NCMA E-LEARNING

A Practical Guide to Planning, Negotiating, and Administering Other Transaction (OT) Agreements

Presenters:

Benjamin McMartin, Esq., CPCM, Fellow
Managing Partner
Public Spend Forum

Dolores Kuchina-Musina, CFCM, Ph.D. Candidate
Contracts Manager
Acumen Solutions, Inc

NCMA
NATIONAL CONTRACT MANAGEMENT ASSOCIATION
CONNECTING TO CREATE WHAT'S NEXT

Today's Audio

Preferred Method: Audio can be heard through your computer speakers.

or

Dial into the audio at 1-855-349-6503 (no code needed).

Disclaimer

This presentation is for informational purposes only and does not constitute legal advice. For legal advice on any issue, you should consult with an attorney.

A Practical Guide to Planning, Negotiating, and Administering Other Transaction (OT) Agreements

Benjamin McMartin, Esq., CPCM, Fellow

Managing Partner

Public Spend Forum

Ben@publicspendforum.net

Dolores Kuchina-Musina, CFCM, Ph.D. Candidate

Contracts Manager

Acumen Solutions, Inc.

dkuchinamusina@gmail.com

June 25, 2020

Noon–1:30pm (Eastern)

CMBOK® Competencies

4.1, “Business Planning”
5.2, “Conduct Negotiations“
3.2, “Contract Principles”

Learning Objectives

1. Develop, evaluate, draft, negotiate, and administer an OT.
2. Review and compare agency OT authorities, policies, and guidance.
3. Apply correct laws, policies, and guidance, in soliciting or bidding opportunities under OT authorities.
4. Explore multiple down-select strategies, principled negotiation strategies and plans for follow-on production.

Content Agenda

- The Basics
  - What is an Other Transaction?
- Agency Authorities & Comparison
  - Who has Authority?
- The DOD Authorities
  - Statutory Requirements and Comparison
  - Is my firm a Nontraditional Defense Contractor / Nontraditional Government Contractor?
  - What exactly is “Significant Participation?”
- Publicizing & Soliciting
  - The Who, What, Where, When, and How of Competition
- Negotiating Terms
  - Intellectual Property
  - Cost Sharing
  - Accounting and Audit Provisions
- Production, Consortia, Funding, Stacking, and Other areas of Confusion

Attendee Poll Question #1

What is your current role?

A. Federal Government Buyer
B. State/Local Government Buyer
C. Industry Supplier
D. Academic Supplier (researcher)
E. Support Function (Attorney, Accountant, Security Consultant, Proposal Writer)

The Basics

What is an Other Transaction?

Defining Other Transaction (OT)

- An Other Transaction is a legally binding agreement, authorized by statute for a particular purpose.
- An Other Transaction is NOT a grant, cooperative agreement, procurement contract or technology investment agreement.
- Other Transactions are not subject to the *Federal Acquisition Regulations* (*FAR*) or its supplements, or assistance agreement regulations such as the *Department of Defense Grant and Agreements Regulations (DoDGARS).*
- There are 18 distinct Other Transaction Authorities available to 11 Federal Agencies.

Attendee Poll Question #2

The Alternative Research & Acquisition Authority I am most interested in gaining a working knowledge of is:

A. 10 USC 2371 - DOD Research OT Authority

B. 10 USC 2371 - DOD Technology Investment Agreement (TIA) Authority

C. 10 USC 2373 - Purchase for Experimentation Authority

D. 10 USC 2371b - DOD Prototype OT Authority

E. Other Federal Agency OT Authority

Agency Authorities & Comparison

Who has Authority?

Federal Other Transaction Authorities

	DOD ARMY AIR FORCE NAVY	DHS	DNDO	TSA	DOT
R&D OT Authority	10 USC 2371	6 USC 391(a)(1) IAW 10 USC 2371	6 USC 596(1)	49 USC 114(j)	49 USC 5312(a)-(d)
Prototype / Deployment / Demonstration OT Authority	10 USC 2371b	6 USC 391(a)(2 IAW 10 USC 2371 Section 845 of Public Law 103-160, as amended	6 USC 596(1)	49 USC 114(j)	49 USC 5312(e)

	ARPA-E	HHS (BARDA)	NIH	NIH	NIH	FAA	NASA	DOE
R&D OT Authority	42 USC 16538	42 USC 247d-7e(5)(A)	42 U.S.C. § 284n(b)(1)	42 U.S.C. § 285b-3 Subject to 42 USC 284(b)(2)	42 U.S.C. § 287a(e)(3)(C)	49 USC 106(l)(6)	51 USC 20113(e)	42 USC 7256(g)) IAW 10 USC 2371
Prototype / Deployment / Demonstration OT Authority	42 USC 16538	N/A	N/A	42 U.S.C. § 285b-3 Subject to 42 USC 284(b)(2)	N/A	49 USC 106(l)(6)	51 USC 20113(e)	42 USC 7256(g) IAW 10 USC 2371 Section 845 of Public Law 103-160, as amended

The DOD Authorities

- Statutory Authorities and Prototype Requirements
- Is my Firm a Nontraditional Defense Contractor?
- What Exactly is “Significant Participation”?

