
MEETING AGENDA

AGC – International Construction Forum Meeting

1:00 PM – 3:00 PM

2020/2021 BUDGET, APPROPRIATIONS, AND PROJECTS OUTLOOK

- Please provide a general update on the projects affected by the 2019 appropriations bill and the FY2020 budget.
- 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?

EMBASSY AFTER NEXT Program

- In March of this year, AGC of America met with leaders of the Department of State's Bureau of Overseas Buildings Operations (OBO). AGC brought in current and prospective contractors for a two-hour meeting to address the challenges OBO and the construction industry face in building embassies. Among the topics discussed were OBO's Embassy After Next program, formal partnering, and difficult contract requirements.
 - Please explain the Embassy After Next program?
 - How will this program be different from the past Standard Embassy Design and Design Excellence programs?

SMALL BUSINESS REQUIREMENTS

- How do federal small business requirements apply to projects outside the U.S. and U.S. territories?
- How would a given agency apply the small business evaluation factor on these projects?

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.

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- 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.
 - 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

- Open questions from the floor?

Adjourn