

NCMA NEWS



San Diego Chapter

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INSIDE THIS ISSUE

- 2 President's Message
- 3 Membership Focus – Meet Christine Powell
- 3 Our Chapter's Job-Hunting Resources
- 4 Export Awareness – Deemed Exports
- 7 NCMA-SD August Audio Seminar Debrief
- 8 NCMA-SD 2006-2008 Membership Anniversary Milestones
- 9 Upcoming ABA Guide to Flowdown Clauses in Service Contracts
- 9 NCMA-SD Board of Directors and Other Points of Contact

Upcoming NCMA-SD Events

- October 3 CART Meeting @ KES
- October 17 Luncheon: What is New in US Government Contracting -- How The Recent Changes Impact You!
- November 14 Seminar: Contract Closeouts
- December 12 Luncheon: The Perfect Small Business Plan

Local Non-Profits Launch Training Series to Better Connect Government and Small Business

NEW CHALLENGES

The aftermath of 9/11... anthrax attacks in Washington, national disasters, the war on terrorism and the proliferation of explosive device technology... have precipitated the need for small businesses to arm themselves with best-practice solutions to respond to critical government needs and requirements.

Faced with aging baby boomers and a shrinking government-contracting workforce, it is critical, more than ever before, that small businesses increase their knowledge and skills toolbox. Small business must learn and implement the use of best business practices to augment the declining talent pool.

A COLLABORATIVE APPROACH

Starting and succeeding as a small business takes tenacity – and more! It takes know-how, leadership and vision over the long-term, because being in business and selling goods and services to the government is both physically and mentally demanding. But, it's worth it!

Continued on Page 6

President's Message

By Joni Shirley



First, I would like to thank all of you for your unparalleled loyalty to our organization and for your continued support. I am honored to be part of NCMA and extremely proud of the integrity and ethical conduct exemplified by our organization. As your newly elected President, I am looking forward to our program year and working with our current Board of Directors, who have been serving the San Diego Chapter and its membership unselfishly and tirelessly since the Program Year began in June 2006. We have maintained the continuity within our leadership that allows us to attain our goals and work towards our mission. I am committed to continuing focusing our energies on Outreach, seeking participation by, and offering support to colleges, industry (small and large businesses), and the Government.

Our San Diego Chapter finished another successful year in conducting four educational seminars. In November, Steve Purcell of SAIC and Terry Simokat of American Cargo presented the topic International Contracting. In January four panelists, Jack Friery, Attorney, Brian Greenberg, COO of KES, Jim Southerland, President of CAS, and Dan Chalfant, Associate of Booz Allen Hamilton covered the topic Subcontracting. In March, Nick Sander of Price Waterhouse Cooper's Government Contract Practice department presented the topic Contract Compliance in the 21st Century. In May, DCAA representative Ken Adam covered the topic of Contractor Completion and Closeout.

On another note, our very own Treasurer, Mark Cook, completed the NCMA Leadership Development Program sponsored by NCMA. Mark was one of 32 candidates selected from a pool of 82 highly qualified applicants to participate in the program. The Leadership Development Program is designed to quickly close the gap in leadership progression by accelerating the preparation of a select group of contract management professionals. The program involves extensive classroom and Web-based coursework and a series of assignments for the participants' development.

The newly elected Board, appointees, and several volunteers attended our first meeting to plan our program year. Dan Chalfant, our Vice President, and Maurice Caskey, our Education Director, are in the process of formalizing our calendar with a high caliber of guest speakers for our luncheons and seminars. Your participation and suggestions for speakers, seminars, topics or other activities is encouraged and welcomed. Please contact any Board member whose information is listed in this issue for volunteer opportunities.

Our chapter has continued supporting SDSU's extended studies, helping to kick off the new Advanced Contract Management (ACM) Professional Certification program, with several of our members as course instructors. Our scholarship program is available to assist in furthering your educational career and information can be found on our website.

Within the next few months, many of you will be notified by our Membership Chair, Chrystal Piskor, to be honored at one of our luncheons for your length of service in our organization. Please try to attend as it's one of our ways of thanking you for your continued support.

Please volunteer and join me and our Board of Directors as we continue to elevate our Chapter to new levels of achievement.

Membership Focus – Meet Christine Powell

Ms. Christine L. Powell is the Secretary for the NCMA San Diego Chapter. As the Secretary, Christine is responsible for taking the minutes at the Board Meetings, distributing the minutes, and other fun duties. Christine can also be found helping out at the registration desk during the lunches and seminars and she makes the fabulous badges for the events.

