

Capital Reporting Company  
Pre-Proposal Conference 01-22-2010

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GENERAL SERVICES ADMINISTRATION  
SMALL BUSINESS PROGRAM  
NATIONAL BROKER CONTRACTS FOLLOW ON  
(NBC2) COMPETITION  
PRE-PROPOSAL CONFERENCE

On January 22, 2010

9:36 a.m.

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A P P E A R A N C E S

Program Conducted by:

Ms. Gwen Anderson - Small Business Technical

Advisor

Mr. Ted Mahoney - NCO(PCO)

Ms. Ada Kidd - National Program Manager

Mr. Gary Davis - Office of General Counsel

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1 P R O C E E D I N G S

2 MR. MAHONEY: I just want to say thank you all  
3 for coming. We've got a full house out there trying to  
4 get in. So we're going to delay just a few minutes to  
5 give some more people time to get in before we get  
6 started. So hopefully -- I mean no more than 15 minutes.  
7 I guarantee you that. No, five minutes.

8 I've just been given the high sign. Five  
9 minutes and we'll get started. Well, good morning and  
10 welcome. My name is Ted Mahoney. I'm the contracting  
11 officer for the national broker contracts, currently,  
12 and for the next generation. I would like to recognize  
13 our assistant commissioner for public building service  
14 office of real estate acquisition; Mr. Chip Morris is  
15 here with us.

16 I would also like to recognize Mr. Gary Davis.  
17 He's also going to be on the panel. He's from the office  
18 of general counsel. And Ms. Ada Kidd, who is the  
19 national program manager, and she's going to talk to you  
20 today about the technical proposal, or the technical  
21 components of the contract.

22 And Ms. Gwen Anderson, who is our small business

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1 technical advisor who will also be a member of the panel,  
2 and she's in the back. She'll be up here. We'll do that  
3 as part of the questions and answers. I'd also like to  
4 recognize Ms. Liz Ivey, who is with our office of small  
5 business utilization. She's also here.

6           A couple of administrative things. Please, no  
7 cell phones. If you can, silence them, please. No  
8 recording, but we are recording, for us, for the pre-  
9 proposal conference. So we'll talk about that in just a  
10 few minutes. For the restroom facilities, as you go back  
11 out the auditorium and turn left, you'll come to that  
12 main hallway.

13           The restrooms are on the left side. We're going  
14 to present this presentation, and everybody who signed up  
15 today will be on the FEDBIZOPS listing, and also on our NBC  
16 website which is available at [www.gsa.gov/brokercontracts](http://www.gsa.gov/brokercontracts),  
17 contracts. So it will be on both. And you also want to  
18 broker check on FEDBIZOPS and the website for the answers  
19 we previously answered, for the questions that we had,  
20 and the ones we'll be getting from the conference, and  
21 the ones we have received on the RFP already.

22           This is our agenda we wanted to start with.

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1 Please disregard the times. We fully understand this.  
2 It may go as fast or as slow as we need to, but the idea  
3 is we want to give you as much coverage about this  
4 contract and the competition. But it will start off  
5 again, and I am going through the agenda with you now.

6 Ms. Ada Kidd will come up and talk about the  
7 program. Mr. Gary Davis will talk about the conflicts of  
8 interest. Gwen Anderson will talk about the small  
9 business programs. I'll take you through the RFP, but  
10 again, it will be a brief piece. I'll also tell you  
11 briefly about the source selection process and then we'll  
12 do the questions and answers.

13 We want you also to ask questions at any time  
14 you feel you need to. If you would, just raise your hand  
15 and we'll get a mic to you. So please speak into the  
16 microphone so we can get it recorded properly. You don't  
17 need to give your name or your business or company if you  
18 don't want to. That's up to you.

19 Oh, we also have mics in the front aisle, if you  
20 would like to, or again, if you want to raise your hand  
21 if you're in the middle, we'll get a mic to you. The  
22 purpose. The idea is to promote a common understanding

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1 of what our requirements are. Also, to take you through  
2 the NBC program and approach, and to talk about the  
3 proposal instructions.

4 We also want to give you those answers and those  
5 comments regarding the RFP, and to give you a networking  
6 opportunity. And about those questions and answers,  
7 again, we're primarily going to focus on the RFP in  
8 total, if you need to. The Section C, which is a  
9 statement of work, the main portions of it, L&M, which  
10 are the evaluations and instructions to offerors, and  
11 those questions you get, we want to make sure we don't go  
12 into any proprietary information or any confidential  
13 information. We won't answer those. We'll try and give  
14 you verbal answers, if possible, to questions, and during  
15 this session, but written answers or written questions,  
16 we'll make those available through FEDBIZOPS.

17 And what we're going to do, is if you want to  
18 give us in writing, we're going to go until next Friday,  
19 January the 29th for written questions. That will be the  
20 cut off. And at that time we we'll provide responses  
21 also through FEDBIZOPS, and at that time, make a decision  
22 on the First Amendment to the RFP.

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1           Again, we'll make those available both on our  
2 website and on FEDBIZOPS. Any questions or any answers  
3 to those questions which result in a change to the RFP,  
4 it will also be posted in the amendment, or the  
5 amendments we need to do. All this is basically where we  
6 are. I wanted to kind of give you some information from  
7 the FAR about this is our first exchange with the  
8 industry when we're talking about the proposal, and we'll  
9 also -- I'm sorry, obtained a copy of this for you, too.  
10 You'll get a copy of the presentations we have.

11           This formal RRP is really our first  
12 communication with you as the industry, and it's a formal  
13 process that our intention is to award. Any follow on  
14 communications will go through myself or Mr. L. H. Lee  
15 who is the alternate for me. And again, here's the  
16 information we have. You'll get that, and you have mine  
17 already as a contact.

18           There is a disclaimer for this, and that is in  
19 the event there's a conflict between the RFP terms and  
20 conditions and the information that we talk about today,  
21 the RFP information will rule. It takes control. The  
22 formal RFP is the only document that should be relied

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1 upon when determining the government's requirements and  
2 any changes to the RFP will be through a formal  
3 amendment. With that, I'm going to turn it  
4 over to Ada Kidd and she's going to talk to you about the  
5 program. Do you want to do the podium? You need to get  
6 the clicker.

7 MS. KIDD: Good morning. I'm not really a  
8 podium speaker, but I may try to start out there, and  
9 then we'll see where we go from there. My job today as I  
10 see it is to kind of set the stage for you. I'm going to  
11 give you some background on our portfolio. A lot of this  
12 information we shared with you all, if you attended the  
13 industry conferences. If you were not able to do that, I  
14 want to make sure that you have that information now, and  
15 then I'm going to go into more of the solicitation  
16 schedule and through the statement of work and special  
17 things we want to point out to you about the statement of  
18 work and the RFP. Okay. So this is what I'm  
19 going to do (inaudible). This is my problem with the  
20 technology and the microphones. I won't stand there  
21 enough to do this.

22 MR. MAHONEY: You won't?

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1 MS. KIDD: I doubt it. Okay. Turn this thing  
2 off. So, I want to point out to you that we have all 50  
3 states are covered, and six US territories, the District  
4 of Columbia. We house more than 1 million federal  
5 employees in 59 different agencies. This is the scope of  
6 what you're contemplating working with, and our lease  
7 portfolio consists of office buildings, courthouses, land  
8 ports of entry and warehouses.

9 The portfolio is managed by 11 regional offices  
10 and the central office, which resides in this building.  
11 We are one of the largest public real estate  
12 organizations in the world. We have 178 million rentable  
13 square feet of leased space alone. There are 8,592  
14 leases, almost 8,600 leases. Maybe by now there are, but  
15 we haven't given the final -- the annual for the last  
16 year. We have 1800 expirations during FY08 and 26 1/2  
17 million square feet. We have a problem that we call the  
18 bow wave of expiring leases. We will go into this more  
19 about why we have the bow wave and what the problem is  
20 and what we're trying to do to correct it, but you'll  
21 notice in some of the stats I'm going to share with you  
22 that we do have an issue.

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1           One of our issues is we have not been able to  
2 staff up for a number of years, so we are seeking  
3 increased capacity of our in-house resources through  
4 contracting with you all. That continues to be a need of  
5 ours. And that's why we have the bow wave. If you're  
6 short of staff, you tend to take measures to deal with  
7 what you can in the quickest way possible, and often  
8 times that's an extension of an existing lease.

9           That is not the most appropriate thing to do and  
10 is not necessarily in the best interest of the taxpayer  
11 to get the best deal for the agency. However, if you  
12 don't have anybody to do the follow on lease, that's what  
13 you end up doing. So our expiring leases, instead of  
14 kind of remaining even have been growing exponentially  
15 each year. We are striving to improve our customer  
16 service for consistency, both to our customer agencies  
17 and to our lessors, and we work under continued budget  
18 restraints so we need to get the best deal that we can to  
19 save the taxpayer money through our agency's rental  
20 rates.

21           We want to leverage our market share and we're  
22 trying to do that through this RFP and the eventual

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1 contract. We want to be able to leverage the government  
2 stability. We are no risk to the lessors. If you get a  
3 government lease you know you're going to get paid, so we  
4 think we should get a benefit in our rental rates, and  
5 we're looking to you to help us achieve that.

6 We also want to form strategic alliances with  
7 our broker community. Our incumbents have been very good  
8 partners with us, and we look for you as the next  
9 generation of contractors to continue that partnership.  
10 One of the things, as I already mentioned, that we want  
11 to get from this contract and this program is to provide  
12 better customer service to our customers and our lessors  
13 by increased capacity.

14 Want to leverage those market rates for the  
15 customers and our service, and we must provide consistent  
16 contract administration and consistent delivery to  
17 improve our customer service. So we're going to adopt  
18 commercial real estate practices where feasible. So we  
19 want to learn from you, and learn from the incumbents,  
20 and we want to learn -- continue to learn from the  
21 private sector. We want to take advantage of the private  
22 sector market commission practice. So that's what we did

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1 in this generation. The second generation, we're going to  
2 continue to try to take advantage of that (inaudible)  
3 practice that you get your commissions from the landlord,  
4 and we're able to give some of that back to our customer  
5 agencies to save you as the taxpayer, and us as  
6 taxpayers, money through their rental stream.

7           We're going to continue with the national  
8 program structure and we want to produce a contract that  
9 serves both our internal customers, which are the  
10 regions, and our external customers, which are the  
11 lessors and our customer agencies and other external  
12 stakeholders like Congress. And we want to form  
13 alliances, provide -- leverage our market share and  
14 provide financial stability.

15           A little update on where we are with the  
16 commission and credit information on the current  
17 contracts. The gross commissions received and earned, as  
18 reported by our current contracts is \$127 million. The  
19 rent credits from the signed leases stand at \$51 million  
20 through November. That's the latest monthly information  
21 that I have. And the net commissions, the take home for  
22 the incumbents has been \$76 million.

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1           So we're not -- we know we're not talking small  
2 change here. It's very important to us. \$51 million in  
3 rent credits is nothing you can sneeze at, and we don't  
4 want to lose that in the next generation. The overall  
5 average commission rate, gross commission rate that we  
6 have tracked has come out at 3.1%, and the net has been  
7 at 1.86.           The commission credit back to us is 1  
8 (inaudible.)       This is information that we've taken --  
9 we go a year out to get our expiring leases. So from now,  
10 forward, you would start in April of 2011 going through  
11 March of 2016. And we've shown you here by size range --  
12 if I can work this button -- we want to show you that we  
13 have a very large proportion of our leases in the small  
14 category, up to 5000 square feet. So a third of our  
15 leases, fully a third of our leases are in that category.  
16           And then we have another big jump right over  
17 here in the 10 to 50,000 category. Now, this was all  
18 taken on the period from April 11 through March of 2016  
19 for the snapshot, the portfolio snapshot as of the end of  
20 2008. This is what we had to work with. So you can see  
21 these are probably the ones you're really interested in  
22 because these are the ones where you think you're going

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1 to make the most money.

2           The smallest percentage, about 10% of our  
3 portfolio is going to fall into that category. This is  
4 what gives us the most trouble, and we're looking for you  
5 to help us deal with that. These will often be in  
6 smaller and secondary and tertiary markets. So just be  
7 aware of that when you're considering things. This is  
8 another very important slide that we want to share with  
9 you to show you the inconsistency in our workload, and I  
10 think it's proven to be a struggle for the incumbents and  
11 we want to make everyone aware that we didn't have this  
12 actual information before, five years ago, but if you see  
13 -- oops, let me go back here. Okay.

14           You see the volatility, and it tends to be at  
15 the end of a fiscal year we get these jumps, and then you  
16 fall way down. So just be aware. This is what you may  
17 face if you are the successful offeror. This is what we  
18 shared at the industry conferences and we used data back  
19 from February of '09 because we started this back then.  
20 So at that time we had 1900 some leases. We now have --  
21 or task orders. We now have some 2600 task orders and  
22 about 1000 of those have signed leases, just to show you

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1 the difference in about a year's time, that's the growth.

2           And back in February of '09 we had 38,000,000

3 square feet. We are now up to 53,000,000 square feet in

4 task orders. Another problem that we have had is that

5 our projections -- it's very difficult for us to project

6 accurate workload. The RFP says that we will give you

7 projections and we will pull our expiring lease workload.

8 What we found historically in the last five years is that

9 about 20% of that projected workload will actually be

10 achieved.

11           And another 20% will come from new work that we

12 had never anticipated. It makes it very difficult for

13 you and it makes it difficult for us. A lot of this is

14 created by customer requirements development. Some of it

15 is a lot of other reasons I won't go into. Another thing

16 I want you to be aware of, we're talking about

17 metropolitan statistical areas here, and I think you're

18 probably all familiar with that, but I'm going to give

19 you the official definition and then we'll go into why

20 that's important to you.

21           So an MSA includes at least one urbanized area

22 of 50,000 or more in population, plus adjacent areas that

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1 have a high degree of social and economic integration  
2 with the core as measured by commuting ties. So you're  
3 all pretty familiar with this area and you know that  
4 Baltimore is part of this MSA because many people commute  
5 to this area. And you know a lot of parts of Virginia  
6 outlying as far down as what Richmond is I think has  
7 their own MSA, but we go way down to Fredericksburg and  
8 up into Maryland.

