



MAXIMIZING THE USE OF OTA THROUGH EDUCATION, TRAINING, AND KNOWLEDGE MANAGEMENT

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AGENDA



- Background
- Identifying the Issue
- Discuss Potential Solutions

BACKGROUND



An academic research paper written as part of the requirement for a LL.M. in Military Law, with a Specialization in Contract and Fiscal Law, while a Graduate Student at The Judge Advocate General's Legal School, US Army, from August 2022 to June 2023.

ISSUE



FY2018 NDAA Senate Report:

“[T]he committee remains frustrated by an ongoing *lack of awareness and education regarding other transactions, particularly among senior leaders, contracting professionals, and lawyers*. This lack of knowledge leads to an overly narrow interpretation of when OTAs may be used, narrow delegations of authority to make use of OTAs, a belief that OTAs are options of last resort for when Federal Acquisition Regulation (FAR) based alternatives have been exhausted, and restrictive, risk averse interpretations of how OTAs may be used.”

ISSUE



FY2022 NDAA Senate Report:

“The committee notes that the use of the other transaction authority has increased significantly over the last few years and that industry and independent experts have proposed a number of new proposals for possible adjustments to the authorities. The committee also is concerned about the ***differing interpretations by Department of Defense counsels on the flexibilities currently authorized, resulting in inconsistent application of the authority and significant confusion among industry and Government personnel.***”

ISSUE



FY2023 NDAA Joint Explanatory Statement:

“To make the best use of the authority in [10 U.S.C. § 4022], we strongly encourage the Department *to invest in continuous and experiential education for management, technical, and contracting personnel, as well as attorneys*, to understand how to effectively and innovatively use other transaction authority and explore flexible means to achieve mission results more quickly and with more value added.”



3 POTENTIAL SOLUTIONS

1: FORMAL TRAINING

2: KNOWLEDGE MANAGEMENT

3: INTRAGOVERNMENTAL AND PRIVATE SECTOR
EXCHANGES

POTENTIAL SOLUTION 1: FORMAL TRAINING



- Overview of Current Training Resources
- Factors to Consider:
 - Location
 - Online, in-person, or hybrid model
 - Audience
 - Course length
 - Curriculum structure



POTENTIAL SOLUTION 2: KNOWLEDGE MANAGEMENT

- DAU OT Community of Practice
- One-stop shop for current OT laws, guidance, policies, templates, examples, videos, lessons learned, announcements, and discussion forum
- OT Advisory Board

POTENTIAL SOLUTION 3: INTRAGOVERNMENTAL AND PRIVATE SECTOR EXCHANGES



- Intragovernmental Exchange (ex: Army AO or JAG goes to work with a DARPA AO or JAG for six months)
- Private Sector Exchange modeled off of the Public Private Talent Exchange run by the DAU Office of Acquisition Human Capital Initiatives (ex: USAF AO or JAG goes to work for Boeing for six months)



QUESTIONS?