



FIRST CALL

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Happy Holidays From the NVSBC!

A message from NVSBC Executive Director, Scott Denniston



As we begin this joyous holiday season, it is hard not to be thankful for all our blessings. We live in an amazing resilient country with abundant opportunities for all who are willing, as our first NVSBC President liked to say, to “get off their ass and on their feet.”

This has been an exciting month already, with the recently-ended VA NVSBE event in St. Louis. Some VA field personnel want to do the right thing, while senior VA officials state publicly that: SDVOSBs are costlier, VETS First is administratively cumbersome, and SDVOSBs who provide products are “mere peddlers.” Chaos at the VA is good for the NVSBC. Thanks to the hard work of Heather Hayes, Lynette Planto, Eric Dailey, Judy Brandt and the rest of the team we got **50** new members!

We also kicked off new Industry Groups for VECTOR and VETS 2 GWAC. Congratulations to all our members who received contract awards. These groups will be marketing the contractor vehicles: VECTOR within VA and VETS 2 GWAC throughout the government. Both groups have met and formed steering and marketing/communications committees to develop plans moving forward.

Our Medical Products Industry Group continues to develop strategies to combat the VA, as mentioned in last month’s column. We have actually identified allies who do not spout the works of VA’s senior executives. If you are in this industry but not a part of our industry group, please contact me. If we don’t fight this together you may not have a market to compete in! The VA has made its intentions well known in St. Louis: SDVOSBs can be “subcontractors”!

On December 13th the President signed the 2018 NDAA. There are some provisions you need to be aware of. *First*, the micro-purchase threshold is raised from \$3,000 to \$10,000. This will impact billions of dollars of opportunities for which small business reserves do not apply! *Second*, another major concern is the so called “Amazon Provision” whereby OMB and GSA will “test” a commercially available electronic ordering exchange. Experts are saying if this takes off there will be no need for Federal Supply Schedules. What could this do for your business?

On behalf of myself and the entire NVSBC Board and team, let me wish you all a very safe, healthy, and happy holiday season and a terrific 2018! God bless you and your loved ones!

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NVSBC’s purpose is to transition veterans into business owners servicing the federal government.

NEW GSA ADMINISTRATOR CONFIRMED

On December 5, the U.S. Senate confirmed Emily Webster Murphy to be the next administrator of the U.S. General Services Administration (GSA). As the 41st administrator of GSA, Murphy will lead a workforce of 11,600 full-time employees and oversee more than 371 million rentable square feet of property and approximately \$54 billion in annual contracts.

ASBCA Success Rates May Surprise You



In a [report](#) published by the Armed Services Board of Contract Appeals (“ASBCA”) earlier this season, the Board reported that of the 139 appeals decided on the merits, 57.6% of those decisions found that the appeal had merit in whole or in part. That’s pretty good, right?

Well, let’s break down the number a bit more to reveal a pleasant surprise. . .

Along with the U.S. Civilian Board of Contract Appeals (“CBCA”), the ASBCA decides appeal from a final decision of a contracting officer, pursuant to the Contract Disputes Act, 41 U.S.C. 7101-7109. If you’re lucky enough to be unfamiliar with either process, you’ll find yourself at a Board if you incur a contract issue or additional cost in performing a federal government contract and can’t work it out at the contracting officer level. In 2017, the ASBCA disposed of 678 appeals. This includes the 139 it decided on the

merits, which are included in its success statistics; but it also includes 539 appeals which were dismissed. While some of these appeals were dismissed due to procedural defects, the Report stated that the majority of those cases were dismissed because the parties agreed on some form of relief. This means that the success rate is likely much higher, keeping in mind that just because relief was afforded, it doesn’t mean the contractor got *all* it asked for.

No one wants to end up at the Boards, however. If you’re experiencing a contract-related issue, try your best to resolve it at the contracting officer level. Appeals are costly and time-consuming. But know that if you do end up there, there’s light at the end of the tunnel!

PRACTICE TIP: If you have to file a Request for Final Decision with your CO, carefully review the requirements at FAR Part 33.2.

