



PACA Pulse

Spring 2008

PROFESSIONAL AEROSPACE CONTRACTORS ASSOCIATION OF NEW MEXICO

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PACA Web Site Updated *By Tim Carmichael*

In this issue of the PACA Pulse, we introduce you to the new and greatly improved PACA Web site. The Board of Directors laid out a plan to create a new Web site that is relevant and helpful to the PACA membership. The Web site has been revamped with a professional updated look and, most importantly, very helpful functionality.

A completely new application and database have been developed for PACA members to ensure a secure online account, which they can use to accomplish various tasks. Examples include managing contact information; paying for membership dues by credit card; accessing documents and files that are available only to PACA members; accessing the PACA membership roster; and registering for PACA luncheons and other events. The upgraded Web site will also allow new members to join our organization and pay membership dues by credit card.

We are very excited about the new site and encourage you to browse on over to www.pacanm.org and check it out. •



PACA Elects Directors & Officers

The PACA membership annually elects a new Board of Directors. Each director is also elected to an officer position. At the March 18 luncheon meeting, the members elected its new board and officers for the 2008-2009 year beginning April 1.

With the start of a new year, our Vice President, **Maran Vedamanikam**, automatically became President, succeeding Fred Jonas. Maran is currently President and one of the founders of Euroclydon Industries, Inc. Prior to starting Euroclydon in 1999, Maran worked at Intel Corporation in their Automation Department as a backup IT administrator. Maran is a member of the New Mexico 8(a) and Minority Business Association and serves on the board for the High Tech Subcommittee. He was born in India and immigrated with his parents to the United States while he was still a young boy. He holds an MCSE in Information Technology and would like to get his MBA as soon as possible. Maran attends Legacy Church where he is active as an Altar Deacon. He is married and has two sons who are nine and seven years old.

The membership elected as our new Vice President (and next year's President) **Phil Vitale**. Phil is an independent consultant serving space and nuclear engineering firms with support in business development, systems engineering and program management.

Phil is a native of the New York City area, and received a Bachelor's Degree in Chemical Engineering. He has also earned Master's degrees in engineering from the University of Dayton, and an MBA from the University of Utah. He and his wife of almost 35 years, the former Patricia Callahan, have two adult children.

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

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PACA Elects Directors & Officers *continued*

family were fortunate to spend 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 AFB, Phil entered the defense industry and held a number of engineering management and program management positions that had significant business development responsibilities. Last summer he started his own consulting business.



Phil Vitale

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

Our outgoing President, **Fred Jonas**, automatically assumes the office of Immediate Past President, succeeding **Dar Johnson**. In addition, **Virginia Buckmelter**, Treasurer, **Burke Nelson**, Secretary, **Dick Trask**, Program Officer, and **Bill Miera**, Small Business Officer, graciously 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 willingness to serve. And as he leaves our board, we also express our utmost appreciation to Dar Johnson for his outstanding service to PACA. PACA would not exist without the commitment of our volunteer board members. •

President's Corner *By Maran Vedamanikam*

As your new PACA President, I look forward to working for you and the Board of Directors.

A few years ago, your PACA Board of Directors (BOD) with a long-term vision for PACA, wanted to bring about *effective* change and not change for the sake of change. Your BOD wanted fresh ideas and new direction for PACA to effectively serve you. As globalization is changing the marketplace and the Government is cost-cutting in the contracting dollar arena, new and innovative ideas with diversification are needed. Many new organizations have also sprung up, some competing with what PACA has to offer. To be head and shoulders above other competing organizations, we must reinvent ourselves with the similar and prudent steps that were taken by past PACA leaders.

In light of these changes and the volatile times, I would like to lay out the following goals for the coming year:

- **Market PACA to increase exposure**
 - Create marketing committee
 - Budget permitting, setup PACA booth at trade shows
 - Promote through articles / media
- **Grow PACA membership by 10-20 percent**
 - Welcome ideas from membership
 - Involve membership in recruiting new companies
 - Greater exposure will result in increased membership
- **Grow attendance at luncheons**
 - Increasing luncheon attendance will increase member participation
 - Increased member participation will increase PACA exposure and member involvement
 - More attendance generated by "guest word of mouth"
- **Increase PACA influence in community**
 - Influence in community makes PACA prestigious and attractive to public

- Giving to certain areas of community will be mutually beneficial, not just giving to give but giving strategically so PACA can get best exposure (Marketing committee can determine direction)