DOD Statutory Authorities

10 USC 2371
Research OT

- For basic, applied, and advanced research projects
- 50/50% Cost Share (to the Extent Practicable
- Used where contract, grant, or cooperative agreement are not “feasible or appropriate”
- Custom IP negotiated at arms length
- No *FAR/DFARS* or *DODGARS*

10 USC 2371
Technology Investment Agreement (TIA)

- For basic, applied, and advanced research projects
- 50/50% Cost Share (to the Extent Practicable
- Used where contract, grant, or cooperative agreement are not “feasible or appropriate”
- Standard IP provisions
- No *FAR/DFARS* but *DODGARS* does apply

10 USC 2373
Purchase for Experimentation

- For purchase of ordnance, signal, chemical activity, transportation, energy, medical, space-flight, and aeronautical supplies, for experimental or test purposes
- Purchase quantities are limited to the amount necessary for experimentation.

10 USC 2371b
Prototyping OT

- For prototyping directly relevant to DOD mission
- 1/3 Cost Share or significant NDC participation
- Custom IP negotiated at arms length
- No FAR/*DFARS* or *DODGARS*

DOD Statutory Requirements – 2371b

NCMA E-LEARNING

Purpose

Directly relevant to **enhancing the mission effectiveness** of military personnel and the supporting platforms, systems, components, or materials proposed to be acquired or developed by the Department of Defense, or to **improvement of platforms, systems, components, or materials** in use by the armed forces.

Prototype

A proof of concept, model, reverse engineering to address obsolescence, pilot, novel application of commercial technologies for defense purposes, agile development activity, creation, design, development, demonstration of technical or operational utility, or combinations of the foregoing. A process, including a business process, may be the subject of a prototype project.

Participation

(A) There is at least **one nontraditional defense contractor** or **nonprofit research institution** participating to a **significant extent** in the prototype project.*

(C) At least one third of the total cost of the prototype project is to be paid out of funds provided by **sources** other than the federal government.

NCMA E-LEARNING

What is a Non-Traditional Defense Contractor?

A **Non-traditional Defense Contractor** is "[a]n entity that is not currently performing and **has not performed**, for at least the one-year period preceding the solicitation of sources by the Department of Defense for the procurement or transaction, any contract or subcontract for the Department of Defense that is **subject to full coverage under the cost accounting standards** prescribed pursuant to section 1502 of title 41 and the regulations implementing such section. (10 USC 2302(9))

Most Entities will find they qualify as Non-traditional Defense Contractors, because:

Small businesses are exempt from CAS requirements

Exclusively perform contracts under commercial procedures (FAR Part 12)

Exclusively perform Fixed-Price Contracts with Adequate Price Competition

Perform less than $50M in CAS covered efforts during the previous accounting period

Attendee Poll Question #3

Can we tell who the NDCs are?

A. I am an industry partner and I am confident that I qualify as an NDC
B. I am an industry partner and I am confident that I DO NOT qualify as an NDC
C. I am an industry partner and I am still unsure whether I qualify as an NDC
D. I am a Government buyer and I am confident I can verify which companies qualify as NDCs
E. I am a Government buyer and I AM NOT confident I can verify which companies qualify as NDCs

What is participating to a “significant extent”?

DPAP OT Guide
JAN 2017
(Rescinded)

Significant Extent: Examples of what might be considered a significant contribution include, but are not limited to, supplying new key technology or products, accomplishing a significant amount of the effort, or in some other way causing a material reduction in the cost or schedule or increase in the performance.

OUSD(A&S) OT Guide
NOV 2018
(Current)

Significant Extent: the Agreements Officer (AO) is expected to consider input from relevant technical advisors in assessing the totality of the circumstances for each proposed prototype project.

The AO should consider, by way of illustration and not limitation, whether the NDC/nonprofit research institution will supply a new key technology, product or process; supply a novel application or approach to an existing technology, product or process; provide a material increase in the performance, efficiency, quality or versatility of a key technology, product or process; accomplish a significant amount of the prototype project; cause a material reduction in the cost or schedule of the prototype project; or, provide for a material increase in performance of the prototype project.

Invoice –

Materials: Hammer: $5
Labor: Swinging Hammer: $5
Knowing where to hit the machine with hammer: $4990
Prime Overhead and Passthrough Charges: $500,000

Publicizing and Soliciting

The Who, What, Where, When, and How of Competition

Publication & Solicitation Methods

Traditional Acquisition →

- Market Survey
- Request For Information
- Sources Sought
- Industry Day
- Synopsis
- Request for Quote/Proposal (RFQ/RFP)

Acquisition Innovation →

- Conducting crowdsourcing events
- Use of Partnership Intermediaries
- Compiling a capabilities database
- Conducting reverse industry days
- Conducting Prize Challenges
- Hackathons
- Publishing surveys
- Pitch Event

- Broad Agency Announcement
- Commercial Solutions Opening
- Request For Solutions
- Requests For White Paper
- Prize Contest
- Hackathon
- Shark-Tank

Solicitation Methods

Commercial Solutions Opening

Competitive solicitation process pioneered by Defense Innovation Unit (DIU) and Army Contracting Command New Jersey (ACC-NJ).

The CSO is a three-phase process including (1) evaluation of company solution briefs; (2) pitch to the government; and (3) invitation to submit proposals to be negotiated with the government.