Almost Half of 2017 GAO Bid Protests Had Some Success



On November 13, 2017, the GAO released its [Annual Bid Protest Report](#), which provides bid protest statistics and reports each instance where a federal agency did not fully implement the GAO’s recommendation and each instance in which a final decision in a protest was not rendered within 100 days after a protest was filed. This year, federal agencies followed every recommendation made by the GAO. Also, all protests were resolved within 100 days.

The Report also shed light on its workload and protestors’ success in challenging federal awards and solicitations. During the 2017 fiscal year, the GAO received 2,596 cases: 2,433 protests, 77 cost claims, and 86 requests for reconsideration. Of the protests resolved on the merits during fiscal year 2017, the GAO sustained only *17 percent*, with the number one reason for sustaining protests as unreasonable evaluation. (An evaluation is “unreasonable” if an agency fails to follow stated evaluation criteria or applies unstated evaluation criteria).

While this 17% figure may be discouraging for would-be protestors, it is misleading. Also according to the Report, the effectiveness rate for protests was 47%, which means that rather than let the protest get all the way to the decision stage, the agency whose procurement was at issue took corrective action. In the end, this is usually even better for protestors because they get what they want sooner and without the additional expense (assuming they’re happy with the corrective action).

Bid Protest Buzzword: Reasonable

Price Realism Analysis in FFP Solicitations?

In [AbacusSecure, LLC](#) B-415175 (Dec. 2017), the GAO noted there is *no requirement* that a price realism analysis be performed when award of a fixed-price (FP) contract is contemplated. This is because a *fixed-price contract places the risk and responsibility for contract costs and ensuing profit or loss on the contractor*. Nonetheless, a solicitation for a fixed-price contract *may*, as here, provide for a price realism analysis to assess the offerors' understanding of the solicitation requirements and potential risks. In this case, the protestor lost because the GAO found that the agency's price realism analysis was *reasonable* (always the key term). The lesson? A price realism analysis is NOT required for FP contracts; however, when the solicitation states that a price realism analysis may be conducted, it must be reasonable.

When Are Solicitation Requirements Too Restrictive?

In [APRO International](#) B-415149.2 (Nov. 2017), a protestor questioned an agency's requirement that a PM hold a bachelor's degree. In finding the specification was not unduly restrictive, the GAO noted the proper test was whether it was *reasonably necessary to meet an agency's needs*. Here, the GAO

noted that the agency's justification for requiring the program manager to have a bachelor's degree were reasonable. In particular, it agreed that a bachelor's degree requirement is reasonable given the professional expectations contemplated by the contract, which necessitated a degree of competence in critical thinking and writing.

Do you see a trend with these protests? Time and again, the test is whether an agency acted ***reasonably***. Know what it means for an agency to act "reasonably," either in making your decision to protest or in how you frame your argument. And remember - agencies have considerable discretion in exercising their judgement!

NVSBC In The House!

On December 7, the House Committee on Veterans Affairs' held a hearing on the VA Medical Surgical Prime Vendor Program. The NVSBC was the only veteran business organization represented at the hearing and the NVSBC Medical Products Group is the only group engaging VA on the impact of the MSPV program on SDVOSBs. (The name of the hearing is telling: *New Names, Same Problem: The VA Medical Surgical Prime Vendor Program*). To access hearing documents (and sign up for hearing information generally, click [here](#).



D.C. Chapter Update

The D.C. Metro Chapter of NVSBC held its SOLD OUT monthly dinner meeting on 13 December, which featured a great town hall presentation and discussion by Barbara E. Carson, Associate Administrator - Office of Veterans Business Development, and Robb Wong, Associate Administrator - Office of Government Contracting and Business Development, both of the U.S. Small Business Administration. Barb and Robb shared their insights, current observations, and view of the future on critical business issues that influence our Veteran owned businesses every day. Topics ranged from the impact of the NDAA 2018, pending and proposed FAR regulation changes, contracting challenges for CONUS and OCONUS veteran owned businesses, and the All Small Mentor Protégé program. If you would like a copy of this wonderful presentation, please email scott.semple@nvsbc.org.