- **Help large business and small business close gap through partnering**

- Educate and dispel negative views large and small businesses have of each other
- Promote the mutual benefits of partnering in this highly competitive globally-minded market

With your help and BOD guidance, PACA will accomplish its goals and attain a higher level of effectiveness in the community. •



Maran Vedamanikam

New Web Site for Air Force Retirees

The Air Force has established a new Web site for its retiree community: <http://www.retirees.af.mil/>. The public Web site, announced April 7, is designed to offer retirees and their families in-depth information on the Survivor Benefit Plan, plus a list of Air Force Retiree Activities Offices worldwide and additional resources. The home page features the latest Air Force headline news and video clips. Visitors may also subscribe to the electronic version of the Afterburner retiree newsletter and Air Force Retiree News Service. There is a special icon link for quick access to the Combat-Related Special Compensation information page. •

PACA Profile: Ktech Corporation

For over 35 years, Ktech Corporation has been an employee-owned high technology firm based in Albuquerque. The company employs approximately 425 people and realized sales of \$63 million in 2007. Ktech is headquartered in the Sandia Science and Technology Park where it occupies approximately 175,000 square feet of offices, light laboratories and custom manufacturing space in three facilities.

Ktech is led by Steven E. Downie, its president. Approximately 70% of the company's revenues are derived from services and 30% are from manufacturing. Ktech has complete in-house manufacturing capabilities that take customers from concept to production. Ktech specializes in five lines of business: (1) scientific, engineering and technical services, (2) design and manufacturing of automated industrial equipment, specialty gauges and sensors, (3) research facility operations, maintenance and engineering, (4) information management products and services, and (5) technical communications services and products including Web design, exhibits, technical writing and publications. Ktech is a Strategic Supplier to Sandia National Laboratories (SNL), and a Key Supplier for Lawrence Livermore National Laboratory.

Ktech employs the largest concentration of qualified Pulsed Power and High Power Microwave (HPM) program managers, scientists, engineers, programmers and technicians in the U.S. (most with security clearances). The company has supported SNL's pulsed power facilities for the last 30 years, providing up to 200 scientists, engineers and technicians to support the operations, maintenance and engineering on the Z, Saturn and Hermes III accelerators.

Ktech is represented in PACA by members Rick Blöse, Manager of the Engineering Development Department and an engineer himself, and Don Sullivan, Senior Manager of the Pulsed Power Technologies Department. Rick is active in PACA for several reasons. As Ktech's technology is utilized both by DOD and DOE, he appreciates the breadth of industry news and networking opportunities available to PACA members. PACA is also helpful to Rick as a source of information about contracting opportunities with the Air Force Research Laboratory and teaming possibilities.

Ktech is a small business alert to teaming arrangements, both with large and small businesses. Teaming offers Ktech the opportunity to combine complementary capabilities with other companies to offer attractive contract proposals.

Ktech's small size allows it to provide rapid response to its customers at a very competitive price. At the same time, the company is large enough to have the facilities as well as technical and financial resources to staff and manage large multi-million dollar programs.

Much of Ktech's growth in the last two years has been in two principal areas: (1) manufacture of chemical processing

equipment for the semiconductor industry through its wholly-owned subsidiary, Poly-Flow Engineering, LLC (PFE), and (2) High Power Microwave research and development, and manufacture of threat simulators for the DOD.

In June 2004, Ktech purchased PFE, a Sylmar, California-based company. After operating in California for almost two years, Ktech relocated PFE to Albuquerque in 2006. PFE has installed over 3000 systems for 30 major clients in 12 countries worldwide. It offers 40 different models of equipment in addition to building custom equipment for its clients.

The purchase of PFE is part of an effort to diversify Ktech's corporate capabilities into the commercial sector, which is a major strategic objective. At the same time, Ktech looks to grow its government work.

At present approximately 25 to 30% of Ktech's business is commercial, the remainder is for government customers. About 60% of the company's government work is for SNL and approximately 40% is for DOD agencies.

The second largest growth area for Ktech is in the area of High Power Microwave system design and manufacturing. Over the last two years, a relatively large number of scientists, engineers, and technicians with expertise in development of HPM systems has been added to the Ktech staff. In the last year, this group has captured approximately \$22 million in new HPM development contracts with DOD. The contracts are focused on the design and manufacture of HPM devices to protect the war fighter, and systems to characterize and test these devices against enemy defenses and countermeasures.

Ktech prides itself in providing quality services. Its finance, contracts, human resources, procurement and machine shop are all registered to ISO 9001:2000 standard by the Quality Management Institute.

