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ICYMI: OTAs - What's the Big Deal?

July 1, 2025

Agenda

- Introduction
- Overview of OTA spending trends by **Archisha Mehan**
- Presentation by **Dolores Kuchina-Musina**, Ph.D., MBA, PPCM, CFCM, CF-APMP, NCMA Fellow
- Q&A

Note: The webinar recording and presentation slides will be sent to all attendees and posted on GovSpend's website.

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GovSpend delivers intelligence on what federal, state, and local agencies are purchasing, who they are buying from, and the precise amounts they are paying. We help you identify the specific public entities that align with your company's growth strategy, allowing you to shrewdly position yourself in the market.

Since our acquisition of Fedmine in 2021, we're proud to be the only B2B2G companies offering both a SLED and Federal solution to our customers.
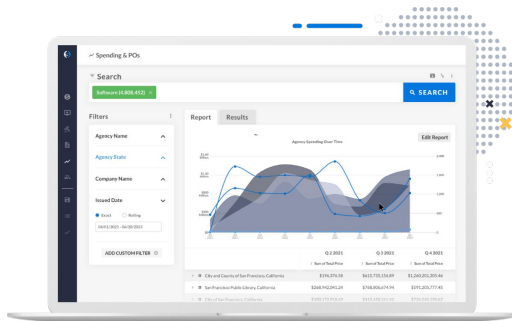
The GovSpend Platform
A 360° View of the SLED Market

Unlike other public sector data providers, the GovSpend platform delivers a comprehensive view of buying and selling at the state and local levels. Whether you're looking for discussions about upcoming spending in public meetings, new Bid & RFP opportunities, or historical Agency spend down to the PO line item, you have insight into the entire lifecycle of a spending initiative.
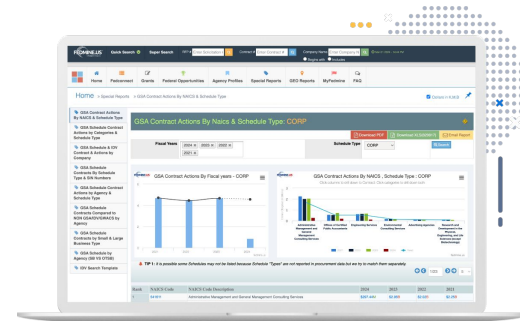
The Fedmine Platform
Market Intelligence for Federal Contractors

The Fedmine platform delivers federal contracting intelligence to government contractors and as a result, levels the playing field. By aggregating and standardizing 19 otherwise disparate data sources, Fedmine enables unparalleled access to federal spending data and gives customers robust analytics for smarter selling in the public sector.

Experts in Federal Procurement Data

We are a federally focused consulting firm dedicated to supporting government contractors.
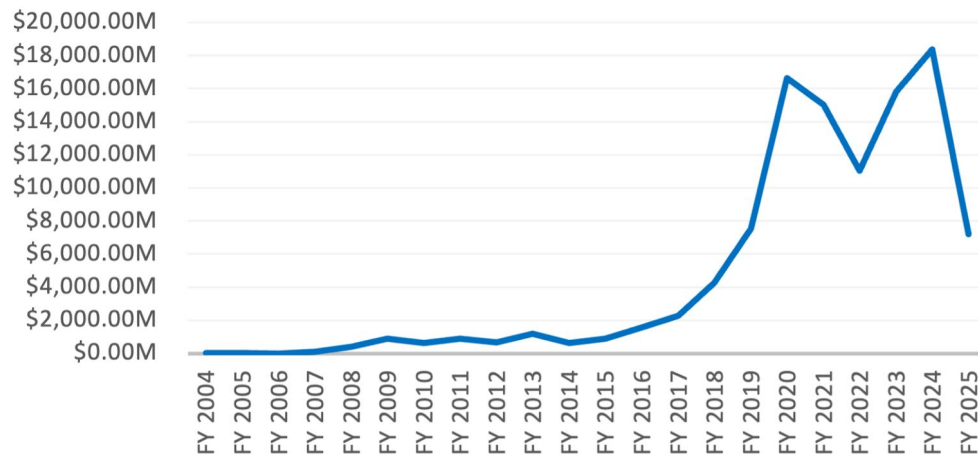
With deep expertise in federal contracting and procurement data analysis, FedConsult delivers valuable insights and strategic guidance to help clients successfully navigate the complexities of the federal landscape.

