



PACA Pulse



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PROFESSIONAL AEROSPACE CONTRACTORS ASSOCIATION OF NEW MEXICO

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Sandia Labs Injects \$3.76B Into Economy

*(Reprint of January 27, 2021 release submitted by SNL's
Supply Chain Risk Management and Supplier Diversity Department)*

Introduction

You may recall from the previous *PACA Pulse* that I intended to do a feature article on Sandia National Labs for this issue. As luck would have it, SNL came out with this article toward the end of January, and it pretty much captures anything I would have said, so I have received their permission to reprint it.

If there are other organizations you would like to know more about — and how they help the New Mexico defense, aerospace, and space industries — please let me know via email; I'd be happy to research and report as a service to my fellow PACA members!

~ **Matt Keihl**, Membership Chair,
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Driven by the purchasing of goods and services and payroll, Sandia National Laboratories injected an all-time high of more than \$3.76 billion into the economy in fiscal year 2020. "It's no secret that the second half of the year was tough on a lot of people and businesses, especially smaller companies, which is why we are extremely proud to be able to support local and state communities and companies through our business activities," said Scott Aeilts, Sandia's associate labs director of Mission Services.

More than \$1.4 billion was spent to purchase goods and services from suppliers, including nearly \$482.6 million with New Mexico businesses and more than \$349.7 million in subcontracts with the state's small businesses.

"We will continue to build on our successes in developing partnerships with highly qualified, diverse suppliers that can

contribute to our national security mission and help us return that investment to the communities, the states, and the country that we serve," Aeilts said.

In addition, the economic impact included nearly \$1.67 billion in payroll during Sandia's fiscal year from October 1, 2019, to September 30. Sandia added about 460 new positions last year, helping to raise the number of Sandia employees above 14,400.



Other Sandia Labs' Economic Impact Highlights Include:

- Sandia's more than \$3,764,324,000 in spending was an increase of more than \$86.8 million compared to fiscal year 2019.
- More than \$1.4 billion was spent on goods and services — including about \$1.33 billion in subcontract payments and roughly \$72.5 million in procurement-card purchases.
- Sandia paid nearly \$100.3 million in corporate taxes, an all-time high of about \$98 million being in gross receipt taxes to the state of New Mexico in fiscal year 2020.
- The labs spent nearly \$2.26 billion on labor, including payroll, and other

Continued on following page

Economic Impact: Sandia Labs *continued*

nonsubcontract related payments. That was up about \$91.2 million from fiscal year 2019.

A History of Strong Commitments to Small Businesses

The data showcases Sandia's long-standing commitment to small businesses, which received more than \$792.9 million, or 59.5%, of the more than \$1.33 billion spent on subcontract awards in fiscal year 2020. Subcontracting with all small businesses was up nearly \$8.8 million compared to fiscal year 2019.

New Mexico businesses received nearly \$473.1 million in subcontracts, or 35.5% of the total subcontracting amount. New Mexico small businesses received about 74% of those subcontract payments. With an additional \$9.5 million in procurement-card purchases, Sandia spent about \$482.6 million with New Mexico businesses in fiscal year 2020.

A run of strong years with New Mexico businesses helped to balance a minor dip in the state's small-business spending when compared to an exceptionally strong fiscal year 2019. Subcontract spending was down about \$14.2 million with the state's small businesses, although still above fiscal year 2018 and previous years. Since fiscal year 2016, Sandia's contracting with New Mexico small businesses has increased by about \$109.9 million.

"Fiscal year 2019 was a strong year bolstered by multiple large, one-time, New Mexico subcontracts, such as with contractors working on the Astra supercomputer," said Paul Sedillo, Sandia's small-business program manager. "The COVID-19 pandemic was a blow to so many, especially small businesses, but the nearly \$483 million spent by Sandia within the state of New Mexico last year helped the economy during a difficult time," Sedillo said. "Spending in New Mexico remains strong, and that is a great thing."

Sandia focuses on working with small businesses fitting the federal categories as small disadvantaged, women-owned, veteran-owned, service-disabled veteran owned, and small businesses in impoverished, HUBZone areas.

Helping Small Businesses Grow

One of those small businesses is Hacienda Home Centers with offices in Albuquerque and stores in Española and Las Vegas, New Mexico. The provider of maintenance, repair and operations products plus building materials is also in the process of opening a store, HHC Supply, near Kirtland Air Force Base in Albuquerque that caters to businesses and government agencies.

