

COVID-19 And The Federal Government Contracting Impact

Complimentary Webinar

FRIDAY MARCH 27, 2020

1pm EST



COVID-19 And The Federal Government Contracting Impact



J Schaus & Associates

Washington DC

Professional Services For Federal Contractors

202-365-0598

Hello@JenniferSchaus.com



*** The Webinar is being recorded ***

AGENDA

Helpful Links

Speaker Introductions

[Government / Legal / Public Affairs / Finance / Procurement]

Speaker Insight

Questions

Wrap Up



Federal Business Opportunities:

Using Beta.SAM.gov with keyword search “COVID”

SOURCES SOUGHT – RFI – RFP – RFQ

Medical Equipment - ventilators (VA),

Medical Equipment - respirators (HHS),

Medical R&D (DoD/Army)

COVID Screening (DOI)

Disinfection Services (DOD/Navy)

Prototype Development (DOD/Army)

Air Filtration (The VA)

Remediation Services (DOD/Army)

Personal Protective Equipment (DOD/DLA)

Medical Support Services (DOD/USAF)

Construction Hotel to Patient Care Facility (DOD/Army)

Industry Assistance (TSA) – designated email



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Complimentary FAR Webinar (Series):

FAR Part 18 - Emergency Acquisitions

Complimentary Webinar

Date: May 1st, 2020

Time: 12pm EST

Link: <https://attendee.gotowebinar.com/register/8974761864083266571>

FAR SERIES LINK:

<https://www.jenniferschaus.com/far-sighted-2020>



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SBA:

<https://disasterloan.sba.gov/ela/>



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DHS / FEMA

Defense Production Act:

<https://www.fema.gov/defense-production-act-overview>



FEMA



DHS / CISA
Critical Infrastructure Workforce:

<https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce>



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IRS Tax Relief:

<https://www.irs.gov/coronavirus>



GSA Activities:

<https://www.gsa.gov/governmentwide-initiatives/emergency-response/covid19-coronavirus>



DOL/OSHA

COVID-19 And The Workplace:

https://www.dol.gov/agencies/whd/pandemic?utm_medium=email&utm_source=govdelivery



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DOD

Corona Virus - DOD Response

<https://www.defense.gov/Explore/Spotlight/Coronavirus/>



OMB Memo M-20-18
Managing Federal Contract Performance:
<https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-18.pdf>



GOVERNMENT SPEAKERS



J Schaus & Associates - 202-365-0598 [Hello@JenniferSchaus.com](mailto>Hello@JenniferSchaus.com)



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Roderick Johnson
Lender Relations
SBA
202.205.7075
Roderick.Johnson@sba.gov



J Schaus & Associates - 202-365-0598 [Hello@JenniferSchaus.com](mailto>Hello@JenniferSchaus.com)



LEGAL SPEAKERS



J Schaus & Associates - 202-365-0598 [Hello@JenniferSchaus.com](mailto>Hello@JenniferSchaus.com)



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Tony Anikeeff
Attorney
Williams Mullen
703.760.5206

AAnikeeff@WilliamsMullen.com



J Schaus & Associates - 202-365-0598 [Hello@JenniferSchaus.com](mailto>Hello@JenniferSchaus.com)



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Johana "Jody" Reed
Counsel

McMahon, Welch and Learned
703.483.2818
Jreed@MWLLegal.com



McMahon,
Welch AND
Learned, PLLC



J Schaus & Associates - 202-365-0598 [Hello@JenniferSchaus.com](mailto>Hello@JenniferSchaus.com)



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Seth Berenzweig
Managing Partner
Berenzweig Leonard
301.655.0474
SBerenzweig@BerenzweigLaw.com



J Schaus & Associates - 202-365-0598 Hello@JenniferSchaus.com



PUBLIC AFFAIRS SPEAKERS



J Schaus & Associates - 202-365-0598 Hello@JenniferSchaus.com



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Ann Sullivan
President

Madison Services Group
202.626.8528

ASullivan@MadisonServicesGroup.com



J Schaus & Associates - 202-365-0598 Hello@JenniferSchaus.com



FINANCE SPEAKERS



J Schaus & Associates - 202-365-0598 Hello@JenniferSchaus.com



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Clay Goldsborough

Vice President

First Financial Group

301.907.9030 x135

Clarence.Goldsborough@FGGAdvisors.com



J Schaus & Associates - 202-365-0598 [Hello@JenniferSchaus.com](mailto>Hello@JenniferSchaus.com)



PROCUREMENT



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RSM FEDERAL
The Art and Science of Government Sales™

Joshua Frank
Founder & Managing Partner
RSM Federal
703.677.1700
JFrank@RsmFederal.com



