

**MEETING AGENDA**

**AGC International Construction Forum**

**10:15 AM – 11:30 AM**

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**Welcoming Remarks and Introductions**

Carole Bionda

*Vice Chair, AGC Federal and Heavy Construction Division*

**Agency Presentations**

**Department of State, Bureau of Overseas Buildings Operations Presentation**

Adi Kanga

*Acting Deputy Director,*

*Managing Director for Construction, Facility and Security Management*

Lisa Kyriienko

*Division Director, Construction Support*

**USACE Presentation**

Ray Alexander

*Chief, Interagency and International Services*

Christopher Gatz

*Deputy Chief, Interagency, International and Environmental*

**NAVFAC Presentation**

Herman Pablo

*Construction Product Line Leader, Capital Improvements*

**AFCEC Presentation**

Col. John Balzano

*Deputy Director, Facility Engineering*

## **AGC Questions for Agencies**

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### **2018/2019 BUDGET, APPROPRIATIONS, & PROJECTS OUTLOOK**

- Please provide a general update on the budget and projects for FY 2018/2019.
- As U.S. operations in the Middle East slow, contractors are seeing a shift in focus from the Middle East to the South Pacific. Do the agencies believe this trend will continue in the near term?

### **AMERICAN PREFERENCE POLICY**

- AGC formed a task force in 2014 to develop a position on the "American Preference Policy" as it applies to Joint Ventures. AGC's position paper was finalized in 2015 and provides guidance to agencies in drafting DFARS language that clarifies whether joint ventures (JV) between American firms and foreign firms qualify as a "United States firm" for purposes of applying the American Preference Policy to a joint venture proposal.
- In a 2008 court case, *Watts-Healy Tibbits a JV vs. The U.S. and IBC/TOA Corporation*, the court stated that "the Government should clarify the policy [as it pertains to JVs]" through "guidelines for the source selection personnel" or "definitive regulation establishing some bright lines after both notice and comment as well as agency assessments of what rules or guidelines will really promote the ability of United States contractors to fairly compete in these contracts." Such guidance or regulations have not been issued and confusion in the marketplace continues.
- **QUESTIONS:**
  - What is the agency's position on applying the American Preference Policy to JV's between American and non-American firms?

### **GENERAL CONTRACTOR IMPEDIMENTS WHEN PERFORMING OVERSEAS**

- What is the agency's position on past performance qualifications? Specifically, AGC has seen an increase in solicitations that require past performance experience to be limited to work in a given country. This seems to unreasonably restrict competition, particularly when the project's technical specification requirements mirror U.S. standards, and goes above and beyond the agency's minimum past performance requirements.

### **OPEN DISCUSSION**

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**Adjourn**