"It's been very easy to work with Sandia, from the contract administrators to the people making requests for materials," said Joe Sanchez, vice president of Hacienda Home Centers. "It's been tough lately for small businesses,"

he added. "The contract with Sandia has really helped us to continue to grow. It gives us confidence to expand."

Hacienda, a HUBZone, veteran-owned small business, signed a contract with Sandia about five months ago after attending several small-business forums hosted by the labs before the coronavirus pandemic, Sanchez said.

The Drive Continues for Small and Diverse Suppliers

Sandia seeks out small businesses through a variety of programs, such as public forums attended by Hacienda, other suppliers, and civic leaders to discuss subcontracting opportunities. In fiscal year 2020, Sandia launched a Mentor-Protégé Program for small businesses and recently named

its first three protégés. Last fiscal year, 41 new contract opportunities offered the 5% New Mexico pricing preference. Contracting opportunities are listed on Sandia's website.

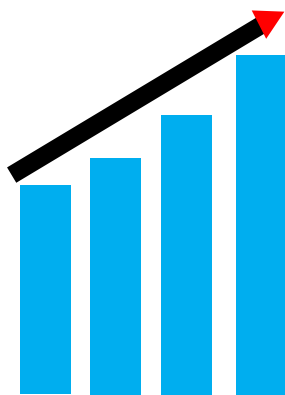
For the past four years, Sandia has hosted small-business forums to meet with business owners and representatives. In fiscal year 2020, before the pandemic, Sandia hosted two such events attended by 129 suppliers that could meet with subcontract professionals, supplier diversity advocates, other Sandia personnel, and representatives of a free New Mexico small business resource center, the

New Mexico Procurement Technical Assistance Center. Sandia representatives attended 12 virtual small-business events last fiscal year.

"It is hard work and resiliency that make small businesses special," Sedillo said. "That's why Sandia is dedicated to working just as hard to ensure that small and diverse businesses have every opportunity to work with Sandia National Labs. Small businesses are vital to the labs and our nation."

In fiscal year 2020, Sandia added 548 new small businesses to its supplier base. In all, small businesses represent 70% of all Sandia suppliers.

Small businesses are encouraged to reach out to Sandia's supplier diversity department at supplier@sandia.gov with questions on doing business with the labs. •



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* Dues are subject to change. •

Legal Insights: Defects Doom Contract-Winning Proposal in Protest Proceeding

By Ross L. Crown

In *OneSource PCS, LLC*, B-419222, January 6, 2021, the Government Accountability Office sustained the protest of a contract award made by the Department of the Air Force, finding that the agency's evaluation of past performance in the winning proposal was unreasonable. This decision is noteworthy because it demonstrates that proposals must not only be strong enough to win the contract, they must also be capable of surviving a competitor's protest. The awardee's proposal persuaded the Air Force that the contractor offered the best value in performing the contract, but the GAO found the agency failed to recognize the deficiencies of the proposal.

Award of Contract

The Air Force issued a request for proposals for photorefractive keratectomy (PRK) personal and non-personal services. As indicated by the performance work statement, the agency sought to procure the services of medical professionals with specific experience in the care of patients undergoing PRK and other refractive surgeries, rather than just general optometry services. The RFP identified the labor categories as optometrists, a clinical manager/research assistant, PRK surgical technicians, PRK technicians, and an operations manager.

Offerors were informed by the RFP that the Air Force would evaluate proposals based on two factors: past performance and price. The instructions further stated that the agency would conduct the acquisition using a "best value/trade-off approach where past performance is significantly more important than price." Only an offeror receiving a past performance rating of "substantial confidence" would be eligible for award.

The Air Force received twelve proposals in response to the RFP, including proposals from AIMS Locum Tenens, LLC and OneSource PCS, LLC, the incumbent contractor. It ranked the proposals according to price, ranging from lowest to highest. The agency first evaluated the lowest-priced offeror's past performance. That proposal did not receive a "substantial confidence" rating, and thus, the agency evaluated the second lowest-priced offer. This process continued with the third and fourth lowest-priced offers, as none of these proposals received a "substantial confidence" past performance rating. The fifth lowest-priced offeror was AIMS. The Air Force assigned AIMS

a "substantial confidence" rating, determining that "the Government has a high expectation that [AIMS] will successfully perform the required effort."

Primarily because of its past performance rating and its reasonable price, AIMS was determined to be the apparent successful offeror. No other proposals were evaluated by the Air Force. The debriefing informed OneSource that award had been made to AIMS and that because AIMS was the lowest-priced offeror with a past performance confidence rating of "substantial confidence," OneSource's past performance had not been evaluated.

