



PACA Pulse

SPRING 2009

PROFESSIONAL AEROSPACE CONTRACTORS ASSOCIATION OF NEW MEXICO

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President's Corner *By Phil Vitale*

It is my privilege to serve you as the president of PACA for the next year. I look forward to working with the Board of Directors and committee chairmen to improve service to our members in this period of economic and business uncertainty. I appreciate the solid foundation laid by the previous Board of Directors that will facilitate moving us forward, and I thank my predecessor, Maran Vedamanikam, for his hard work and dedication over the last year.

The economic turmoil our country is experiencing makes PACA's service to our members more important than ever. Improving service to our members involves taking a good look at what the organization is all about. A visit to our Web site will immediately reveal our mission "... to promote a health and vigorous relationship between the aerospace industry and Government agencies in New Mexico."

The key objectives in the pursuit of this mission are:

- Facilitate professional relations between industry providing products and services to Government agencies.
- Provide a mechanism for the interchange of information between PACA members and agencies supporting national security and economic advancement.
- Promote professional relationships and understanding among PACA members.
- Encourage collaboration between large and small businesses in contract activities.
- Develop and advocate changes to federal and state laws and regulations to benefit PACA members.

The current economic downturn and climate of business uncertainty make the effective pursuit of these objectives even more important to our membership. To this end, I have established the following goals: (1) expand our membership by 15 percent to strengthen our networking base; (2) focus on forging member relationships by having networking events; and (3) better inform our membership on issues affecting business within our contracting community.

PACA's strength is in its service to its members; our objective is to serve your needs. If we're doing a good job, please tell your associates. If we need to improve something, please tell us. We will constantly strive to improve our service to you. Please call me, or any of the officers, with your suggestions and concerns.

Thank you again for the opportunity to serve you. •



PACA Profile: Professional Business Development & Proposal Services

PACA member **M. Stephanie Gilbert** does business as Professional Business Development & Proposal Services. She provides business development and proposal consulting from her home office in Rio Rancho.

Stephanie is a graduate of Sierra College in Rocklin, California. She has 30 years of experience in information technology and business development, most of which has been acquired in the government contracting arena. Prior to moving back home to Albuquerque in 2006 to start her business, Stephanie worked in the Washington D.C. area for 18 years. Most recently she served as Director of Business Development for enGenius Consulting Group, Director of Marketing for Analex Corporation and Manager of Business Development for Sytex, Inc.

As a VSBO (very-small business owner) Stephanie wears many hats to run her business. This gives her a true respect and appreciation for the NSSBOs (not so small business owners) who manage to employ a staff and perhaps even retain a CPA and counsel – especially those companies that consider engaging a consultant, usually short term, to assist them in growing their business.

Stephanie's business focuses on helping her clients identify and then realize business opportunities. She works

with companies to develop winning proposals. Stephanie's clients have been awarded contracts by a host of DoD agencies, including each of the armed services, other federal agencies, Sandia National Laboratory and private industry. Stephanie retains her DoD clearance which enables her to serve clients seeking classified work.

Business development must be the goal of every business (or at least those which plan to stay in business). Stephanie advises her clients that winning proposals are the result of a well-designed business development process. She believes that business development begins with "capture planning." This is the strategic identification and targeting of potential bid opportunities. It includes an evaluation of corporate capabilities. These capabilities are presented to potential Government customers in conjunction with the identification of a need. This is done with research that incorporates interviewing insiders (employees and even friends) who are in close contact with a potential customer. Every employee has a suggestion or has noticed something that can be improved upon in the customer organization. This is often the foundation of new work, and the best provider is the one whom the customer already knows and is comfortable with. A wise old sage once told Stephanie that, "You can bid \$1 and still not win if the customer does not know you."

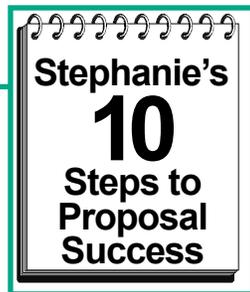
Capture planning includes competitive analysis. Having a relationship with potential customers can provide insight into how they perceive the competition. Researching the financial stability, current capabilities, and employee contentment of other companies can give contractors a competitive edge and may provide ghosting opportunities in their proposals. Ghosting is the process of saying something negative about the competition without specifically naming them in the proposal.

