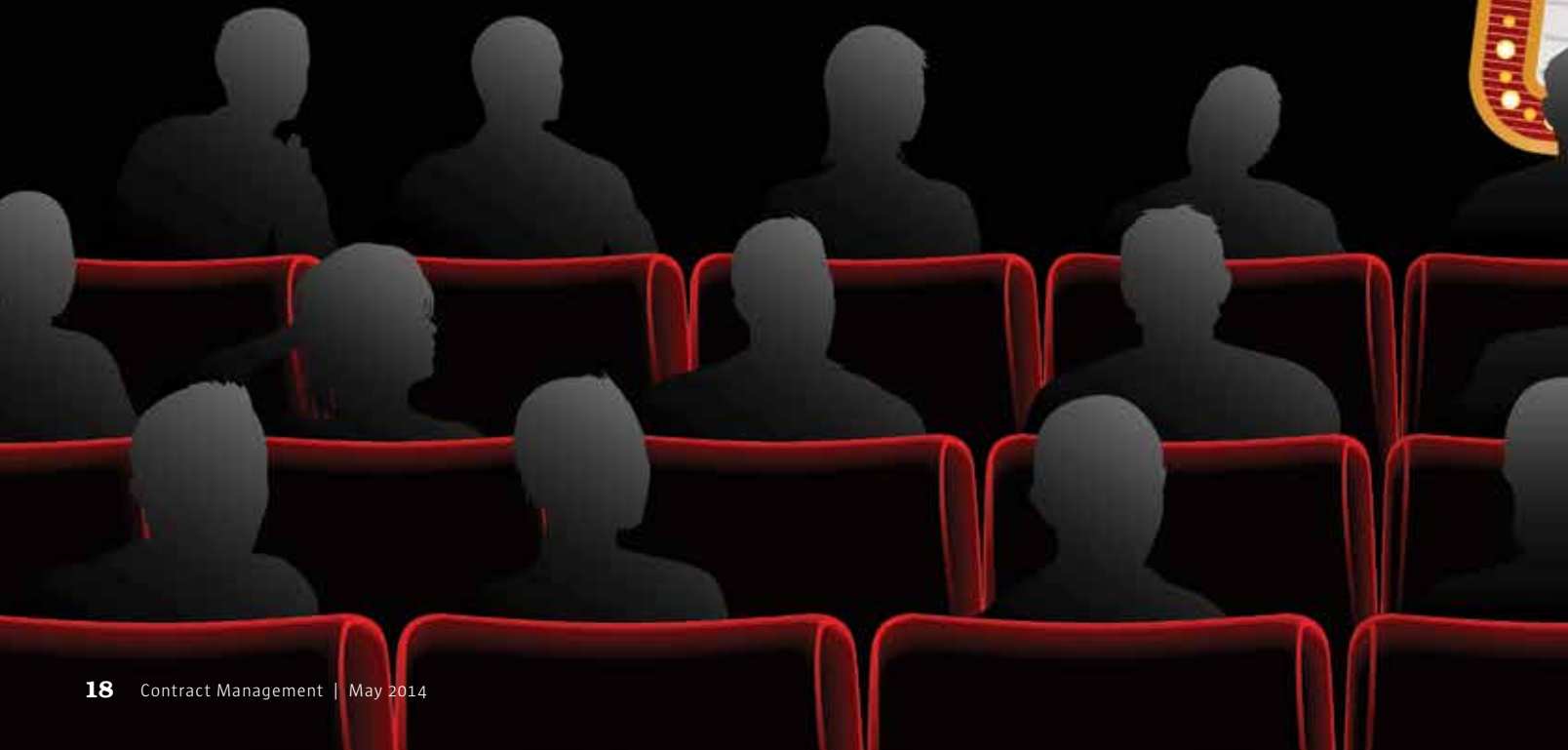


SECRETS OF SUPERSTAR CONTRACTING PROFESSIONALS

BY CHRISTOPH MLINARCHIK





THE CONTRACTING PROFESSION IS STARING DOWN A DEMOGRAPHIC CLIFF—MUCH OF THE EXPERIENCED ACQUISITION WORKFORCE WILL SOON RETIRE. TO FILL THIS LEADERSHIP VOID, THE NEXT GENERATION MUST STAND AND DELIVER. THIS ARTICLE EXPLORES THE ATTRIBUTES, MOTIVATIONS, AND TALENTS OF SUPERIOR CONTRACTING PROFESSIONALS.