Annual Plan Call for WPs

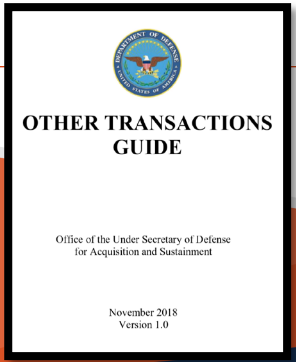
Competitive solicitation process in which the Government identifies broad topic areas for investment, along with current Government capability gaps to a consortium of companies. In response industry submits white paper solutions for further development, negotiation, collaboration and award.

Broad Agency Announcement

Agency announcement with Peer or Scientific Review for the acquisition of basic and applied research and that part of development not related to the development of a specific system or hardware procurement. Issued annually to solicit meaningful proposals with varying technical/scientific approaches.

Prize Challenge

Competitions among individuals, private industry, academia, and Government stakeholders, requiring them to submit solutions in response to a defined problem set. Challengers are incentivized through the use of monetary or non-monetary rewards.


OTHER TRANSACTIONS GUIDE

Office of the Under Secretary of Defense for Acquisition and Sustainment

November 2018
Version 1.0

"Agencies that intend to award only OTs from a solicitation are free to create their own process to solicit and assess potential solutions"

Attendee Poll Question #4

NCMA E-LEARNING

In practice, the solicitation method I prefer to use or bid is:

A. RFQ / RFP through Beta.Sam.Gov

B. Broad Agency Announcement

C. Commercial Solutions Opening

D. Request for White Paper with Down-select

E. Hackathon/Pitch Day

Negotiating Terms

- **Intellectual Property**
- **Cost Sharing**
- **Accounting and Audit Provisions**

Attendee Poll Question #5

Which Terms and Conditions keep you up at night:

A. Intellectual Property (Patents and/or Technical Data Rights)
B. Cost Sharing
C. Accounting System Requirements
D. Audit Provisions
E. Other

Intellectual Property

NCMA E-LEARNING

STEP 1

Statute

35 U.S.C. §201-204 and 10 U.S.C. §2320-21 do not apply to OTs;

STEP 2

Regulation

FAR, DFARS, and DOD Grants & Agreements Regulations (*DoDGARS*) do not apply to OTs

STEP 3

Policy / Guidance

OUSD A&S - Other Transactions Guide (Nov. 2018, ver. 1.0)

Army Directive 2018-26 (Enabling Modernization Through the Management of Intellectual Property)

Intellectual Property (IP)

- OUSD A&S IP Considerations:
  - 35 U.S.C. §201-204 and 10 U.S.C. §2320-21 do not apply to OTs and negotiation of rights of a different scope is permissible and encouraged.
  - Identify business plans for the technology at 1 year, 3 years, 5 years, and beyond.
  - Tailored IP terms may include, but are not limited to, royalty provisions, limited licenses (scope, duration, manner), options, conditions, right-of-first refusal, and exclusive dealing terms, amongst others.
  - The Government team should plan for maintenance and support of fielded prototype technology when the technology is no longer supported by the commercial market and consider obtaining at no additional cost a license sufficient to address the Government's long-term needs to the technology.

Intellectual Property

Army IP Objectives: Ensure that the policies and practices governing intellectual property:

1. Provide the Army with the necessary access to effectively support our weapons systems, but do not constrain delivery of solutions to the warfighter;
2. Do not dissuade commercial innovators from partnering with the Army;
3. Balance the goals of fostering private innovation with long-term sustainment considerations;
4. Seek only the necessary IP to meet the Army's needs; and
5. Establish prices for license rights early in the process when competition exists.

Intellectual Property

Default Patent Rights and Licensing Terms

Awardee retains the entire right, title and interest throughout the world to each Subject Invention. Government reserves a license to practice or have practiced on behalf of the United States the subject invention throughout the world which may be:

Exclusive	Non-exclusive
Transferable	Non-transferable
Revocable	Irrevocable
Paid-up	Royalty-based
For the entire invention	Portion thereof
For the duration of the patent	For a limited time
Without further restriction	Subject to limitations

Cost Sharing

STEP 1	Statute	10 USC 2371b(d)(2)
STEP 2	Regulation	*FAR*, *DFARS* & DOD Grants & Agreements Regulations (*DoDGARS*) do not apply to OTs
STEP 3	Policy / Guidance	OUSD A&S - Other Transactions Guide (Nov. 2018, ver. 1.0)

Cost Sharing

- Costs for Cost-Sharing purposes DO NOT include costs that were incurred before the date on which the transaction becomes effective.

- Costs that were incurred for a prototype project by a party after the beginning of negotiations may be counted if the official responsible for entering into the transaction determines in writing that
  - (i) the party incurred the costs in anticipation of entering into the transaction; and
  - (ii) it was appropriate for the party to incur the costs before the transaction became effective in order to ensure the successful implementation of the transaction.

Cost Sharing

- Resource-sharing in a transaction occurs when a portion of the total cost of the project is to be paid out of funds provided by sources other than the Federal Government. Contributions can be in cash or non-cash form, and costs can be either direct or indirect, so long as contributions are allowable, allocable, reasonable, and consistently accounted for by the awardee.
- This may include labor, materials, equipment, usage rights in Intellectual Property, and facilities costs, as well as independent R&D costs that may be reimbursed later by DOD through overhead rates on other awarded efforts.
- Forfeiture of fee, profit, or cost of money would not be consistent with general cost principles and should not be included in any resource-shared arrangement.

