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April 18, 2025

The Honorable Stephen A. Feinberg
Dep. Secretary of Defense
1010 Defense Pentagon
Washington, DC 20301-1010

Subj: Exec. Order "Restoring Common Sense to Federal Procurement"

Dear Hon. Dep. Secretary of Defense Feinberg:

My letter to you, dated April 12, referred to Pres. Trump's Executive Order dated April 9, "Reducing Anti-Competitive Regulatory Barriers." It concluded with a request that you work with the FTC and OMB to rescind the DFARS Earned Value Management System clause. That request is even more cogent because of the latest Executive Order, "Restoring Common Sense to Federal Procurement."

The attachment is the public comment that I submitted to the FTC in response to Docket (FTC-2025-0028) Document: Comment Regarding Reducing Anti-Competitive Regulatory Barriers.

Section 2 of the "Common Sense" order states that removing undue barriers, such as unnecessary regulations, is paramount but recognizes that the FAR/DFARS should contain only provisions required by statute. The EVMS clause is required by statute.

The EVMS statute is a barrier to acquisition reform and to meeting the intent of the Executive Orders. Please request Congress to draft legislation to remove that statute ASAP. Do not wait for passage of the NDAA for FY 2026. Removing that statute will also support enactment of my recommendation to the FTC

In the meantime, you can kick start the cost savings and motivate non-traditional contractors that are intimidated by the EVMS clause. First, halt the EVMS compliance review efforts and terminate related consulting and software license contracts. Second, direct your program managers to implement the policies and practices in my white papers, especially *Common Sense Project Management: "When you come to a fork in the road..."* That paper concludes:

Finally, Common Sense Project Management can lead to success. It supports the following:

- Space Acquisition Tenet 9: There is no better way to get speed into acquisitions than to deliver programs that meet performance requirements, on schedule and on cost. This is our most important tenet. Success is measured by executing on plan.
- PMI: "The success of the project is measured against the project objectives and success criteria."

Yours truly,



Paul Solomon

CC:

Hon. Ken Calvert, HAC
Hon. Robert J. Wittman, HASC
Hon. Ro Khana, HASC
Hon. Roger Wicker, SASC
Steven Morani, DoD
Hon. Elizabeth Warren, SASC
Jon Sindreu, WSJ

Hon. Mike Rogers, HASC
Hon. Donald Norcross, HASC
Hon. Jim Jordan, HCOA
Hon. Joni Ernst, SASC
Hon. Pete Hegseth DoD
DOGE
Anthony Capaccio, Bloomberg News

Attachment

Docket (FTC-2025-0028) Document: Comment Regarding Reducing Anti-Competitive Regulatory Barriers, Comment tracking number m9m-9lc3-tktx

Public Comment by Paul Solomon

(1) Introduction

I retired from Northrop Grumman Corp. and worked on defense contracts for over thirty years. I was an Earned Value Management (EVM) Specialist and performed compliance reviews for compliance with FAR and Defense Federal Acquisition Regulation Supplement (DFARS) clauses 252.234-7001 and 252.234-7002. I received the DoD David Packard Excellence in Achievement Award for work on the EVM System Standard EIA-748 and received a letter of appreciation from Sen. John McCain for supporting him on defense acquisition reform (McCain letter, Attach. 1).

(2) Background

The regulation requires a contractor's program management processes to be compliant with the thirty-two guidelines in EIA-748. Also, defense contractors must pass initial compliance reviews and ongoing surveillance reviews by the Defense Contract Management Agency.

Potential new competitors for defense contracts normally must hire specialized consultants to prepare a bid for a contract that includes the EVMS clause, to revise its internal processes so to be compliant with the guidelines, and to train its personnel on those processes. All the non-recurring work is very expensive in terms of consulting costs and personnel costs. To understand the complexity of the non-recurring effort, please review excerpts from the marketing materials of one of the EVM consultants (Consultant, Attachment 2).

(3) Analysis

After contract award, a contractor must undergo ongoing surveillance or compliance audits. These are intrusive, time-consuming, and a non-productive waste of time for the engineers and managers that should be developing the weapon system.

Historically, potential bidders that have the technical and management expertise to develop needed weapon systems with new technologies have chosen not to bid because of the EVM barrier to entry.

Grant Thornton's 2016 Government Contractor Survey is based on information provided by companies that do business with the federal government as a primary customer. We distributed questionnaires and received responses from participating companies between

April and August of 2016. Respondents to the 2016 survey are from small, medium, and large companies and include both publicly and privately owned institutions. Seventy percent of respondents to the *Grant Thornton 2016 Government Contractors Survey* stated they would not use EVMS if not required to do so. Twenty-eight percent reported having contracts that require use of EVMS. Of those using EVMS, only 37 percent believe it to be a cost-effective management tool and only 25 percent would adopt EVMS voluntarily.

Regarding the EVM Specialist consultants, the government personnel normally receive specialized training offered by Defense Acquisition U(DAU). The DAU credential is also a barrier to entry for the large universe of project management consultants that are certified by the Project Management Institute as Project Management Professionals (PMP). The PMP certificate is widely held and respected in the commercial business world.

(4) Additional References

Additional, detailed rationale to rescind the FAR/DFARS EVMS clauses is provided in the letter to the Hon. Shalanda Young, Director , OMB, Subj: *Transition Actions for You and Chief of Staff Zients*, November 24, 2024, Attachment 3, and the white paper, *Common Sense Project Management: "When you come to a fork in the road..."* —Paul Solomon, 3/28/25. Attachment 4.

- (5) Conclusion: Rescind the FAR/DFARS EMS clauses to remove barriers to entry facing potential weapon system contractors that are needed to provide new technologies at competitive prices.