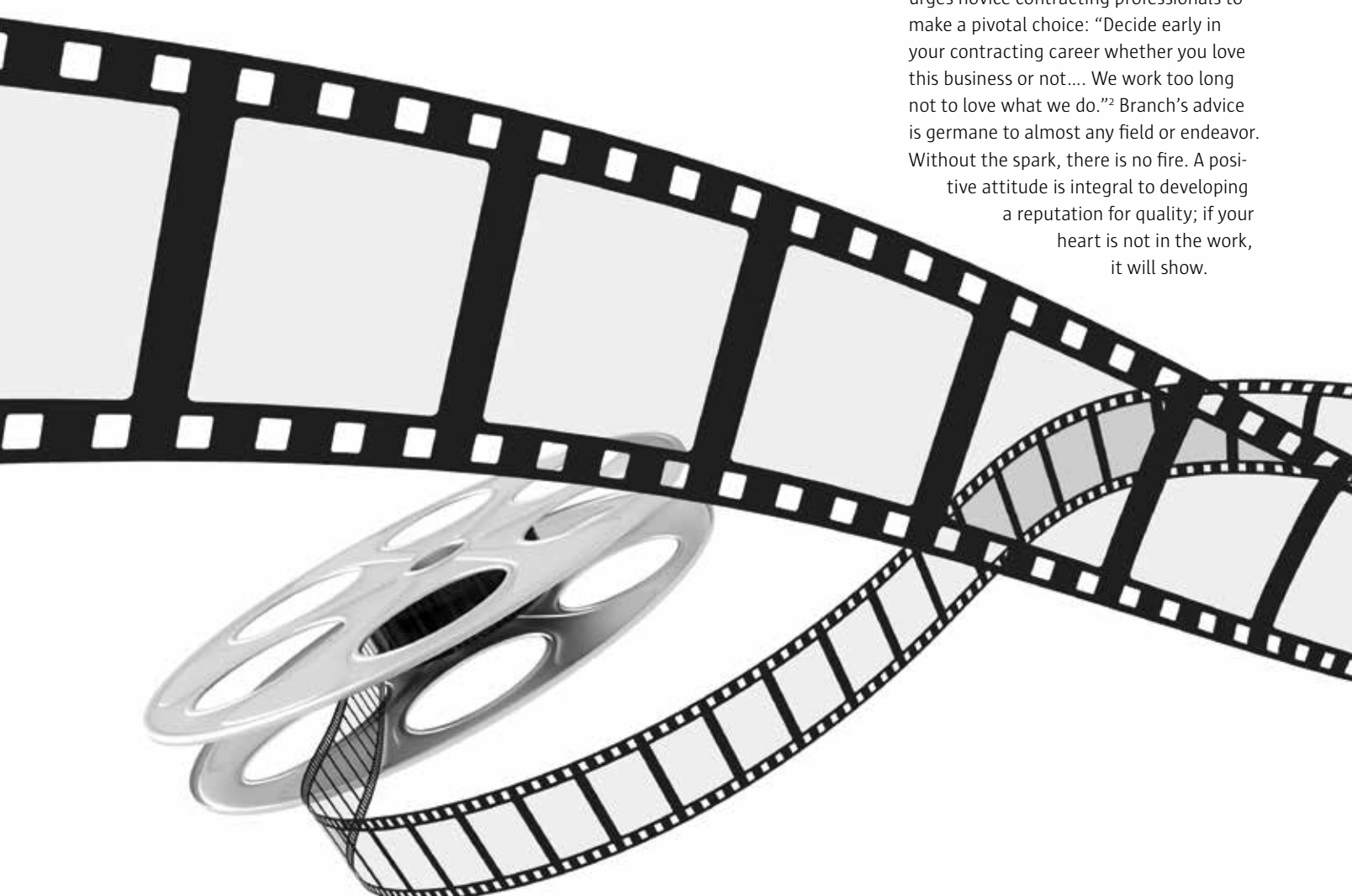


WITHIN 10 YEARS, 63 PERCENT OF THE U.S. FEDERAL ACQUISITION WORKFORCE WILL BE ELIGIBLE FOR RETIREMENT. ANOTHER 18 PERCENT WILL BE ELIGIBLE IN THE FOLLOWING DECADE.¹ THESE DEMOGRAPHIC CHANGES WILL CARVE A “CAPABILITIES CHASM” BETWEEN THE HIGHEST LEVELS OF LEADERSHIP AND THE NEW AND JOURNEYMEN-LEVEL CONTRACTING PROFESSIONALS. THE UPCOMING YEARS AND DECADES WILL BE RIFE WITH OPPORTUNITY FOR ADVANCEMENT.