Christine graduated from Point Loma Nazarene University with a BA in Political Science and went on to graduate from Thomas Jefferson School of Law Cum Laude with a Juris Doctorate. Christine has worked in the world of business for more than 20 years. The last six years, she has been working for Syzygy Technologies, Inc. She started out as the receptionist, graduated to the HR Manager after one and a half months and then took over the Contracts Department three years ago (after passing the California State Bar Exam on her first try). Christine is also the Facility Security Officer and the ISO Management Representative for Syzygy. She often jokes that she shouldn't have a name plate, but instead a totem pole listing all her titles.

Christine proud to be “Aunt Kiki” to two nieces (Tamara who is four and Becca who is 10) and one nephew (Ryan who just turned 11). She spends as much of her off time with them as she can – going to Disneyland, the beach, and playing board games. When she isn't with them you can find her reading (she loves books and her home is a testament to that with bookcases everywhere) or working in her yard.



Our Chapter's Job-Hunting Resources

*By Jack Friery, Employment Director,
friery@earthlink.net*

For the last several years, I have been managing the chapter's job announcement board (www.ncmasd.org, Employment Opportunities.) During that time, I have posted hundreds of contracts and procurement-related job announcements for companies in San Diego and around the country.

Because companies know to send me their job announcements, they also occasionally ask me to keep my eye out for job hunters who may not be receiving notices of the job announcements. So, I've informally kept a file of resumes of individuals who are in the hunt for a new position in contracts

and procurement. I'd be happy to do the same for any members of the San Diego chapter who are job hunting, or considering it in the near future. Just send me a copy of your resume by email (friery@earthlink.net), and I'll keep it on file as employers start searching. In my experience, it's been a seller's market in San Diego for good, experienced contracts and procurement professionals.

Export Awareness – Deemed Exports

By: Marie L. McCarron, SAIC Business Unit Export Administrator
Susan K. Michelson, SAIC Corporate Export Administrator

As recent headlines have indicated, enforcement of export regulations by the Departments of State and Commerce is escalating. It's easy to recognize an export of hardware, technology or software when a tangible item is being moved from within the United States to a foreign destination. However, in today's more global and competitive environment, the risk of inadvertently exporting technology, software or technical data to a foreign person within the boundaries of the United States is more and more prevalent.

A foreign person is anyone who does not fit the definition of a *U.S. person*. For instance, if a person is working in this country without the status of a permanent resident or as a protected individual under the Immigration and Naturalization Act, then this person is a foreign person. The Export Administration Regulations (EAR) state that any release to a foreign person of technology or source code subject to the EAR is deemed to be an export to the home country or countries of the foreign person. This export definition of foreign person is different from our more familiar definition of "foreign national," which, of course, refers to anyone who is not a U.S. citizen (which includes those who are permanent residents). Therefore, if a person has his Green Card, he is NOT considered a foreign person and can have access to U.S. export-controlled technology without prior export authorization.

The International Traffic in Arms Regulations (ITAR) defines "deemed exports" similarly and requires an export license for situations where foreign persons need to receive technical data in their job performance. The fundamental question is: What products and technology are subject to the EAR or, do they qualify as "Defense Articles" or "Technical Data" under the ITAR? Basically, with few exceptions, the products, technology and software that are representative of our industry are subject to either the EAR or fall under the ITAR.

The following are some everyday activities that can result in a deemed export:

- Demonstrations to foreign persons
- Training of customers, employees of foreign subsidiaries and subcontractors who are foreign persons
- Overhearing a conversation in a hallway between two engineers
- Conducting conference calls that include foreign persons
- Employment of foreign persons
- Hiring subcontractors or contractors who employ foreign persons
- Making presentations at a trade show or symposium attended by foreign persons
- Working with other companies that are subsidiaries of a foreign parent company

During any of the situations described above, if foreign persons are exposed to certain information regarding export-controlled items that are subject to the EAR or the ITAR, then a deemed export may occur. (A deemed export requires a license.)

To protect against the risk of performing activities that result in a deemed export, an organization can maintain a high awareness of its export compliance obligations. Training of employees, communication of export compliance responsibilities and enacting sound export compliance practices are important mitigation processes.

Continued on next page

Export Awareness - Deemed Exports
Continued from Page 4

Some organizations appoint export compliance subject matter experts who are responsible for overseeing the organization's day-to-day export compliance activities. Enforcement of diligent visitor control procedures is another positive step toward avoidance of a deemed export. Requiring the pre-approval of visits by foreign persons, including review of their itineraries and agendas, allows the export compliance officer to influence changes to the agenda and to provide guidance to the hosts if such actions are necessary. Preparing scripts of demonstrations and marketing presentations prior to a visit is a good idea as well. Many of us are familiar with the requirement to provide visitors who are foreign persons with escorts whenever these foreign persons are at our facilities. This helps avoid a visitor's wandering into an area where controlled technology might be visible.