Protest to GAO

OneSource protested the contract award to the GAO. It argued that the Air Force failed to evaluate AIMS's past performance in accordance with the solicitation. Specifically, OneSource contended that the agency improperly determined that AIMS's past performance references were relevant to the requirements of the performance work statement and, therefore, unreasonably assigned a "substantial confidence" rating to AIMS's proposal. The protester recited that AIMS's proposal described work performed on its past contracts in a general manner, listing only "general position descriptions and numbers of individuals in those positions" related to general optometry services. OneSource argued the solicitation "was not for common optometry services but rather was very specific to [PRK] surgery services and research."

The issue before the GAO was the agency's finding that AIMS's past performance references were relevant to the requirements of the performance work statement and warranted a "substantial confidence" rating under the past performance evaluation factor. Here, the GAO observed, the Air Force evaluated AIMS's past performance based partly on a list of past performance references. Two contract references were deemed relevant. The entirety of the text under the description of work performed for the first reference contract stated that AIMS manages complex physician and ancillary staffing services at various tough-to-fill locations. AIMS recited that it provided an optometrist, four surgical techs, and four optical techs at three hospitals. Similarly, the entirety of the text under the description of work for the second reference contract stated that AIMS was contracted to provide physicians and ancillary staffing



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services concerning various specialties including, but not limited to, an ophthalmologist, three optometrists, eight surgical techs, and ancillary staffing, primarily located at two hospitals and a set of clinics.

Based on the information provided in the AIMS proposal, the GAO could not find that the agency reasonably concluded that AIMS's experience providing personnel skilled in performing general optometry and surgery was similar or essentially the same as providing personnel skilled in assisting in PRK and other refractive surgery procedures. None of the personnel listed in AIMS's past performance references reflected the specialty skills sets or experience to assist with PRK procedures.

Given that information, the GAO concluded that the PRK-specific services required by the performance work statement were not services that are provided by all optometrists and general surgical technicians. Although the labor categories listed in AIMS's past performance section of its proposal showed that AIMS provided personnel in general eye care and surgical fields, the positions listed did not indicate that AIMS's prior efforts involved providing any personnel with PRK experience, or even personnel qualified to assist with refractive surgery procedures more generally.

According to the GAO, the solicitation required the contractor to provide personnel with knowledge or experience in PRK services. Under this evaluation scheme, the Air Force was to determine that an offeror's past performance references were relevant before assessing the quality of the prior work performed. There was no basis in the record to conclude that the awardee's prior work involved a "similar" or "essentially the same" scope as here because the prior work did not involve, or provide experience with, PRK-specific procedures.

The GAO further found that offerors had ample opportunity to include specific details about prior work in their proposals. The past performance reference list template supplied by the agency did not set forth any limitations on how much detail an offeror could place in the table. In comparison to AIMS, OneSource described its past work as "Photorefractive Keratectomy (PRK) Clinic Services," and included the description "refractive" in the personnel position titles, e.g., "Refractive Research Surgical Technician."

AIMS defended its proposal by contending that both of its prior references "were for the staffing and management of clinics offering refractive surgeries including PRK and LASIK, among others." The GAO noted, however, that AIMS did not provide any reference to where this information could be found in its proposal. Moreover, even if these assertions were accurate, the GAO said it failed to see, and the agency failed to explain, how it

found AIMS's past efforts to be "similar" or "essentially the same" in scope as the requirements in the performance work statement. The GAO found no support in the contemporaneous record for the conclusion that AIMS's prior references involved PRK services.

By reason of the agency's error, the protester — who was the offeror with the next lowest price — lost the opportunity to be evaluated and considered for award. Thus, the GAO determined that OneSource established the requisite competitive prejudice to prevail in the protest.

Protest Decision

The GAO sustained the protest. It recommended that the Air Force reevaluate proposals consistent with the terms set forth in the solicitation, adequately document its evaluation, and make a new source selection decision. Alternatively, if the Air Force no longer requires personnel with PRK-specific experience, the GAO said the agency should amend its solicitation to reflect the agency's actual needs and request revised proposals.