Are you ready to step up into a leadership position? Are you a critical and strategic thinker? Do you have excellent research, writing, and analytical skills? Can you synthesize competing interests, duties, and motivations to get the job done within an acceptable range of cost, schedule, and performance? If so, the contracting profession needs you now more than ever. However, this is merely the bare minimum to be an effective professional. Such talents and skills are necessary, not sufficient, to be a *superstar* in the profession. This article explores the attributes, motivations, and talents of superior contracting professionals—the leaders, innovators, and superstars.

MOTIVATION: FUEL FOR THE FIRE

Deputy Assistant Secretary of the Navy (Acquisition and Procurement) Elliot Branch urges novice contracting professionals to make a pivotal choice: “Decide early in your contracting career whether you love this business or not.... We work too long not to love what we do.”² Branch’s advice is germane to almost any field or endeavor. Without the spark, there is no fire. A positive attitude is integral to developing a reputation for quality; if your heart is not in the work, it will show.



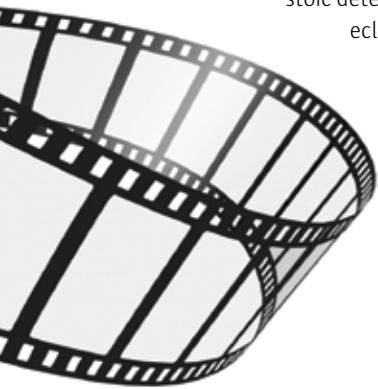
Karen Matkin, director of business operations for the 21st Air Force Contracting Squadron, notes that building a reputation is a continuous exercise: “Success comes from polishing your reputation every day.”³ Consistency and dedication are crucial—without a passion for contracting, lackluster effort will produce lackluster results. Matkin adds that “your [work product] is a recognizable signature.... Be sure the portrait you want the world to see is your best.”⁴ Branch and Matkin reinforce the idea that your greatest professional asset is your reputation. Every day, you should strive to impress your colleagues with your enthusiasm, craftsmanship, diligence, integrity, and commitment to excellence.

STRESS MANAGEMENT

Contracting is inherently demanding, stressful, high-stakes, and unpredictable. Stress can be a slow killer, both metaphorically and literally. Inability to cope with stress will handicap your professional and personal life in ways you could never expect. High-strung, emotionally frail people who cannot deal with setbacks will never excel. You need to be able to roll with the punches.

To better deal with change, whether positive or negative, a superstar contracting professional needs a special type of demeanor. Some have a buoyant sense of humor that brings laughter or levity to an otherwise gloomy situation; others have a

stoic determination that eclipses any emotional response to



setbacks—problems are viewed as challenges. Even if you’re blessed with colossal inner strength, remember that no man (or woman) is an island. Never underestimate the importance of your support network outside of work, whether it is with family, friends, hobbies, or community involvement. Cultivating a healthy, fulfilling, and sustainable lifestyle reinforces the positive outlook you need to be the strong leader others can rely on during turbulence, failures, and emergencies. There’s no time for tears at the top. Keep your head high!

THE LEGAL MINEFIELD OF STATUTES, REGULATIONS, POLICY, AND CASE LAW

Any competent contracting professional can cite the *Federal Acquisition Regulation (FAR)*—the basic regulatory framework for U.S. federal procurement. Unfortunately, the *FAR* reference book on your table was outdated the moment it rolled off the printing press. The policy memorandum you saved to your computer may have been superseded weeks ago. Statutes, regulations, and policies change rapidly, and it’s your responsibility to be informed and knowledgeable. How does a superstar contracting professional stay abreast of current developments?

Professor Ralph Nash, one of the original pioneers in the field of government contract law and author of several seminal contracting books, urges us to constantly “read—a real professional reads the literature in his or her field to ensure that he or she is in touch with new ideas and developments.”⁵ The superior contracting professional keeps current with significant rulings from the Government Accountability Office (GAO), federal courts, and boards of contract appeal.