9           So just be aware of that, and then we have  
10 actually 374 MSAs in the United States and Puerto Rico,  
11 and 11 of those have 29 metropolitan divisions. And a  
12 metropolitan division is a subdivision of the larger MSA,  
13 which functions as a distinct social and economic and  
14 cultural area within that MSA. Then we have another  
15 definition that is the micropolitan statistical area  
16 which many of our projects fall in where you have at  
17 least an area of 10,000 but not more than 50,000.

18           We call those the small-town areas. This is a  
19 graphic to show you the top 11 MSAs where we have leases,  
20 and you can see here -- oops, I'm good at hitting that  
21 button. Okay. Button, button. Okay, right here is  
22 Washington DC. This is where most of the leases in the

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1 next five years occur, as far as MSAs go. Then you go to  
2 New York, down to Los Angeles.

3           We have Philadelphia, Chicago, Miami/Ft.  
4 Lauderdale area, Dallas/Ft. Worth, San Francisco,  
5 Seattle, Boston and Detroit, just to give you a breakdown  
6 of where a lot of our leases fall in the MSAs. And the  
7 rest of them are going to be in those smaller -- smaller  
8 markets. This shows you the number of leases that fall  
9 within MSA as a total in other areas. So here we have 29  
10 million usable square feet in the MSA area, in the large  
11 regional areas and we have 31,000,000 square feet in  
12 metro areas. Not the MSAs, just the metros. Small  
13 towns, we have one and a half million, but look at the  
14 difference in the numbers of leases. That's very  
15 important as well. And then rural areas we still have  
16 167 leases that are due to expire in the next five years.

17           And another way to look at it, to give you an  
18 idea of the workload that you may incur, in the first  
19 year -- now, this is the contract year plus one. If we  
20 were to start April 1, 2010, we would have 704 expiring  
21 leases, and you go out that way each year. Here's an  
22 example of the bow wave. Do you see we're up here and

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1 these two years we're at 700 and this is one even. And  
2 we drop way down. Chances are, at the end of this year,  
3 we take another snapshot, this one is going to have  
4 bumped up significantly, as this one, and then the year  
5 after that, this one is going to probably be up around  
6 here, unless we can get a handle on it, and that's what  
7 we're really hoping you can help us get a handle on.

8 Another way to look at it is by region. We  
9 start out here with Boston, region one, and go down to  
10 11. And this will all be posted on the website. Most of  
11 it is already there under the industry conference, but  
12 this will be there again, just as a reminder. There are  
13 some lessons learned that we really want to stress to you  
14 that we've learned over this last five years, and we want  
15 to share with you the differences between government  
16 leasing and private sector leasing because we've heard  
17 for quite some time that private sector can do it.

18 Whatever we need you to do, we can do it and we  
19 can do it better and we can do it faster and we can do it  
20 cheaper, but in that formula, you must remember the  
21 differences in federal leasing. So we're very similar in  
22 the fact that we all have to have requirements. We do

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1 the survey to see what's available out there, and we  
2 solicit, we negotiate, we build it out and we hope to  
3 deliver cost savings to our customers.

4           The differences that we're looking at, our  
5 process is very, very form intense, very intense and very  
6 important. And the use of those forms and the correct  
7 completion of those forms requires training. This  
8 process is very highly regulated. We've given you an  
9 exhibit to all of the laws, the regulations, the  
10 executive orders and all those kinds of things that  
11 impact our process.

12           We have our own language and you're going to  
13 have to learn basically a new language. The one thing  
14 that we have that you probably don't experience in the  
15 private sector is that our losing offerors can litigate.  
16 They have -- we call it the postage stamp protest. They  
17 can drop it in the mail and protest what they don't like,  
18 and that may impact our procurements. We also have the  
19 regulatory and socioeconomic factors that have to be  
20 considered.

21           So the value proposition under the GSA contract  
22 is a little different than your private sector leasing,

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1 your commercial real estate experience might bring you.  
2 You want to bring cost savings and good value to us, but  
3 you must document the procurement so that you can  
4 demonstrate compliance with the procurement regulations.  
5 That is the most difficult thing.

6           We have problems with our in-house staff doing  
7 it and we must monitor to make sure that you do it. So  
8 we will have someone monitoring and inspecting the work  
9 and accepting the work, and the lease file has to be  
10 documented appropriately. We have to be able to  
11 withstand protests from losing offerors and we have to be  
12 able to withstand audits from our external stakeholders.

13           And that is both from a financial perspective  
14 and from the process perspective. GAO and IG look at our  
15 files on a regular basis, and when we undergo an audit,  
16 we have to look at the results of that audit. If they  
17 recommend changes and improvements, then we may have to  
18 make adjustments to our process, to our documentation,  
19 and so on. So we will look to you as our partners to  
20 help us fulfill that role in documenting the files.

21 Another major thing, as I mentioned earlier, with the  
22 socioeconomic goals that we deal with, small business

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1 subcontracting goals are unique to federal procurements.

2           Very important to federal procurements and very  
3 important to this contract. Since we did do a full and  
4 open competition, the subcontracting plans and goals are  
5 going to be very important to you. You must subcontract.  
6 If you are a large business, you must subcontract to  
7 women-owned businesses, disadvantaged businesses, hub  
8 zoned businesses, veteran owned businesses and disabled  
9 veteran owned businesses.

10           We have goals in every category, and your  
11 subcontracting plan will need to have goals in every  
12 category, and you will need to implement that plan to  
13 such a degree that you can demonstrate to us that you are  
14 meeting those goals. The other thing that we have that  
15 you may or may not have experience with in private sector  
16 is learning to work with a wide range of lease sizes.

17           And fully half of our leases are less than 7500  
18 square feet, and it makes it worse because we have many  
19 in those very small tertiary markets. Difficult to get  
20 to, expensive to get to, maybe a 500 square-foot lease  
21 out in the middle of Timbuktu, that you have to be  
22 prepared to address for us, to take care of for us. The

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1 national capital region has the highest concentration of  
2 the large projects, and some regions have the focus on  
3 smaller projects.

4           Others will have a mix. They will have some  
5 really urbanized areas with large projects, and then  
6 they'll have a lot of other very small ones. So that's a  
7 challenge for anybody. It's definitely a challenge for  
8 us with our in-house staff and we would expect that it  
9 would be a challenge for you. Now, I'm done with the  
10 portfolio background information, so I'm going to go now  
11 to our schedule.

12           This is our schedule as of today. We posted the  
13 RFP on January the 13th. We are today having a pre-  
14 proposal conference. The RFP states that the offers are  
15 due February the 17th. We anticipate award by April the  
16 1st, with a notice to proceed by July 1. That is our  
17 schedule as of today. Now into other stuff that you may  
18 have questions about, that you may want to comment on.  
19 You may want to do it now, you may want to hold it.

20           We have changed the pricing quite a bit in this  
21 contract. We divided it into square-foot categories. We  
22 are requesting that you provide us a price in the

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1 competitive category of leasing and the non competitive.  
2 We have defined in our contract what we mean by  
3 noncompetitive, and then we have extensions because we  
4 often have delays in our procurements that require an  
5 extension.

6           What we don't want to do is use an extension for  
7 all of our solutions. We need to reduce the number of  
8 extensions that we have, and we will have measures in  
9 place that we are working with the regions to reduce the  
10 numbers of extensions and holdovers, and you will be  
11 involved in that, in helping us meet that measure. In  
12 (inaudible,) the GSA gets the commission rate, the  
13 market commission that is over the contract percent as a  
14 rental credit.

15           If you're familiar with the current contract, we  
16 had them bid a share of whatever they got, they would  
17 give us so much back. We changed that in reaction, after  
18 consideration to stakeholder comments, and many of you  
19 have expressed concerns about that in your questions, in  
20 your previous questions. What we want to make clear is  
21 that we expect you to get a market commission, and it's  
22 going to be supported by the submittals.

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1           If you remember the MSA submittal, we gave you  
2 an exhibit. I don't remember the number of it, do you,  
3 Ted, but we gave you an exhibit that said we want  
4 information on market ranges of commissions out of 62 of  
5 the MSAs. If we have 10 or more leases in an area, we  
6 want to -- we want you to tell us what the market  
7 commission range is in that area so that we can --  
8 because we are going to be measuring you on whether you  
9 get that market commission so that our credits don't take  
10 a nose dive.

11           But in the same area, we're asking you to tell  
12 us what's the maximum that you're going to seek on any  
13 procurement, lease procurement that we issue you. So  
14 that's where that came from. We have removed the  
15 expansion task from the current contract. This new RFP  
16 has two tasks only, full lease acquisitions and  
17 extensions and we have limited when and how you can use  
18 extensions under this contract.

19           The market analysis versus the market data, I  
20 want to clarify that with you because under the current  
21 contract, if you're familiar with that in any way, and  
22 most of you probably have studied that to see what you

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1 can learn from it, we had market data, and we had our  
2 regions issue what we called a task 4. If they were  
3 doing a project and they wanted market data, you had to  
4 issue a separate task order and request market data, and  
5 then the understanding -- the policy was that whoever you  
6 issued that market data task order to, it would have to  
7 go to that contractor for the follow-on. for the real  
8 procurement. In this contract, we anticipate for every  
9 task order that we issue, you're going to provide us some  
10 market analysis, and we've given you the format for the  
11 market analysis and the information that we want.

12           That is to support our lease cost relative to  
13 market measure that we also provided you in an exhibit.  
14 So those -- you need to pay close attention to those  
15 exhibits because we have given you a lot of important  
16 information in there. We have to justify our rental  
17 rates to our external stakeholders. So we do it by what  
18 we call the lease cost relative to market measure, and  
19 they asked us to include in this RFP that information that  
20 they need to get from you that they can carry through and  
21 support the rental rates that you end up with.

22           If a procurement -- and one of our -- one of our

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1 challenges, and yours, if you are the successful offeror  
2 will be that we sometimes take a long time to complete a  
3 procurement. We work on shortening that but, you know,  
4 we can take up to two or three years. We would like to  
5 say we could do it in 6 to 12 months, which is a  
6 reasonable time, but there are many of our procurements  
7 that drag on and on and on, for various reasons. So we  
8 need that documentation to support and justify those  
9 rental rates that we end up with. And we want to be able  
10 to show how we got there. The market data is still in  
11 the RFP, but it's going to be used in a different way.

12           It's in the current contract and we are in the  
13 future that will only be used by me or my successor at  
14 the national level, to request market data to help us  
15 with our customers in national kinds of decisions. One  
16 of the things we're going to talk about later will make  
17 that more clear. If you looked at the two contracts, the  
18 contract and the RFP, you will see a distinctive  
19 difference in style. The current contract is pretty  
20 prescriptive in nature.

21           It tells you step by step by step what we wanted  
22 you to do. In the second generation that you are looking

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1 at now, we focused on deliverables. We are not telling  
2 you step by step. We expect you to know our process. We  
3 are requiring a certain amount of training and we expect  
4 that training to be documented, and we are not going to  
5 tell you how to do it. For one thing, we wanted to leave  
6 it open for innovation. Perhaps you can suggest a  
7 smarter, faster way for us to do things.

8 As long as you get us where we need to go,  
9 following the regulations, documenting it in the way that  
10 we need, you may be able to save yourself and us a lot of  
11 time, and we don't want to get in the way of that. So we  
12 focused on deliverables and said you shall deliver such  
13 and such a thing, in accordance with all of the rules and  
14 regulations that we have to do.

15 We've changed the ordering procedure  
16 significantly. In the current contract we had a thing  
17 called equitable distribution. We got a waiver that  
18 allowed us to do that from the FAR, and we do not intend  
19 to do that in the second generation of this contract. We  
20 are following the FAR requirements, and that is why you  
21 see the breakdowns in the estimated commissions and how  
22 we will order under those breakdowns.

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1           If the estimated commission is less than \$3000,  
2 the ordering officials will be able to select any of you,  
3 whichever one they want. If the estimated commission is  
4 over \$3000 and up to 5 million, there are the stipulated  
5 requirements in the RFP that tell you what they have to  
6 look at. We always have to look at price. We need to  
7 look at past performance. We will be looking at the past  
8 performance that's established in the source selection  
9 process. That's what we're going to start out with. So  
10 we're not going to go through this performance based  
11 tasking where we never quite got there.

12           We're addressing that right up front. We're  
13 using your past performance, whatever we determine and  
14 rate you through that source selection, that will be your  
15 past performance and then it will be rolling, every  
16 quarter, every six months, we will update your  
17 performance based on your history with us through the  
18 task order performance, and I'm not -- I don't know, Ted.  
19 I'm not going to say anything else.

20           Over \$5 million, we're required to use what we  
21 call enhanced competition procedures, and that's a FASA  
22 requirement. Yes, sir. We need you to use the

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1 microphone, or the stenographer will not be able to hear  
2 you.

3 UNIDENTIFIED SPEAKER: Are you suggesting that  
4 there's a possibility that one of the selected  
5 contractors might get no task orders?

6 MS. KIDD: That's always a potential, except you  
7 have a -- you have a guaranteed minimum. So you would  
8 always get at least that many task orders.

9 UNIDENTIFIED SPEAKER: You mentioned that it's a  
10 net commission. Is that the net to the broker, after the  
11 commission share, or total expected commission from the  
12 deal itself?

13 MS. KIDD: Did I say net commission?

14 UNIDENTIFIED SPEAKER: It says in the RP as  
15 well.

16 MS. KIDD: I think it -- it does? Okay, then  
17 that's what we mean. That's the net that you would take  
18 home.

19 UNIDENTIFIED SPEAKER: Excuse me. Let me ask  
20 you also for clarification. You said on page 166 of the  
21 RP it states no past performance were paid, but you just  
22 said there's past performance, so that's a little

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1 confusing to me.

