open. You'll hear their pains. Just stay around long enough and become part of the community. Be a contributor --stop trying to sell. Listen, be a contributor and serve. People will tell you what's ailing them. You can start defining the differentiators once you start finding what the routine pains are --, the routine pebbles in their shoes. If you see the same pebbles showing up time and time again – and you ask five people and then they have the same five pebbles in the shoe, you've got something there. You're able to identify what routine pain is in the community and then you start differentiating yourself on that aspect in the marketplace.

*** Hear more on this interview with William Randolph where he discusses key impacts from a public and private perspective, and offers more real world examples and takeaways you and your business can use for your next proposal – **access here.**

Your Contribution is Significant

Dear Reader,

Though you may not always be recognized for it, your work helps Americans and friends of freedom around the world. For pricing and procurement professionals, our shared mission is a vital part of our Nation's success. With the current social unrest and uncertainty overseas, there is now a renewed sense of urgency in fulfilling defense needs. We all must draw on agility principles and lean toward powerful outcomes, quickly.

We hope this edition provides ideas that spark exploration, solutions, and insight that help build up and equip our community. We are continually amazed at the skills, commitment, and delivery the government pricing and contract community provides – everyday duties that go unseen and underappreciated.

As you read this, if you want to stand up and stand out by providing additional educational resources or be part of solving challenges in these uneasy times, our team is here to listen and give you a voice. Our mission is to support the many changing phases of pricing and acquisition- in good times and hard- all while ultimately serving our customers well.

I hope you continue to enjoy these issues of Pricing Magazine and take part in all we have to offer. Please know that any contribution you make to our field is significant.



Holly DeHesa

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As a pricing and procurement professional, your knowledge and individual experiences in the field are invaluable to our readers.

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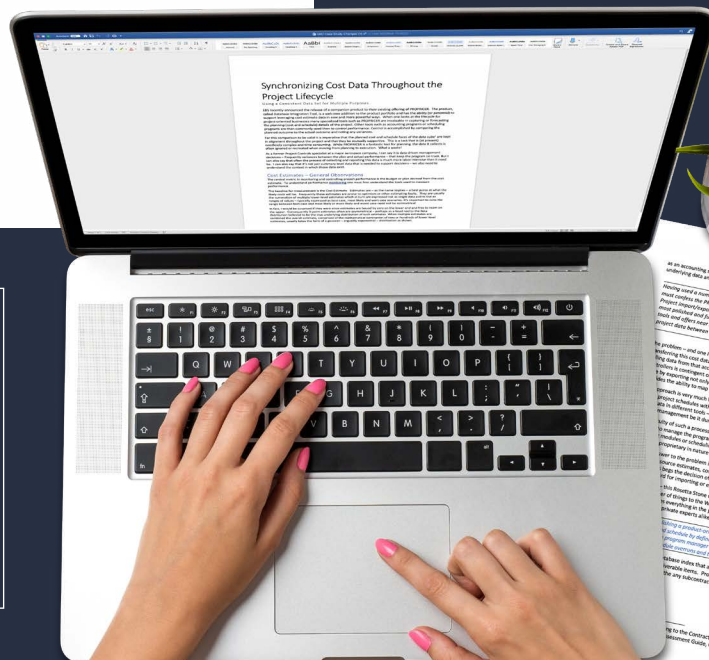
For our upcoming June issue, we're looking for content that speaks to "Creating Synergies." That's what we all want, right?

A synergistic relationship with our industry or government counterpart. Submit your manuscripts or ideas for articles for the June issue no later than April 30, 2022.

Future Issues of Pricing Magazine for 2022

- June, 2022
- September, 2022
- December, 2022

To learn more about writing for Pricing Magazine, visit www.propricer.com/pricing-magazine, or submit your manuscripts and ideas for potential articles directly to hdehesa@propricer.com. We look forward to hearing from you.



in an accounting software, MS Project or Primavera, this report technique is often absent. The structure of the data is not consistent across different software packages, and the data is often stored in different formats. This makes it difficult to compare and contrast data from different sources. The 2017 release of the software included a new feature that allowed users to export data from their software into a common format. This feature was a significant improvement over the previous version, as it allowed users to share data with other software packages. The 2021 release of the software included a new feature that allowed users to export data from their software into a common format. This feature was a significant improvement over the previous version, as it allowed users to share data with other software packages. The 2021 release of the software included a new feature that allowed users to export data from their software into a common format. This feature was a significant improvement over the previous version, as it allowed users to share data with other software packages.



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