Steven Feldman, published contract law author and acquisitions attorney for the U.S. Army Corps of Engineers, always tries to “step back from the regular cycle of contract reviews to take the time to study newsletters, case summaries, and journal articles on recent procurement developments.”⁶ Constant research is critical to strategic success. A superstar contracting

professional is dedicated to continuous learning, and always scans available sources for new knowledge.

INFORMATION FILTERING—CONSIDER THE SOURCE

A key to success is to a) find relevant sources and b) filter the information. The 21st century is bloated with information; the difficulty is sorting and distilling the information into useful knowledge. Relevant sources will be the fountain of your knowledge, so make sure the stream is pure and unadulterated.

Information filtering is your method of questioning and verifying—how you use your brain to critically evaluate authority, context, scope, and applicability. Who wrote this? Is it official or verifiable? Is it current? Does it apply to my acquisitions? Where and how can I conduct further research? These five questions should guide your analysis.

Consider the source and always verify any source that is secondary, unofficial, or opinion/hearsay. Questioning assumptions and motives is a fundamental part of critical thinking. Matt Ruane, senior program counsel for U.S. Air Force Materiel Command, cautions contracting professionals to “always consider the source of the opinion presented.”⁷ Ensure the information you are reading actually applies to your particular situation, and never hesitate to delve deeper into a topic.

Michaelisa Tomasic-Lander, senior acquisitions attorney for the U.S. Air Force Legal Operations Agency, advises: “Many times, it’s not how much you know in your head, but whether you know where to go to get the right information.”⁸ Mastery of contracting concepts comes from patience, practice, and diligence. Excellent research habits form the basis of professional excellence.

RESEARCH TREASURE TROVES

A superstar contracting professional researches above and beyond the basic statutes and regulations. To start, the *Army Contract Attorneys Deskbook*⁹ is an extraordi-

narily helpful resource. It is not just for Judge Advocate General attorneys; every contracting professional can use this guidebook. Another excellent resource is the Cibinic/Nash series of books:

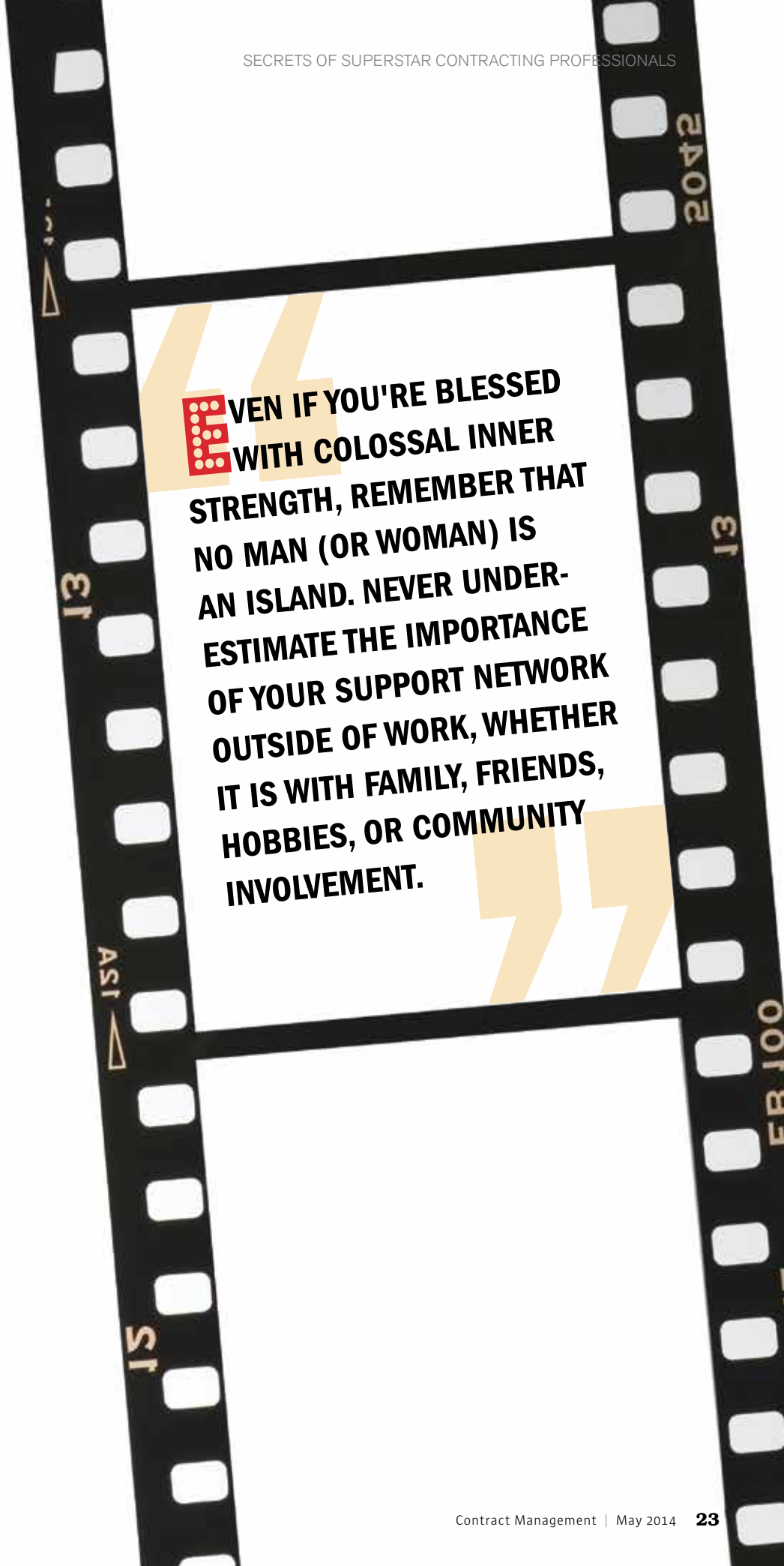
- *Competitive Negotiation: The Source Selection Process*,¹⁰
- *Cost-Reimbursement Contracting*,¹¹
- *Formation of Government Contracts*,¹² and
- *Administration of Government Contracts*.¹³