J Schaus & Associates - 202-365-0598 [Hello@JenniferSchaus.com](mailto>Hello@JenniferSchaus.com)



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William Randolph
CEO

Think Acquisition
703.819.6192

William@ThinkAcquisition.net



J Schaus & Associates - 202-365-0598 [Hello@JenniferSchaus.com](mailto>Hello@JenniferSchaus.com)



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Jerry McGinn
Executive Director & Strategic Advisor
GMU
703.993.4156
JMcginn5@gmu.edu



J Schaus & Associates - 202-365-0598 [Hello@JenniferSchaus.com](mailto>Hello@JenniferSchaus.com)



COVID-19 And The Federal Government Contracting Impact – 3/27/2020



Judy Bradt
CEO

Summit Insight
703.627.1074

Judy.Bradt@SummitInsight.com



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QUESTIONS FROM THE PUBLIC



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1 - It seems that federal programs for employers with greater than 500 employees is where federal financial programs stop. Are there any programs that apply to the larger companies...especially those with large blue collar workers unable to telework?

Roderick Johnson – Government



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2 - Will all COVID-19 EIDL loans will be on a 30 year term?

Roderick Johnson - Government



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3 - What happens if your company is currently losing money? Does SBA check your credit rating or just assist you? What is the process to file for financial assistance?

Roderick Johnson – Government



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4 - We plan to apply for the business interruption loan relief program, but have some questions re; the structure of the loan. Specifically, how do these loans work with existing loans or lines of credit currently in place? Do these gov't loans require a 1st position in business assets? Do they require owner personal guarantees? It would seem these loans would need to work in conjunction w/ existing business loans, but I do not see details on the required loan structure.

Roderick Johnson – Government



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5 - Will EIDL loans be forgiven in the future?

Roderick Johnson - Government



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6 - Will all COVID-19 EIDL loans will be 12 months no interest and no payments and 6 months of operating expenses?

Roderick Johnson - Government



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7 - I would like to know about the impact to Service Contract Act contractors and their employees, particularly AbilityOne (SourceAmerica) contractors?

Tony Anikeeff – Legal



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8 - What legal rights do I have as an employer to keep my employees from doing discretionary travel?

Seth Berenzweig – Legal



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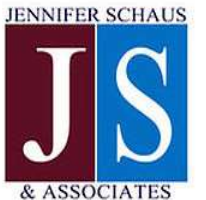
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9 - Can we request a clearance to return to work from their doctor?

Jody Reed – Legal



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10 - How do you anticipate the stock market performing the remainder of the year?

Clarence Goldsborough – Finance/Banking



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11 - If our contractors are told to stay home...can/how we still get paid?

Ann Sullivan- Public Affairs



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12 - Can I claim compensation from the Govt for having 0 zero income and being a woman and minority owned small biz owner? If so how?

William Randolph – Procurement



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13 - We're still trying to get a grasp on how COVID-19 is impacting the overall acquisition environment. What should we be doing right now to protect and retain our current contracts and is there a way to position for additional revenue from a business development perspective?

Joshua Frank - Procurement



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14 - Is the Government liable to finding alternate work resources to ensure small businesses can maintain their contractors.

Jerry McGinn – Procurement



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15 - Will the contract opportunities be for supply chain and improving processes or more for materials and masks? Do you also foresee opportunities for medical staffing?

Judy Bradt – Procurement



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16 - What are we responsible for as a company (business owner) when it comes to our employees?

Ann Sullivan – Public Affairs



Tony Anikeeff – Legal



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17 - Do I have any legal authority to require employees to disclose all travel to us, sick relatives, etc. (so we can fulfill reporting requirements to our respective contracting offices?)

Seth Berenzweig – Legal



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18 - As a Federal General Contractor, we have ongoing Small Business set-aside contracts/projects in many different states such as GA, NC, FL, and VA. Our corporate HQ is in VA. So far as of today's date, none of our contracts have been suspended; however, in case one or more do get suspended in different states, what is the process for us to apply for disaster relief? Additionally, if the area that our project (and base) is located is not declared a disaster area yet the project gets suspended, can we apply for relief for those project-level and associated corporate staff that will be affected?

Tony Anikeeff – Legal



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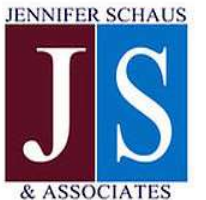
19 - As an employer with a facility that has over 150 full time employees working, what can I do if one of these employees tests positive for the virus, is sent home for the 14 quarantine day period and now wants to come back to work?

Can I request that he/she bring a doctor's note saying they are free of the virus?

