



PACA Pulse

WINTER 2016

PROFESSIONAL AEROSPACE CONTRACTORS ASSOCIATION OF NEW MEXICO

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PACA Scholarships Help Pave the Way for College Students

By Carol Yarnall, Education Committee Chair

During the 2015-2016 school year, New Mexico's three universities awarded seven scholarships with PACA endowed funds. Six of the scholarships were for students in engineering programs and the seventh for a UNM Anderson School of Management student.

PACA is honored to make a meaningful contribution to the lives of these fine men and women. All PACA members should be proud of the positive impact their organization has had on the lives of these young people. As in the past, we will invite the winners to join us at our luncheon meetings so they can network with working engineers and PACA members can get to meet these outstanding individuals. Following are this year's recipients.

New Mexico Institute of Mining and Technology, Bobby Haddock Memorial Endowment, one recipient was awarded for \$2,500.



Christopher George Sain is a junior majoring in Electrical Engineering. In addition to his EE major, Chris is also on track to earn two minors, mathematics and optical sciences,

and to graduate in 2017 after four years. He currently has a 3.94 GPA, earning straight A's last semester.

He is a member of the student chapters of IEEE and the Tau Beta Pi Engineering Honors Society and was made a Tech Scholar last spring. Chris is also a member of a research group with his professor, Dr. Hector Erives. They are working on an

unmanned drone navigation challenge set by DARPA. The goal is to have a team of UAVs fly out to a location and back while staying in formation without the use of GPS.

Chris currently works part-time as an intern for Sandia National Laboratories doing electrical testing and analysis related to electronic component lifetimes and reliability. Last summer he worked as a test engineer in an Air Force lab and will return to the job this summer. He hopes to earn a Master's degree either in EE or optics.

Chris enjoys golf, playing guitar, cooking, and reading.

New Mexico State University, Richard W. Davis PACA Endowed Scholarship, two recipients were each awarded \$1,000.



Brendan Villhardt grew up in Las Vegas, Nevada. He graduated as valedictorian from Liberty High School and attended the University of Nevada, Las Vegas (UNLV) for his freshman year. In

the fall of 2013, he transferred to NMSU and began work on an aerospace engineering degree while also working part-time creating HTML web pages for NMSU.

In the fall of 2015, he began an internship with Raytheon out of White Sands as well as began work on his capstone project which involved working with AIAA for the Design, Build, and Fly competition. As the project leader he helped design two remote controlled airplanes for the competition. One plane had to carry a 32 ounce Gatorade bottle

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PACA Scholarships *continued*

and the other larger plane had to carry the first plane. He is on track to graduate in May 2016. Brendan hopes to continue working with Raytheon at White Sands and dreams to one day help design a new aircraft or spacecraft that will help push the boundaries of current technology.



Adam Stempeck, a junior majoring in aerospace and mechanical engineering, grew up in Albuquerque and attended Eldorado High School. Last summer he worked for Harris Corporation and is applying to other companies for a 2016 summer internship. He is currently taking mechatronics with his sights on working with drones after graduation.

Adam's primary reason for studying to become an engineer is to make the world a better place.

He enjoys hiking and is a member of the New Mexico State University Volleyball Club.

University of New Mexico, College of Engineering, The General Samuel C. Phillips Endowed Scholarship, three recipients were each awarded \$1,000.



Josefine McBrayer is a junior studying chemical engineering and German. She has interned with the National Renewable Energy Laboratory where she worked on research relating to alternative fuel sources and the vapor phase upgrading of biomass pyrolysis products. Josey currently works at Sandia National Labs where

she assists in the research of lithium sulfur cathodes for rechargeable batteries.

She is an active member of the American Institute of Chemical Engineers, the National Society of Leadership and Success, and is the treasurer for the Society of Women Engineers (SWE). As SWE treasurer, Josey handles the accounting and fundraising functions and coordinates with the rest of the officer team to plan conference travel and outreach events.