2 MS. KIDD: Okay. Can you repeat that? I'm  
3 sorry.

4 UNIDENTIFIED SPEAKER: On page 166 of the RP, it  
5 talks about past performance.

6 MS. KIDD: Uh-huh, uh-huh.

7 UNIDENTIFIED SPEAKER: The page limitation, it  
8 says zero and no submission requested. Normally of  
9 course you request a past performance, whether it be  
10 three or five, or whatever. This states zero, but you  
11 just mentioned that you are going to look at past  
12 performance as the source selection process, so can you  
13 clarify that for me, please?

14 MR. MAHONEY: Okay. I just want to make sure.  
15 The question you're asking is -- I think it's in Section  
16 M, the evaluation factors.

17 UNIDENTIFIED SPEAKER: I think in L.

18 MR. MAHONEY: L, instructions.

19 UNIDENTIFIED SPEAKER: L5.

20 MR. MAHONEY: What that means for you in L, for  
21 instructions, you're not required to provide us any past  
22 performance information that we don't already have. You

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1 might be familiar with what's called our past performance  
2 information retrieval system, PPIRS, nice little acronym  
3 we have. That system goes throughout all agencies, and  
4 we're able to access that.

5           So if you have previous federal contracts, that  
6 information on your past performance is listed there. So  
7 you're not required to provide us anything for that. So  
8 zero, I believe there, there is no page limitation for  
9 you to submit for past performance information because  
10 it's something that we may already have. Now, there's  
11 other instructions in there that will lead you through,  
12 as far as references, because we are going to have you  
13 provide some client information for experience and part  
14 of that.

15           So that information we'll be using to do reviews  
16 on, so we will go back and look at that to make sure, but  
17 I believe there is no page limitation only because  
18 there's nothing to be required to submit for that.

19           UNIDENTIFIED SPEAKER: Right, but you're also  
20 looking out to the commercial world to bid for this RP,  
21 to respond to this RP.

22           MR. MAHONEY: Correct.

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1 UNIDENTIFIED SPEAKER: So therefore they may not  
2 have past performance already listed in your database.

3 MR. MAHONEY: Correct.

4 UNIDENTIFIED SPEAKER: So this is kind of  
5 misleading, so I'm speaking --

6 MR. MAHONEY: Right.

7 UNIDENTIFIED SPEAKER: -- from experience,  
8 lesson learned.

9 MR. MAHONEY: But I do want to let you know that  
10 in past performance, if you have no past performance,  
11 it's usually treated as neutral.

12 UNIDENTIFIED SPEAKER: okay.

13 MR. MAHONEY: So it's just again it's how  
14 instructions tell you, if you have it, it's great. We  
15 can use that to do our review. If you don't, then we'll  
16 actually be able to say here's what we'll do, and I think  
17 the instructions cover that. We'll be more than happy to  
18 answer that as part of the question and answer later,  
19 too.

20 UNIDENTIFIED SPEAKER: Thank you.

21 MS. KIDD: Okay. So, requirements development.  
22 As you know, requirements development, or you may or may

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1 not know, is in the current contract. The option for us  
2 to utilize you to help with requirements development. We  
3 left it in the RFP for the second generation. Our  
4 intention there is to leverage your knowledge of market  
5 conditions to help by advising us and our clients what's  
6 going on out there so that we can shape their  
7 requirements to match market opportunities and  
8 conditions. Particularly right now, in the soft market,  
9 we want to take advantage of your knowledge. If our  
10 customers think they want something, and there's really  
11 nothing out there, if you can help us educate them on  
12 what's available and how they might save money if they  
13 change their requirements just a little bit by location,  
14 or floor, if they think they need to be on one floor  
15 versus another floor, or there's a big bank that's open  
16 right here.

17           If you think about it, you may be able to make  
18 that. The bank went under, the space is vacant, you  
19 might have a big retail box that maybe you could make,  
20 but we are counting on your knowledge to help us take  
21 advantage of the market opportunities and conditions as  
22 they come out. We also want to -- you to help us with

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1 telling us, if we change our delineated area just a  
2 little bit, you bring this building or that building in,  
3 which may be a really good asset for you to consider, and  
4 your customer to consider. And the term length.

5           Our customer -- we often have -- I guess our  
6 average term is seven years, but most of our leases have  
7 a 10 year term with a five-year firm is what we call it.  
8 And any time after the five years, we can terminate upon  
9 so many days notice. So one thing we may be able to do  
10 is increase the value, getting a lower rental rate, by  
11 convincing people to extending the term. So that's the  
12 kind of information, when we talk about requirements  
13 development, that's more what we're after from you.  
14 We're not expecting you to go out and do the racking and  
15 the stacking, or the space planning or, you know, that  
16 kind of thing that goes with an architecture firm or a  
17 space planning firm.

18           So hopefully that will clarify to you. We did  
19 put a revised paragraph in the RFP after the draft to  
20 clarify that. Post award services. We have post award  
21 services in the current contract. It created some  
22 significant problems. We did deal with it. We think we

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1 got it to working fairly well. We decided under the  
2 current RFP to change that so that we are very clear that  
3 what we expect from you is what we would expect from our  
4 realty specialists, our leasing specialists who are not  
5 trained in construction inspection.

6           We expect you to give us what we are calling a  
7 lease monitoring and management plan to tell us how you  
8 are going to monitor the buildout phase of that lease.  
9 One of the things we would expect you to do is go through  
10 the SFO and identify every deliverable in there that the  
11 lessor owes us, and how you're going to receive that, and  
12 what you're going to do with it once you get it. We do  
13 expect you to help us with the tenant improvement  
14 negotiations, which occurs after award under the TISFO,  
15 with just the standard SFO that our leasing specialists  
16 are supposed to be using.

17           We also want you to monitor -- monitor the  
18 lessor construction schedule. That is one of the  
19 deliverables, and we want to know how you're going to  
20 follow that so that you can tell us, yes, construction is  
21 progressing. You may have to go and do a drive by and  
22 look at it. They're going to submit reports to us that

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1 say we've progressed X, X, but we need some confirmation  
2 of that.

3           Are they really -- do they really have what  
4 they've done completed because we do not want to get down  
5 to time for occupancy and there's nobody been out there  
6 to look at the space. We're not expecting you to do the  
7 inspection for us to say, yeah, they built it out the way  
8 you intended. We want you to let us know that it's  
9 progressing and you have done whatever you need to do to  
10 confirm that they are moving along as they say they are  
11 moving along. And there's a lot of other things that we  
12 set out in the RFP.

13           We kind of took a quick look through the SFO and  
14 identified some of the things that were deliverables, but  
15 we also included that phrase, other deliverables not  
16 identified in this RFP that may be in the SFO. Another  
17 issue that you need to be aware of, we often have work  
18 that has to be completed by what we call an RWA. It's a  
19 reimbursable work authorization funding that the client  
20 provides over and above what the lessor is funding in the  
21 lease.

22           Your commission is based on the aggregate value

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1 of the lease, which includes that TI. There will be  
2 work. There is much work on many of our projects that is  
3 above and beyond. We have not been able to figure a way  
4 to break that work out. It's impossible to say, well,  
5 you're going to monitor this work, but you're not going  
6 to monitor that work. So whatever is involved in that  
7 construction includes that RWA work.

8           We have removed that construction inspection  
9 expectation, that construction management. We do not  
10 expect you to be CMs. And we do expect you to deliver a  
11 complete lease file at the end. That's also in the post  
12 award section of the RFP. Okay. I'm guessing I  
13 explained that very well. Quality control. Under the  
14 new RFP your quality control plan will be incorporated  
15 into the contract and it cannot be changed without the  
16 approval of the contracting officer.

17           Quality control is a big issue. We expect you  
18 to deliver work to us that has been reviewed by you  
19 before it goes to our people for review -- for inspection  
20 and acceptance. If you were doing a part for an  
21 airplane, you would provide quality control to make sure  
22 that that part was done before you delivered it to the

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1 government for their inspection and acceptance, and we  
2 are expecting the same thing.

3           One of the things that we do not want you to  
4 expect is that you will do an SFO or that you will do a  
5 negotiation objectives document, or a market survey  
6 document, and have it sent back several times for  
7 inspection. And I can tell you, our leasing people are  
8 very particular. They have to be, we have to be. So we  
9 expect you to deliver quality control and your plan will  
10 be reviewed. It's going to be a part of the source  
11 selection, and your implementation of that plan will be a  
12 big factor in your performance. We've changed the  
13 performance expectations somewhat in this RFP. We've  
14 tried to very clearly define what our performance  
15 expectations are in C, I think it's nine. We have the  
16 task order level inspection and acceptance with the  
17 performance evaluations that remain there. That will not  
18 change.

19           We have added definitively what we expect at the  
20 program level and the national level, and that will be  
21 part of your performance evaluation. And another factor  
22 that we are going to incorporate as a separate item this

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1 time is the subcontracting plan implementation. We've  
2 increased the reporting that's required, and the detail  
3 of the reporting that's required, to address our concerns  
4 about small business inclusion.

5           So just be aware and study that performance  
6 expectation piece of the RFP. Required training for  
7 those who are working on the contract. We had a lot of  
8 comments about this on the draft solicitation. We did  
9 listen to you. We tried to address them. I'm going to  
10 try to clarify right now verbally what we did and what we  
11 mean. I mentioned earlier that it takes a lot of  
12 training. There are specialized processes and knowledge  
13 that you have to have about federal leasing. Even to do  
14 a market survey. You think, oh, all you do is go out and  
15 show them properties, but there are things you need to  
16 know about, like procurement integrity and what you can  
17 share and what you can't share, and what we expect of you  
18 in a market survey.

19           The market analysis, we decided, okay, if you're  
20 just going to give us market analysis information, you  
21 don't really need any federal leasing training. You can  
22 tell us what's in the market, as long as you have enough

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1 commercial real estate experience, but if you're going to  
2 do anything else, we've set forth clear courses and  
3 experience levels that we expect you to have if you're  
4 working on this contract.

5           The market survey, we think you just at least  
6 need that basic federal leasing process procurement class  
7 so that you understand basically what we're talking about  
8 when we talk about a market survey. It's quite different  
9 probably from what you do in the private sector. We've  
10 set out specifically for the SFO and negotiations. We  
11 want you to have at least that basic leasing class and the  
12 negotiation techniques. We want that documented. The  
13 specific titles of the classes are not the same. It's  
14 the content of the class, and that they deal with federal  
15 leasing, and there may be -- I mean we don't want to get  
16 so tight that we are excluding people, but we want you  
17 understand it's that federal leasing base that we need  
18 you and your people to have.

19           Post award services, we currently have just the  
20 requirement that you have experience with delivering a  
21 facility during the buildout phase. There may be  
22 something that we want to change about that. So there

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1 were questions and comments about the training with the  
2 zonal sessions and what's involved in that. I want to  
3 make sure that you are aware of that provision that's in  
4 the contract. I think it's in Section B.

5           One of the things we want is that partnering  
6 aspect. We want our regional people to get to know you  
7 from the very beginning. So we want to include you as we  
8 roll this out. Instead of us going out there and saying,  
9 you know what, these guys are coming, get ready, we want  
10 you to be a part of it and help us introduce you and your  
11 knowledge, and what the contract says.

12           And a big benefit to you is that you will know  
13 what that contract says when you get done with that. So  
14 you'll know it as well as we know it. If you're out  
15 there training people, that's the best way to learn it.  
16 We want to partner with you in planning what we're going  
17 to do and how you can contribute. And so we put that in  
18 there. We also want to follow up with the individual  
19 regions to make sure that they understand the  
20 complexities of the contract and what our expectations  
21 are and how you can help them, and the more you get to  
22 know each other, the better you're going to work

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1 together. Okay. That's all I have. Questions,  
2 comments? That's just the high points.

3 UNIDENTIFIED SPEAKER: I have one.

4 MS. KIDD: Use the microphone, please.

5 UNIDENTIFIED SPEAKER: Could you give an example  
6 of what's replacing the commission credit, how that is  
7 going to work?

8 MS. KIDD: What's replacing?

9 UNIDENTIFIED SPEAKER: The commission credit?  
10 In other words, the amount that's going back -- the  
11 amount that currently goes back to GSA, how that's  
12 changing?

13 MS. KIDD: Well, it's basically an in the  
14 pricing, the way we see the pricing set up. Instead of  
15 saying whatever you -- you're going to go out and get  
16 your market commission, and whatever you get, you're  
17 going to get X percent back. Now we're asking you to say  
18 this is the max that I'm going to take, and the market  
19 commission is here.

20 The range is here and here, and yours may be  
21 right in here. So the difference between that, that's  
22 going to be the credit back to us. Say your range is two

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1 to four percent in that MSA, and you say, okay, I'm not  
2 going to exceed more than two percent, or one percent, or  
3 one and a half or whatever your bid is on the contract.  
4 So then if you negotiate a three percent commission, then  
5 the government would get that one percent difference, if  
6 you had a two percent cap.

7           That's the difference, and that portion would go  
8 to the credit. Does that make sense? Okay. We need  
9 some microphone runners down here guys.

10           UNIDENTIFIED SPEAKER: (inaudible).

11           MS. KIDD: John Culbertson.

12           UNIDENTIFIED SPEAKER: Okay. Thank you.

13           MS. KIDD: Uh-huh. Anything else? Oh, here's  
14 one right here. Hi.

15           UNIDENTIFIED SPEAKER: The required training, is  
16 there a list of approved GSA classes already that covers  
17 that, or --

18           MS. KIDD: We have the list of classes that are  
19 required for our contracting officers, and we gave them  
20 in the draft and they created a lot of confusion, so we  
21 took them out.

22           UNIDENTIFIED SPEAKER: Okay.

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1 MS. KIDD: I don't know that we want to go into  
2 that. Let us talk about that and we'll get an answer  
3 back to you in writing, okay?