Katie Bilek and Stephanie Alexander, 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 including events with CapGemini, GDIT, Northrop Grumman and many other large primes. The Dynamic Duo also reminded everyone to join our new Match Making platform – go to govmates.com to learn more.

The D.C. NVSBC Chapter meets monthly on the 2nd Wednesday of each month from September through June at the Key Bridge Marriot in Arlington, VA. Boot Camps are offered each month at 4:00 - 5:30 PM prior to these monthly dinner meetings. For event notices, check NVSBC.org.



NVSBC 2017 MEMBER ACCOMPLISHMENTS!

Our members had a great year! Congratulations to those featured for their accomplishments and growth in 2017:

Aldevra - Thanks to the VA Veterans First Contracting Program, Aldevra's sales are up 185% this year compared with last year, and the growing team expanded into a new office located in a HUBZone.

Bauer Technologies, Inc. - Bauer Technologies, Inc. was awarded a GSA Multiple Award Schedule (MAS) IT 70 contract, GS35F215GA, from the General Services Administration on February 15, 2017.

The Bowen Group - The VA recently awarded The Bowen Group a contract valued at \$78M over 5 years to ensure veterans are part of the conversation around shaping VA programs, services and benefits (the Voice of the Veteran Program). With its teaming partner Deloitte, The Bowen Group will support the VA's mission to better serve the veteran community by implementing a comprehensive approach to design, field and analyze veteran survey data across the entire department. Charles Christiansen, program manager and Navy veteran, said: "Our veterans and their families have made tremendous sacrifices for us. We are honored to have the opportunity to serve them and grateful to the VA for entrusting us with the Voice of the Veteran program."

Bullseye International SDVOB, Inc. - Bullseye International SDVOB, Inc. relocated after 25 years and has now taken up occupancy in a HUBZone. The Grandview Chamber hosted the ribbon cutting and several prime contractors attended the event. As you can see from the photo below, their ribbon cutting ceremony/open house was a big success:



Coley & Associates, Inc. - Coley & Associates, Inc. (Coley), which delivers IT, Program Management, and Workforce Development solutions that drive organizational excellence in the government, received three prime contract vehicle awards that position them for substantial growth in 2018:

- VA VECTOR – Coley was awarded a ten-year, \$25 billion contract to support VA program offices by providing critical market-based skills that augment the internal activities of their program offices.
- VETS2 GWAC – Coley was awarded the Veterans Technology Services 2 (VETS 2) Governmentwide Acquisition Contract, a 100% set-aside for SDVOSBs, that will provide Federal Agencies access to IT support solutions that integrate proven, new and emerging technologies.
- USAF AU EPASS – Coley was awarded a \$65M, five-year GSA Blanket Purchase Agreement with USAF Air University to deliver Educational Professional and Support Services.

Cyber Smart Pros, LLC - Cyber Smart Pros, LLC continues to reach new milestones. In August 2017, the company won its first SDVOSB set-aside contract to pull all coaxial (RG-6/RG-11) and CAT 6 cable for a patient monitoring system at the Wilmington VA Medical Center in Delaware. The company installed the network infrastructure on four floors and cross-connected three communications/network closets and two central monitoring stations so that 75 patients (i.e. veterans) with wireless telemetry devices could receive ambulatory care. Also, this November, Cyber Smart Pros became a SBA-certified HUBZone business.

Dark Blade Systems - Dark Blade Systems received final Capability Maturity Model Integration Level 2 appraisal. Booz Allen Hamilton's appraisal team performed the final appraisal in July 2017. Dark Blade Systems also grabbed spots on three impressive lists: Washington Technology's Fast 50 (#9); Inc. 5000's Fastest Growing Private Companies (#1438); and Virginia's Fantastic 50 (#1!). More detail about these lists can be accessed on Dark Blade Systems' website [here](#).

NVSBC 2017 MEMBER ACCOMPLISHMENTS! (Cont'd.)



