I am thrilled to relay that as a result of participating in the VA NVSBE event in Minneapolis, we now have over 300 paid SDVOSB and VOSB members! There is truly strength in numbers. While in Minneapolis, we hosted an NVSBC “members only” meeting with Mr. Greg Giddens, Principal Executive for Acquisition at VA; and Phillip Christy, Associate Executive Director of VA’s Strategic Acquisition Center. The discussion centered on VA’s new medical/surgical prime vendor program and the implementation of Kingdomware’s Rule of Two.

Not only did we get a lot of questions answered, but we proved to Greg and Phillip that we understand the difficulty of their positions. As a result of the discussions, the NVSBC is forming a “Medical Products Industry Group” to engage the VA and prime vendors to ensure SDVOSBs/VOSBs maximize their opportunity to participate in this program.

Since returning from Minneapolis and attending other events around the beltway, it’s evident there are factions inside and outside of the VA who do not interpret Kingdomware as we do. We must continue to be very watchful as to how this important Supreme Court decision is interpreted.

Also, we recently held a Presidential election, which will change the landscape around D.C. I’ve attended two events where speakers hypothesized on changes in federal procurement. Since management of the government was not a “hot” topic of the campaign, it’s a guessing game. A few common themes do show: no budget before March, 2107; a rollback of stifling and burdensome regulations; a freeze on government employment means more contractor engagement; and increased emphasis on defense, veterans and infrastructure. We will have more crystalized in time for VETS 17.

Final Rule of Fair Pay & Safe Workplaces in Effect

On October 25, 2016, the Final Rule of Fair Pay & Safe Workplaces went into effect for prime contractors bidding on contracts equal to, or in excess of $50 million. These recipients of such large contracts will now need to disclose prior labor law violations; and subcontractors are subject to disclosure requirements as well. Access the rule here.
PROTEST LESSONS TO SAVE YOU TIME AND MONEY

As federal government contractors, we want to protest unfair procurement decisions to protect out bottom lines. In some instances, however, there are cases where a protestor automatically faces an uphill battle. We are highlighting two such cases in order to enable our members to make educated protest decisions:

First, if you are excluded from the competitive range, you are not an “interested” party for purposes of challenging an awardee’s status to the Small Business Administration OHA. This is because you cannot demonstrate that you were “adversely affected” by the award. This was confirmed by the recent decision, Size Appeal of Straughan Environmental, Inc. (SBA No. SIZ-5767). Note, however, that when appealing size to the SBA, or SDVOSB status to the CVE, the appropriate body will often process the protest (standing issue aside) when it finds it has merit.

Second, if you believe an awardee cannot meet set-aside limitations on subcontracting (LOS) requirements, think carefully before investing money in a protest. In general, an agency’s judgment as to whether an offeror will comply with LOS requirements is a matter of responsibility, and the contractor’s actual compliance is a matter of contract administration. The GAO does not have jurisdiction over either issue. 4 C.F.R. 21.5(a). The exception is when the awardee’s proposal, on its face, should lead an agency to conclude that an offeror has not agreed to comply with LOS requirements. That instance raises a matter of technical acceptability, which is a matter within GAO jurisdiction. That begs the question: how would a protestor know what the awardee’s proposal says? Geiler/Schrudde & Zimmerman, B-412219 et. all (2016).

CONTRACTOR SENTENCED FOR OVERBILLING

In early November, an Idaho man, Mr. Matt Ruck was sentenced in U.S. District Court to 60 months in prison, followed by three years of supervised release, for wire fraud and theft of government money, unlawful possession of firearms, and making a false statement. Ruck was also ordered to pay over $200,000 in restitution. This followed a set of three cases: after losing the first before a jury trial, the defendant pled guilty to the charges in his second and third cases.

As set forth in the defendant’s charges, in his capacity as contract administrator for a Moscow-based corporation, he had contracted with the government to provide fuel to the U.S. Department of Homeland Security. Ruck double and triple billed the agency, resulting in a bill that was inflated by hundreds of thousands of dollars. He also made a false statement on the application that allowed him to bid on government contracts, enabling him to obtain 12 government contracts after he was debarred.