4 UNIDENTIFIED SPEAKER: Okay. Great.

5 MS. KIDD: Anything else before I go? Okay.  
6 Thank you very much.

7 MR. MAHONEY: Before we bring Gary up, the lady  
8 that asked the question on instructions for past  
9 performance, if you actually go through that Instructions  
10 For Offerors, it will tell you why we do that. I mean  
11 past performance is something that we have various ways  
12 of getting that information, and for those that -- when  
13 you're submitting, as part of your experience factor, you  
14 will be submitting client information to us, and we will  
15 be conducting interviews with some of those clients,  
16 along with those other things I talked about, the past  
17 performance information retrieval system where we have  
18 past performance data, but it's not to be confused with  
19 experience.

20 It's two separate factors.

21 UNIDENTIFIED SPEAKER: (inaudible).

22 MR. MAHONEY: Yes, ma'am. Okay. Actually I

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1 don't have a slide for you.

2 MR. DAVIS: No, I don't have slides.

3 (inaudible) turn that off. Good morning. Pretty serious  
4 event here today. I'm not used to that. I like it more,  
5 I don't know, more communication, but actually I have a  
6 very serious part, so I'm not sure why I'm trying to make  
7 light of it. It's the conflict of interest,  
8 organizational conflicts of interest.

9 In general, in the government, organizational  
10 conflicts of interest are to be avoided. That means no  
11 dual agency is allowed, but we have a waiver from some of  
12 those provisions, and we do allow dual agency. Because  
13 of the market, because you are brokers, and because in  
14 your private practice you do practice dual agency in the  
15 vast majority of states, and because of our experience  
16 over the last five years, in this contract, in the  
17 majority of cases we will be allowing dual agency to go  
18 forward. I don't know -- I mean I know the incumbent  
19 contractors that are here realize that that's a big  
20 switch, but for those of you that are thinking about  
21 bidding, it's also a big switch. Under the  
22 prior contract, our default mode was stop the performance

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1 if there is a reported dual agency. Under this contract,  
2 it will be -- the default mode is to allow them to go  
3 forward. Okay, so that's a big change. As I said, we  
4 have a waiver, and our waiver includes that language.  
5 Our experience over the last five years has been that we  
6 have not had any challenges to dual agency in any federal  
7 courts or other jurisdictions, and we think we have  
8 enough cross procedures of our own in place to mitigate  
9 and neutralize the dual agency.

10           You have your own state and local regulations on  
11 dual agency that govern your behavior, and we have some  
12 other provisions in the contract that I'll mention that  
13 are new this time that also act to mitigate and  
14 neutralize any dual agency issues. Regardless of whether  
15 -- regardless of whether it's a -- there is an  
16 organizational conflict of interest or not, everyone  
17 involved on the task order will be signing a  
18 nondisclosure and confidentiality agreement. Even the  
19 government employees sign those. So you're not treated  
20 any differently there.

21           The lease solicitation this time will contain a  
22 notice to all offerors that informs them that a

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1 particular broker is the government's authorized agent  
2 for the procurement, and that a potential dual agency  
3 situation may arise. By submitting an offer, the  
4 offerors will acknowledge the potential for the dual  
5 agency. The offerors will be further informed that if an  
6 actual dual agency arises under the particular  
7 procurement, our contractor will notify the offerors and  
8 obtain a signed dual agency notification statement.

9           That statement will meet some of the  
10 requirements of the FAR that will state that our  
11 contractor will agree not to disclose the information for  
12 other than the purpose it was submitted for. That will  
13 keep the information proprietary for as long as it remains  
14 proprietary, in the view of the submitter. What else is  
15 unique to us? We have a very extensive clause in Section  
16 H that requires a conflict wall for all offerors this  
17 time to protect against dual agency, to keep information  
18 proprietary and to prevent the flow of information  
19 (inaudible) with any other employee in the office.

20           They will have to inform members of the firm  
21 about the barrier, for the transactions, prohibit  
22 discussions of transactions outside of the people that

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1 need to know and the people that have signed the  
2 procurement nondisclosure and confidentiality agreements.  
3 You have to have separate servers, separate paper files,  
4 but those issues are not unique to the conflict of  
5 interest any longer, and I'll get to that in a minute.

6           A couple of things we do prohibit, we would  
7 prohibit any individual from representing both the owner  
8 and us in any particular transaction. So individual dual  
9 agency will be banned in all cases. We will also  
10 prohibit an individual with a personal financial  
11 interest. So if you're part owner of the building, you  
12 will not be able to represent us on that transaction.  
13 That individual will not be able to represent us. We  
14 could still -- you can find someone else in your firm  
15 perhaps, but we don't want any other -- any individual  
16 financial interest. Our individual brokers are  
17 prohibited from representing an offeror on a GSA lease  
18 procurement in the same market for six months after they  
19 have represented us.

20           So if you represent us on a transaction today,  
21 you're prohibited from being on the other side of the  
22 table tomorrow. There's a six-month cooling off period.

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1 If you leave the employment of that contractor, or if  
2 you're reassigned to another part of the same brokerage  
3 house, six months later you can come back and represent  
4 anyone in that market against us, but for six months you  
5 can't.

6           And the representation ends on that particular  
7 task order when your assignment ends, or you're  
8 reassigned, or you leave the firm, or when the lease is  
9 actually signed. We still require disclosure of any real  
10 or potential conflicts of interest, and I know the time  
11 limit there is under discussion as to when. I think  
12 we're up to five days now, Ted, to disclose any real  
13 potential conflicts of interest. But as I said, the vast  
14 majority of cases, even though you record it, you will be  
15 allowed to proceed. What other additional safeguards do  
16 we have in place? I mentioned those earlier. We have  
17 the Federal Information Security Act, which requires  
18 safeguards for protection of government systems and  
19 government information.

20           That's something you need to pay attention to,  
21 talk to some consultants or somebody that can help you  
22 with that. It's pretty strenuous. It's way over my head

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1 as far as the technicalities of what your systems have to  
2 comply with. So it's something you really need to pay  
3 attention to. We also have provisions now under the  
4 Close Contractor Fraud Loophole Act. This is something  
5 new as well.

6           It just started in contracts within the last six  
7 months or a year, I would say. It requires a contractor  
8 code of business ethics and conduct, and internal control  
9 system and training that the contractors have to provide  
10 to their employees. It also requires disclosure to the  
11 government of certain violations of criminal law  
12 involving fraud, conflict of interest, bribery, gratuity,  
13 any of those violations under title 18, and reporting of  
14 significant overpayment.

15           So that's something new. So we felt that with  
16 the restrictions in place already on you from your state  
17 licensing, our paragraph H, the FISMA requirements and  
18 this Contractor Fraud Loophole Act, that we would be in  
19 the position to neutralize and mitigate conflicts and  
20 allow you all to go forward in the majority of cases, if  
21 you are in compliance with all of these other things to  
22 proceed to represent us and an offeror.

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1 Any questions? Yes.

2 UNIDENTIFIED SPEAKER: Gary, you said that --  
3 you said the six month cooling off period starts with  
4 lease execution, but shouldn't it start with the  
5 completion of post-award which could go a lot more than  
6 six months?

7 MR. DAVIS: With the completion of your duties  
8 on the contract. So, yes, it would be at occupancy, if  
9 you carried it all the way through to occupancy.

10 UNIDENTIFIED SPEAKER: Right, because that could  
11 be 12 to 24 months later.

12 MR. DAVIS: On that contract. Right. You're  
13 right. You're right. I misspoke.

14 UNIDENTIFIED SPEAKER: Okay. Thank you.

15 MR. DAVIS: The completion of your duties I  
16 guess is the general way to say it, yes.

17 UNIDENTIFIED SPEAKER: (inaudible).

18 MR. MAHONEY: Just a second.

19 MS. KIDD: Let me say just one of the reasons we  
20 worded it that way, if you as a firm have someone doing a  
21 market survey for you and that's all they do, and six  
22 months from the time they complete the market survey,

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1 they can come back and represent us; right, or the other  
2 firm, or whatever it is. So if some of the firms have  
3 subcontracted the market survey piece out, and they only  
4 do that piece. So they don't have to wait until  
5 occupancy, is what our intent is.

6 UNIDENTIFIED SPEAKER: (inaudible).

7 MS. KIDD: You have to use this for the  
8 stenographer.

9 UNIDENTIFIED SPEAKER: But if that individual  
10 has a signed procurement integrity and is inside the bubble,  
11 and has access to materials, shouldn't it be at the end?

12 MS. KIDD: Okay, we're going to answer this in  
13 writing so that we don't get ourselves fouled up.

14 MR. DAVIS: I wish I would have been given a  
15 chance to answer it but that's, you know --

16 MS. KIDD: I'm sorry, Gary, but we would like to  
17 --

18 MR. DAVIS: What was the original question?  
19 What is market -- well, you know, I don't think we've  
20 defined it to the nth degree of where market boundaries  
21 are, but generally, if you're here in Washington, it's DC  
22 and close to Northern Virginia, you know, pretty much the

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1 boundaries of the national capital region here, I would  
2 think. Chicago, you know, I don't know. When you get  
3 out of Washington, I think it probably becomes more  
4 narrow.

5 UNIDENTIFIED SPEAKER: I work with one of the  
6 large full-service firms, so organizational conflict of  
7 interest is of particular interest to us. When you talk  
8 about disclosure -- by the way, is this thing on? Can  
9 you hear me?

10 MR. DAVIS: Yes.

11 UNIDENTIFIED SPEAKER: When we talk about  
12 disclosure, does that occur upon task order? I mean the  
13 concern would be that in many instances we may need to  
14 disclose that there's some -- that there's some potential  
15 conflict of interest, and what I'm wondering is is how  
16 does that tie into the idea of non-equitable distribution  
17 of task orders. Is the possibility of disclosure  
18 something that would be considered -- or the possibility  
19 of a conflict of interest something that would be  
20 considered in terms of distribution of task orders?

21 MR. DAVIS: No. No. No, the ordering  
22 procedures are as stated. It's price, past performance,

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1 capacity and distribution. The decision to issue the  
2 task order will be made -- you will have your task order,  
3 and then you will be expected to disclose whether or not  
4 you have a conflict of interest. Do I have that right, Ted?

5 MR. MAHONEY: That's correct.

6 MR. DAVIS: That's right. You know, five days.  
7 We expect you to have a pretty good system. If you are a  
8 big market firm, it's more difficult. The bigger the  
9 firm, the more difficult it is to track down all of the  
10 fingers of the firm and say do we have a financial  
11 interest in this little delineated area, but we do expect  
12 you to find that within five days and report it.

13 There's also a continuing reporting requirement  
14 during the life of the procurement, as long as you're a  
15 representative, that if you discover some potential or  
16 real conflict of interest during the life of the  
17 procurement that you report that as well, and that would  
18 become another decision point for us. But as I said, our  
19 decision switch right now is on default to allow you to  
20 go. Okay? I thought that would make everybody happy. I  
21 thought I would see the smiles out there. Okay. I guess  
22 that's it for me. Wow. Next. With that, Ted.

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1 MR. MAHONEY: With that, we have Ms. Gwen  
2 Anderson who is our public building service small  
3 business technical advisor.

4 MS. ANDERSON: Good morning. Just like Gary, I  
5 don't have any PowerPoint presentation, so I'm just going  
6 to just be forthright. I am Gwen Anderson and I'm the  
7 public building service technical advisor for the public  
8 building service branch of GSA, and whether you're a  
9 company here that is a small firm or a large firm, or if  
10 you're a potential contractor as a prime or as a  
11 subcontractor, I just want to let you know that the  
12 national broker contract is a very important contract.

13 And as Gary just alluded to, it's one contract  
14 that's very unique, not only the language, but for me as  
15 a small business person because I can tell you every  
16 single day, I'm on the phone with Ted asking him to  
17 explain this, and asking him to explain that, and I just  
18 don't understand it. So all of you that are potential  
19 contract holders for this contract, my heart goes out to  
20 you. I don't understand -- I don't understand anything  
21 he said basically about the ins and outs of that  
22 contract. The language is just tough.

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1           But this contract is one contract that is very  
2 highly talked about. It's a conversation piece for  
3 insiders as well as outsiders. Congressional offices  
4 have actually called me, e-mailed me, asked me this and  
5 asked me that, and I do the easy part and just defer it  
6 to Ted. Having visibility in this contract shows that  
7 PBS is a whole -- is compliant with the federal  
8 acquisition regulation, and even though part 19 does not  
9 apply, there are a couple of things within the federal  
10 acquisition regulation that applies to this contract.

11           And I'm going to have to defer to Ted to give me  
12 that clause whereby we have to utilize small business for  
13 this contract. I think it's 52 something.

14           MR. MAHONEY: Are you asking me a question?

15           MS. ANDERSON: I'm asking you.

16           MR. MAHONEY: Oh.

17           MS. ANDERSON: Well, anyway, I don't know what  
18 it is, but it's a very long clause. I think it's 52  
19 something, but that states that we should use small  
20 businesses, and we do. Have you thought about it?

21           UNIDENTIFIED SPEAKER: (inaudible).

22           MS. ANDERSON: Yes.

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1 UNIDENTIFIED SPEAKER: (inaudible).

2 MS. ANDERSON: I know about that one, but I was  
3 thinking about this specific clause that states that  
4 there should be a small business subcontracting plan for  
5 large businesses.

6 UNIDENTIFIED SPEAKER: (inaudible).

7 MS. ANDERSON: Okay. Jay, yeah. I got you.  
8 Anyway, moving right along, just like with the first  
9 generation of this contract, there's going to be a  
10 subcontracting goal of 27%, which is up 3% over the first  
11 generation, and I can say without reservation, my  
12 colleague Liz Ivey, who is in the back of the auditorium,  
13 we do a thorough, thorough, I want to say investigation,  
14 but we do a thorough interview of the contract brokers,  
15 and we really grill them, letting them know that the  
16 good-faith effort that's made needs to be upheld, and  
17 small business is definitely a number one priority for  
18 the office of small business utilization as well as with  
19 the small business technical advisor for PBS, myself.

20 And if any of you small businesses want to talk  
21 with some of the current brokers about, you know, what  
22 they have to go through and what they have to provide for

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1 us, they're out here. I think I saw one from JLL, CB  
2 Richard Ellis and Staubach. I'm sorry, Studley.