Stephanie also helps her clients formulate win themes and corporate discriminators – answering the question, "Why should the Government award our company this contract?" If a contractor cannot answer this question and present this answer in no uncertain terms in its proposal, then that proposal will surely fail.

The centerpiece of Stephanie's services is proposal preparation. She begins her proposal engagements by "shredding" the RFP immediately upon its release. This results in a breakdown of the RFP into the following components upon which the proposal is built:

- **Program Cover Sheet:** Clearly details the program particulars, such as contract period of performance, contract dollar value, contract type, Government points of contact, due dates for questions to the Government, past performance questionnaires, and proposal submission – a handy summary.

- **Proposal Schedule:** Due dates are highlighted, proposal section reviews are built in, time is allotted for final production and delivery.



Stephanie's 10 Steps to Proposal Success

1. Download all of the documents and attachments; check for **amendments**.
2. **Read the entire RFP.**
3. Create a **compliance** matrix.
4. Create a high-level **outline**: use the Instructions, Statement of Work, and Evaluation Criteria.
5. Create a **schedule**; build in time for review, production and delivery.
6. Hold a meeting to make **assignments** and to develop and use your **discriminators** and **win themes**.
7. Make sure your **customer** knows you and that **you know your competition** and **your own company**.
8. **Write for the reader.** Ask yourself, "How is my writing benefiting the reader?"
9. **Price to win.**
10. Assemble, proofread, and **deliver your proposal on time.**

continued on following page

Professional Business Development & Proposal Services *continued*

- **Compliance Matrix:** Focuses on 100% compliance with RFP requirements – this is also used to track the status of volumes and sections. The compliance matrix lists each volume and major section required in the RFP and cross-references them with the evaluation criteria and SOW requirements so that every element of the RFP is clearly represented. As proposal development proceeds, each identified item can be checked-off. This ensures that all RFP requirements are addressed, and the proposal manager can track the status of the effort at all times.

- **High-Level Section Outlines:** Derived from Section L (instructions), Section M (evaluation criteria) and the SOW.

Proposal efforts can be all consuming, leading to long days and even longer nights. They are time constrained and deadline driven. Stephanie has learned that most of the drama and angst can be avoided by preparing as much

information as possible in advance and then structuring a proposal effort on the day the RFP hits the street.

After the procurement has been completed, Stephanie prides herself on leaving her clients with a trail of process improvements, expanded business development, reusable proposal libraries and trained proposal staff. All of this assists her clients in winning future contracts.

Stephanie has been a PACA member since 2007. She values PACA as it affords her the opportunity to meet people, learn something new, interact with local contractors, and get away from her workstation at least once a month. She also loves the iced tea served at the luncheon. Stephanie extends a special thanks to Jackson and Tull for sponsoring her membership.

To learn more about Professional Business Development & Proposal Services, visit www.PropWin.com. Stephanie may be reached at sgilbert@PropWin.com. •

PACA Elects New Directors & Officers

The PACA membership chooses a new Board of Directors annually. At the March 17 luncheon meeting, the members elected its new board and officers for the 2009-2010 year beginning April 1.

With the start of a new year, **Phil Vitale**, previously Vice President, automatically became President, succeeding Maran Vedamanikam. He is an independent consultant serving space and nuclear engineering firms with support in business development, systems engineering, and program management.

Phil was commissioned a Second Lieutenant in the Air Force upon graduation from college. He served twenty years in the Air Force with a variety of assignments in the areas of nuclear development, logistics and security, space experimentation, and survivability. Notable assignments include tours of duty with the Secretary of the Air Force in the Pentagon and Headquarters Air Force Logistics Command at Wright Patterson AFB in Ohio. Phil and his family spent 10 of his 20 Air Force years in New Mexico, stationed once at Holloman AFB and twice at Kirtland AFB.

After retiring from the Air Force at Kirtland, Phil entered the defense industry and held a number of engineering management and program management positions that had significant business development responsibilities.

In addition to his long standing association with PACA, Phil is also very active in volunteer efforts at church and enjoys skiing and international travel.

He holds a Bachelor's degree in chemical engineering from Manhattan College, a Master's in chemical engineering from the University of Dayton, and an MBA from the University of Utah. Phil and his wife of 35 years, Patricia, have two adult children.