Jody Reed - Legal



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20 - If an employee contracts the virus that has the capability to work remote with no additional action needed by the company, and the company does not allow the employee to work remote, is that considered negligence?

Seth Berenzweig – Legal



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21 - How will the stimulus package impact Gov Con companies financially?

Clarence Goldsborough – Finance/Banking



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22 - If employees have no sick time do we have to pay them anyway due to Federal order?

Ann Sullivan – Public Affairs



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23 - Can we request a doctor's note to prove an employee had the virus?

Seth Berenzweig – Legal



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24 - This law is effective 4/2/20, does that mean people can't charge to the leave before that date?

William Randolph – Procurement



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25 - Can we only apply for those employees that are billable to a customer if you are a staffing firm?

Seth Berenzweig – Legal



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26 - Our company sells products. Half of our products are BAA compliant and the other half are not. Is there any chance we could sell the products that are not BAA compliant? What about our other products that are not an exact match to the product specifications for products the government buys today?

Joshua Frank - Procurement



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27 - How do we roll out the new paid time off and sick leave law?

Jody Reed – Legal



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28 - In an effort to protect our workforce, can we require mandatory temperature testing of all employees prior to entering the facility?

Seth Berenzweig – Legal



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29 - Will most of the procurement opportunities be at the state and local level?
What departments within federal and what departments within state and local will see the most dollars?

Jerry McGinn – Procurement



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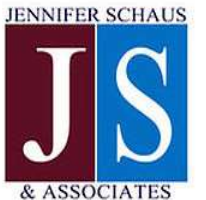
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30 - For Federal, Firm Fixed Price, multi-year contracts, what is the likelihood of being able to claim for extended overhead?

Jody Reed – Legal



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31 - Should we assume DOL will have the required poster?

Seth Berenzweig – Legal



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32 - Will the Government find additional funding to cover increased costs due to lower direct base resulting in higher indirect rates?

Jody Reed – Legal



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33 - Can the Expanded FMLA be used intermittently?

Seth Berenzweig – Legal



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34 - How does the Sovereign Act come into play with Federal, Military, FFP contracts?
One of our contracts is invoking this clause for a DOD FFP contract.

Tony Anikeeff – Legal



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35 - What is the optimal strategy to protect one's self against these market downturns?

Clarence Goldsborough – Finance/Banking



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36 - What happens if our workforce comes down with positive tests for Coronavirus and we can't complete the project on time?

Judy Bradt – Procurement



Jody Reed – Legal



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37 - We are working on Mission Critical projects and have been directed to continue working for our military projects.

In the event our personnel get sick as a result, what liability does an employer have?

Seth Berenzweig – Legal



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38 - Does the Government plan a national public service campaign? There are mixed message out there re social distancing 10 people or 50 people.

Who would be the lead agency to develop this campaign because it seems that CDC is being sidelined?
this legislation provide for such a campaign?

William Randolph – Procurement



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39 - If a prime contractor operates in a state that has an executive order shutting down non-life-essential businesses but the government facility in which the prime contractor remains open, will the contractor be in default if the contractor does not provide the support/labor as required by the contract or does the state executive order / law trump the federal government industrial military complex staying open?

Jerry McGinn – Procurement



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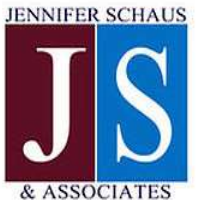
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40 - If the government does not issue a stop order and due to the COVID-19 there is no work to perform, should the contractor continue to charge the contract, maybe via a “idle” charge code for the time the employees are ready and available to perform the contract as otherwise required? For example on-site repair personnel who have a 365/24 contract that have nothing to repair since the facility may have closed due to the COVID-19. If not, would this then lead to a possible claim?

Jody Reed – Legal



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41 - Congress is in the process of finalizing COVID-19 response legislation. What's the latest?

Ann Sullivan – Public Affairs



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42 - Cold calls or new approaches may be counterproductive for business development in this climate. Are there any specific tips on approaching COR/Client for pursuing mission-critical sole source contracts? Please discuss any relevant FAR Clauses.

Judy Bradt – Procurement



Tony Anikeeff – Legal



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43 - For employers with more than 500 employees, if the Company elects to offer paid Family Leave and/or Sick Leave to those employees as required under the Families First Coronavirus Act for Companies under 500 employees, is there any potential to submit for an equitable adjustment where tax credits would not be applicable?

Jody Reed – Legal



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44 - My company is 8(a) certified. The Small Business Administration (SBA) is allowing my company to voluntarily suspend our certification for up to one year.
Should I suspend my certification and what questions should I be asking to make this decision?