Accounting & Audit Provisions

STEP 1	Statute	**10 USC 2371b(c) – Comptroller Access to Information**
STEP 2	Regulation	***FAR, DFARS*** **& DOD Grants & Agreements Regulations (DoDGARS) do not apply to OTs**
STEP 3	Policy / Guidance	**OUSD A&S - Other Transactions Guide (Nov. 2018, ver. 1.0)**

Accounting & Audit Provisions

Accounting Systems:

- When structuring the OT agreement for an expenditure-based or resource-sharing type project, agreements that impose requirements that will cause an awardee to revise or alter its existing accounting system are discouraged.

- The Government team should not enter into an OT agreement that provides for payment based on does not have an accounting system capable of identifying the amounts/costs to individual agreements/contracts.

Accounting & Audit Provisions

- Audit
  - Except as provided in 10 U.S.C. §2371b, audits and access to financial records are subject to negotiation. Generally, fixed amount agreements should not require any type of audit provisions. When audits may be necessary, the Government team has the flexibility to use outside independent auditors in certain situations and determine the scope of the audits. A possible exception is for agreements that provide for reimbursement of incurred costs related to a milestone the performer was unable to complete due to early termination of the agreement or effort if milestone payments involve high-dollar amounts.

Accounting & Audit Provisions

- Prototype Project Agreements entered under 10 USC 2371b, resulting in total payments in excess of $5,000,000, shall provide for Comptroller General access to examine the records of any party to the Project Agreement.
  - But – the access requirement does not apply where an entity has not entered any other contract, grant, cooperative agreement, or “other transaction” agreement that provides for audit access by a Government entity in the year prior to the date of the Project Agreement.

- The only records the Comptroller General may examine are records of the same type as the records that the Government has had the right to examine under the audit access clauses of the previous agreements or transactions performed within the prior year, if an entity participating in the performance of the Project Agreement, has only performed under cooperative agreements or transactions that were entered into under 10 USC 2371 and/or 10 USC 2371b in the year prior to the date of the Project Agreement, then …

Production, Consortia, Funding, Stacking, and Other areas of Confusion

Attendee Poll Question #6

Which of these OTA related items causes you the most heartburn?

A. Production
B. Funding
C. Consortia
D. Stacking Authorities
E. Procurement Administrative Lead Time

Announcing Potential Sole-Source Follow-On Production Under The DOD Other Transaction Authority

2371b(f)

"At a minimum, potential follow-on activities, to include follow-on production shall be identified in the solicitation and any resulting OT Agreements. *The level of fidelity for production follow-on efforts is naturally limited by the nature of prototyping efforts. Therefore, the level of detail required as to follow-on activities needs to be sufficient for prospective technology providers within the technology sector to make an informed decision whether to bid on the prototyping effort, with the understanding that size, scope and value of potential follow-on activities may vary.*"

USD(A&S) OT Guide, p. 15 (2018)

Information For Government

The Government should provide sufficient information regarding follow-on activities to allow industry to make an informed bid/no-bid decision at the prototyping stage.

The Government should avoid requiring industry to provide fixed price production options prior to prototype development.

Information For Industry

Industry Should make bid/no-bid decision based upon prototype effort requirements and the Government's notice of potential follow-on activities.

Industry should understand that identification of potential follow-on production is provided as notice only and is subject to change.

Production

STOP.   BREATHE.   YOU ALREADY KNOW HOW TO DO THIS.

- ✓ **You Competed the Prototype Effort**
- ✓ **The Prototype Solicitation and Resulting Transaction identified the potential for Follow-On Production**
- ✓ **The Prototype was Successfully Completed**

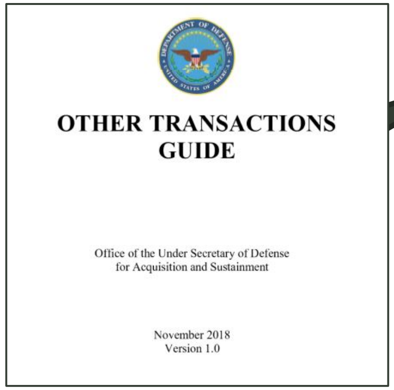
Go Directly to: ***FAR*** **Contract; OR**
Production Transaction **(*FAR*-Minus; or Paper Plus approach)**