This case illustrates how seriously we must take our obligations under federal contracts. Dealing with the government is very different from dealing with another commercial entity. While lying to a business partner may land you in civil court on claims of breach of contract and fraud, trying to pull one over on the government can land you in jail.
GOING THROUGH VERIFICATION? START EARLY!

Many of our members are already verified through the VA’s Center for Verification and Evaluation (“CVE”). A “verified” company is listed in the CVE’s VetBiz registry as either an SDVOSB or a VOSB, and therefore eligible to participate in VA set-asides.

As you all know, getting verified can be difficult due to the many eligibility questions and document requests required to be addressed during the process. While some advances have been made toward streamlining the process, verification still has some distance to go before it is pain-free. Also, recent developments have resulted in making the process harder than it was six months ago, which we are highlighting so our members may be aware of them:

- **Increased Calls** - The CVE is now doing a “welcome call” to businesses going through the process for the first time. This means that someone from the CVE will call the veteran business owner to discuss the process and eligibility issues, regardless of whether that person has delegated verification to someone else (such as an employee or consultant) so he does not have to deal with the CVE. An application will not move forward until the welcome call is complete.
- **Shorter Hours of Operation** - The CVE’s call line is now open until 6 PM, not 8 PM. (This change went into effect weeks ago, but it is not yet reflected on the website).
- **Influx of Applications** - Due to the Kingdomware decision, which should increase opportunities to VOSBs, many more businesses are applying for verification. The increased number of applications has created longer wait times. (As of November, 600 businesses that had submitted their verification or reverification application were in the queue to be assigned to an examiner; i.e., they were “waiting to wait.”). Some businesses now wait a month for their first document request.
- **Applications Now Assigned to Individual Examiners** - Rather than have an application go through four stages, each application is now assigned to an individual examiner who is responsible for much of the application process. This individualization makes the process more personal, but it also creates delays.

Long story short - if you want to be verified or reverified, start early! Expect a longer wait time, and plan accordingly.

GOVMATES: HELP US HELP YOU!

This summer the NVSBC Board chose to use GovMates as our official platform for matching members’ capabilities and capacities with the needs of government agencies and prime contractors looking to contract with our members. Monthly, we receive several requests for NVSBC members who can perform/deliver/build a multitude of products and services. We work with GovMates to provide information/introductions to requestors of appropriate NVSBC members. If your information is not current and in GovMates, you will not be referred. We also use GovMates for networking sessions with large prime contractors.

Year to date, GovMates has provided over 6,000 matches to federal agencies and prime contractors. There have been 190 formal introductions and over 200 marketing reports prepared. We strongly encourage you to register at [www.govmates.com](http://www.govmates.com). It is a benefit of your NVSBC membership and free to you!!!

For your information, the way GovMates works is quite simple. **First**, you must complete your GovMates profile, which requires you to register with the site and provide information about your firm’s capabilities. **Second**, GovMates receives requests from larger government contractors seeking teaming partners. **Third**, GovMates reviews its user profiles to determine who may be a match for the request, and facilities email introductions. Accordingly, the more detailed information you provide about your capabilities, the better the chance you may find a beneficial business partner.
The D.C. Metro Chapter of NVSBC held our 9 November monthly dinner meeting, featuring an outstanding panel discussion composed of three D.C. metro-based service organizations discussing their tremendous efforts and special programs to serve veterans. Panel members included: Steve Jordan of the Northern Virginia Tech Council (NVTC.org); Jack White, Chair of the Veteran and Military Business Council of the Northern Virginia Chamber (novachamber.org/veteran-and-military-business-council.html); and Tim Stecher of the Veteran Staffing Network/Easter Seals. Moderator Phil Panzarella, founder of 5th Grade Simple, did a great job leading this discussion of services available to veterans. Stephanie Alexander and Katie Bilek, Vice Presidents of the D.C. Metro Chapter Match Making program, provided updates on the latest matches made with large primes and the schedule for upcoming MM activities. These include events with Boeing, GDIT, Harris, Raytheon, L3 and Northrop Grumman. The D.C. Metro MM program delivers REAL business opportunities for our members!

Judy Brant, VP Training & Education, previewed the outstanding programs to be presented during the fall ’16 – spring ’17 season of programs. Boot Camp programs are offered each month from 4-5:30PM prior to the monthly dinner meetings.