She is looking into a study abroad program in Germany for her final year at UNM. After getting her Bachelor's degree she plans to attend graduate school prior to entering the workforce fulltime to help research and solve the world's energy problems.



Sarah Blair is a junior studying chemical engineering. She holds a Secret security clearance and interned with Defiant Technologies where she monitored and analyzed research experiments, as well as with the Air Force Research Laboratory where she researched the reflectance/

transmittance of electrochemical devices. At UNM Sarah worked with Dr. Sang Eon Han researching the interaction of photons with different surface geometries.

Her UNM student organization memberships include the American Institute of Chemical Engineers, the secretary of Tau Beta Pi Engineering Honor Society, and membership manager of the SWE. With Tau Beta Pi, Sarah participated in Spring Storm, UNM's annual spring community service event.

Outside of school she is a member of the Albuquerque Philharmonic Orchestra. After graduation Sarah plans to pursue a doctoral degree with a focus on energy research.



Jeffrey Sward is a senior studying mechanical engineering and mathematics. He previously worked as a research assistant at Los Alamos National Laboratory developing and testing microfluidic devices for biological applications. Jeff is currently performing research at UNM with Dr. Svetlana Poroseva to evaluate the potential to

harvest energy using ionic polymer-metal composites in steady-state airflow. He is turning this research into a thesis as part of an independent undergraduate research project.

Jeff is a member of several student organizations including the American Institute of Aeronautics and Astronautics, the Society of Women Engineers, and the Association of Energy Engineers. After graduation, he plans to pursue graduate school and eventually work with renewable energy systems. Outside of school, Jeff achieved Eagle Scout rank with the Boy Scouts of America.

University of New Mexico, PACA Hall of Fame for Masters in Management Scholarship, one recipient was awarded \$1,000.



Meilinn Tram graduated in December 2015 with a B.S. in biochemistry and immediately started work on her M.B.A. with a concentration in operational management and marketing. Meilinn was a Ronald E. McNair scholar. This scholarship funded her research regarding conversion of a spray dry vaccine into a more viable powder.

She also received a National Institute of Health Fellowship which funded her travel to Johns Hopkins Medical School to research polycystic ovarian syndrome.

Meilinn hopes to start medical school in 2017 and plans to apply to a MD/Ph.D dual degree program earning a Ph.D in genomics and medical degree simultaneously. She would like to become a pediatrician and attempt to overcome genetic diseases. She aspires to open her own clinic or business or run her own lab someday.

Meilinn is thankful for the PACA scholarship which lightens her financial burden and allows more focus on learning. •

Legal Insights: Recovery Against the Government on an Implied Contract

By Ross Crown

Last fall, the Armed Services Board of Contract Appeals issued its decision in *Appeal of Honeywell International, Inc.*, ASBCA No. 57779, 15-1 BCA ¶ 36121 (September 24, 2015). Honeywell sought damages from the Air Force for the reasonable value of goods and services it provided pursuant to an invalidated delivery order. Although the Air Force was not liable to Honeywell by contract, the Board concluded an implied contract existed between the parties allowing Honeywell to realize a recovery.

Invalidated Delivery Order

The Department of Energy awarded Honeywell an indefinite delivery/indefinite quantity Energy Savings Performance Contract (ESPC). Under this ESPC, agencies could issue delivery orders for energy conservation measures.

Pursuant to the ESPC, Honeywell received a delivery order from the Army for two solar arrays to be installed at Fort Dix, New Jersey. The Army later transferred administrative authority for the delivery order to the Air Force, after Fort Dix became a joint base with McGuire Air Force Base.

Honeywell completed and installed the first solar array and it was accepted by the government. The Air Force partially paid for the first array. Several months later, the second solar array was supplied by Honeywell. The second array was completed on time, delivered as designed, and installed as required. The Air Force, however, did literally nothing in response to installation of the second solar array. It did not connect the array to the base electrical grid, did not test it, did not accept it, did not declare the array defective, did not reject it, and did not pay for it.