In sum, Ktech offers solutions to its customers. If you would like to know more about Ktech, go to www.Ktech.com. •



PVDF sensors are piezoelectric sensors uniquely suited for the measurement of induced stresses ranging from bars to hundreds of kilo-bars. They are thin (less than 25 μ m), unobtrusive, self powered, adaptable to complex contours, and available in a variety of configurations. Ktech has demonstrated the use of thin-film piezoelectric polymer transducers over a wide range of stresses. PVDF gauges can measure transient pressures from KPa to 40GPa.

Legal Insights: Claims Against the Government

By Ross Crown

Last year, in *Roxco, Ltd. v. United States*, 77 Fed. Cl. 138 (2007), the U.S. Court of Federal Claims issued an instructive decision concerning the procedure by which a contractor pursues a claim against the Government. The dispute at issue in *Roxco* was whether a claim before the Court of Federal Claims (CFC) was properly appealable. However, the broader significance of this case is the useful primer it offers on the claims process.

The CFC began its outline of this procedure by discussing the legal basis of claims against the Government. Under the Tucker Act, judgment may be rendered upon any claim against the United States founded either upon the Constitution or any Act of Congress or any regulation of an executive department or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort. 28 USC Section 1491(a)(1). The Tucker Act, however, is only a jurisdictional statute and does not create any rights enforceable against the United States for money damages. Therefore, to come within the jurisdictional reach of the Tucker Act, a claimant must identify an independent contractual relationship, constitutional provision, federal statute and/or executive agency regulation that provides the claimant with a right to money damages.

Pursuant to the Tucker Act, claims must be filed within six years after the claim first accrues. 28 USC Section 2501. A claim accrues when all the events have occurred which fix the liability of the Government and entitle the claimant to institute an action. In general, this six year limitation period applies to contract claims both by and against the Government. FAR 33.206 (1995).

Under the doctrine of sovereign immunity, the Government is immune from suit except as it consents to be sued. Any waiver of sovereign immunity must be unequivocally expressed and may not be implied. The Contract Disputes Act (CDA) constitutes such a waiver.

The CDA grants jurisdiction to the CFC and the agency boards of contract appeals over claims between contractors and the Government involving any express or implied contract for the procurement of property, other than real property in being. 41 USC Section 602(a)(1). The term "claim" is defined in the FAR as "a written demand or written assertion by one of the contracting parties seeking, as a matter of right, the payment of money in a sum certain." FAR 2.101 (2006). A claim not requesting a sum certain must ask for another form of relief. The CDA mandates that all claims by a contractor against the Government shall be in writing and shall be submitted to the contracting officer for a decision. Section 605(a). A claim does not have to be submitted in any particular form or use any particular wording. All that is required is that the contractor submit in writing to the contracting officer a clear and unequivocal statement that gives the contracting officer adequate notice of the basis and amount of the claim.

A claim greater than \$100,000 must be certified by the contractor. Section 605(c)(1). The certification is required to

state that the claim is made in good faith; the supporting data are accurate and complete to the best of the contractor's knowledge and belief; the amount requested accurately reflects the contract adjustment for which the contractor believes the Government is liable; and the person making the certification is duly authorized to certify the claim on behalf of the contractor. A defect in the certification shall not deprive the CFC or board of contract appeals of jurisdiction over that claim. Prior to the entry of final judgment, however, the CFC or board shall require that a defective certification be corrected. Section 605(c)(b). While a defective certification may be cured, the CDA does not provide for curing a lack of certification. The CFC and boards cannot exercise jurisdiction over an uncertified claim in excess of \$100,000.

Within 60 days of receiving a certified claim in excess of \$100,000, the contracting officer must either issue a decision or notify the contractor of the time within which a decision will be issued. 41 USC Section 605(c)(2). Although 60 days is the outside limit, the contracting officer's decision is to be issued within a reasonable time, accounting for such factors as the size and complexity of the claim and the adequacy of the information in support of the claim provided by the contractor. Section 605(c)(3). The contracting officer shall issue his decision in writing, shall state the reasons for the decision and inform the contractor of its rights as provided in the CDA. Section 605 (a). If the contracting officer does not issue a decision within the required 60 days, the claim will be deemed denied and this will authorize commencement of an appeal of the claim. Section 605(c)(5).

Certification is important. The fundamental purposes of this requirement are to provide an accurate appraisal of the contractor's damages and thus encourage settlements and to discourage improper submissions by holding contractors liable for fraudulent claims.