For the truly inquisitive, Vern Edwards compiled an extensive list of recommended reading for the contracting professional.¹⁴

“Where in Federal Contracting” (www.wifcon.com) is a goldmine of information. The reading and analysis page¹⁵ posts scholarly articles by experts, practitioners, and academics in the field of federal contract law. The discussion section¹⁶ is an open forum where practitioners (although not always experts—*caveat emptor!*) debate issues and solve problems collectively. The home page¹⁷ categorizes statutes, regulations, memoranda, press releases, and court decisions by topic and government agency.

For fiscal law, nothing beats the exhaustive GAO “Redbook,”¹⁸ officially titled *Principles of Federal Appropriations Law*, available for download at the GAO website. Also be sure to visit GAO’s bid protest subscriptions page¹⁹ and request daily delivery of “Comptroller General Decisions” to receive concise summaries of and links to bid protest decisions. Always read sustained protests, which are opportunities to avoid the same mistakes in the future. GAO decisions follow a useful convention of explicitly repeating applicable rules before delving into factual analysis. This provides a convenient encapsulation of basic contracting guidelines.

Also, don’t forget one of your strongest resources—your colleagues and fellow professionals at NCMA. Share information, collaborate, and communicate! No two situations are exactly the same, but it’s likely that someone



EVEN IF YOU'RE BLESSED WITH COLOSSAL INNER STRENGTH, REMEMBER THAT NO MAN (OR WOMAN) IS AN ISLAND. NEVER UNDERESTIMATE THE IMPORTANCE OF YOUR SUPPORT NETWORK OUTSIDE OF WORK, WHETHER IT IS WITH FAMILY, FRIENDS, HOBBIES, OR COMMUNITY INVOLVEMENT.

else has encountered a similar challenge. Seek the wisdom of your peers. In turn, if you discover a helpful resource or learn a valuable lesson, take the initiative and spread the knowledge. NCMA is always looking for great articles from the field, and your local chapter might benefit from hearing you speak on a topic of expertise.

THINKERS AND PROCESSORS

There will always be a need for reliable workers who can effectively process demanding and voluminous workloads. Every organization relies on a solid corps of “worker bees” to get the job done—the “processors.” At the same time, the ground-level workforce needs effective leadership and management. James Hageman, senior procurement analyst at Air Force Space Command, distinguishes between “processors” and “thinkers.”²⁰ Understanding *what* to do and *how* to do it defines success as a “processor.” The “thinker” is concerned with a different question: “Why?”