Honeywell submitted a certified claim to the Air Force, contending that the agency breached the delivery order by refusing to pay for the solar arrays. The contracting officer's final decision rejected the claim on the grounds that the solar array portion of the delivery order was "voidable" because it violated federal property disposition and miscellaneous receipt statutes.

Damages Due on Implied Contract

Honeywell appealed the contracting officer's decision to the ASBCA. On appeal, the Board found that the payment calculations for the solar arrays set forth in the delivery order were in violation of federal regulations. Accordingly, the delivery orders were invalidated to the extent they provided for payment for the solar arrays.

Following this ruling by the Board, Honeywell claimed that even if the delivery order contained an unlawful payment provision, the company was still entitled to the reasonable value of the solar arrays under the doctrine of *quantum*

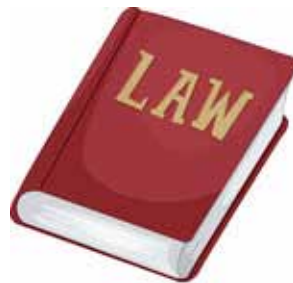
valebant. *Quantum valebant* and *quantum meruit* are remedies arising from an implied-in-law contract where there is no express agreement between the parties but a contract is imposed by a court or board in the interest of justice. *Quantum valebant* refers to goods and *quantum meruit* refers to services.

At the outset of its decision, the Board noted that an award of relief under an implied-in-law contract is not normally within its jurisdiction to grant. The Board noted, however, that even if a contract is not valid, where a benefit has been conferred by the contractor on the government in the form of goods or services and the government accepts this benefit, the contractor may recover for the value of the conforming goods or services received by the government prior to the contract being found unenforceable. Even though a contract may be invalid because it is, for example, not properly advertised or authorized, according to the Board it is only fair and just that the government pay for goods delivered or services rendered and accepted under the unlawful contract. In certain limited factual situations, when the government elects to rescind an invalid contract, boards and courts will grant quasi-contractual relief.

The Air Force contested Honeywell's entitlement to the reasonable value of the solar arrays by claiming the delivery order was never intended to procure such equipment. The agency further contended that the contracting officers who awarded the delivery order lacked authority to form an implied-in-fact contract because they were not permitted to agree to pay Honeywell for the solar arrays.

The Board rejected the Air Force argument, holding that the agency could not keep the solar arrays for free just because the payment terms were stricken. Instead, the Board found the contract incorporates an implied-in-fact promise by the government to pay at least fair value for what it received. The Board concluded that authorized government contracting officers bargained for the delivery of two sets of solar arrays, while also expecting the arrays to generate sufficient savings to pay for themselves. With the invalidation of the payment terms relating to the arrays, the government still retained an implied contractual obligation to pay Honeywell damages for the value of what it received. The Air Force did not indicate that the solar arrays were defective and did not reject them. The fact that the agency chose not to connect the second array to the base electrical grid and use it was irrelevant.

In sum, the Board observed that the government may not retain delivered goods and avoid paying for them by refusing to officially accept the goods. Honeywell provided both solar arrays to the government and it was thus entitled to *quantum valebant* or *quantum meruit* recovery for these goods and associated services.



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by *Judy Ruiz*

Another Tool Available to Contractors

The *Honeywell* case presents an unusual fact pattern that may not have broad application to many contracts with the federal government. Nevertheless, this decision may be a useful tool in certain circumstances. Where contractors face payment disputes with the government in which the agency maintains that the contract provision at issue is unenforceable, these contractors should be prepared to claim entitlement for the reasonable value of the goods and services provided if the government accepts the benefit of the contractor's performance. •

Ross is a partner in the Albuquerque office of Lewis Roca Rothgerber Christie LLP where his practice emphasizes government contracts. This article is intended for general information only and should not be construed as legal advice or opinion. Any questions concerning your legal rights or obligations in any particular circumstance should be directed to your lawyer.