Overall Spend Under OTAs

From $2M in awards in FY04 to $18.36B in FY24

Total Awards under Other Transaction Authority since FY2004

	Civilian Agencies	Defense Agencies	Total OTA Awards
FY 2016	$0.13B	$1.43B	$1.57B
FY 2017	$0.17B	$2.12B	$2.28B
FY 2018	$0.25B	$4.00B	$4.25B
FY 2019	$0.18B	$7.37B	$7.55B
FY 2020	$0.22B	$16.43B	$16.65B
FY 2021	$0.31B	$14.71B	$15.02B
FY 2022	$0.05B	$11.00B	$11.05B
FY 2023	$0.06B	$15.75B	$15.81B
FY 2024	$0.24B	$18.12B	$18.36B
FY 2025	$0.09B	$7.12B	$7.21B

OTA Awards – Civilian and Defense Agencies

- Pre-FY16, OTAs were used predominantly by Civilian Agencies

- Increased use by Defense Agencies

- Expect FY25 usage to be more than FY24

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ICYMI: OTHER TRANSACTION AUTHORITIES, WHAT IS THE BIG DEAL?

PRESENTED BY:

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CF-APMP, NCMA Fellow

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Agenda

1. BASICS OF OTHER TRANSACTION AUTHORITIES

2. FEDERAL OTHER TRANSACTION AUTHORITIES

3. PUBLICATION & SOLICITATION METHODS

4. NEGOTIATIONS BEST PRACTICES

5. CONCLUSION AND Q&A

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Basics of Other Transaction Authorities

Definition and Purpose:

- OTA is a flexible procurement method that allows the U.S. government to acquire innovative solutions outside of traditional regulations.
- Primarily used by the Department of Defense (DoD), NASA, and other agencies to engage with non-traditional vendors.

Key Drivers:

- The need for rapid acquisition of cutting-edge technologies.
- Engaging startups and tech companies that typically avoid traditional government contracts due to complexity.

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Key Principle and Legal Framework

Guiding Principles:

- Flexibility: Terms are negotiable to fit specific project needs.
- Competition and Transparency: Encouraged but less formal compared to FAR; accountability maintained through oversight.

Legislative Basis:

- Governed by specific statutes.
- OTA agreements are exempt from many federal public procurement requirements but adhere to certain federal laws, ensuring oversight and integrity.

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FEDERAL OTAS	DOD	DHS	DNDO	TSA	ARPA-E	NOAA	BARDA	DOT
R&D Authority	10 USC 4021	6 USC 391(a)(1) IAW 10 USC 4021	6 USC 596(1)	49 USC 114(j)	42 USC 16538	15 USC 8531	42 USC 247d-7e(5)(A)	49 USC 5312 (a-d)
Prototype/Deployment Demonstration OT Authority	10 USC 4022 10 USC 4023 10 USC 1092(b)	6 USC 39 (a)(2) IAW 10 USC 4022	6 USC 596(1)	49 USC 114(j)	42 USC 16538	N/A	N/A	49 USC 5312(e)

FEDERAL OTAS	NIH				FAA	DOE	NASA	USAID
R&D Authority	42 USC 282(n)	42 USC 285b-3 subject to 42 USC 284(b)(2)	42 USC 284n(b)(1)	42 USC 287a(e)(3)(c)	49 USC 106(I)(6)	42 USC 7256(g) IAW 10 USC 2371	51 USC 20113(e)	22 USC 2395
Prototype/Deployment Demonstration OT Authority	NA	42 USC 285b-3 subject to 42 USC 284(b)(2)	N/A	N/A	49 USC 106(I)(6)	42 USC 7256(g) IAW 10 USC 2371 Sec 845 of Public Law 103-160, as amended	51 USC 20113(e)	N/A