Hiring procedures can be reviewed and revised to make sure that foreign persons are identified and risk mitigation steps are taken that will help the company avoid a deemed export. Maintaining clean desk policies, the inclusion of terms in procurement agreements that impose export compliance responsibilities on vendors and subcontractors, and always, communicating to our colleagues and asking the important questions are key to a successful export compliance program that will minimize the opportunity for a deemed export.

References:

EAR Part 734.2(b)
ITAR §120.17(a)(4)

October 17th Luncheon - Save the Date!!!

Topic: "What's New In US Government Contracting---How the Recent Changes Impact You!"

Speaker: Charles Rumbaugh
Arbitrator/Private Judge/Mediator/ADR Consultant
Member of the AAA National Roster of Neutrals
ADROffice@rumbaugh.net | www.rumbaugh.net

When: Oct 17 2007, 11:30 to 1:00 pm (registration begins at 11:00)

Where: Crown Plaza HANAIEI HOTEL (formerly Red Lion)
2270 Hotel Circle North
San Diego, CA 92108
(619) 297-1101

Look for the upcoming email announcement containing registration and payment information!

*Local Non-Profits Launch Training Series to Better Connect Government and Small Business
Continued from Page 1*

Selling to government agencies is not easy, especially if you're a small business. Although it takes hard work to find opportunities and latch on to them, it is often equally difficult for government agencies and larger prime contractors to find capable small business team members that have the essential know-how, past performance history, social and economic classification for success in the competitive government marketplace. Some might call this dilemma "Connectile Dysfunction."

Well, the San Diego Chapter of the National Contract Management Association (NCMA), along with the San Diego Contracting Opportunities Center (your local Procurement Technical Assistance Center - PTAC), has come to the rescue with a written prescription for Connectile Dysfunction – it's called "The Blue Pill Series!"

THE BLUE PILL SERIES

BUSINESS ROUNDTABLE TOPICS:

1. Identifying the right Target Market
2. Networking and Relationship Development
3. Winning and Growing Customers
4. Creating Strategic Partnerships to Scale the Business

"HOW TO" WORKSHOP TOPICS:

1. How to present your business to Government & Prime Contractors
2. How to build Awareness and Creditability in the Marketplace
3. How to be successful at Contract Negotiation, Accounting and Financial Management
4. How to Team and form Joint Ventures

How This Medication will Be Administered

This prescriptive training medicine will be administered by professionals through word of mouth, as needed, for at least a 1 ½ half hour period, with or without food. A four-month series of training sessions has been designed to enhance the knowledge and skills of participants.

Potential Side Effects

Small business executives who participate will be impacted by direct access to local business leaders and government officials with proven track records, cutting-edge thoughts and success strategies that work. A great opportunity to learn and network at the same time!

Business Executive Roundtable Discussions will be held such that each will provide small business executives an opportunity to learn about the X- Factor, ask questions and share insights on what works and what does not.

These Roundtable Discussions will be augmented with "How To" executive workshops. In other words, we will feature a Business Executives Roundtable Discussion Forum and a "How To" workshop each month.

Continued on next page

*Local Non-Profits Launch Training Series to Better Connect Government and Small Business
Continued from Page 6*

Precautions

1. Please inform our staff, before reserving your place, if you have a history of allergic reactions to accepting insight from experienced business physicians or others who are knowledgeable, objective and methodical.
2. Do share this information with others; however, please use caution, since they may have a problem that may not be effectively treated by this medication.
3. Store this medication at room temperature. Keep all sensitive medication away from children and pets. Properly discard this medication when it has expired or is no longer needed.

Note

Are you ready to pick up the pace of your business? Ready for new challenges? Come join us – pick up your prescription for success!

About the Author

Shepard L. Mais Chairs NCMA San Diego Small Business and Military Outreach Committee, and president of SHEPARD'S Government Contracts Management Services, Inc. a firm specializing in helping organizations of all types succeed in the Government marketplace.