**WELCOME
New Members!**

Robert Arias

Southwest Native Consultants, LLC

Robert Bishop

Vic Myers

Joe Bullington

Jacobs Technology

Michael Butcher

TechFlow Scientific

David Rosprim

Torch Technologies

David Wilcox

UTAS - Goodrich

Wesley Willis

National Instruments



It has been a super-fast year for me as the President of PACA of NM! I thank all of you for allowing me to see PACA from a different perspective and to get to know our Board of Directors and membership so much better.



Judy Ruiz

I feel very honored to have been given this opportunity and have enjoyed serving as your leader. I have done all that I can think of to improve PACA during my tenure, but there is still more work to be done. I am very confident Vice President **Mike Emerson** is ready to assume his new role as President in April and I look forward to

seeing what he'll bring to the leadership role.

It is once again election time and we're looking for future leaders of PACA! If you're interested in serving this dynamic and capable association, please consider volunteering for a PACA committee. PACA has a number of committees needing support.

There is also an opportunity to serve as our Program Officer, who is responsible for recruiting speakers for the monthly membership meetings. **Don Nash** has done an awesome job during his extended tour of duty in the role and is available to mentor his replacement. Are you ready to move from your comfortable monthly luncheon seat and learn how you can improve PACA? If so, please volunteer to serve as Program Officer to help lead PACA to the next level.

We are fortunate enough to have an nominee for the position of Vice President this year, but are *already* seeking a nominee for next year's election as this position turns over every year. The VP attends monthly Board of Directors meetings; fills in for the President in his or her absence; functions as master of ceremonies for a portion of the BFI program; and plans the annual holiday party. The VP automatically becomes the President after one year. If you have any interest in the position of VP, please start mulling it over now.

Send an e-mail regarding your interest to board@pacanm.org. **Thank you!** •

**Luncheon Sponsorship
Showcases Your Business**

PACA offers luncheon sponsorships for \$400. Use it to promote your business! This is a sponsorship of a single member meeting. Only one luncheon sponsorship per luncheon is permitted and it includes the following benefits:

- Sponsor logo appears on PACA website for three months.
- Two guests may attend the member meeting free of charge.
- The sponsor will be introduced at the member meeting and may offer a five minute presentation.
- Sponsor brochures may be placed on the luncheon tables.

To take advantage of this opportunity, contact **Dar Johnson** at 505-400-1639 or d_r_johnson@comcast.net. •

Upcoming Luncheons

■ March 15 – Tammie L. Johnson, Chief of the Contracting Office, Phillips Research Site, Air Force Research Laboratory



Tammie Johnson leads a 96 person organization which manages research and development contracts for the Space Vehicles and Directed Energy Directorates of the AFRL.

She has over 31 years' experience in the contracting profession where she has managed contracts in a variety of environments including systems, logistics and sustain-

ment, range management and operations, and research and development.

Ms. Johnson began her career in 1984 at Hill Air Force Base in the Minuteman and Peacekeeper program where she purchased spare parts. She later became a contracting officer in the ICBM Engineering Services and Modification branch. She moved to Nellis Air Force Base in 1992 where she was a contracting officer and team chief managing Range Operations and Management contracts. Subsequently, Ms. Johnson moved to Kirtland Air Force Base where she held positions supporting the AFRL, including branch chief for the Space Integration Branch in the Space Vehicles Directorate and Division Chief at the Optical Surveillance System Program Office.

Prior to her assignment to Detachment 8 AFRL, Ms. Johnson was employed by the Missile Defense Agency as the Contracts Team Chief for the Airborne Laser Program Office where she led a team of contracting officers and contract specialists in the management of the Airborne Laser development contracts.

■ April 19 – Networking Forum PACA members and guests are welcome!