FEDERAL OTAS	INTELLIGENCE COMMUNITY	NSF	NIST	AGARDA	ONCD	USCG	DOC
R&D Authority	50 USC 3024(n)(5) IAW 10 USC 4021	15 USC 272	15 USC 278h-1 15 USC 272(b)(4)	7 USC 3319k	6 USC 1500(e)(F)	N/A	15 USC 4659
Prototype/Deployment Demonstration OT Authority	50 USC 3024(n)(5) IAW 10 USC 4022 (Modified)	15 USC 272 42 USC 19116 (Sec. 10396 CHIPS+Science Act)	N/A	N/A	6 USC 1500 (e)(F)	14 USC 1158 (Sec. 11205 FY2023 CGAA)	15 USC 4659

Publication & Solicitation Methods

TRADITIONAL ACQUISITIONS

- Market Survey

- Request for Information

- Sources Sought

- Industry Day

- Synopsis

- Request for Quote/Proposal (RFQ/RFP)

ACQUISITION INNOVATION

- Conducting crowdsourcing events
- Use of Partnership Intermediaries
- Compiling a capabilities database
- Conducting reverse industry days
- Hackathons
- Publishing surveys
- Pitch event
- Broad agency announcement
- Commercial solutions opening
- Request for solutions
- Requests for white papers
- Prize contest
- Shark-Tank

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Negotiation Best Practices

The Government team's responsible for negotiating appropriate terms for the project and providing for any expected future program needs. It is important to note that terms and conditions can evolve via modification as a project proceeds through multiple phases of differing technological maturity. In negotiating terms, the parties should consider the following:

- Price Reasonableness
- Intellectual Property
- Rights to Data
- Title to Property
- Disputes
- Termination
- Follow-On Activities

- Recovery of Funds
- Flow Down Provisions
- Accounting Systems
- Resource Sharing
- Payment Terms
- Modifications
- Remedies

Executive Orders and Upcoming Legislation to Watch

- Policy memos, Executive Orders, acts of Congress, and reform initiatives aimed at streamlining acquisitions and driving innovation
- Key drivers reshaping the acquisition landscape:
  - <u>INNOVATE Act</u>
  - <u>FoRGED Act</u>
  - <u>Executive Order</u> for Eliminating Waste and Saving Taxpayer Dollars by Consolidating Procurement
  - <u>Executive Order</u> for Restoring Common Sense to Federal Procurement
  - <u>Executive Order</u> for Modernizing Defense Acquisitions and Spurring Innovation in the Defense Industrial Base
  - <u>Executive Order</u> for Ensuring Commercial, Cost-Effective Solutions in Federal Contracts
  - <u>SECDEF Memorandum</u>: Directing Modern Software Acquisition to Maximize Lethality
- The use of CSOs or OTs is consistent with recent Executive Orders and DOD acquisition policy:
  - Executive Order for Modernizing Defense Acquisitions and Spurring Innovation in the Defense Industrial Base
    - Promotes leveraging existing authorities that streamline and accelerate acquisitions, particularly for commercial items and OTs
  - Executive Order for Ensuring Commercial, Cost-Effective Solutions in Federal Contracts
    - Requires the acquisition of commercial items to the greatest extent possible
  - Secretary of Defense Memo for Directing Modern Software Acquisition to Maximize Lethality (6 Mar 2025)
    - Emphasizes the use of OTAs and CSOs for software procurement

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Conclusion and Q&A

Summary:

- OTA provides a crucial alternative to traditional procurement, fostering innovation through flexibility and speed.

- Its success in the U.S. offers valuable insights for other countries seeking to modernize their procurement frameworks.

Thank You!

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