Consortia

Consortium Management Firm (CMF)	ATI 19 Consortia 19 Agreements	SOSSEC THE SYSTEM OF SYSTEMS CONSORTIUM 1 Consortium 7 Agreements	CMG Consortium Management Group 3 Consortia 4 Agreements	NSTXL 1 Consortium 2 Agreements	NATIONAL ADVANCED MOBILITY CONSORTIUM 1 Consortium 1 Agreement	DATC DEFENSE AUTOMOTIVE TECHNOLOGIES CONSORTIUM 1 Consortium 1 Agreement NCMS NATIONAL CENTER FOR MANUFACTURING SCIENCES
Consortia	SPACE ENTERPRISE CONSORTIUM VLC Vertical Lift Consortium NSTIC Naval Surface Technology & Innovation Consortium NSRP NAC national spectrum consortium Naval Shipbuilding and Advanced Manufacturing CENTER OF EXCELLENCE MTEC Medical Technology Enterprise Consortium MCDC Medical CBRN Defense Consortium FDMC IWRP INFORMATION WARFARE RESEARCH PROJECT CWMD Countering Weapons of Mass Destruction CONSORTIUM CNM CENTER FOR NAVAL METALWORKING CONFERS AMTC Aviation & Missile Technology Consortium CMTC Composites Manufacturing Technology Center UNDERSEA TECHNOLOGY INNOVATION CONSORTIUM UTIC	PRODUCT MANAGER DEFENSIVE CYBER OPERATIONS NGA OTA U.S. ARMY ERDC AFLCMC ACI Consortium Initiative Air Force Life Cycle Management Center Propulsion Directorate	CEED Consortium for Energy, Environment and Demilitarization C5 Consortium for Command, Control and Communications in Cyberspace NASC NAVAL AVIATION SYSTEMS CONSORTIUM	S²MARTS TREX TRAINING AND READINESS ACCELERATOR	NATIONAL ADVANCED MOBILITY CONSORTIUM	DATC DEFENSE AUTOMOTIVE TECHNOLOGIES CONSORTIUM
	2000+ Members	500 Members	1000 Members	500 Members	350 Members	250 Members

7 Management Firms | 34 Agreements | $40 Billion in Ceiling

Funding OTAs


OTHER TRANSACTIONS GUIDE

Office of the Under Secretary of Defense for Acquisition and Sustainment

November 2018
Version 1.0

General Rules for OTA Funding

1. Fiscal Law applies to the expenditure of Federal Funds, regardless of procurement instrument;

2. The determination of appropriateness of available funding and fund type (**Green Determination**) is *independent* of the determination of appropriateness of the award instrument (**Blue Determination**); and

3. The agency decision to use an OT does not expand, nor restrict available appropriations.

"There is a common misperception that OTs are limited to RDTE funded efforts. This is simply not true. All fund types are available, provided that the acquisition team complies with both Fiscal Law and the requirements of the OT statute. The Green/Blue Determination is a valuable method to assure compliance."

In Practice

Step 1: "Green Determination"
(Funds Identification and Certification)

1.A – "The Problem"	1.B – "The Requirement"
Obsolescence of Spare Part for Major Weapon System	Reverse Engineering and Prototyping Effort to create replacement part and drawings

1.C - Green Determination

Current Year O&M is the Proper Fund Type for this Requirement

Comptroller / Budget Analyst / Fiscal Law Attorney

BREAK

Step 2: "Blue Determination"
(OT Statutory Compliance)

2.A – "Purpose"	2.B – "Prototype"	2.C – "Participation"
Is the requirement to improve or enhance a DOD component?	"Reverse Engineering for Obsolescence" is defined as a "prototype for purposes of 10 USC 2371b	1/3 cost-share or Significant NDC Participation?

2.D – "Blue Determination"

Effort meets the requirements of a prototype OTA under 10 USC 2371b

Agreements Officer

Step 3: "Award"
(Funding applied to OT)

3.A – "Award"

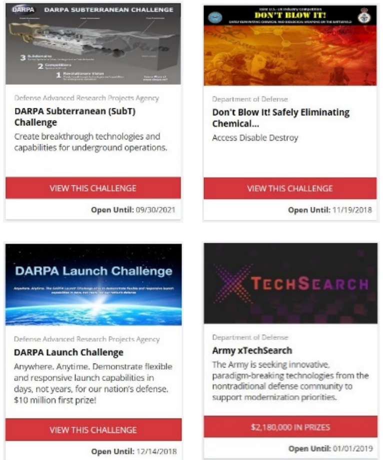
Award the OTA project with the identified funding

(OTA Project / Operations & Maintenance Funding Example)

Stacking Authorities – Prize Challenge to Production

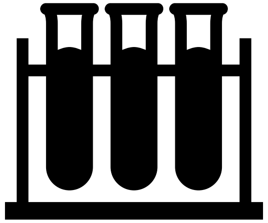
10 USC 2374a
(Prizes for Advanced Technology Achievements)

Challenge.gov
Government Challenges, Your Solutions



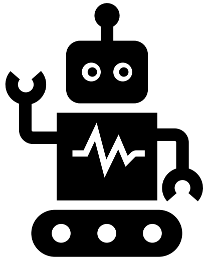
Agency Organized Hackathon

10 USC 2373
(Procurement for Experimental Purposes)

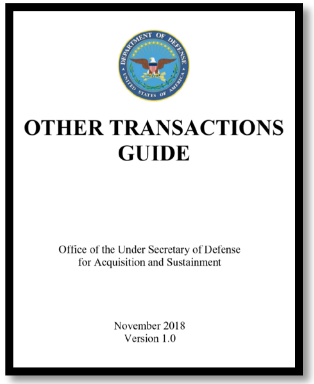


Leveraging solutions resulting from a prize challenge / Hackathon, the Government may buy supplies, including parts and accessories, and designs thereof, for experimental or test purposes by contract or otherwise.