3 UNIDENTIFIED SPEAKER: Gwen?

4 MS. ANDERSON: Yes.

5 UNIDENTIFIED SPEAKER: They handed me the  
6 microphone.

7 MS. ANDERSON: And I recognize this gentleman,  
8 yes.

9 UNIDENTIFIED SPEAKER: How are you? Is GSA,  
10 through the contract, going to require the large business  
11 offerors contractors to subcontract out some of the  
12 larger, juicy, full lease acquisitions versus  
13 subcontracting out the smaller, technical and other  
14 services?

15 MS. ANDERSON: And you're talking as a prime?

16 UNIDENTIFIED SPEAKER: As a prime. Yeah, as a  
17 prime, yes.

18 MS. ANDERSON: I would definitely say yes. Ted?

19 MR. MAHONEY: No.

20 MS. ANDERSON: No. I would say yes.

21 MR. MAHONEY: No. We can't direct one way or  
22 the other. We will direct --

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1 MS. ANDERSON: I'm sorry. Was the term to  
2 direct them? Oh, no, we can't.

3 UNIDENTIFIED SPEAKER: Well, as part of your  
4 subcontracting plan, is it going to be based upon what  
5 services they're subcontracting, including leasing  
6 services?

7 MS. ANDERSON: Okay. What I know is that when  
8 we bring you in and we look at the subcontracting plan,  
9 and depending on how you have divvied it up, how much  
10 business is going to go to, women owned, hub zone,  
11 veteran owned, that is what's taken into consideration.  
12 And of course, if you don't meet those requirements, then  
13 we hold you accountable, you know, for that good-faith  
14 effort that you provided in that subcontracting plan.

15 UNIDENTIFIED SPEAKER: Right. Right.

16 MR. MAHONEY: Let me see if I can add a little  
17 to what I think you're asking.

18 UNIDENTIFIED SPEAKER: Right.

19 MR. MAHONEY: First off, subcontracting plans are  
20 required only by large businesses, other than small.  
21 Anybody, other than small, if you are a successful  
22 offeror, you are required to submit a subcontracting

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1 plan. One of the attachments or exhibits in the RFP is a  
2 model, and in that model, we gave you, well, here's what  
3 GSA's goals are for subcontracting in those categories, a  
4 woman owned, hub zone, service disabled vet owned  
5 businesses, these are the categories that GSA has, and  
6 this is our current goals for us.

7           Those are there just for a guide for you. Your  
8 plan is your plan. Now, what we're going to do, if you  
9 are the successful awardee and you're a large business,  
10 and you have an approved subcontracting plan that we  
11 approve, then we're going to track you against that plan  
12 to see how well you did. So the idea is that if you say  
13 I'm going to subcontract out 20% of whatever I'm going to  
14 do is going to go to a woman owned business, so we're  
15 going to track you against whatever you get, 20% should  
16 go to the woman owned business. Now, we're not going to  
17 say who, but you will manage that, not us.

18           UNIDENTIFIED SPEAKER: Right. One of the  
19 reasons I'm asking this is because under the NAICS  
20 code for small business, that this is being procured  
21 under --

22           MR. MAHONEY: Correct.

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1 UNIDENTIFIED SPEAKER: -- the average, three-  
2 year average is \$2 million.

3 MR. MAHONEY: Correct.

4 UNIDENTIFIED SPEAKER: So that puts many of us  
5 that specialize in federal government leasing and have  
6 this expertise, and this is what we do, that puts us into  
7 a large business category.

8 MR. MAHONEY: Wow. And again, we don't control  
9 that size standard. It's the Small Business  
10 Administration --

11 UNIDENTIFIED SPEAKER: Right.

12 MR. MAHONEY: -- and the Department of Labor.  
13 They do all of that.

14 UNIDENTIFIED SPEAKER: Right.

15 MR. MAHONEY: We just enforce it.

16 UNIDENTIFIED SPEAKER: Understood.

17 MR. MAHONEY: So the NAICS code is -- you're  
18 correct, the NAICS code is 531210 and it is gross receipts  
19 of two million -- I think it is averaged over a certain  
20 period of years, and it does change. I mean it's changed  
21 from the first NBC was 1.5. Now we're up to two million.

22 UNIDENTIFIED SPEAKER: Right, right, right.

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1 MR. MAHONEY: But you're right. It may pose a  
2 problem, but you do need to check that because you may be  
3 considered a large business.

4 UNIDENTIFIED SPEAKER: Right. Understood.

5 MR. MAHONEY: And any questions on that should  
6 go to the Small Business Administration.

7 UNIDENTIFIED SPEAKER: Right. Thank you.

8 MS. ANDERSON: Ted, you took the words out of my  
9 mouth. I was going to tell Ben, that if you had specific  
10 questions regarding SBA regulations and the like, that  
11 you can contact our small business -- I'm sorry, our SBA  
12 representative, Howard Parker, who was going to join us  
13 today, and unfortunately I don't see him in the audience,  
14 but he did tell me that he would be more than happy to  
15 discuss any specific SBA concerns that you might have.

16 UNIDENTIFIED SPEAKER: Well, and this may be one  
17 of those specific questions, but if a small business is  
18 currently teamed with a prime on this contract, and  
19 perhaps by virtue of working on this contract it's now  
20 above that two million dollar NAICS threshold, are they  
21 eligible -- should that prime win this next contract, are  
22 they eligible to continue with that prime?

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1 MR. MAHONEY: Are you taking that one?

2 MS. ANDERSON: Go ahead.

3 MR. MAHONEY: As a small business. First off,  
4 size standards are required to be recertified, and even  
5 as a small business, if you change, part of the  
6 requirement of the prime is to verify the size standard  
7 of the small firms working with them, and they're  
8 required to update that. So as they change, they may be  
9 changing your plans. So that's a requirement of that  
10 same clause about subcontracting.

11 It identifies that whole process, as firms  
12 mature, yes, changes do occur.

13 MS. ANDERSON: And on that note, I did want to  
14 state that any of you small business concerns out there  
15 that wanted to network with other small businesses, as  
16 well as large businesses that might be here, we do have  
17 tables set outside -- set outside of the auditorium, and  
18 you're more than welcome to meet with your peers and  
19 large businesses and small to maybe make that happen.

20 UNIDENTIFIED SPEAKER: I'll tell you why that's  
21 an important question for you to get from the SBA because  
22 for some of us who are 8A certified, woman-owned,

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1 whatever, veteran, all of those things, that has a  
2 threshold under the 8A program, three million is the cap.  
3 You are allowed to get a contract up to that three  
4 million. So that two million almost presents a conflict.  
5 So I'm a little ambiguous as well because I know what I  
6 need to do as an 8A, but --

7 MR. MAHONEY: Right.

8 UNIDENTIFIED SPEAKER: That two million, it  
9 really threw me off.

10 MR. MAHONEY: Exactly. As an 8A firm, you're  
11 under a different program.

12 UNIDENTIFIED SPEAKER: Right.

13 MR. MAHONEY: Under the 8A, Section 8A program -  
14 -

15 UNIDENTIFIED SPEAKER: Understood.

16 MR. MAHONEY: -- right. So for your purposes,  
17 the NAICS code is still important because you're required  
18 to work under that NAICS, but as far as the dollar  
19 threshold, that's different for you.

20 UNIDENTIFIED SPEAKER: More reason why I think  
21 it needs to be clarified because you're right.

22 MR. MAHONEY: Right and that's why SBA -- any

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1 questions about size standards or anything about that  
2 piece of it, we refer it directly to SBA.

3 UNIDENTIFIED SPEAKER: I teach those guys this  
4 thing, but this part you just threw me with that \$2  
5 million. So that part I wasn't sure, but I will probably  
6 get my answer, but thank you.

7 MR. MAHONEY: You're welcome.

8 UNIDENTIFIED SPEAKER: When you look at  
9 compliance with small business subcontracting goals, do  
10 you look at it's a percentage of revenue allocated or  
11 distributed? Do you actually look at the services and  
12 the quality of work performed by that subcontractor, or  
13 do you -- I mean for example, could a large business just  
14 pay 20% to a small business but still do the work itself?

15 MS. ANDERSON: What I do, in conjunction with --  
16 I'm looking at the submitted small business plan, and if  
17 a company submits that it will do let's say 10% in a  
18 specific socioeconomic group, I'm looking to see that  
19 they did that. And then I also have the eSRSS, which is  
20 the electronic subcontracting reporting system, and that  
21 doesn't tell me a lot, but it does tell me where there  
22 are deficiencies. You know, if a subcontracting plan is

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1 submitted, and it states that a specific percentage is  
2 going to be made, then we hold the contractor responsible  
3 for submitting that, and if that isn't done then, you  
4 know, there is the liquidated damages that can occur as a  
5 result. Yes, we do look at it.

6 MR. MAHONEY: I'll go over this way.

7 UNIDENTIFIED SPEAKER: Could you clarify if 27%  
8 were used by a proposed team, is that 27% of the work  
9 that's going to be subcontracted, or 27% of the overall  
10 contract that will go to small business --

11 MS. ANDERSON: Correct me if I'm wrong, but I  
12 thought it was 27% of the commission, the whole contract.

13 UNIDENTIFIED SPEAKER: Of the overall contract?  
14 Thank you.

15 UNIDENTIFIED SPEAKER: (inaudible).

16 MR. MAHONEY: Correct. I mean what you see in  
17 the RFP in that reference is about what we anticipate, in  
18 order for you to be competitive, you're going to need to  
19 subcontract at least 27%, at least.

20 UNIDENTIFIED PERSON: (inaudible).

21 MS. ANDERSON: And of course, you know, we would  
22 like to see you exceed that goal because as a small

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1 business advocate, I would like for all of the contracts  
2 to be awarded to small business, hint, hint, but if not,  
3 we'll deal with that, but in a perfect world, all of the  
4 contracts would be awarded to small businesses. All  
5 right?

6 UNIDENTIFIED SPEAKER: As a representing service  
7 disabled veteran and women-owned business, can we appear  
8 on various prime contracts as a single entity, or are you  
9 going to restrict us to one?

10 MS. ANDERSON: That's a conflict of interest.

11 MR. MAHONEY: The question about, and I guess  
12 the topic, is an affiliation. If you're affiliated, we're  
13 accepting one proposal from all affiliations. One. So  
14 once you affiliate, I'm assuming again, because there is  
15 some conflicts of interest provisions that may apply from  
16 one to the other, but we would look at that proposal --  
17 again, we're looking for one affiliation.

18 So I'm assuming that when you come in under the  
19 plan, it's one affiliation. You would be affiliated with  
20 one group. I don't think you would be under multiples,  
21 but I haven't seen that. I don't believe it's true, but  
22 we can take that back and take a look at it for you, too.

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1 UNIDENTIFIED SPEAKER: For products. I mean  
2 services are usually going to be committed to one person,  
3 but products -- in the product world, it's usually a  
4 different story. You want to expose yourself more. So I  
5 think that's more acceptable then.

6 UNIDENTIFIED SPEAKER: Gwen, what happens if the  
7 goals are not met, the subcontracting goals are not met?

8 MS. ANDERSON: We become very angry. Well,  
9 basically, if the goals aren't met, the only thing that  
10 we can do is have a conversation with the broker, as we  
11 do in our evaluations. We can tell if a goal is going to  
12 be met based on what is in eSRSS and what's submitted. I  
13 don't know what the repercussions are, but generally if  
14 the goals are not met, then it's prepared in the report  
15 and the report is sent to Ted Mahoney with our  
16 recommendation --

17 MR. MAHONEY: There she goes throwing my name  
18 out there again. I do want to take a -- there's an  
19 actual clause that talks about the small business  
20 subcontracting plan, and it talks about what occurs, what  
21 remedies the government has if the plan is not executed  
22 properly without a good-faith effort. So that good-faith

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1 effort -- it's called liquidated damages. That's one of  
2 the arms that the government has on it.

3 MS. ANDERSON: I didn't want to go there.

4 MR. MAHONEY: Now, it's very complex about  
5 trying to see what that means, but the clause does have  
6 remedies for the government if you don't make your plans,  
7 make your goals.

8 UNIDENTIFIED SPEAKER: (inaudible).

9 MR. MAHONEY: Exactly.

10 MS. ANDERSON: Go ahead, Lee.

11 UNIDENTIFIED SPEAKER: (inaudible).

12 MR. MAHONEY: That's where we're going.

13 UNIDENTIFIED SPEAKER: (inaudible).

14 MR. MAHONEY: Correct.

15 UNIDENTIFIED SPEAKER: Thank you.

16 MR. MAHONEY: And that was caught up very  
17 easily. Past performance is part of that, too. It flows  
18 into that. How well you're doing is part of how well  
19 you're performing.

20 MS. KIDD: I just want to remind you of what I  
21 said when I was up there. The subcontracting plan is  
22 like a big part of your past performance in our -- in

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1 your performance evaluations. I separated that out  
2 specifically so that you would understand. We are not  
3 taking that lightly.

4 UNIDENTIFIED SPEAKER: And this wasn't my  
5 question, but following on that, this gentleman's  
6 question was, what if you are a year or two years into  
7 the contract and you are dropping below the targeted  
8 goal, are you going to lose your contract? Are you going  
9 to be reprimanded? Are you going to be encouraged to  
10 make it up the next year? Are you going to get a slap on  
11 the wrist? Are you going to get the boot?

12 MS. ANDERSON: I have seen subcontractors  
13 released because that is a performance issue, so you can  
14 be released. I think that's at the discretion of the  
15 broker.

16 UNIDENTIFIED SPEAKER: And my question was, is  
17 there a three percent goal for SDVOSBs either inside the  
18 27%, or outside the 27?

19 MS. ANDERSON: Well, what I'm finding is that  
20 most of the brokers use the established agency goals, and  
21 if we, or the office of small business utilization, in  
22 agreement with the SBA, comes up with the specified

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1 goals, I'm finding that most of the brokers utilize those  
2 same goals. The brokers are free to raise them, but  
3 generally it's a standard that they use the same goals.