A successful enterprise employs a cadre of “thinkers” to anticipate problems, streamline processes, find efficiencies, and strategize. Hageman stresses that the contracting profession needs “superstars at all levels—as processors and thinkers,”²¹ but that promotion to executive positions requires more than superior performance: “Higher grades are really where we need the leaders and visionaries to effectively and efficiently lead the federal acquisition workforce.”²² A superstar “processor,” although valuable to any organization, does not necessarily translate to a superstar “thinker.” Superstar “processors” consistently provide superior results, but those who can apply strong tactical skills to strategic planning are the superstar “thinkers” who will be the leaders and visionaries.

INNOVATION AND RISK-TAKING

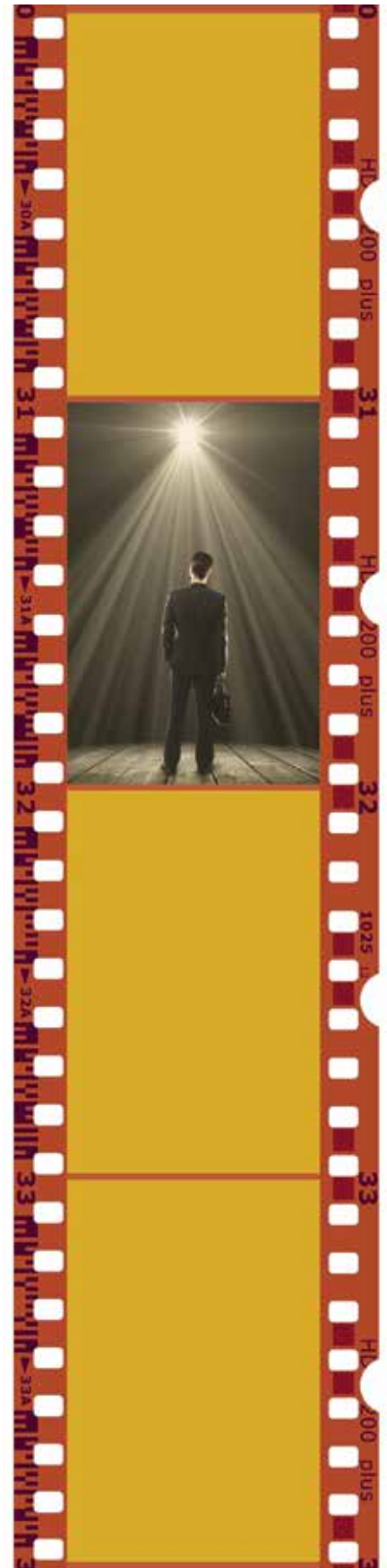
The novice may be surprised that innovation, including personal initiative and sound business judgment, is specifically encouraged by the FAR. Tucked away, beneath the dense

canopy of twisting and overgrown regulations, there exists a remarkably straightforward passage, offering a possible exit from the labyrinth. For someone advancing a logical, innovative, and efficient acquisition solution, but not finding any justification in the orthodox contracting guidelines, this is a light at the end of the tunnel. Any battle-tested contracting officer can cite the well-worn guidance of FAR 1.102(d), which permits creative solutions and outside-the-box thinking:

In exercising initiative, government members of the acquisition team may assume if a specific strategy, practice, policy, or procedure is in the best interests of the government and is not addressed in the FAR, nor prohibited by law (statute or case law), Executive Order, or other regulation, that the strategy, practice, policy, or procedure is a permissible exercise of authority.²³

FAR 1.102(d) has reached a near-legendary status in the contracting community. Hushed whispers of it echo through acquisition program offices. Grizzled contracting officers vigorously defend it as they pound the table to bolster their case. Contracting neophytes bring it up on a weekly basis, not having the depth of knowledge or experience to properly survey and exhaust the existing statutes, regulations, and case law before invoking it. Using your own judgment has the classic combination of danger and excitement, so it must be tempered by circumspection. Unfortunately, neither the FAR nor any regulation can substitute for careful planning, reason informed by experience, and sound judgment based on diligent research.