10 USC 2371b
(Prototype OTA)



Leveraging the Prize Challenge / Hackathon as a solicitation method, the Government may, in addition to awarding prize money, enter into a prototype other transaction agreement for further development and delivery of a prototype.*


OTHER TRANSACTIONS GUIDE

Office of the Under Secretary of Defense for Acquisition and Sustainment

November 2018
Version 1.0

"[A]gencies are encouraged to leverage other events, activities, ***or even authorities*** to provide for the collection of potential solutions."

- USD (A&S) OT Guide, p. 16 (2018)

2371b(f)

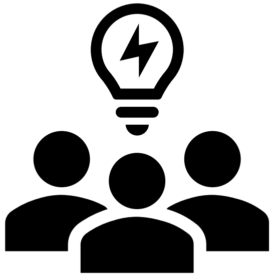
*Where the prototype is successfully completed, the Government may pursue sole-source, follow-on Production through OTA or contract.

WHY STACK? - Stacking authorities maximizes the value of activities such as prize challenges or Hackathons through challenge.gov or similar agency-organized activities. Leveraging such activities as both a market research tool and a solicitation for future efforts allows the Government to identify novel technologies, reward creative solutions, test potential applications, prototype hardware and processes, and produce the materiel solutions of tomorrow.

Procurement Admin Lead Time

“America is all about speed. Hot, nasty, badass speed.”
– Eleanor Roosevelt, 1936

RULE #1

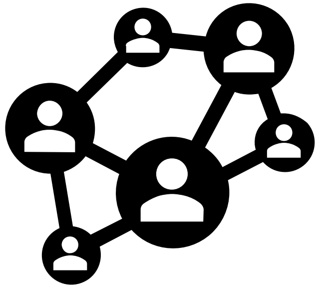


There is nothing inherently “fast” about OTs. OTs provide an opportunity for streamlined procurement when executed by expert personnel who actively work the effort.

RULE #2

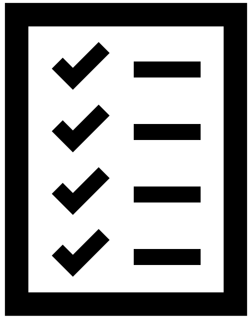
For those unable to assess risk, or not willing / empowered to take on risk, OTs will prove frustrating and slow.

RULE #3



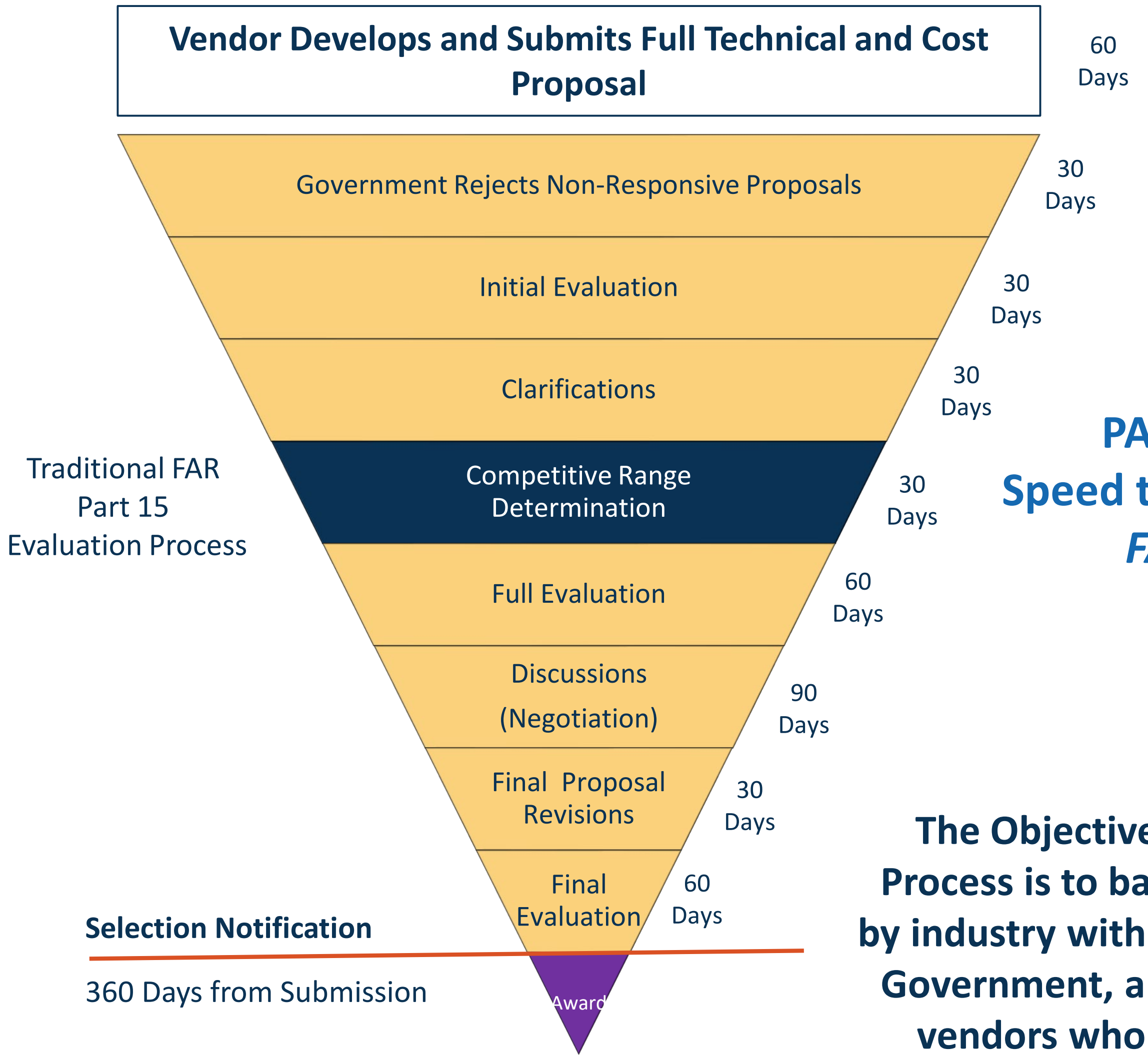
More people = slow. Piling on stakeholders for every decision and instituting multiple levels of reviews is a recipe for disaster.

