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November 15, 2010

The Honorable Jim Webb
United States Senate
248 Russell Senate Office Building
Washington, DC 20510

Dear Senator Webb:

On behalf of the members of the Northern Virginia Technology Council (NVTC), we are writing to request your assistance on an issue of vital importance to Northern Virginia's technology business community. We are strongly concerned about Section 815 of the Senate Armed Services Committee's reported version of the FY 2011 National Defense Authorization Act (NDAA). We believe that this provision, which attempts to address the important issue of supply chain risk in the acquisition of sensitive IT systems, would have a substantially detrimental impact on Northern Virginia's government contracting community. We respectfully request your support in advocating that the provision be dropped from this year's NDAA and that representatives of the Department of Defense and Congress engage in meaningful discussions with the government contracting community about workable solutions to address the important issue of supply chain risk and the need to protect national security.

As proposed, Section 815 attempts to address supply chain risk in the acquisition of sensitive IT systems by allowing Department of Defense agency heads to consider supply chain risk as a significant evaluation factor in certain solicitations and to exclude a particular source from consideration, notwithstanding the requirements for full and open competitions and task and delivery orders found at 10 U.S.C. 2304 and 10 U.S.C. 2304c. Agency heads, or delegated senior procurement executives for procurements valued at less than \$50 million, also would have the authority to exclude a prime contractor or to direct a prime contractor to exclude a subcontractor as a source of supply without having to disclose the reason for the action. Any such decision, applying to both new and existing contracts, would not be appealable or subject to review in a bid protest before the Government Accountability Office or any federal court. In a July 2010 report, the Acquisition Reform Working Group correctly describes Section 815's impact as "a de facto debarment without any due process for the affected firm."

NVTC recognizes and supports the development of risk-based supply chain qualifications and believes that the best method to establish those qualifications is through a collaborative effort with industry and all pertinent stakeholders. The main focus of supply chain risk mitigation should not be on excluding companies from competition while leaving risks intact to cause potential harm in other government acquisitions or the economy at large. Instead, the government's focus should be on taking steps to reduce or eliminate risks by sharing information with its contracting partners so that they can take the appropriate measures in their own processes and systems to collaboratively protect our supply chain security. The lack of collaboration and consultation could inhibit the ability of the Department of Defense to conduct competitions for contracting, increase sole source selections and the cost of IT products and services, and impede innovation.



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In addition, a lack of communication about potential risks could subject companies and all of their other private and public sector customers to the same vulnerabilities this legislation is seeking to address.

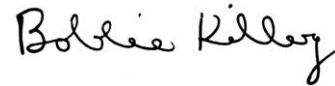
NVTC strongly supports the national security imperative for supply chain risk mitigation. However, we believe that Section 815 of the Senate Armed Services Committee's reported version of the FY 2011 National Defense Authorization Act (NDAA) would unintentionally and unnecessarily harm technology businesses in Northern Virginia and across the country and potentially diminish the range of IT goods and services available to the government while driving up IT acquisition costs.

Thank you for your consideration.

Sincerely,



Brad Antle
NVTC Board Chair
President, Salient Federal Solutions



Bobbie Kilberg
President and CEO