4 UNIDENTIFIED SPEAKER: I have a comment and then  
5 a question. I actually spent time -- I called everyone  
6 of those companies on the list that you provided within  
7 the contract, and I don't know if you've done this or  
8 not, but it was very interesting some of the feedback  
9 that I received. Some of the companies are out of  
10 business. They said that they didn't get anything on the  
11 contract.

12 Some have joined, you know, and they're doing  
13 totally different businesses now, and I was just  
14 wondering -- you know, I saw a slide with all of the data  
15 that was tracked. Is anyone going to track the small  
16 business utilization because quite frankly, this contract  
17 has effectively put a lot of small businesses out of  
18 business, and that was the general feedback that I  
19 received from the people that you gave me a list of folks  
20 to call.

21 MS. ANDERSON: Okay. Well, basically, it's  
22 outlined in the presentation of what it is that is

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1 expected of you. So there are a lot of risks, and  
2 basically, and unfortunately, that is the risk that you  
3 take when you become a part of this contract.

4 UNIDENTIFIED SPEAKER: But I'm speaking to have  
5 you tracked the data of the history of subcontracting.  
6 In other words, how many actual dollars from your current  
7 brokers have actually gone to small business?

8 MS. ANDERSON: Well, when they submit their  
9 reports to us, that information is out there. We can --  
10 we can tell through the eSRS system what the cost is.

11 UNIDENTIFIED SPEAKER: I don't think I'm clear  
12 enough. Have you actually tracked the data, and can you  
13 provide --

14 MS. ANDERSON: Listen, when you say data, what  
15 specific data are you referring to?

16 UNIDENTIFIED SPEAKER: Am I clear? Does anyone  
17 else understand my question?

18 MS. ANDERSON: You're not clear to me.

19 MS. KIDD: Yes, we do track the data, and the  
20 last time I heard, it was 70 million, if that.

21 MR. MAHONE: That's the anticipated? Because  
22 you have to remember --

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1 MS. KIDD: Anticipated total dollars that would  
2 go to small business, based on the commissions paid, and  
3 I would say accrued. You know, you earn some and then  
4 you have some that you anticipate because you don't get  
5 all of the money until occupancy. So in the pipeline,  
6 the total, under the current, is about \$70 million to  
7 small businesses.

8 UNIDENTIFIED SPEAKER: And has that occurred? I  
9 mean have you talked to the small business community?  
10 Have they actually received those dollars.

11 MS. KIDD: We have talked to a lot of the subs  
12 of the current. Ted, do you want to have --

13 MR. MAHONEY: Correct. Now again, the prime  
14 contractor or subcontracting plan is their plan. We  
15 review that plan annually and every six months we get a  
16 picture shot of what's going on. And I hate to talk  
17 about the existing contracts, but I believe it is giving  
18 you information about the next generation, but the  
19 existing contracts, and this next-generation, we're  
20 looking at dollars that are actually received by the  
21 primes and then paid.

22 As you heard Ada talk about earlier, it takes

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1 two years, sometimes three years for us to get leases  
2 done.

3 UNIDENTIFIED SPEAKER: I understand that. What  
4 I'm telling you is the list of contractors that you  
5 provided me in the contract --

6 MR. MAHONEY: On the RFP?

7 UNIDENTIFIED SPEAKER: -- I actually called  
8 those folks.

9 MS. KIDD: The previous small businesses that  
10 have worked with us?

11 UNIDENTIFIED SPEAKER: Yes.

12 MR. MAHONEY: Right.

13 UNIDENTIFIED SPEAKER: And so I'm anticipating  
14 difficulty getting them the dollars. If that's the case,  
15 after hearing what they've told me about this current  
16 contract, I'm concerned for my company, are we going to  
17 have the same problem getting those dollars to those  
18 small businesses because obviously the common contractors  
19 are having a problem because these small businesses are  
20 saying, hey, I've effectively gotten out of this  
21 business. I've done a lot of GSA deals but, you know, I  
22 haven't seen anything, so I'm doing something totally

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1 different now. And you can call them yourself. I called  
2 them, every one of them.

3 MS. KIDD: Okay. Well, one of the things that  
4 we're going to try to do to further enhance our  
5 monitoring and to make sure that that is happening is the  
6 reporting requirements that we included in the RFP to get  
7 the different NAICS codes, and who is -- you know, where  
8 we're using those small businesses, to try to define more  
9 completely where that money is going, what kinds of  
10 services are being provided by small businesses.

11 UNIDENTIFIED SPEAKER: The code was 531210;  
12 correct?

13 MR. MAHONEY: Correct.

14 MS. KIDD: Yes, yes.

15 UNIDENTIFIED SPEAKER: Okay. That's the code  
16 I'm talking about. I'm not even thinking about  
17 construction or anything like that.

18 MS. KIDD: There's some -- I'm not that familiar  
19 with all of this NAICS code business, either. I'm not --  
20 that man is the more experienced one, but he can talk to  
21 what we're thinking about. We've talked with legal.  
22 We've talked with the SBA people. We're really trying to

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1 work this so that we can track where the money goes and  
2 see what it's -- you know, who is getting it, what kind  
3 of services are being provided under it.

4 UNIDENTIFIED SPEAKER: I have a clarification  
5 question about SB subcontracting plans and past  
6 performance, and that is that if -- we know how you  
7 adhere to your SB plan is evaluated as far as your past  
8 performance, but if you -- assuming all contractors are  
9 meeting the plan that they set forth, if there is a  
10 contractor who is substantially exceeding that plan, does  
11 that have a beneficial impact on your past performance  
12 assessment?

13 MR. MAHONEY: Yes. The better you do your  
14 plans, the better evaluation you get on your plans.

15 UNIDENTIFIED SPEAKER: Gwen, as a -- I'm over  
16 here. As a large business, we have received interest  
17 from small businesses, and under other NAICS codes for  
18 building inspection, temporary help, facility support  
19 services, and while we may see a need for some of their  
20 services on this contract, the evaluation criteria are  
21 still geared toward 531210. You know, I'm having a  
22 difficult time responding to those firms because it

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1 doesn't appear they help us as much as someone under a  
2 different NAICS code. Could you comment on that, or shed  
3 some light on the use of other small businesses that  
4 aren't under 531210?

5 MR. MAHONEY: A very good question because the  
6 way the plans work, what we're telling you now is you're  
7 just going to report to us by NAICS code, which is a  
8 requirement under one of the subcontracting clauses. So  
9 again, as a subcontracting plan requirement, if you are  
10 large and you submit a subcontracting plan, you are going  
11 to be tracked against your -- which NAICS code you use of  
12 the individuals, and how well you do those.

13 So there's different reporting mechanisms,  
14 especially in this next solicitation that's putting more  
15 emphasis and visibility on those NAICS codes about, oh,  
16 you're subcontracting. What NAICS code is that person --  
17 are you working under, and you can report that, and then  
18 now I believe, and I hate to say this, but I think it's  
19 going to happen quarterly.

20 So there's some different reporting requirements  
21 that are making it more visible for those kind of things  
22 to occur, and there's nothing wrong with having other

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1 NAICS codes assigned for other work, but we are looking  
2 for those NAICS codes, and 531210 is a big emphasis for us  
3 because that's what this contract primarily provides.  
4 But we do understand there are others.

5 UNIDENTIFIED SPEAKER: But then it goes back to  
6 -- then it goes back to his question about -- I lost my  
7 train of thought. I forgot what I was saying. I'm  
8 sorry. I'm sorry. I'll come back.

9 MR. MAHONEY: The panel -- we'll have more  
10 discussion with the panel. I mean right now it's great  
11 for this, but we do have a panel discussion, too, and it  
12 may be a good forum for that. Oh, another one?

13 UNIDENTIFIED SPEAKER: Thank you. This is for  
14 Ada and Ted, a question about the evaluation of past  
15 performance as it relates to subcontracting. If I  
16 understand it correctly, we either -- we are evaluated  
17 ultimately as an incumbent on our small business  
18 subcontracting plans, once a contract is concluded. And  
19 even though we are coming up on the end of the contract,  
20 there is ongoing work, and will be for some time. Can  
21 you elaborate on how you will be treating and evaluating  
22 the small business subcontracting performance for

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1 incumbents, given the fact that there will be potentially  
2 significant changes that will, you know, be undergone in  
3 the subsequent months and years?

4 MR. MAHONEY: You are always evaluated on  
5 subcontracting plans, always. The way that the system  
6 collects that information is a little different for each  
7 past performance system, but as a prime, if you have a  
8 subcontracting plan, you will always be evaluated and  
9 there's narrative that goes in your evaluation that talks  
10 about how well you did your plan, that you're meeting the  
11 good-faith effort, that you've met whatever criteria.

12 MS. KIDD: It's 10 after 11.

13 MR. MAHONEY: Oh, wow.

14 MS. KIDD: You need to go through the other  
15 pieces.

16 MR. MAHONEY: You bet.

17 MS. KIDD: It's very important, and we still  
18 have the panel thing. Not to cut off your questions, but  
19 you want to hear what Ted has to say to you.

20 MR. MAHONEY: Okay. Okay, Gwen, how are you  
21 doing?

22 MS. ANDERSON: On that note, good luck. Thank

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1 you.

2 MR. MAHONEY: Okay. Before we start the panel,  
3 there's just a couple of little things I want to  
4 reiterate about questions. We don't want to debate  
5 decisions we've made about what we're doing in the  
6 solicitation and where we're going. That's not the  
7 intent of this. The intent is to give you more about  
8 here is what the solicitation is all about. Here's what  
9 we're looking at for the evaluation criteria. Here's  
10 what we're looking for in your proposals. So I just  
11 want to kind of feed you into that for the next section  
12 of this about the RFP itself. On the RFP, and this is  
13 that procurement process that a lot of people don't like,  
14 but for total procurements, this is what we do, to make  
15 sure everything is treated fairly. It's scrutinized.  
16 We're doing the best with this for you. So I don't want  
17 to go through every section, but the RFP sections layout,  
18 just to give you a quick overview of it, the section A,  
19 which is the standard form 33, that's going to be the  
20 award document overall when you submit it.

21 Section B is the pricing. It's very important.  
22 That pricing is going to become part of the contract.

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1 Section C is a statement of work, the performance  
2 criteria, and Ada laid it out pretty well for you in what  
3 we're looking for. And then you have D, which is  
4 packaging and marketing. We'll talk about that, if you  
5 have questions. E is inspection of services, and we go  
6 to section F, which is the performance and delivery.

7 There's where we talk about how opportunities or ordering  
8 procedures will be handled, and Ada also went through  
9 that briefly with you, too.

10 G is also a very important section you want to  
11 kind of focus on. Those are special contracting  
12 requirements. Or I'm sorry, that's contracting  
13 administration data. That's where you'll find my  
14 information. You'll find information about the national  
15 program manager, our ordering officials, how it's going  
16 to be carried out through the regions. That's in G. H  
17 is that special contracting requirements you want to pay  
18 a lot of attention to.

19 That's where you'll find your personnel, your  
20 requirements, conflicts of interest like Gary talked  
21 about. It will have some of the training information.  
22 That's H. I is all the clauses, and you heard me talk

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1 about 52.219-6. That's the small business subcontracting  
2 plan piece. They are listed there pretty much through  
3 the requirements, and you'll be able to see those, and I  
4 prepared them for you in full text so you can see what  
5 the clause says.

6           Next we go to J, which is the exhibits, and we  
7 have 16 exhibits currently in this contract. Next is K,  
8 and that's the reps and certifications. Very important  
9 for you. You also have instructions for that when we  
10 come down to L, which is the instructions to offerors.  
11 That's a big section for you. That will tell you pretty  
12 much the roadmap of what we're looking for you to do.

13           That's your instructions, and that's L. M is  
14 also the evaluation factors. Those two sections you want  
15 to key on. That's going to answer any questions you  
16 hopefully have on how to L propose. In there you'll find  
17 a number of pages. What we're looking for as far as that  
18 experience on all of the award factors. So again, I  
19 wanted to give you a quick view of the RFP.

20           The award factors that I really want to talk to  
21 you about is that technical is more important than price.  
22 So there's two pieces of -- two volumes you're going to

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1 give us. One is a price volume and the other is a  
2 technical volume. The technical volume in itself is more  
3 important for us. With that, that's the quick  
4 (inaudible) wanted to give you. We don't want to get too  
5 much into that, unless you have questions on it. We can  
6 take those now, or we can go right to the panel and get  
7 the panel going. Questions? All right. Let's do the  
8 panel.

9 UNIDENTIFIED SPEAKER: (inaudible).

10 MR. MAHONEY: Oh, really. Maybe there you go.  
11 Is there any questions for the panel?

12 UNIDENTIFIED SPEAKER: Thanks, Naomi. This is a  
13 program question for Chip, for Ada and for John. It's  
14 not a legal or contracting officer question, but under  
15 the first NBC, after award, there were what I call a some  
16 rogue regions where they made unilateral decisions about  
17 types of leases that would go to brokers and types that  
18 wouldn't. For example, there were at least two agents  
19 that refused to issue any task orders on prospectus level  
20 leases.

21 What will you all do to avoid that happening in  
22 national broker contract two?

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1 UNIDENTIFIED SPEAKER: (inaudible).

2 UNIDENTIFIED SPEAKER: No, I would really like -  
3 - you know, Chip is the senior person on this, and he'll  
4 be the one that has to stand up to the RCs, so it may be  
5 a question for him more than Ada or John.

6 MR. MORRIS: The decision on who -- on issuing  
7 task orders is really left up to the regions, to answer  
8 your question.

9 MR. MAHONEY: So the to issue is at the regions,  
10 but at our level, we're doing the oversight to make sure  
11 they do what we ask -- what they're supposed to do under  
12 those ordering procedures. Questions? My goodness.

13 UNIDENTIFIED SPEAKER: Yeah, thank you. Sort of  
14 a follow on to Bill's question. During the creation of  
15 the first contract and the execution of the first  
16 contract, there was concern that various regions or  
17 customers would gravitate to a preferred provider, and is  
18 there any contemplation of any internal management  
19 procedures that would not allow that to happen, or has  
20 the contract been changed to allow that to happen?