RULE #4

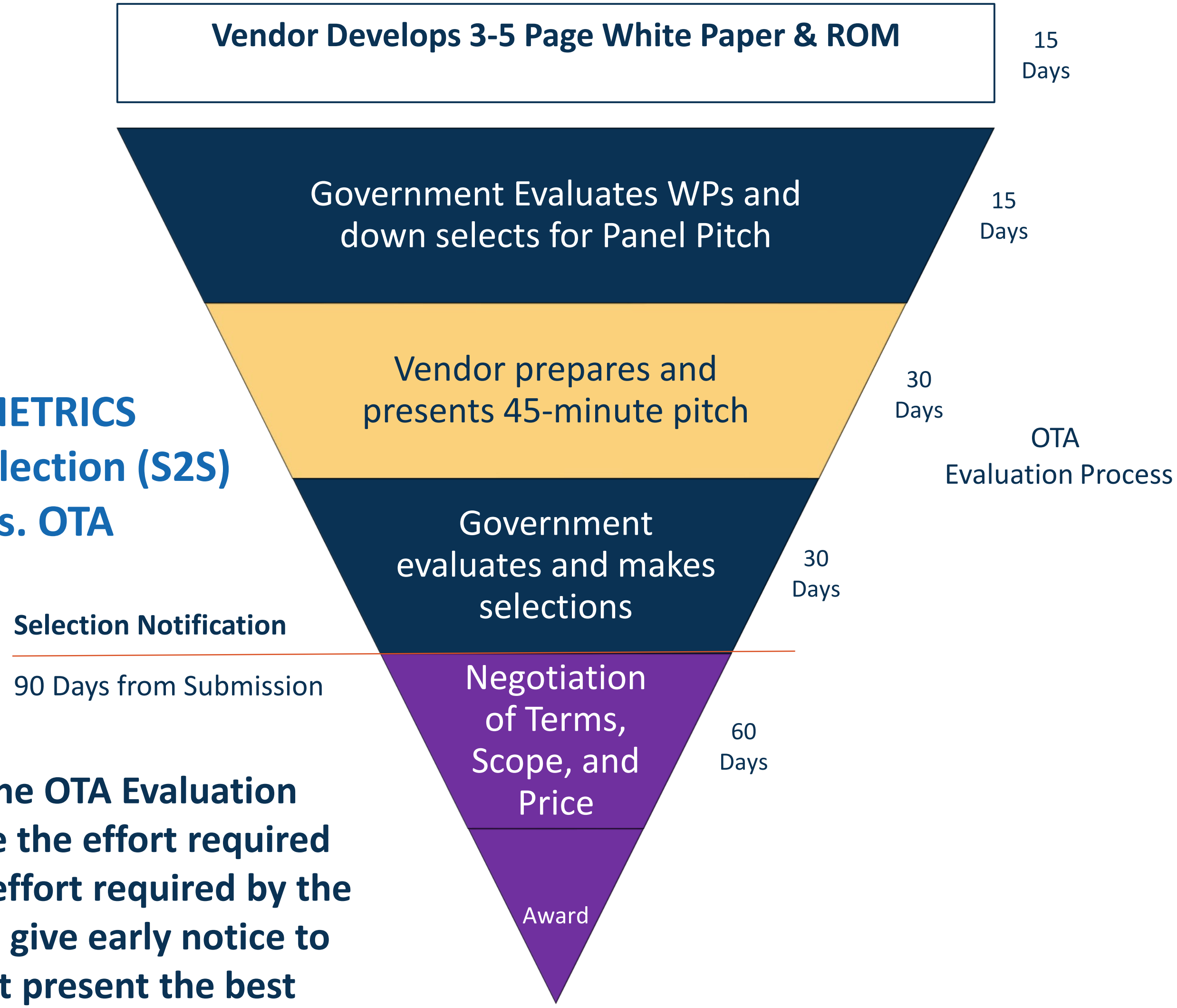


The OT Statute and Guidance is limited for a reason. Instituting additional rules, processes, and reviews is adding a layer of speed bumps not intended by Congress, nor by OSD.

NCMA E-LEARNING



PALT METRICS
Speed to Selection (S2S)
FAR vs. OTA



The Objective of the OTA Evaluation Process is to balance the effort required by industry with the effort required by the Government, and to give early notice to vendors who don't present the best solutions

Questions?