Brad Busch, senior vice president at L-3 National Security Solutions, draws our attention to something not found in the FAR. Busch’s mentors cite the mythical “FAR Part 54” for “a heavy dose of common sense and sound judgment to make contracting decisions.”²⁴ Busch’s point is that the top professionals are not afraid to think outside the box and develop innovative solutions based on solid rationale, sharp reasoning skills, and diligent analysis. Exercising independent judgment comes at a risk, “which is why most contracting officers today default to



the safe route.”²⁵ However, Busch notes that “those who embrace a ‘no fear’ contracting approach stand out from the crowd.”²⁶

As any investment advisor can tell you, risk and reward are inherently correlated. The same principle applies to innovative contracting solutions. William McNally, senior procurement executive for NASA, cautions adherents of the “think outside the box” philosophy. McNally’s counterpoint is that many contracting professionals err by jumping to radical solutions before considering orthodox processes, many of which were designed to save the government time and money. Before diving into uncharted waters, McNally suggests we carefully think through the requirement and try to match it to existing guidelines: “The FAR is an expansive set of regulations, often based on statutes. In most cases, you’ll be able to find a solution within the FAR.”²⁷

A HEALTHY DOSE OF SKEPTICISM

Government contracting professionals have a fiduciary duty to the taxpayer. Guarding against inefficient or wasteful spending is a cornerstone tenet of the job. Don’t forget that it’s not only the program office or requiring activity that needs your sound, independent business judgment: You are also a watchdog for proper expenditure of public money. Your skepticism, investigatory efforts, attention to detail, and advice directly impacts public spending. In times of shrinking budgets and fiscal challenges, this duty is amplified.

Due to the mutually dependent relationship of government and industry, the Honorable Frank Kendall, undersecretary of defense (acquisition, technology, and logistics), provides some guidance in a recent article. Kendall acknowledges the underlying tension between industry and government goals. While government is not in a “purely adversarial relationship with industry,”²⁸ the two do not share “completely common

interests.”²⁹ While a corporation’s primary function is to maximize profit for shareholders, contracting professionals strive to “obtain as much value as we can for our warfighters and the American taxpayer.”³⁰ To Kendall, this means cultivating a respectful, professional, yet arm’s-length collaboration with industry: “we also have an obligation to treat industry fairly and reasonably.”³¹

ACTIVE AND COLLABORATIVE LEADERSHIP

Most senior leaders agree that being proactive is integral to successful leadership. Linda Allen, director of Washington Headquarters Services, Acquisition Directorate, says that “real leadership is recognizing an issue or a problem and taking charge and helping resolve it.”³² Russ Shaw, contracting officer for the Space Logistics Directorate, echoes this sentiment and notices that superstars don’t “sit on the sidelines waiting for something to happen. [They get] on the field and make a play.”³³ To Shaw, a superior

contracting professional doesn't accept meeting a milestone as an accomplishment. A superstar will "talk to the program, financial, and technical teams to develop a plan [to] beat the milestone."³⁴

Contracting is collaborative; even a superstar cannot succeed in isolation. Pat Haar, director of contracts at Serco, Inc., values the hard-nosed initiative required to effectively coordinate the diverse members of the acquisition team³⁵: "An exceptional contracting professional manages the overall acquisition process to achieve timely and complete closure."³⁶ Superstar contracting professionals take the bull by the horns and find ways to achieve results better and faster than past efforts. Coordination by a motivated contracting professional can be the deciding factor in whether a program performs within cost, on schedule, and at a high level of performance.

DIVERSE EXPERIENCE AND SKILLS

Senior acquisition leaders usually have résumés reflecting a wide range of experiences. As Linda Allen puts it, "there are many different paths to the top."³⁷ Working in major weapons systems, overseas, research and development, and operational contracting environments all provide valuable insight for the strategic vision required in leadership positions. Allen adds: "You are the sum of all your experiences."³⁸

Superstar contracting professionals actively shape their career and seek responsibilities, projects, and positions that provide well-rounded experience. Skills and knowledge in cost and price analysis, contract management, negotiation, economics, accounting, finance, and source selection will always be in demand. Superstar leaders have extensive experience in myriad acquisition roles, which provides them an eagle's eye view to make strategic decisions. Consider each assignment to be a critical step in your career development. Strive for excellence, absorb as much knowledge as you can in each assignment, and consciously steer your career trajectory to build expertise in several different fields of practice. **CM**

ABOUT THE AUTHOR

CHRISTOPH MLINARCHIK, JD, is an attorney, published author, and frequent speaker on contract law and acquisitions. He works at the Office of the Secretary of Defense, Washington Headquarters Services, and previously served as a U.S. Air Force Judge Advocate General visiting attorney, a policy analyst for Air Force Space Command, and a contract manager for several major space-based weapons systems programs. He was a recipient of NCMA's "Top Professionals Under 40" award in 2013.