A CDA claim must be submitted to the contracting officer for a final decision before it can be appealed. After the contracting officer issues a final decision on a claim, the contractor may appeal either to the appropriate board of contract appeals or to the CFC. 41 USC Sections 607(d) and 609(a)(1). The CFC has jurisdiction over the claim if the appeal is made within twelve months of the contracting officer's final decision. Section 609(a). Appeals to the boards of contract appeals must be brought within 90 days of the contracting officer's decision. Section 606.

Contractors who understand the claims process are better prepared to protect their contractual rights. This results in stronger claims prosecuted at less cost. •

Mr. Crown is a partner with the law firm of Lewis and Roca LLP and a member of the firm's Government Contracts and Commercial Litigation practice groups. 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.

PACA Luncheon Speakers



- **May 19, 2008 (Monday)**
Susan Thornton
Director of Directed Energy
Directorate, Air Force Research
Laboratory

NOTE: May meeting is on Monday!

With the exception of May when we will meet on Monday, May 19th, we meet the 3rd Tuesday of each month at the Mountainview Club (located on Club Road on the East side of KAFB) and feature informative

speaker presentations by government and industry leaders. Registration begins at 11:30 am followed by lunch at 12:00 noon. Members are free and cost for guests is \$15.

To ensure that we have a seat for you, please RSVP as soon as possible and no later than the Friday prior to the meeting at paca@ngc.com or call the PACA hotline at 842-8911, ext. 333. Include your name, guests' names, and menu selection (typically a meat, fish or vegetarian dish). If you do not have access to KAFB, please include a request for a base pass (to the Wyoming gate) with your luncheon order.

If you need a new name tag because you have changed employers, please see Stacy Sacco. •

Expand Pulse Distribution

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

Connections *By Stacy A. Sacco*

One of the many ways your PACA membership can help you grow your business is by helping you make connections and providing information about upcoming projects and contracts. We stay in touch with other related professional associations and consider ourselves a central hub for what's happening in the State. Here are some other related groups we connect with:

- **International Test and Evaluation Association (ITEA)**
www.itea.org / Two New Mexico chapters:

- Roadrunner Chapter

Point of Contact: Berle Barnett (214) 546-3416 / berle.t.barnett@saic.com

- White Sands Chapter / www.itea-wsmr.org

- **National Contract Management Association (NCMA)**
www.ncmahq.org / Two New Mexico chapters:

- Bandelier Chapter

Point of Contact: Larry Quinlan, President (719) 290-9000 / quinlan_l@lanl.gov

- Rio Grande Chapter / <http://ncmanm.org/>

- **Project Management Institute (PMI)**

www.pmi.org / Two New Mexico chapters:

- Otowi Bridge Chapter / www.otowibridgepmi.org

- Rio Grande Chapter / www.onepmi.org

If you need additional information or a referral to expand your business network, just ask one of our board members. We plan to include similar resource information in the next issue of PACA Pulse. •

Update on Location of Air Force Cyber Command

Eighteen states have until July 1 to submit information to the Air Force that makes the case for why a location in their respective territory stands out and should host Air Force Cyber Command headquarters. However, the winning location will not likely be announced until September 2009, according to a recent USAF press release that provides an update on the selection process.

The Air Force's original goal was to pick the permanent headquarters before AFCYBER formally stands up in October. However, that is no longer deemed possible. Rather, USAF now intends to issue its call for the information by May 15. Once the responses are in, Air Force officials will visit each of the locations to meet with community and installation representatives.

AFCYBER will go combat-ready October 1, operating from Barksdale AFB in Louisiana, on an interim basis.

According to USAF, the short list of finalists to host the permanent headquarters location should be released by the end of 2008, enabling the announcement of the winner by next September. Bill Anderson, USAF's assistant secretary for installations, recently sent a letter to the governors of the 18 states (Alabama, Arkansas, California, Colorado, Iowa, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, Ohio, Pennsylvania, Texas, Utah, and Virginia) inviting their local communities to participate. His letter advises each state and local government against investment in infrastructure targeted to attract the mission. •

WELCOME New Members

- **Tom Cavalli**, Manager, Business Development, Barrios Technology
- **George Moretti**, Albuquerque Office Lead, MTSI
- **Betty Ramos**, GSA Specialist, Beck Office Systems
- **Jerry Rawlinson**, VP Business Development, Quantum Research International
- **John Twitchell**, Business Development Manager, National Technical Systems, Inc.
- **Sean Darcy**, Program Manager, Boecore, Inc.
- **Robert Arias**, Executive Vice President, Southwest Native Consultants, Inc.