Lessons to be Learned

In light of the record of this procurement set forth in the GAO decision, it is surprising that the Air Force awarded the contract to AIMS. The AIMS proposal fell short of one of the most basic requirements of a proposal to perform a government contract. That is, AIMS failed to provide sufficient detail to demonstrate that it could satisfy the needs of the agency at least as well as, and hopefully better than, its competitors. In this particular matter, AIMS did initially convince the Air Force that it provided the best value, but the agency's evaluation was not reasonable. The contrast between the detail offered by AIMS and by the protestor OneSource persuaded the GAO that the award could not stand.

Two lessons are suggested by this protest decision. First, contractors should ensure their proposals describe their goods and services with sufficient detail to show they match the requirements of the agency as set forth in the solicitation. This is perhaps an obvious lesson, but it is frequently ignored. Second, contractors must bear in mind that their proposals are directed to two sets of evaluators, contract officials at the agency and, in some instances, a protest forum like the GAO. Satisfying the agency does no good if the proposal is vulnerable to a protest. •

Ross is a partner in the Albuquerque office of Lewis Roca where his practice emphasizes government contracts. He can be contacted at RCrown@lewisroca.com. This article is intended for general information only and should not be construed as legal advice or opinion. Any questions concerning your legal rights or obligations in any particular circumstance should be directed to your lawyer.

Proposal Magic: Simple & Logical Way to Improve Your Proposal Score

By Don Shannon

As a proposal consultant I am frequently asked for some 'secret' or 'magic words' that can be used to improve a proposal score or ranking. The truth is that information is right in front of your eyes — it's in the Solicitation!

It's amazing to me how many people jump into a proposal without doing some basic foundational work — work that would make the job of creating a proposal easier, more effective, and not embarrass them at some future date. My approach to proposals is somewhat 'mechanical' but it is this system that has made me highly successful in this field. So here are some 'secrets.'

1. Read the full Solicitation — cover to cover; front to back. It's amazing when reading questions submitted to the contracting officer just how many times the answer is in the Solicitation in clear and unambiguous terms. Now who has egg on their face?

2. Make a requirements matrix. Practically everything in that Solicitation is or will create a requirement for the contractor to meet. That means two things. First, someone needs to analyze that requirement, see if it's something that's a cost adder, and if it is make sure the cost and pricing team is aware of it. Secondly, requirements should be addressed in the body of your proposal. The matrix should identify the requirement, assign it to a proposal section, and assign a writer to compose a response. At the Red Team review every requirement should have a corresponding sentence, table entry, paragraph, or section telling the reviewer that you acknowledge that requirement and that you intend to fulfill it in the following manner.

3. Write for your audience. Proposals — especially the ones I work on — are not usually reviewed and graded in total by just one person. Structure your response as if talking to a peer or colleague who has some degree of familiarity with the subject (i.e., don't tell them how to make a watch if you only need to give them the time) and include sufficient detail that someone of their experience will grasp the point. It's okay to use pull quotes, highlights, and other devices to draw attention to key points. Review teams tend to defer to subject matter experts for addressing specific sections of a proposal while the other team members may not drill down to the actual details. Start with a good topic sentence or paragraph with clear easy to understand language then expand on that topic in the subsequent sentences or paragraphs. Illustrate complex topics with clear illustrations.

It's okay to use pull quotes, highlights, and other devices to draw attention to key points.

... many people jump into a proposal without doing some basic foundational work — work that would make the job of creating a proposal easier, more effective, and not embarrass them at some future date.

4. Beware the marketing group. While I admit these people have a role and can make substantive contributions, they also are the likely source for gobbledygook. I see this frequently in the Executive Summary section where they insist on inserting some Corporate Goals, Vision, and other Annual Report rhetoric into what should be a very focused and direct communications device. I have also seen them confuse an audience with 'infographics' only they understand or actually care about.

Meat and potatoes is my mantra and no one leaves my table hungry! •

Don is a retired U.S. Air Force officer with an additional 30 years' experience as a business owner, contracts manager, and project manager. He is self-employed as a Veteran-Owned small business providing business and consulting services to emerging small businesses in the government contracting sector. He can be reached at don@contract-coach.com.

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Contributions are welcome! •

Spaceport America Horizontal Launch Area

By Dr. Bill Gutman, Director of Aerospace Operations, Spaceport America

What most people think of as Spaceport America is actually the Spaceport America Horizontal Launch Area (HLA), one of three operations areas within the spaceport. The HLA contains the iconic Terminal and Hangar Facility (THF), the Spaceport Operations Center, the 12,000-foot runway, and other infrastructure to support customer requirements.