Drexel Hamilton - Drexel Hamilton, a service-disabled veteran owned broker-dealer that received the Veteran Business of the Year Award from the Veterans in Business Network in 2017, announced this December that Anthony Felice, Daniel Boyle, and John Martinko, all service-disabled veterans and employees of the firm, will assume day-to-day leadership of the firm (pictured above). Drexel Hamilton was founded by Lawrence Doll in 2007 on the principle of offering meaningful employment opportunities to disabled Veterans. The firm employs 40% veterans, half of whom are service-disabled. Doll's ultimate goal was to build a firm that would be owned and operated by service-disabled veterans. The appointment of Felice, Boyle, and Martinko brings his vision to fruition.

E-Info Sol, LLC - E-InfoSol, LLC acted as a subcontractor to win work at the FBI to support the Cloud Program Management office and also achieved the Amazon Web Services ("AWS") Standard tier and Public Sector competency. E-InfoSol cloud competency includes providing consulting services to federal customers and support cloud migration efforts to AWS in multiple network classifications.

GCC Technologies - GCC Technologies, headquartered in Oakland, Maryland, celebrated its 20th year in business in October of 2017. GCC grew from its original two founders in 1997 to over 200 employees with an annual revenue greater than \$20 million. Its major customers include the Department of Army, Department of Education, the VA, Social Security Administration, and Department of State. GCC's service locations include District of Columbia, Maryland, Colorado, New York and Virginia and our services include Research and Development, Information Technology, Acquisition, Program Management and Compliance support. GCC is a VA-Verified SDVOSB and an SBA-certified HUBZone Small Business.

The Law Offices of Timothy M. Sullivan - The Law Offices of Timothy M. Sullivan and affiliated collections agency HS Financial Group expanded their office this year, doubling its size to 10,000 square feet with renovations throughout to accommodate their growing practice.

PingWind and B3 Group, Inc - PingWind, a provider of supply chain and IT services, and B3 Group, Inc., a Health IT firm providing end-to-end technology support services, were accepted into the SBA's SDVOSB Mentor-Protégé Program in 2017. This competitive program offers small businesses access to mentor-provided assistance from larger firms to assist in their growth and help enhance their capabilities and ability to compete for government contract. Under the program, PingWind is leveraging B3 Group's government contracting experience to develop its Health IT capabilities, organizational infrastructure, and identify new business development opportunities with government agencies, including the VA.

Rev Consulting Group - In the first part of 2017, Rev Consulting Group had not received its CVE verification and was only known for commercial work in the Professional Services and Technology realm based out of Seattle, WA. Because of Rev's engagement with Scott and the team at the NVSBC, it has successfully received verification and now holds several contracts with the VA. Rev is also working closely with many of the T4NG and VECTOR primes to support as an SDVOSB subcontractor and is emerging as a prime itself. Rev asked to extend special thanks to Scott and the crew as well as its early partners: Accenture Federal and B3 Group. Looking ahead, 2018 promises to be a great year and Rev looks forward to continuing to serve with all of NVSBC!

Rev is also creating a Seattle NVSBC chapter to bring awareness to the many veteran-owned businesses in the Pacific Northwest.

Standard Communications, Inc. - In 2017, John Moliere, Chief Executive Officer of Standard Communications, Inc., received the 2016 John K. Lopez Lifetime Achievement Award for his work with and on behalf of veterans. This award is presented by the National Veteran-Owned Business Association and *Vetpreneur* magazine, in partnership with Armed Forces Insurance. A Commendation agreed to by the Commonwealth of Virginia General Assembly noted that Mr. Moliere also supports veterans through contributions to the American Legion, the Association for Service Disabled Veterans, the USO, and many other organizations.

NVSBC 2017 MEMBER ACCOMPLISHMENTS! (Cont'd.)

VetJobs - Owned by veterans for veterans, VetJobs continues to be the leading Internet niche job board for reaching the 10.2 million military veterans currently in the work force, the 200 thousand active duty military personnel who transition each year, and the members of the National Guard and Reserve who return to the United States each year from extended deployments, and their family members. It averages 200,000 worldwide daily jobs. One thing that separates VetJobs from other private military or government supported job boards is that VetJobs is available 24/7. Job seekers can search the website and prepare for job interviews or search other legitimate vetted job boards.