The membership elected **Ginny Buckmelter** as our new Vice President (and next year's President). A member of PACA for about four years, Ginny formerly served as Treasurer

and has been an active member of the BFI program committee for the last two years. She is founder and President/CEO of Entereza, Inc., a small business providing specialized technical and professional services to the government and prime contractors. (Entereza was profiled in the last issue of PACA Pulse.)

Ginny was born in Gallup and raised in Albuquerque. She enjoys spending time with her adult children, a son and a daughter, as well as home remodel, cooking and entertaining, and travel - *when* she gets the opportunity.

Our newly elected Treasurer is **John Kiegel**. John is the lead for Business Development activities for Sierra Peaks, a veteran-owned engineering and development firm serving federal government agencies. He has spent the last 10 years in sales and marketing in the Government sector focusing on computer technology and other high technology areas to include audio/video, GPS, and other sensors.

John is a native of Rockford, Illinois, and has lived in the southwest since the mid 1970s. A graduate of the University of Arizona, he is married with two school age daughters. His interests include automotive restoration and real estate investment.

Our outgoing President, **Maran Vedamanikam**, automatically assumes the office of Immediate Past President succeeding Fred Jonas. In addition, **Burke Nelson**, Secretary, **Dick Trask**, Program Officer, and **Bill Miera**, Small Business Officer, have generously agreed to continue serving in these positions and were re-elected as directors and officers.

We thank our new and continuing director/officers for their service. In addition, a special thanks to **Fred Jonas** as he departs the board after three years of dedicated service. Fortunately, Fred is not going far as he has agreed to serve as the Education Advisor to the board.

PACA continues to thrive and grow due to the commitment of our volunteer board. •

Upcoming Lunch Speakers

- **June 16, 2009**, Brigadier General Hanson L. Scott (Ret.)



General Scott is Director of the Office for Military Base Planning & Support for New Mexico.

The general was born in Magdalena, New Mexico and graduated from Reserve High School. General Hanson attended New Mexico State University until 1957 and graduated from the U.S. Air Force Academy in 1961. He received a master's degree in Business Administration from Auburn University. The general completed Squadron Officer School, Air Command and Staff College as a distinguished graduate in 1972, and the Industrial College of the Armed Forces in 1982.

General Scott served as a command pilot with more than 5,500 flying hours, including 450 combat hours. His military decorations and awards include the Legion of Merit with oak leaf cluster; Distinguished Flying Cross; Meritorious Service Medal with three oak leaf clusters; Air Medal with eight oak leaf clusters; and Air Force Commendation Medal with oak leaf cluster. He retired as a Brigadier General on August 1, 1991.

- **July 21, 2009**, Robert Carter, SES, Executive Director, White Sands Missile Range



Mr. Carter, a career government service employee from Aberdeen Proving Ground, Md., temporarily took over as WSMR Executive Director in November 2008.

He spent the previous 25 years of government service in positions related to test

and development, and most recently served as Director of Plans and Operations for Developmental Test Command.

He is a graduate of the University of Delaware where he earned a degree in Mechanical Engineering, and the U.S. Army War College.

- **August - no luncheon**, Briefing For Industry. Visit www.pacanm.org to learn more.

- **September 15, 2009**, Brigadier General Regner Rider (Ret.), will speak on cyber security.

General Rider was formerly deputy director of Intelligence, Surveillance and Reconnaissance as the Deputy Chief of Staff for Air and Space Operations, Headquarters U.S. Air Force in Washington, D.C. He was the principal adviser to the director in his role as the proponent and functional manager for all Air Force reconnaissance, surveillance, intelligence, electronic warfare and information warfare capabilities.

General Rider entered the Air Force in 1973 after being honored as a distinguished graduate of the University of New Mexico's ROTC program. He has served in various assignments to include duty as aide to the commander in chief of Strategic Air Command; commander of the 325th Bombardment Squadron; commander of the 410th Operations Group and later, the 410th Bomb Wing; commander of the 5th Bomb Wing; vice commander of the Air Intelligence Agency; and most recently vice commander of the 8th Air Force at Barksdale Air Force Base.