Joshua Frank - Procurement



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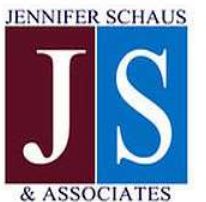
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45 - How does the Defense Production Act impact the government contracting community during this crisis?

Jerry McGinn – Procurement



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46 - I'm an experienced federal contractor. I've got expertise, products, vehicles, and capacity. What's my first move?

Judy Bradt - Procurement



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47 - How can we follow all of these legislative changes?

Ann Sullivan – Public Affairs



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48 - Based on the Emergency Declaration, the Defense Production Act (DPA), the National Interest Action (NIA), and the Emergency Acquisition Flexibilities of FAR 18.2, should I be focused on the System for Award Management (beta.sam) for finding opportunities or somewhere else?

Joshua Frank - Procurement



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49 - Are the various pieces of OMB, DoD, and other guidance issued during this crisis legally binding to companies?

Jerry McGinn – Procurement



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50 - We've never sold to government before but we've got something that can help. We're all, like, "Put me in, Coach! I'm ready to play!" How can we help?

Judy Bradt - Procurement



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51 - If a government site is closed for quarantine purposes, and essential personnel are sent home, are we entitled to any type of equitable adjustment for lost wages/revenue due to scope change?

Ann Sullivan – Public Affairs



Tony Anikeeff – Legal



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52 - If a government site closing causes a delay in delivery of services or goods, are we entitled to any type of equitable adjustment for additional expenses such as storage of finished product?

Jerry McGinn – Procurement



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53 - How do GOVCONs think about their marketing and relationship efforts post COVID-19?

William Randolph – Procurement



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54 - How will the stimulus funding make its way to government contractors and what is the best way to secure that funding?

Where do we go? What do we need to do?

Judy Bradt – Procurement



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55 - How do we verify if someone qualifies to charge to the Emergency Paid Sick Leave (EPSL) and Expanded Family Medical Leave Act (FMLA)?

Seth Berenzweig – Legal



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56 - How do you best take of your team and lead in uncertain times?

William Randolph – Procurement



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57 - What is the best way to "introduce" a new product line that would be of value to the VA Medical Centers and Military Hospitals during this pandemic.

Who to notify of this product line for greatest impact during a time of need and get approval?

Jerry McGinn – Procurement



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58 - How, if at all, does the new COVID-19 environment affect terminations for standard reasons (e.g., non-performance, lack of updated qualifications, etc.)? In other words, are there any new or special employee rights that should be considered given the declaration of National and State Emergency?

Seth Berenzweig – Legal



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59 - Can you summarize the capital for small business sections of the relief package?

Ann Sullivan – Public Affairs



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60 - I directly invest (buy stock) in alot of the Prime Contractors - ie. CACI, Northrop Grumman, Lockheed, etc. Do you foresee an uptick in the valuations of these firms in the stock market? Do you think there will be any mergers and acquisitions that result from this crisis (within the govt contracting publicly traded firms)?

Jerry McGinn – Procurement



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61 - In the event the government issues a stop work order that results in a WARN triggering event, is there any recourse for the Company to submit for an equitable adjustment in the event the Company has to make remedies to employers as a result of the “unforeseen business circumstances” under WARN is not considered a valid reason for lack of notice?

Jody Reed – Legal



J Schaus & Associates - 202-365-0598 [Hello@JenniferSchaus.com](mailto>Hello@JenniferSchaus.com)



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62 - How can I find out ways that my company can help respond to this crisis and where is the stimulus money going that will be addressable for GovCon companies?

Jerry McGinn – Procurement

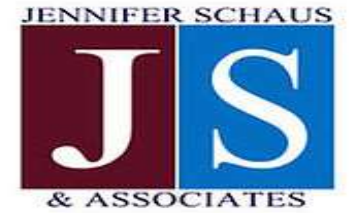


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Thank you to our Speakers!



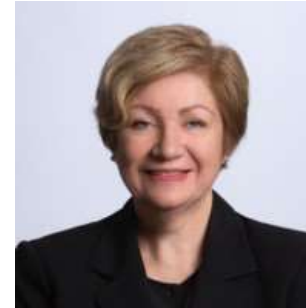
Roderick Johnson
Roderick.Johnson@sba.gov
202.205.7075



Seth Berenzweig
SBerenzweig@BerenzweigLaw.com
301.655.0474



Tony Anikeeff
AAnikeeff@WilliamsMullen.com
703.760.5206



Ann Sullivan
ASullivan@MadisonServicesGroup.com
202.626.8528



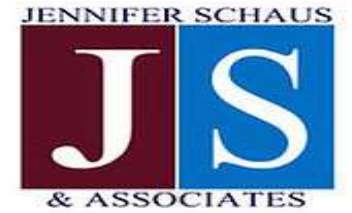
Johana "Jody" Reed
Jreed@MWLLegal.com
703.483.2818



Clay Goldsborough
Clarence.Goldsborough@FFGAdvisors.com
301.907.9030 x135



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Thank you to our Speakers!