Please submit your anonymous questions in the **Q&A** pod on your screen.

COVID-19 Resources

As a service to the contract management community NCMA is curating sources of contracting guidance related to the COVID-19 pandemic.

https://www.ncmahq.org/covid19resources


REGISTER NOW AT NCMAWORLDCONGRESS.ORG
VIRTUAL WORLD CONGRESS 2020
CONTRACT MANAGEMENT EXCELLENCE
IN UNUSUAL TIMES
Video Chat
REGISTER NOW AT NCMAWORLDCONGRESS.ORG
NCMA
NATIONAL CONTRACT MANAGEMENT ASSOCIATION
CONNECTING TO
CREATE WHAT'S NEXT

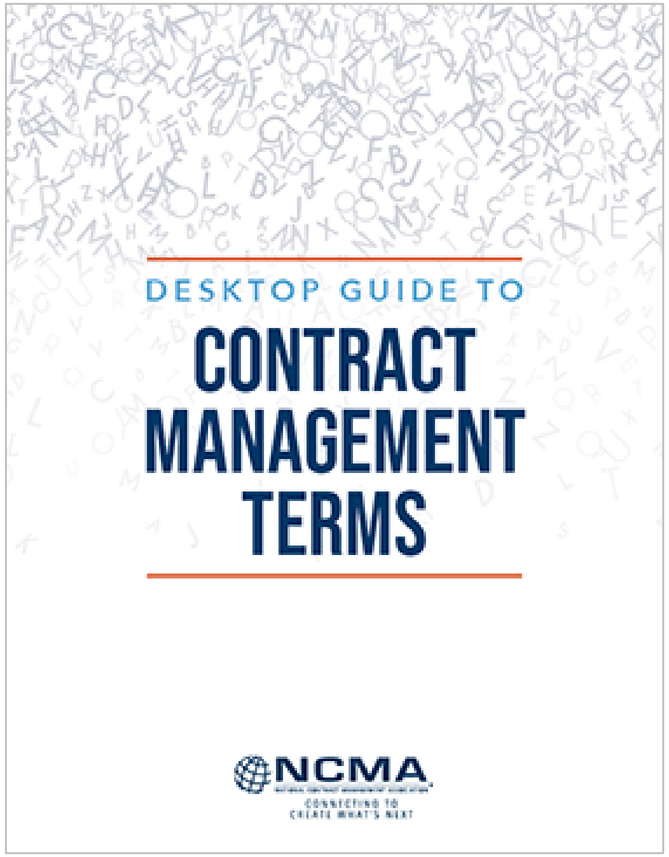
NCMA E-LEARNING

Desktop Guide to Contract Management Terms

New resource now available! Reference book with over ***4,000 contracting terms and definitions***.

The new go-to guide for every contract management professional.

www.ncmahq.org/store



Upcoming Webinars

July 9: Staying Compliant: Service Contract Act Updates and Your Business

August 13: Buy American Act/Trade Agreements Act Overview and Common Implementation Challenges

September 10: How do you Effectively Manage Contract Change?

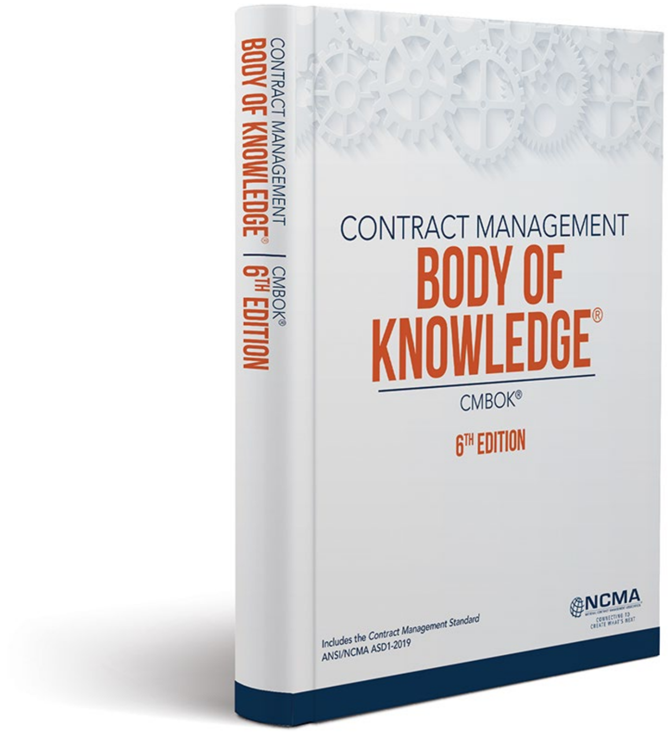
September 24: Eat Your PEAs (Permissible Exercises of Authority): Taking Advantage of *FAR* Flexibilities

October 8: Top Risks in Supply Chain for Government Contractors

October 22: Face Off: Navigating the Most Contentiously Negotiated Prime-Sub Flowdowns

https://www.ncmahq.org/webinars

Contract Management Body of Knowledge (CMBOK)® Sixth Edition



Aligns with the competencies found in the *Contract Management Standard™ Second Edition*—now ANSI accredited.

Provides a common understanding of the terminology, practices, policies, and processes used in contract management.

www.ncmahq.org/store

Thank You for Participating in Today's Program