We meet the third Tuesday of each month at **Tanoan Country Club** (Rolling Hills entrance east of Eubank off Academy). Registration begins at 11:30 a.m. followed by lunch at noon. Members are admitted free and our guest fee is \$20.

To RSVP, register online at www.pacanm.org. Include your name, guest's name, and menu selection. Please RSVP by the Wednesday before the week of the meeting. •



Don Nash Represents PACA at NM Aviation Day

Don Nash, PACA Board Member and Program Officer, represented PACA at New Mexico Aviation Day held at the State Capitol Rotunda Friday on January 22 and hosted by the New Mexico Airport Managers Association. The event's objective was to demonstrate the various categories of aviation activity in the state and enlighten legislators how aviation affects jobs, safety, tourism revenue, and mobility for the state's residents. Members of



New Mexico's aviation community were on hand to answer questions and discuss the industry's impact and importance in the state.

There are 59 public-use, public-owned airports and 114 privately owned airstrips in the state. The public-use airports have a tremendous impact on New Mexico's economy. According to the most recent New Mexico Airport System Plan, general aviation accounts for \$3.1 billion in economic activity and provides over 48,000 jobs.

This was the second year that Don represented PACA. **Heather Brewer**, PACA's Legislature Liaison, provided excellent assistance in making the necessary arrangements.

PACA was in good company with the 21 other organizations in attendance (note listing below). Each had tall banners and giveaways ranging from foam spacecraft, balloon calendars, pencils, candy, aviation maps, and more. The Senate was not in session as they were waiting on bills being printed. Many attendees came by and voiced that they didn't know that New Mexico had an organization like PACA. Traffic was drawn to our table by NMSU PSL's table right next door featuring a drone. While it didn't fly inside the Rotunda, participants were nonetheless quite fascinated with the UAV.

The PACA banner was on display and giveaways were well received; the large supply exhausted in just two hours. This included sponge aircraft (F-35) 'stress relievers,' pens, and note pads. *Event attendees follow:*

- Albuquerque International Balloon Fiesta
- Albuquerque Sunport
- Armstrong
- AMI / AerSale
- Air Care Alliance
- Angel Flight
- AOPA
- CAP
- EMS Bureau
- KSA Engineers
- Los Alamos City/County
- NMAMA
- NMDOT-Aviation Div.
- NMPA
- Parkhill, Smith, & Cooper, Inc.
- RAF/NM Back Country Airstrips
- SAMS Academy
- Sandia Aerospace / NMAAA
- SCC-AAAE
- UAS Fit Test Center-NNMS PSL
- Village of Ruidoso

Thanks PACA Sponsors!



New Mexico Partnership provides a streamlined approach with in-depth information and coordinated support regarding incentives, workforce, logistics, real estate sites and buildings for companies looking to expand or relocate operations to the state in an effort to improve the business climate in the state. New Mexico has improved its business environment more than any state in the West over the past five years. A study by Ernst & Young and the New Mexico Tax Research Institute determined that we've reduced tax rates for manufacturing by nearly 60%—the greatest drop, by far, in the western states studied. New Mexico's after-credit manufacturing rate is now at 3.3%—the best in the region. www.nmpartnership.com



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Opportunity available, please contact **Dar Johnson** at **897-4050** (home) / **400-1639** (cell) / or d_r_johnson@comcast.net.



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PACA Sponsorship Opportunities

Support to PACA in the form of sponsorships helps make the organization a success while promoting your business. The Board has recently added another sponsorship choice, the Premier Small Business sponsorship for \$1,000.

Please contact **Dar Johnson** if you have questions about sponsorships at **505-400-1639** or **d_r_johnson@comcast.net**.

ANNUAL SPONSORSHIPS of \$1,000 - \$7,500: *One time each year* space is provided for a tabletop display at a membership luncheon and the opportunity for a five minute corporate overview presentation. The table will be either in the lobby or in the banquet room, depending on the size of the room. Also, depending on room arrangement and speaker presentation, special rules may apply per event.