Construction in the HLA started in 2009 with Virgin Galactic (VG) as the anchor tenant. VG's requirements are reflected in the design of the HLA, specifically the nature of the THF and the length and width of the runway. VG has its roots in a dream of Sir Richard Branson to democratize space, i.e. to put a space experience within the reach of vastly more people than has ever been possible. Spaceport America is the culmination of the dreams of visionary New Mexicans to provide a means for our citizens to lead the march into space commercialization and to reap significant economic benefits in so doing. New Mexico and VG recognized the convergence of their interests, and the results are the facility we have today along with an operating agreement. To be sure, VG's path has been bumpy and schedules have slipped. Every serious aerospace program has delays and setbacks. "Space is hard" is almost a cliché, but it succinctly summarizes the nature of space vehicle development. Today, we are on the verge of realizing the dreams of both VG and New Mexico. Test flights are expected to give way to operational flights in the coming months and our great expectations will transition to reality.

VG is not the only or even first space company to find a home at Spaceport America. UP Aerospace first launched from the Vertical Launch Area (VLA) in 2006 and first reached space in 2007. The VLA is the second operations area. UPA's rockets have reached space a total of 12 times carrying payloads for NASA, the U.S. Air Force, the Federal Aviation Administration, other Department of Defense organizations, universities, and the private sector. Payloads have included microgravity experiments, avionics test packages, communication test systems, and developmental space vehicle components. A payload flown for NASA tested a prototype capsule that will be used to return items from the Space Station to the ground on demand rather than having to wait for a resupply capsule with return capability.

Another NASA payload was a combination aerobraking/heat shield system that NASA expects to use on future Mars missions. UPA plans two additional launches this year, and the pace is expected to accelerate as the company transitions to a larger, more capable rocket in the near future. UPA flies unguided, spin stabilized, solid fuel rockets. This technology is very reliable, but it subjects payloads to substantial acceleration during launch. Another customer, EXOS Aerospace, flies a liquid fuel, guided rocket that produces much smaller acceleration and is, therefore, more appropriate for delicate payloads such as biological experiments. EXOS launches up to several times per year. Many other companies have launched a variety of types of rockets. The total count of rockets launched in the VLA, not including student rockets launched during the annual Spaceport America Cup, is 60.

Spaceport America is the host of a very innovative space launch customer, SpinLaunch. SpinLaunch is developing technology to greatly reduce the cost of space launch for suitable payloads by imparting high velocity to payloads in a centrifuge before releasing them into free-flight trajectories. Suborbital flights could be completed with no additional energy, and orbital flights could be done by using the centrifuge as the first stage of a two-stage launch system. The package release would include a rocket motor for orbital insertion. Because of very high g-forces in the centrifuge, this launch technology would not be suitable for all payloads, but many if not most electronic satellites (the bulk of all launches) can be hardened fairly easily to sustain these forces without damage. This program is located in the third operations area of Spaceport America, the Advanced Technology Testing Area.

Besides rocket launches, Spaceport America hosts many other types of aerospace programs. One very high profile program was hosting several high altitude balloon launches for the purpose of testing the parachute recovery system of the Boeing StarLiner space capsule that soon will be transporting astronauts to the Space Station and back. This project, which was part of a larger White Sands Missile Range program, involved large logistics challenges but was successfully completed. Spaceport America currently hosts two high altitude, long endurance unmanned aerial system research and development programs. Aircraft resulting from these programs ultimately will provide platforms for applications such as real-time natural resource monitoring, cellular-like communications, and persistent surveillance of traffic.

Another unmanned system program involved testing technology to enable auto-landing of helicopters on moving platforms. Yet another airspace testing activity is rocket engine static testing. One customer has an ongoing program with solid motors and another completed a testing program with liquid fuel engines. The solid motors are actually manufactured at Spaceport America. A third customer program is about to start testing liquid engines.

Spaceport America has a robust STEM outreach program. In addition to hosting numerous individual university level launches, the Spaceport has hosted the Spaceport America Cup which annually brings together over 100 teams to compete in several categories. The event attracts some of the best and brightest students from around the world and also numerous aerospace companies, many in the role of recruiting future employees. The STEM program also includes extensive outreach — in-person and virtual — to public schools and enrichment programs throughout New Mexico at all grade levels.

Spaceport America has hosted numerous open house and general aviation fly-in events. These events, which must be scheduled so as to not conflict with customer programs, provide an opportunity for New Mexicans to experience firsthand the fine facilities that they have generously funded.

Spaceport America is truly a leading edge economic development engine for New Mexico. •

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