Judy Bradt

Judy.Bradt@SummitInsight.com
703.627.1074



Joshua Frank

JFrank@RsmFederal.com
703.677.1700



Jerry McGinn

JMcginn5@gmu.edu
703.993.4156



William Randolph

William@ThinkAcquisition.net
703.819.6192



J Schaus & Associates - 202-365-0598 Hello@JenniferSchaus.com



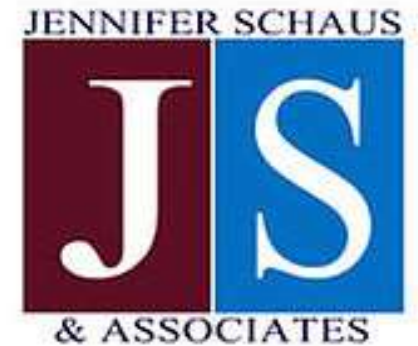
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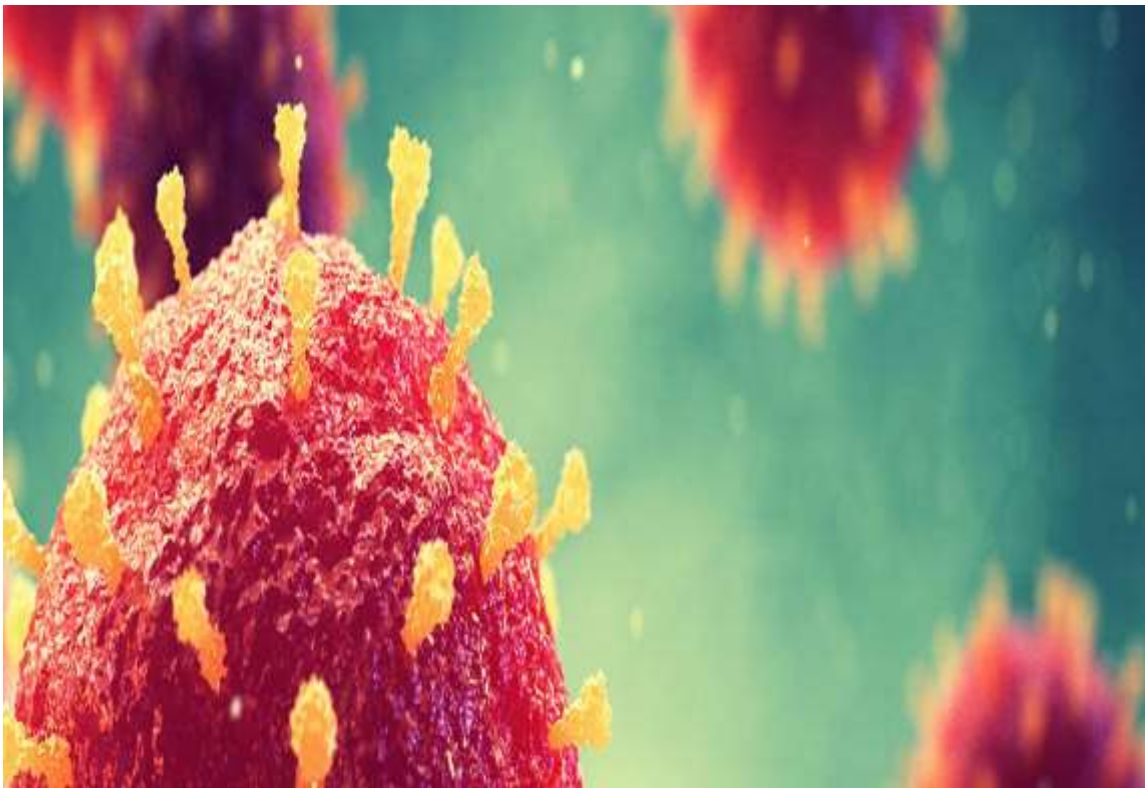
Thank You!



**Please send
additional questions to
Hello@JenniferSchaus.com**

OFFICE: 202-365-0598





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**Thank You
For Joining Us!**

Slides will be avail on SlideShare.net

Full Webinar recording will be avail on our
YouTube Channel