DIAMOND \$7,500

- Sponsor level (Diamond) recognition on PACA website.
- Corporate logo on PACA signage at luncheons and events.
- Three registrations for the PACA annual Briefing for Industry.
- Recognition included in the quarterly newsletter, PACA Pulse.
- Advance electronic list of BFI attendees.
- Special reserved seating at BFI.
- Addition of company literature or giveaways in BFI Goody Bag.

GOLD \$5,000

- Sponsor level (Gold) recognition on PACA website.
- Corporate logo on PACA signage at luncheons and events.
- Two registrations for the PACA annual Briefing for Industry.
- Recognition included in the quarterly newsletter, PACA Pulse.
- Advance electronic list of conference attendees for the BFI.
- Addition of company literature or giveaways in BFI Goody Bag.

SILVER \$3,000

- Sponsor level (Silver) recognition on PACA website.
- Corporate logo on PACA signage at luncheons and events.
- Recognition included in the quarterly newsletter, PACA Pulse.
- One registration for the PACA annual Briefing for Industry.
- Special reserved seating at BFI.
- Advance electronic list of BFI attendees.
- Addition of company literature or giveaways in BFI Goody Bag.

PREMIER SMALL BUSINESS \$1,000

The requesting sponsor must demonstrate the company is classified as a small business.

- Sponsor level (Premier Small Bus) recognition on PACA website.
- Corporate logo on PACA signage at luncheons and events.
- Recognition included in the quarterly newsletter, PACA Pulse.
- One registration for the PACA annual Briefing for Industry.
- Special reserved seating at BFI.
- Addition of company literature or giveaways in BFI Goody Bag.

SMALL BUSINESS SPONSORSHIP \$400: Quarterly Luncheon (One sponsor per quarter for January, April, July, and October meetings and one for the December holiday party).

- Company logo on the PACA website.
- Booth at BFI.
- Two guests for the sponsored lunch.
- Corporate logo displayed on signage for the sponsored luncheon.
- Introduction as the luncheon sponsor and be allowed to present a five minute overview of company. Corporate brochures/tri-folds may be placed on the luncheon tables. A small business sponsor may not sponsor another luncheon for twelve months. •

Your Membership is Appreciated!

By Terel Anyaibe, Membership Chair

Greetings all PACA members – I hope everyone is enjoying 2016 thus far and your year got off to a good start!

We are entering the end of the PACA fiscal year and I cannot thank you all enough for your active participation in our organization. It is undeniably important that we keep the government contracting community alive to support current market trends and opportunities. We aim to provide an environment for our members conducive to growing their aerospace and technology companies through networking and access to opportunities and information. And the larger our membership, the higher the networking quality!

If you have any industry friends, colleagues, or clients who may be interested in learning more about the benefits of PACA membership, please invite them to any PACA luncheon meeting and most notably the April 19th networking luncheon. We are currently at 89 active members and are looking to grow.

Also, please remember to renew your membership in March; annual dues have dropped to \$150. If there is anything that you need, whether that be questions, comments, or concerns, do not hesitate to contact me at **tanyaibe@aerotek.com**. Thank you and God Bless! •

Join PACA!

PACA membership annual dues are \$150*. The fiscal year runs from April 1 to March 31. Mid-year applications will be pro-rated. You may apply and pay dues at **www.pacanm.org**.

For more information, contact our Membership Chair, **Terel Anyaibe**, at **tanyaibe@aerotek.com** or **342-5007**.

* Dues are subject to change.

Spread the News

If you know a potential member or anyone else who would like to receive the *PACA Pulse*, please forward their e-mail address to **RoSaavedra@msn.com**.

This is your newsletter. If you would like to contribute an article, make announcements (promotion, job change, or a new product or service), please submit your newsletter contribution to the editor, Ross Crown, at **RCrown@lrrc.com** or call him at 764-5402.

Contributions are welcome! •