NCMA-SD August Audio Seminar Debrief

By Joni Shirley

On August 9, NCMA San Diego Chapter sponsored the audio seminar on Contract Law Basics (The Legal Background of Government Contracts). The seminar was presented by William Weisberg, partner and chair of the Government Contracts practice of Sullivan & Worcester, and Joyce Tong, an associate in the Litigation Department of Sullivan & Worcester. The seminar reviewed some of the major statutes, such as CICA, FARA, FASA, CDA, APA, FAR and the various agency implementations. Mr. Weisberg covered the roles and authority of the procuring contracting officer, administrative contracting officer, and others involved in the contracting process. He reviewed the various types of contracts such as negotiated vs. sealed bid, sole source, fixed price, cost-related contracts, time and materials, labor hour, IDIQ and GSA multiple award schedules. Ms. Tong covered the basics of contract awards, their formats and sections, the evaluation process, protests and the dispute process. Mr. Weisberg discussed the mandatory clauses and those regulatory requirements and contract clauses that have been “Christianized”¹ over the past 42 years. As government regulations are constantly being updated, these educational seminars offer a lot of information that even the seasoned veteran can benefit from. Check our local website, www.ncmasd.org for future audio seminars that the Chapter will be sponsoring. A special thanks to Integrits Corporation for providing the venue and hosting the event.

¹“Christianized” derived from The Christian Doctrine, G.L. Christian & Assoc. v. United States.

NCMA-SD 2006-2008 Membership Anniversary Milestones

The San Diego Chapter of NCMA is proud to announce that we have 10 members with 25, 30 and 45 year milestone anniversaries! The chapter will be making a special presentation to these members at our October 17, 2007 luncheon meeting.

Thank you for your continued assistance over the years! We sincerely appreciate your support and look forward to seeing you and making our special presentation to you at our next meeting!

Fiscal Year	Full Name	Join Date	Years of Service
2006-2007	Mr. Paul R. Scandlyn	03/01/62	45
2006-2007	Ms. Mary L. O'Brien	09/01/76	30
2007-2008	Mr. Thomas Taylor	10/01/82	25
2007-2008	Mrs. Sandra Carder	03/01/83	25
2007-2008	Ms. L. Denyce Carter	03/01/83	25
2007-2008	Ms. Rosa Clampitt	04/01/83	25
2007-2008	Ms. Nancy O. Dix	04/01/83	25
2006-2007	Ms. Karen Valentine	10/01/81	25
2006-2007	Mr. William H. Jensen	01/25/82	25
2006-2007	Mr. Michael Vovtilla	03/01/82	25



Upcoming ABA *Guide to Flowdown Clauses in Service Contracts*

By Jack Friery

NCMA San Diego board member Jack Friery has been working with a committee of the American Bar Association in drafting a publication that will aid prime and subcontractors in negotiating their service contracts. The Strategic Alliances, Teaming and Subcontracting Committee of the Public Contract Section of the ABA has been toiling for the last few months to develop a [Guide to Flowdown Clauses in Service Contracts](#). The Guide will focus on service contracts and subcontracts subject to the Federal Acquisition Regulation. It will advise prime and subcontractors which FAR clauses are mandatory flowdowns, and will also suggest non-mandatory clauses that are recommended for flowdown to protect the parties. The Guide will also include representations and certifications, as well as suggested clauses for commercial contracts under FAR Part 12. Finally, although the Guide focuses on FAR, it will also cover clauses in Defense Department FAR Supplement Part 27, which covers intellectual property clauses for DOD contracts.

The upcoming Guide is a counterpart to the existing ABA *Guide to Fixed-Price Supply Subcontract Terms and Conditions*, now in its fourth edition. (Jack also helped draft that publication, and a fifth edition is in the works). The Supply Contract Guide can be bought through the ABA webs site at <http://www.abanet.org/abastore/index.cfm?section=main&fm=Product.AddToCart&pid=5390233>.

The new service contract guide is expected to be published this fall. Pricing has not yet been established by the ABA, but Jack anticipates the new service contract guide will be priced in line with the supply contract guide (which sells for \$50, or \$40 for ABA members.)

Please address any questions on either ABA guide to Jack Friery at friery@earthlink.net.

NCMA-SD Board of Directors and Other Points of Contact

Board of Directors

Position	Officer	Email
President	Joni Shirley	shirley_joni@integrits.com
Vice President	Dan Chalfant	Chalfant_daniel@bah.com
Treasurer	Mark Cook	mark@kes.com
Secretary	Christine Powell	cpowell@syzygy-tech.com

Committee Chairpersons

Position	Chairperson	Email
Employment	Jack Friery	friery@earthlink.net
Education	Maurice Caskey	scracer@flash.net
Membership	Chrystal Piskor	Chrystal.I.piskor@saic.com
Arrangements	Quyên Tran	quyen.tran@ge.com
Small Business & Military Outreach	Shepard Mais	mshepards@cox.net

We are also looking to fill the following committee positions:

PUBLICITY – SPEAKERS – AWARDS