Veterans4U - As federal agencies are becoming more aware of the SDVOSB certification and the commitment to consider Veteran Owned Businesses in their procurement goals, Veterans4U received two new contracts in September: one with the Dept. of the Interior, Bureau of Land Management and the other contract with the Dept. of Veterans Affairs, Family Advocacy Program. The Bureau of Land Management Contract provides marketing materials and services that are used for community outreach to build awareness for the Wild Horse and Burro Adoption program. The VA Family Advocacy Program required a contractor that could provide products and services to support the product development, fulfillment and distribution of the Family Advocacy Program materials to each of the Veteran Administration's healthcare centers. Other wellbeing programs Veterans4You recently received contracts for included the Red Ribbon and SAPR programs, which target military communities.

Pay Your Dues by March 1 and Save \$20!

In order to grow and provide members more services, the NVSBC must continue to generate a positive revenue stream. We have not raised dues in **eight years!** The Board recently approved an increase in NVSBC dues, which will start in 2018. The dues for SDVOSBs and VOSBs will rise from \$275.00 to \$295.00 per year. The rate increase will kick in on March 1st, 2108, so pay your dues before March to avoid the increase!

VETS 18 INFO/REGISTRATION COMING SOON!

The registration website for VETS 18 will be going live shortly. An email we be sent to let you know registration at the early bird rate is now open. We look forward to seeing all of you in Williamsburg, June 10-14, 2018!



The MSPV-NG Program: The Potential Is There

The title of this [GAO report](#) suggests its contents are positive or encouraging, but this isn't really the case: the GAO testimony report, entitled *Improvements in Buying Medical and Surgical Supplies Could Yield Cost Savings and Efficiency*, speaks more to what *could be* rather than what *actually is*.

Because the VA spends hundreds of millions of dollars annually on medical supplies to meet the health care needs of about seven million veterans, the VA established the Medical Surgical Prime Vendor-Next Generation ("MSPV-NG") program to provide a more efficient, cost-effective way for medical center to order supplies. The program's goals include involving clinicians in requirements development, leveraging buying power when making competitive awards, and consolidating supplies used across medical centers. The VA began developing requirements in early 2015 and launched the program in December 2016.

According to the GAO report, initial implementation did not have an overarching strategy, stable leadership, and workforce capacity that could have facilitated medical center buy-in for the change. VA also developed requirements for a broad range of MSPV-NG items with limited clinical input. Further, starting in June 2015, VA planned to award competitive contracts, but instead, 79 percent of the items available for purchase under MSPV-NG were added through non-competitive agreements.

Among other issues identified by the GAO, the VA did not document a clear overall strategy for the MSPV-NG program at the start and has not done so to date. About 6 months after the GAO's initial requests for a strategy or plan, a VHA official provided it with an October 2015 plan focusing on the mechanics of establishing the MSPV-NG formulary. However, this plan was used only within the VHA Procurement and Logistics Office and had not been approved by VHA or VA leadership. Also, the GAO noted that requirements development and tight time frames contributed to ineffective contracting. This led to the VA entering into a high percentage of non-competitive agreements.

The GAO made 10 recommendations in its report, including that the VA develop an overarching strategy, expand clinician input in requirements development, and establish a plan for awarding future competitive contracts. Given the impact of the MSPV-NG program, another report will surely be forthcoming soon in order to assess how the VA has implemented these recommendations to better serve our veterans.



FIRST CALL

The NVSBC is pleased to offer "First Call" to its members. In our active duty careers, "first call" was the notice to get up and get moving to usher in a new day. We will provide you with all the important information you need to get up and moving to success in the federal marketplace. This publication is prepared with the help of veteran advocate and attorney, Sarah Schauerte. Access her company website and blog at: <http://www.legalmeetspractical.com>.



Ideas?

If you have ideas for future content for First Call, or how to maximize the benefit NVSBC offers to its members, we always welcome input. Please contact Scott Denniston with your comments at: scott.denniston@nvsbc.org.