21 MR. DAVIS: That's a very hard question to  
22 answer in the form you posed. It's like when did we stop

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1 beating our wives, you know. There are ordering  
2 procedures that will be followed. Price will always be  
3 considered. Price and one of the other factors may also  
4 be considered, price, past performance, workload capacity  
5 and distribution. So those are the ordering factors.  
6 There is no mechanism to either allow or not allow an  
7 agency to pick. We have to follow our ordering  
8 procedures, and we intend to. Mr. Levy?

9 MR. LEVY: In the ordering procedures, there is  
10 the possibility of aggregating several task orders, and  
11 assuming that it goes over \$5 million following the  
12 process that's related for orders over \$5 million. I  
13 guess what I'm asking is when you're grouping task  
14 orders, do they have to be existing requirements that are  
15 being filled, or can you -- can you say, for example, all  
16 of the Department of Justice requirements within the next  
17 two years and put that out for bid, or is it only, you  
18 know, they have these three current requirements and  
19 we're putting them together, and we want to put them out  
20 to bid?

21 MR. MAHONEY: Chip?

22 MR. MORRIS: Neil, I think we we're thinking

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1 about there is if we have a special initiative, if we've  
2 got something going on that we want to group some task  
3 orders, whether it's for --

4 MR. LEVY: Census?

5 MR. MORRIS: Census could have been an example --

6 MR. LEVY: With GSA.

7 MR. MORRIS: -- to use the NBC for the census,  
8 leases. If we wanted to target extra work for a  
9 particular customer, SSA, in a particular area, I don't  
10 think we're going to give you all of the DOJ leases for  
11 the next two years. That's not really what was behind  
12 it. It was more about a particular initiative for a  
13 customer, or for some -- maybe an emergency response, a  
14 batch of FEMA leases, something like that.

15 UNIDENTIFIED SPEAKER: On a related issue with  
16 respect to the ordering, I understood that the dollar  
17 amounts that are going to decide which category they fall  
18 in are net, but you're going to have contractors with  
19 different -- who were bidding different caps for a lack  
20 of a better word. How will you tell at the time when  
21 you're trying to assign something which category it falls  
22 into if you have different caps and it would be -- it

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1 might fall into this category for this -- this contractor  
2 in that category for another contractor? Am I making the  
3 question clear?

4 MR. MAHONEY: You've got a very complex question  
5 and I have a very easy answer for you.

6 UNIDENTIFIED SPEAKER: Okay.

7 MR. MAHONEY: But I mean I'm speaking from the  
8 acquisition perspective of the information you provide us  
9 at time of award, where you have the award, and you  
10 become a contractor, the information you've given us, and  
11 if we're going to make an award, you've given us  
12 everything we need to make a decision based on those  
13 factors we identified in the ordering procedures.

14 From that, we have a document that we're  
15 generating on how we're making that selection. In some  
16 cases we may be coming back out to you with other  
17 criteria, or something else, and then that's what we  
18 would follow.

19 UNIDENTIFIED SPEAKER: That's not the question.

20 UNIDENTIFIED SPEAKER: I'm not asking that. I'm  
21 asking -- I'm asking, how do you know it's a \$5 million  
22 net commission when you may have one broker with -- one

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1 person, and another broker with a cap of 2%, and it may  
2 be 5 million for one but not 5 million for another?

3 MR. MAHONEY: The estimate would be what we  
4 would use, or that we have identified upfront on how we  
5 estimate commissions through the targets that we've  
6 generated. We estimate it up front.

7 UNIDENTIFIED SPEAKER: I understand.

8 MR. MAHONEY: Not using your numbers as the  
9 awardees.

10 UNIDENTIFIED SPEAKER: But then you have to  
11 figure out, you're doing it on a net basis. You have to  
12 apply a commission rate to it.

13 MR. MAHONEY: Correct. I heard that and I went  
14 -- that might be something we want to talk about because  
15 that does change a little bit.

16 MS. KIDD: I think we should huddle before we  
17 give you a further response.

18 MR. DAVIS: Good question. Any other good  
19 questions? Keep them to yourselves. No.

20 UNIDENTIFIED SPEAKER: Well, I have another  
21 question. I don't know if this is a good one.

22 Restrictions on other work, in this clause it says that

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1 the contractor must represent themselves. The GSA  
2 contractor, and essentially not solicit the services or  
3 not, you know, seek to represent any GSA clients. How do  
4 you define GSA clients, and specifically as it relates to  
5 agencies that have independent authority?

6 MR. DAVIS: Ask Ted. Literally, you ask Ted.  
7 If you have some business opportunity and you're in doubt  
8 -- I mean there are certain agencies that have -- that  
9 are clients of ours and also have independent leasing  
10 authority. Some that just have leasing authority and  
11 don't come to us at all. So you really -- you could ask  
12 us. You need to ask us.

13 UNIDENTIFIED SPEAKER: I think for just -- I  
14 guess the reason why we're interested going -- and the  
15 answer of that going into the bidding process is that it  
16 certainly could have a revenue impact on some of us who  
17 currently do business with independent agencies, or  
18 agencies with statutory authority.

19 MR. DAVIS: I understand. I guess we've  
20 entertained that question up front as to whether or not -  
21 - if you would want to submit that to Ted, if you have  
22 certain agencies that you're working with currently and

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1 what that impact would be. That's a I think a question  
2 we could answer.

3 MR. MAHONEY: That is a fair question.

4 UNIDENTIFIED SPEAKER: Yeah, a follow on to that  
5 question. A number of your agency customers regularly go  
6 to the market for additional services above and beyond  
7 what could be contemplated to be included within the  
8 national broker contract, specifically requirements,  
9 developments, some of the associated tasks there. How do  
10 you view who will be the arbiter there as to whether  
11 additional services above and beyond what might typically  
12 be provided under the broker contract would be allowed to  
13 be provided to that particular customer?

14 For example, creating a program of -- or  
15 creating a micro program which typically the GSA doesn't  
16 really get involved in. Would that be something that a  
17 contractor could provide that service to one of the GSA  
18 clients?

19 MR. MAHONEY: Again, we look at those  
20 individually when they are proposed to us, and we take a  
21 -- the look that we use in the general sense is if it's  
22 got to do with lease acquisition services, which is what

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1 we have proposed, then that in turn would be no. We  
2 would say no. We would prohibit you from participating  
3 or going after that work. What you're telling me about,  
4 though, is something that sounds like it's outside those  
5 general bounds.

6 UNIDENTIFIED SPEAKER: That's different. As a  
7 follow on to his question, how do you differentiate work  
8 that's being done on a GSA schedule, which some of us  
9 have, versus those that are being done under the current  
10 broker contract?

11 MR. MAHONEY: The GSA schedule work that is done  
12 by -- I mean there's nothing to preclude GSA from doing  
13 other contracts. The GSA schedule work that you may be  
14 performing for other agencies through GSA schedules?

15 UNIDENTIFIED SPEAKER: That's correct.

16 MR. MAHONEY: That was the question?

17 UNIDENTIFIED SPEAKER: That's correct. Yeah,  
18 and those that we're soliciting business from under a GSA  
19 schedule?

20 MR. MAHONEY: Your GSA schedule work is actually  
21 outside because it had its own set of statement of work  
22 and its own pricing structure, and its own support

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1 component. What we would have you do under our H4, I  
2 believe, is restrictions on other work, is that you're  
3 going to come to us and say, oh, I've been -- for our  
4 purposes, say it's like Social Security Administration,  
5 and SSA uses the schedule and comes to you and says, oh,  
6 I want to do a lease. Well, that would -- assumingly  
7 it's under their leasing authority. There's nothing  
8 wrong with that. Oh.

9 UNIDENTIFIED SPEAKER: I guess the question for  
10 Ted or Chip, in the post award services, would the new  
11 contract allow for firms to provide construction  
12 management services to tenant agencies during a buildout  
13 of say a major acquisition?

14 MR. MAHONEY: Under the new -- and even under  
15 the old, there is -- it would be -- you would have to  
16 show us what the break is between the services that we  
17 were asking you to perform for us, for lease monitoring  
18 inspection, versus those services you're performing under  
19 this new scope. You would have to kind of show us that  
20 delineation. That's what we would use as our guide.

21 MR. DAVIS: We wouldn't want to entertain anyone  
22 recovering on a double income for the same service. And

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1 that's really the concern. So I mean I know they're  
2 separate functions, and you would be hired for  
3 construction management under one contract, but part of  
4 your duties under our contract are construction  
5 monitoring. So where those overlap, we wouldn't want any  
6 double recovery, so to speak. I mean that's really the  
7 concern, I think.

8 UNIDENTIFIED SPEAKER: And so if we can show  
9 that there is no overlap, would that then be allowed?

10 MR. DAVIS: I think we have to regroup on that  
11 one. This is a good line of questioning, and I think it  
12 seems to be close to a lot of different firms. I mean a  
13 lot of different firms are interested in this, so I think  
14 we'll have to get our heads together and answer this  
15 appropriately so that we don't say something today that  
16 would discourage or encourage. I mean we'll answer this  
17 one in writing, after careful contemplation.

18 UNIDENTIFIED SPEAKER: A real quick question  
19 relating to similar services. Since most of the projects  
20 contemplated here are on the smaller scale, if the broker  
21 contract vendors are not expected to do the site visits  
22 as it relates to the construction of those TIs, who is

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1 the GSA contemplating using? Are they going to use  
2 internal resources? Are you going to have other  
3 contracts in place to have those site inspections done  
4 because the extent -- in a sense, the broker or  
5 contractor is going to have to integrate and work closely  
6 with those people to make sure that construction is being  
7 done as expected?

8 MS. KIDD: We would anticipate that we would  
9 either have a contractor to do the same services, or we  
10 would have an in-house person doing the CM type services  
11 that are necessary. Okay. You can't hear me?

12 UNIDENTIFIED SPEAKER: No.

13 MS. KIDD: Okay. We would anticipate that we  
14 would have a contractor or CM services, or we would have  
15 an in-house person doing those CM type services, and as  
16 part of your project orientation meeting, when you're  
17 issued a task order, that kind of thing is what you would  
18 have to discuss so that you would know who your point of  
19 contact -- your point of contact is always going to be  
20 your COR, but they will tell you other people that you  
21 may have to interact with. Does that make sense?

22 MR. MORRIS: I'm not sure that we don't expect

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1 some site visits, in answer to your question.

2 MS. KIDD: Yeah.

3 MR. MORRIS: We're not eliminating that from  
4 your -- you're supposed to give us a management plan, a  
5 monitoring and management plan. That may very well  
6 entail some site visits. So I don't want you to leave  
7 here thinking that site visits aren't expected under  
8 certain circumstances.

9 UNIDENTIFIED SPEAKER: Well, I understand that,  
10 but again, an ongoing -- let's say a buildout of six  
11 months, or whatever time frame, if we're not doing true  
12 CM, we're not doing biweekly site visits to confirm  
13 certain aspects of construction, etc., etc. That's  
14 clearly -- I believe it even states that that is not an  
15 expectation of the contractor, and my inquiry relates to  
16 those types of site visits.

17 MS. KIDD: Well, the site visits versus  
18 construction inspection visits are different, in our  
19 mind. I think that's what Chip alluded to.

20 UNIDENTIFIED SPEAKER: Yeah.

21 MS. KIDD: That, you know, you may have to go,  
22 just to confirm that that lessor's schedule is

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1 progressing as it says, and his progress reports are  
2 accurate, but we would not expect you to go out there and  
3 say okay, the wire meshing is in the walls, you know, the  
4 flooring meets -- the concrete is level and it meets our  
5 requirements there, or that sort of thing. That's not  
6 what we're expecting from you.

7 UNIDENTIFIED SPEAKER: So the more progress  
8 inspections you're expecting --

9 MS. KIDD: Yes.

10 MR. MORRIS: That's correct.

11 UNIDENTIFIED SPEAKER: -- versus -- versus true  
12 construction inspections which relate to are they meeting  
13 the requirements of the construction drawings --

14 MS. KIDD: Correct.

15 UNIDENTIFIED SPEAKER: -- etc.?

16 MR. MORRIS: That's correct.

17 MS. KIDD: That's exactly what we want.

18 UNIDENTIFIED SPEAKER: Just to confirm, you're  
19 not asking us to attend the biweekly meeting in the  
20 trailer, or with the contractor?

21 MS. KIDD: Not necessarily, no.

22 UNIDENTIFIED SPEAKER: Thank you.

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1 MS. KIDD: A lot of this is going to depend on  
2 the complexity and size of the project, and what you  
3 propose in your lease monitoring and management plan as  
4 to how you're going to monitor that buildout phase to  
5 make sure that we get what we're expecting out of the  
6 lease.

7 MR. MORRIS: You're not certifying that the  
8 building is -- or the buildout is according to specs --

9 MS. KIDD: No.

10 MR. MORRIS: -- but you are representing that  
11 progress is being made as expected.

12 UNIDENTIFIED SPEAKER: Thank you. So that we're  
13 not -- we're not giving assurances that it's being done  
14 as expected per the plans and specifications.

15 MS. KIDD: Per the plans and --

16 UNIDENTIFIED SPEAKER: We're simply saying it  
17 looks like work is happening, and it looks like it's  
18 about half done.

19 MS. KIDD: I would think that would be correct.

20 UNIDENTIFIED SPEAKER: And Ada, just as a follow  
21 on, I mean earlier you mentioned, or you alluded to the  
22 requirements for the post-award technical personnel being

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1 changed. Could you elaborate on that? Are you relaxing  
2 that requirement, or made it more stringent or --

3 MS. KIDD: The post award technical personnel?  
4 That's what we're trying to explain now basically is that  
5 in the current contract the statement says something like  
6 CM services and, you know, they have to have construction  
7 inspection experience. They have to be local and that  
8 sort of thing?

