



Global Resource for Munitions Response Services

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Dear Member of Congress:

I am writing on behalf of the National Association of Ordnance Contractors (NAOC). NAOC is an association of nearly seventy companies who perform cleanup of munitions and explosives of concern (MEC) across the country. In addition to removing unexploded ordnance (UXO) across the country, NAOC member companies employ hundreds of former military Explosive Ordnance Disposal (EOD) technicians, providing a civilian career path for our servicemembers who have given so much to our country. As President of NAOC, I am writing with regards to the cleanup of MEC and munitions constituents (MC).

Lowest Priced Technically Acceptable (LPTA) process gained popularity in the early 2000s when procurement officials grappled with shrinking budgets and increasing demands. Congress and federal agencies began expressing concern about the unsuitability of the LPTA process for many acquisitions and have restricted its use.

Most recently Congress included Section 880 in the Fiscal Year (FY) 19 National Defense Authorization Act (NDAA), stating: “it shall be the policy of the United States Government to avoid using lowest price technically acceptable source selection criteria in circumstances that would deny the government the benefits of cost and *technical tradeoffs in the source selection process*.” Specifically, Congress added the following:

(c) AVOIDANCE OF USE OF LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION CRITERIA IN CERTAIN PROCUREMENTS— To the maximum extent practicable, the use of lowest price technically acceptable source selection criteria shall be avoided in the case of a procurement that is predominately for the acquisition of

(1) information technology services, cybersecurity services, systems engineering and technical assistance services, advanced electronic testing, audit or audit readiness services, health care services and records, telecommunications devices and services, or other knowledge-based professional services; (2) personal protective equipment; or (3) knowledge-based training or logistics services in contingency operations or other operations outside the United States, including in Afghanistan or Iraq.

While we can agree with the premise that LPTA is an option that Contracting Officers may use when making source selections, we do not believe this practice should be used in making selections for munitions response work. Munitions response work differs from traditional remediation projects because the Department of Defense gives specific provisions to employee qualifications to conduct this work (unlike traditional remediation where the contractor identifies

qualified personnel) and the various different types of munition response remediation required by Comprehensive Environmental Response, Compensation, and Liability Act and Resource Conservation and Recovery Act (Preliminary Assessment, Site Investigation, Remedial Investigations, Removal Actions (Non-Time Critical Removal Actions and Time Critical Removal Actions), Corrective Actions, and Remedial Actions.

Every Munitions Response Site (MRS) poses different complexities due to the diverse types of military munitions known or suspected to exist within each MRS. As a result, there are no “cookie cutter” munitions response remediation designs. The complexities of the site, the evaluation of different technologies applicable for MRS, public safety, community relations and public involvement requires extensive knowledge-based considerations of the munitions response process, government procedures, and guidelines. Competition is in jeopardy when an award is made using LPTA. The design of the project may meet the technical minimum objectives (to achieve low price savings to the Government); however, once the design is implemented, conditions change (due to the factors addressed above) and the savings to the Government by using LPTA is eroded and usually Dissolved - often causing extensive contracting modifications resulting in an increase in Government administrative costs. To ensure qualified, trained, and experienced munitions response personnel that will address the complexity of munitions remediation, it is recommended that contracting selection classify “munitions-related services” in the same category as those important services listed in FY19 NDAA stated previously below by inserting “munitions response services,” after “telecommunications devices and services”.

I appreciate your consideration and look forward to working with you throughout the authorization process to ensure the cleanup of the thousands of local communities that are impacted.

Sincerely,

Lanette Shea Waite

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President, National Association of Ordnance Contractors

www.naoc.org