He attended the NATO Defense College in Rome, Italy, and served as chief of the Command and Control Division of the Operations Directorate at Headquarters, U.S. European Command in Vaihingen, Germany. General Rider earned both B.S. and M.S. degrees in Mechanical Engineering from the University of New Mexico. In addition, he is a graduate of the Squadron Officer School, Maxwell AFB, and the Executive Program for General Officers of the Russian Federation and the United States, John F. Kennedy School of Government, Harvard University.

A few of his awards and decorations include the Distinguished Service Medal; Air Force Commendation Medal; and the Humanitarian Service Medal with service star.

We meet the 3rd Tuesday of each month at the Mountainview Club (located on Club Road on the east side of Kirtland Air Force Base). Registration begins at 11:30 am followed by lunch at 12:00 noon. Members are admitted free and our guest fee is \$15.

To RSVP, e-mail paca@ngc.com or register online at www.pacanm.org. Include your name, guest's name, and menu selection (typically a meat, fish or vegetarian dish). Please RSVP by the Friday before the week of the meeting.

If you are not already on base, enter at the Wyoming gate and state your purpose. Assuming you registered, your name will appear on the PACA list and you will be admitted. •

Legal Insights: Obama Administration Broadens Freedom of Information Act Disclosures

By Ross Crown

The Obama Administration recently released new guidelines for disclosure of information under the Freedom of Information Act (FOIA). Government contractors frequently submit requests for release of information under FOIA and also are frequently the subject of such requests. How the new administration's handling of FOIA will impact these requests should be of interest to those doing business with the federal government.

New FOIA Guidelines

On January 21, 2009, President Barack Obama issued a Memorandum on the Freedom of Information Act. In this brief statement, the President said that FOIA "should be administered with a clear presumption: In the face of doubt, openness prevails." He added that the "presumption of disclosure should be applied to all decisions involving FOIA." The President then directed the Attorney General to issue new guidelines governing FOIA "reaffirming the commitment to accountability and transparency."



In accordance with the President's memorandum, on March 19, 2009, Attorney General Eric Holder issued his own memorandum on FOIA. Citing a "presumption of openness", Mr. Holder stated that an agency should not withhold information simply because it may do so legally. He strongly encouraged agencies to make discretionary disclosures of information. Moreover, when an agency determines that it cannot make full disclosure of a requested record, it must consider whether it can make partial disclosure.

The Attorney General's memorandum includes new FOIA guidelines. Mr. Holder rescinded the previous guidelines issued by the Bush Administration on October 12, 2001 which committed the Department of Justice to defending decisions to withhold records "unless they lack a sound legal basis or present an unwarranted risk of adverse impact on the ability of other agencies to protect other important records." Instead, the Attorney General directed the Department of Justice to defend a denial of a FOIA request "only if (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the statutory exemptions, or (2) disclosure is prohibited by law."

FOIA Exemptions

Congress enacted the Freedom of Information Act, 5 U.S.C. §552, to set a policy of broad disclosure of Government documents to ensure an informed citizenry, which is, in turn, considered vital to the functioning of a democratic society. At the same time, however, Congress realized that legitimate governmental and private interests could be harmed by release of certain types of information. Balancing these private and public interests, Congress enacted nine exemptions to FOIA. *Critical Mass Energy Project v. Nuclear Regulatory Comm'n.*, 975 F.2d 871 (D.C. Cir. 1992).

The exemption most often invoked in response to requests involving government contracts is Exemption 4. Exemption 4 provides that the disclosure requirement does not apply to "trade secrets and commercial or financial information obtained from a person and privileged or confidential." § 552 (b) (4). Although the Government is not precluded from disclosing information within Exemption 4 (an exemption just means that an agency is not compelled to disclose), the Trade Secrets Act, 18 U.S.C. §1905, is at least coextensive with Exemption 4. The Trade Secrets Act does prohibit the Government from producing information within its scope. *McDonnell Douglas Corp. v. Nat'l Aeronautics & Space Admin.*, 180 F.3d 303 (D.C. Cir. 1999).