Send comments about this article to cm@ncmahq.org.

ENDNOTES

- "FY2012 Annual Report on the Federal Acquisition Workforce," Federal Acquisition Institute (December 17, 2013), available at www.fai.gov. Note: These figures include employees in the "General Business and Industry" (GS-1101), "Contracting Specialist" (GS-1102), "Purchasing" (GS-1105), and "Procurement Clerical and Assistance" (GS-1106) occupational series.
- Elliot B. Branch (deputy assistant secretary of the navy (acquisition and procurement)), personal communication (December 27, 2013).
- Karen G. Matkin (director of business operations, Air Force 21st Contracting Squadron), personal communication (December 18, 2013).
- Ibid.*
- Ralph C. Nash, Jr. (professor emeritus of law, the George Washington University; member of the Procurement Round Table and Public Contracts Section of the American Bar Association; and founder of the Government Contracts Program at the George Washington University Law School), personal communication (January 27, 2014).
- Steven W. Feldman (acquisitions attorney, U.S. Army Corps of Engineers), personal communication (December 18, 2013).
- Matthew J. Ruane (senior program counsel, Air Force Materiel Command, Air Force Life Cycle Management Center, Space C2 and Surveillance Program Office), personal communication (December 2013–January 2014).
- Michaelisa M. Tomasic-Lander (senior acquisitions counsel, U.S. Air Force Legal Operations Agency, Commercial Law), personal communication (January 10, 2014).
- Army Contract Attorneys Deskbook* (2012), available at www.jagcnet.army.mil/DocLibs/TJAGLCSDoLib.nsf/.
- John Cibinic Jr., Ralph C. Nash, Jr., and Karen R. O'Brien-DeBakey; *Competitive Negotiation: The Source Selection Process*; third ed. (Chicago: CCH Incorporated, 2011).
- John Cibinic Jr. and Ralph C. Nash, Jr., *Cost-Reimbursement Contracting*, third ed. (Chicago: CCH Incorporated, 2005).
- John Cibinic, Jr. and Ralph C. Nash, Jr., *Formation of Government Contracts*, fourth ed. (Chicago: CCH Incorporated, 2011).
- John Cibinic, Jr., Ralph C. Nash, Jr., and James F. Nagle.; *Administration of Government Contracts*; fourth ed. (Chicago: CCH Incorporated, 2006).
- Vernon J. Edwards, "Recommended Books for Government Contracting Professionals," available at www.wifcon.com/anal/RecommendedReading.pdf.
- www.wifcon.com/analysis.htm.
- www.wifcon.com/discussion/.
- www.wifcon.com/.
- See www.gao.gov/legal/redbook/redbook.html.
- www.gao.gov/subscribe/index.php.
- James A. Hageman (senior procurement analyst, Air Force Space Command, Space and Missile Systems Center), personal communication (June 2011–January 2014).
- Ibid.*
- Ibid.*
- FAR 1.102(d); see also FAR 1.102-4(e).
- Brad Busch (senior vice president, general manager, L-3 National Security Solutions), personal communication (December 26, 2013).
- Ibid.*
- Ibid.*
- William P. McNally (senior procurement executive, NASA), personal communication (January 2, 2014).
- Frank Kendall (under secretary of defense (acquisition, technology, and logistics)), "Our Relationship with Industry," *Defense AT&L* (November–December 2013).
- Ibid.*
- Ibid.*
- Ibid.*
- Linda N. Allen (director, Washington Headquarters Services, Acquisition Directorate), personal communication (December 2013–January 2014).
- Russell J. Shaw (contracting officer and branch chief, Air Force Space Command, Space and Missile Systems Center, Space Logistics Directorate), personal communication (December 2013).
- Ibid.*
- See FAR 1.102-3–4 and FAR 1.602-2(c).
- Patrick Haar (director of contracts, Serco, Inc.), personal communication (January 9, 2014).
- See note 32.
- See note 32.