9 UNIDENTIFIED SPEAKER: Correct.

10 MS. KIDD: And we have removed that language.  
11 We have tried to be very clear that we do not expect CM  
12 services from our broker contractors. We do expect them  
13 to monitor. We expect them to receive the deliverables  
14 from the lessor and do what needs to be done. We're  
15 clear about Davis-Bacon, that you will have to  
16 participate in that. You know, those kinds of  
17 things, not the construction inspection and construction  
18 management.

19 UNIDENTIFIED SPEAKER: But you actually define  
20 the experience for that particular person? And then  
21 earlier you mentioned that you were thinking about  
22 changing that. Would you speak to that as well?

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1 MS. KIDD: Oh, yes. No, I wouldn't want to  
2 expand on how we might -- that was my personal thought at  
3 the time. I don't want to go any further than --

4 MR. DAVIS: Well, no, I mean it's a training  
5 thing, Ada, I think.

6 MS. KIDD: It is a training thing.

7 MR. DAVIS: There were -- we originally had in  
8 the draft RFP anyone who worked on the contract had to  
9 have the full range of training.

10 MS. KIDD: Uh-huh.

11 MR. DAVIS: It's been amended, and now people  
12 that do post award services are only required to have  
13 what, Ada?

14 MS. KIDD: We put in there three years of  
15 commercial --

16 MR. DAVIS: Three years of commercial.

17 MS. KIDD: -- real estate experience in building  
18 and, you know, the post award phase of overseeing the  
19 buildout of space.

20 MR. DAVIS: But not any specific government  
21 specific training?

22 MS. KIDD: And that was what I was rethinking.

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1 MR. DAVIS: Right.

2 MS. KIDD: That. That right there.

3 UNIDENTIFIED SPEAKER: (inaudible).

4 MS. KIDD: No, I don't see that that would be  
5 necessary, in what we're expecting because our realty --  
6 our leasing specialists are not engineers and architects.  
7 When they need that, they go to an in-house person or a  
8 contractor.

9 UNIDENTIFIED SPEAKER: I have a question, and I  
10 don't mean to go backwards, but the lady with the veteran  
11 small business, I think she had brought it up. So as a  
12 small business owner myself, so we are not able to in a  
13 sense have our hat in multiple prime bids for this  
14 contract?

15 MR. MAHONEY: Sure you are.

16 UNIDENTIFIED SPEAKER: Okay.

17 MR. MAHONEY: If they're affiliated -- I think  
18 we have to talk about the affiliation. Let me take that  
19 back and talk about that with the group because --

20 MR. MORRIS: Well, wait a minute. Are you  
21 asking whether or not you can bid for a prime contract if  
22 you're a small business?

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1 UNIDENTIFIED SPEAKER: No, no. In terms of  
2 fulfilling the subcontracting requirement, are we only  
3 hindered by only submitting underneath one prime?  
4 Because I thought -- I thought it was said earlier that -  
5 -

6 MR. DAVIS: Well, I think that would depend --

7 UNIDENTIFIED SPEAKER: And there was a  
8 discussion in between products and services.

9 MR. DAVIS: That may depend on what type of  
10 agreement you strike with whatever other joint venture  
11 partners --

12 UNIDENTIFIED SPEAKER: Okay.

13 MR. DAVIS: -- as to whether they would even let  
14 you do -- I mean I'm not sure that we're going to dictate  
15 that as to how many people you can be affiliated with if  
16 the people you are affiliated with allow you to be spread  
17 around and bid on whatever. That's not -- that's not  
18 something we're going to say no to.

19 UNIDENTIFIED SPEAKER: Okay.

20 MR. DAVIS: We will regroup, though, because we  
21 seem to have some difference of opinion, but small  
22 businesses can certainly bid on this contract.

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1 MR. MORRIS: And are encouraged to.

2 MR. DAVIS: And are encouraged to.

3 MS. KIDD: I guess what I thought, what I  
4 interpreted. Let me say what I thought I heard you say  
5 earlier. If they are going to team with other small  
6 businesses, and affiliate themselves with other small  
7 businesses to offer on this contract, can they do that  
8 under more than one offer? Is that what you were saying?

9 UNIDENTIFIED SPEAKER: No.

10 [Crosstalk].

11 MS. KIDD: That guy is shaking his head yes.

12 UNIDENTIFIED SPEAKER: And backing it up to why  
13 I asked that question, we as small business have -- we  
14 have to decide before hand whether we go into joint  
15 venture, mentor protege, actually get in to teaming  
16 agreements, and that's determined hopefully by you all  
17 who let the primes in this room know now the value of  
18 those types of agreements versus us waiting after the  
19 fact and aligning ourselves with every one of these  
20 primes with what we can offer them.

21 So really we kind of need you all to direct or  
22 add weight to what is the true value of those kinds of

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1 agreements with small businesses, or should we just wait  
2 until it's all done and then we're going after all of  
3 them because, you know, we actually do have some really  
4 specialized services. We can complete contract. There  
5 was a question of, you know, whether we would be used as  
6 pass through so whether we should really complete our  
7 work.

8           We would like to complete our work, but where is  
9 the value to the primes? Is it more as a joint venture,  
10 mentor protege? Where are they going to get the edge  
11 with us in their subcontracting plan?

12           UNIDENTIFIED SPEAKER: I had a similar question  
13 on that which was very eloquently stated, which is as a  
14 small, we could, I'm assuming after the fact, align or  
15 present ourselves to the four or five winning primes as a  
16 suitable sub for a geographic area, and then depending  
17 upon how the contracts came in, we would be available for  
18 an area rather than being on a team.

19           MR. MAHONEY: How you present yourself to the  
20 primes is how you present yourself at any time, either  
21 before or after award, but I do want to take a real quick  
22 -- the teaming arrangement piece, our proposal identifies

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1 what that means. If you are going to be a contractor  
2 teaming arrangement, you're going to propose that to us  
3 and give us a copy of the arrangement. All of that is  
4 spelled out for you. The same thing with joint ventures,  
5 and I think you made a very good point about, well, do we  
6 do that as standalone, or do you want to just wait.

7 I don't know if we can give you that kind of a  
8 response. I think we'll take the question back --

9 MR. DAVIS: We'll take that under consideration  
10 and respond in writing.

11 MR. MAHONEY: Correct.

12 MR. DAVIS: It's important, but it just seems --  
13 it occurs to me that if you're in a joint venture with  
14 three different offerors and all three win, then who are  
15 you going to perform for or with? I just -- I don't  
16 think so. I don't think you could be on all three  
17 awarded contracts at the same -- well, as a sub you  
18 certainly I think could be, but not as the prime  
19 contractor on all three.

20 MS. KIDD: Wait, wait. We need to let them use  
21 the mics because the stenographer can't get --

22 UNIDENTIFIED SPEAKER: That was also for mentor

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1 protege -- I'm repeating for your system, so that we --  
2 this is huge benefit for those of us in small business to  
3 do mentor protege, and we want to know, for the prime,  
4 that that's a huge benefit for them.

5 MR. MAHONEY: In order to be a mentor protege,  
6 there are certain conditions. First off, you have to  
7 have the contract with an approved subcontracting plan.  
8 So those two conditions being met, yes, we fully would  
9 support a mentor protege program.

10 UNIDENTIFIED SPEAKER: Okay, my question is I  
11 guess -- I'm trying to understand, is credit given to the  
12 large business, or the contract holders after the award  
13 has been made? Let me tell you what I'm talking about.  
14 A gentleman in the back stated that he contacted all of  
15 these small businesses and they all said they had gotten  
16 to work. Well, I didn't team originally with anyone, but  
17 being a staffing firm, I contacted and marketed all of  
18 the contract holders individually.

19 I was able to get work by providing real estate  
20 staffing support, you know, to some of the contract  
21 holders. So when he says that no one got any work, when  
22 he talked to small businesses, are you giving credit when

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1 you make an alignment after the award has been made  
2 because if you have a small businesses on the list, and  
3 you're listing these as a small businesses, but they got  
4 the work, in defense to the large companies, they are  
5 giving work because I heard one other company in front of  
6 me said they got work. I got work. So how are we  
7 monitoring that?

8 MR. MAHONEY: Well, I just wanted to say one  
9 thing, the exhibit you were looking at, and I think it  
10 was Exhibit 14, gave a listing of GSA. Those were  
11 companies that were previous, that had previous  
12 contracts. So yes, they could have been -- it was some  
13 time, but when I did that listing, I grabbed information  
14 through our system, historical system, that said these  
15 were contractors, prime contractors, whether they were  
16 large or small, but I pulled out only the small ones,  
17 just to say here is small companies that had previous GSA  
18 contracts, not including schedules, only public building  
19 service contracts that performed realty type functions.

20 So I wanted to clarify that and hopefully that  
21 will take care of why that exhibit was there. It was  
22 just to give you something that here's some companies

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1 from our historical database that had experience with  
2 doing work for GSA in real estate. And I did put  
3 disclaimers on it that we're not saying that the  
4 information is good, bad or indifferent. It's just what  
5 we have. So it was an idea to give you information.

6 UNIDENTIFIED SPEAKER: (inaudible).

7 MS. KIDD: Yes, in your past performance, yes.  
8 As the dollars flow to the small businesses, that impacts  
9 your past performance which impacts the selection on task  
10 order award.

11 MR. MAHONEY: Any other questions? Wow, okay.  
12 Oh, we got one. Right behind you, John.

13 UNIDENTIFIED SPEAKER: Okay, with much  
14 appreciation for all the work you guys are putting into  
15 it, and revisions that are going to ensue from today and  
16 coming into the next week, and you had a very clear  
17 proposal due date of February 17th. Do you guys have an  
18 expected final proposal issue date that it will, and hit  
19 that biz ops?

20 MR. MAHONEY: Well, right now the current RFP  
21 date is -- that's the date. Now, I think you're talking  
22 about maybe revisions that may change that date. You're

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1 right. We may. Currently that's our anticipated --

2 MR. DAVIS: I don't -- actually we need to  
3 convene about that, too. I don't -- I haven't heard  
4 anything yet today that would lead us to make any  
5 substantive changes to the scope of work or the contract  
6 that would -- that would lead us to have an extended due  
7 date. I haven't seen that today. Maybe others will  
8 convince me here that we did, but I think the due date is  
9 firm. The RFP is what it is right now. You'll get  
10 written answers to our questions and I don't -- I don't  
11 see any major revisions coming up that would make us  
12 extend that due date, at this time.

13 MR. MAHONEY: John?

14 MS. KIDD: I would encourage you to get your  
15 answers -- your questions in writing to Ted so that we  
16 can respond clearly, especially on these ones that we  
17 said we need to get back to you on.

18 MR. MAHONEY: Right. And the follow-up on that  
19 from Ada is the 29th, next Friday. That will be the  
20 cutoff date that I would like to use, or that I will use  
21 for written questions. And those questions will perform  
22 what we would do and we will respond to those as part of

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1 the amendment.

2 UNIDENTIFIED SPEAKER: Question, will you issue  
3 a revised RFP incorporating all of the amendments from  
4 the last work, or is it that prime's responsibility to do  
5 that integration themselves?

6 MR. MAHONEY: Good question. The RFP, the way  
7 the amendment process is going to work, the amendment  
8 process may just have, here are the questions and  
9 answers. Any changes to the RFP changes the RFP, will be  
10 a page change. Because what you're seeing now, the  
11 number of pages, I'm trying to make it more clear that we  
12 will give you new pages if it needs to change the RFP.

13 MS. KIDD: We will delete one page --

14 MR. MAHONEY: You'll take one page out, put one  
15 page in and it will have on the bottom amendment number  
16 one, date on it. So it will make it easier for you so  
17 you will have a current RFP to work from, as the  
18 amendments command.

19 MS. KIDD: Does that answer your question?

20 UNIDENTIFIED SPEAKER: Will any task orders that  
21 are currently issued to incumbents under the current  
22 contracts be canceled and reissued under the new

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1 contracts?

2                   MR. MAHONEY: It's not the intention. I don't  
3 believe it will happen. I mean the idea is that when the  
4 work occurs -- I mean this work was projected far enough  
5 in advance, as far as the year, that we had using --  
6 that's why you saw the contract years plus one. That's  
7 what the method of work we're looking at. So any task  
8 orders that are going to be issued under the current  
9 contract will be maintained. I mean that's what we're  
10 doing. Any task orders after the award date, that's when  
11 we'll start the process. Other questions for the panel?  
12 Okay. Real quick wrap-up. Written questions by next  
13 Friday, January 29th, close of business. You can e-mail  
14 those directly to me. It's Ted.Mahoney@GSA.gov. I will  
15 post hopefully by Monday some information about this, but  
16 I may wait for the transcript so I can give you the  
17 transcript for this. It may happen on next Wednesday or  
18 Thursday.

19                   So you may see a notice come in FEDBIZOPS, and  
20 then we'll come out with the official amendment. So next  
21 Friday, the 29th. I want to thank you all for coming. I  
22 appreciate your interest and support in the NBC program,

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1 and we have a networking opportunity coming right up  
2 outside. If you will notice on your badges, there's a  
3 red dot. That's signifying small businesses.

4 Please, this is your opportunity to talk and  
5 integrate and have nice discussions. Thank you all very  
6 much.

7 MS. KIDD: Thank you.

8

9 concluded.]

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1 CERTIFICATE OF COURT REPORTER

2

3 I, NATALIA KORNILOVA, the officer before whom the  
4 foregoing deposition was taken, do hereby certify  
5 that the witness whose testimony appears in the  
6 foregoing deposition was duly sworn; that the  
7 testimony of said witness was taken by me in  
8 stenotypy and thereafter reduced to typewriting by  
9 me; that said deposition is a true record of the  
10 testimony given by said witness; that I am neither  
11 counsel for, related to, nor employed by any of the  
12 parties to the action in which this deposition was  
13 taken; and, further, that I am not a relative or  
14 employee of any counsel or attorney employed by the  
15 parties hereto, nor financially or otherwise  
16 interested in the outcome of this action.

17

18

19

NATALIA KORNILOVA

20

NOTARY/COURT REPORTER

21

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