Exemption 4 has been construed on many occasions by federal courts. In elaborating on the scope of Exemption 4, it has been held that confidential information submitted voluntarily to the Government is "confidential" for the purpose of Exemption 4 if it is of a kind that would customarily not be released to the public by the person from whom it was obtained. *Critical Mass Energy Project*. Information submitted involuntarily is protected under Exemption 4 if its disclosure would be likely either to (1) impair the Government's ability to obtain necessary information in the future; or (2) cause substantial harm to the competitive position of the person from whom the information was obtained. *McDonnell Douglas Corp.*

A common target of FOIA requests in the government contracts arena is line item pricing information. Regardless of whether line item pricing is deemed to have been submitted voluntarily or involuntarily, courts have found that this information should be considered confidential commercial or financial information. *McDonnell Douglas Corp.*

Impact of New Guidelines

Government contractors need to be aware of the impact of the new administration guidelines on FOIA requests. The Attorney General wants agencies to adopt a more expansive view of their obligation to produce information under FOIA. For contractors requesting information from the Government, this is good news. FOIA requests are now likely to receive more favorable responses from the Government. On the other hand, contractors who are the subject of FOIA requests may be concerned to find agencies are willing to produce information that arguably falls within Exemption 4 as construed by the courts. Under these circumstances, such contractors need to be prepared to seek judicial relief. As matters presently stand, contractors looking to keep proprietary information confidential may receive a more sympathetic reception from the courts than from the agencies. •

Ross is a partner in the Albuquerque office of Lewis and Roca LLP. This article is intended for general information only and should not be construed as legal advice or opinion. Any questions concerning your legal rights or obligations in any particular circumstance should be directed to your lawyer.

New Mexico 2009 Legislative Report

By M. Brian Barnett, PACA Legislative Liaison

The New Mexico State Legislature convenes in regular sessions on the third Tuesday in January each year. The Legislature meets for 60 days in odd-numbered years and 30 days in even-numbered years. In 2009, the Legislature met from January 20 to March 21. The Governor then had until April 10 to act on bills passed by the Legislature.

The Legislature is composed of a 70-member House of Representatives and a 42-member Senate. The members are unpaid for their legislative work, but do receive a daily living allowance for each day of official legislative work. Legislators are elected from districts of approximately equal population. Several counties with small populations may be combined to form a single district.

As Legislative Liaison for PACA, I analyze all the bills every session to identify those I believe are relevant to PACA's charter. In early February, I developed a PACA position paper that was presented to the Board, and I later hand delivered it

to every member of the Legislature at the Roundhouse. PACA endorsed bills relating to veterans' affairs, military affairs, research and development, and economic development. About the same time, PACA sent sample legislator letters to our membership. Thanks to all of our members who wrote letters.

I have analyzed all the bills that were signed by the Governor and have listed the ones of interest to PACA below. I encourage PACA members to go to <http://www.nmlegis.gov/> to learn more about these bills and other bills of personal interest. For a complete listing and descriptions of legislative activity for the 2009 session go to: <http://www.nmlegis.gov/lcs/legreports.aspx>.

I do not think I need to remind the PACA membership that democracy is a privilege that has been earned. The more informed we are regarding our laws and legislation, the more we can contribute to society. •

HB 59	Veterans' Museum Act	Jeff Steinborn
HB 75	Manufacturing & Investment Tax Credits	Ben Lujan
HB 164	Deceased Service Member License Plates	Richard J. Berry
HB 362	Mandatory Night Sky Act Enforcement	Dona G. Irwin
HB 407	Tax Contribution to Vietnam Veterans' Memorial	Thomas A. Garcia
SB 136	In-State Tuition for Veterans	William H. Payne
SB 205	NM Research Applications Act	Stephen Fischmann
SB 529	Military & Veterans Affairs Committee	David Ulibarri
SB 669	Disabled Veteran Game & Fish Benefits	Nancy Rodriguez
SB 120	Eliminate Military Code Funding Cap	William H. Payne
HB 322	Increase Teacher License Math Requirement	Janice E. Arnold-Jones
HB 318	Homeland Security as Cabinet Department	Luciano "Lucky" Varela

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Gina Bonner
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Bill McMillan
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Increase Newsletter Distribution & Membership

If you know a potential member or anyone else who would like to receive our newsletter, please give their e-mail address to **Burke Nelson**, 944-2126.

If you are a non-member and would like information regarding membership, please contact:

Stacy Sacco, Membership Chairperson
254-4329 or 489-2311
marketing@kirtlandfcu.org

You may also access a membership application on our Web site at www.pacanm.org. •