



# FIRST CALL

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## Update from NVSBC

A message from NVSBC Executive Director, Scott Denniston:  
*"Countdown to VETS 19!"*



Spring is in the Air! I for one am very happy for this! I love being outdoors and in the sun.

It also means we are closer to VETS 19 in San Antonio in May. FYI, **early bird registration runs out in a few days!** Please get registered. The entire NVSBC team is working hard to make this our best event yet!

Last month I discussed the Section 809 Panel and their recommendations as to how to streamline DoD acquisitions, the goal being to get new technologies to the warfighter quicker. No one can argue with the goal, but eliminating ALL small business set-asides, including SDVOSB, to get there does not make sense. We have secured one of the panel members to attend VETS 19 and discuss the panel and its recommendations.

Another issue we are following which can greatly impact SDVOSBs is GSA's push to consolidate all FSS schedules into one schedule. Over the weeks as we follow this, we

will secure a speaker to discuss this important issue at VETS 19.

Certain important committees in Congress, namely Small Business and Veterans Affairs, will shortly be finalizing their staffing and working on agendas for the next year. NVSBC is developing our legislative initiatives as well. We are tracking legislation to add an SDVOSB goal to the Department of Transportation's Surface Transportation Act, as well as to move the VA's verification function to SBA. We think both will be good for SDVOSBs and VOSBs and will keep you posted!

Look forward to seeing you all in San Antonio!



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

### SENATE TRIES TO GIVE STARTUPS A BOOST

This month, the U.S. Senate announced the creation of the first-ever bipartisan entrepreneurship caucus to diagnose why the rate of new business creation has declined over the past three decades, and to create policy to reverse that slump. This is all brand new, so we'll keep you posted on further developments!

## BILL AIMS TO STREAMLINE VA PROCUREMENTS

The legacy of Mike Coffman lives on. The VA Procurement Efficiency and Transparency Act, first introduced by the former CO Rep. (R), aims to streamline the VA procurement process. ***This legislation intends to increase efficiency by requiring the Department of Veterans Affairs (VA) to track cost savings resulting from its contracting competitions and to use standardized contracting procedures.***

This measure reflects concerns with VA procurement processes, providing what has been characterized as “common sense reforms” to “streamline and modernize processes at the VA.” The Act comes on the heels of GAO reports finding that the VA racks up at least \$6 billion a year on spending that violates federal contracting rules. A recent GAO report also found that the VA should have more effective oversight of its

\$20 billion budget, adding the embattled agency to its high-risk list (see article below).

This bill has been passed in the House as of July 2017 (HR 2006). As of December 12, 2018, the bill had been read twice by the Senate and referred to the Committee on Veterans’ Affairs (S 2794).

"The VA Procurement Efficiency and Transparency Act provides common sense reforms to streamline and modernize processes at the VA," said Rep. Hartzler, one of the bill’s supporters. "Our veterans deserve the best possible healthcare we can provide and wasting billions of taxpayer dollars due to inefficiencies and poorly managed contracts cannot be tolerated. This measure is a necessary step as we continue to overhaul the antiquated VA processes."

### LEGISLATION INTRODUCED TO LEVEL PLAYING FIELD FOR VETERAN AND WOMEN BUSINESS OWNERS

The Expanding Contracting Opportunities for Small Businesses Act would amend the Small Business Act to eliminate the inclusion of option years in the award price for sole-source contracts, eliminate discrepancies in thresholds for sole source manufacturing contracts (depending on socioeconomic category), and provide more authority to the Small Business Administration (SBA) to identify and deter fraud and abuse in the contracting process by improving SBA oversight of the eligibility process. Access and track the bill here.

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## GAO ADDS VA PROCUREMENTS TO HIGH-RISK LIST

The way the VA buys goods and services from government contractors is at high risk of waste, fraud and abuse, according to a GAO report. The list identifies government operations with vulnerabilities to fraud, waste, abuse, and mismanagement, or those in need of overhauling to address economy, efficiency, or effectiveness challenges. Criteria for assessment include: (1) leadership commitment; (2) agency capacity; (3) action plan; (4) monitoring efforts; and (5) demonstrated progress.

As relayed by Comptroller General Gene Dodaro during a meeting before the Senate Homeland Security and Governmental Affairs Committee, VA suffers from “fundamental management weaknesses and is one of the most challenged in the federal government,” adding that constant changes or vacancies in leadership positions and a lack of accountability are problems at the sprawling department.

The GAO Report can be accessed here.



## NVSBC NEWS AND CHAPTER UPDATES

### TAMPA BAY

The Tampa Bay Chapter is grateful for Lynette and Evin Planto (IZ Technologies) for spearheading the start of the chapter. As they step down from their posts, it is pleased to announce new board members:

President: John Curtis, Government Solutions Providers, Inc.

Vice President: James Quilty, Sofia Information Technology Consulting  
Treasurer: Stephan Mendoza, PSR Associates

Secretary: VACANT

Communications: Richie Harris, Joint Enterprise Technologies

Programs: Valerie Lavin, Luminary Global

Membership: VACANT

Sponsorship: VACANT

If you're interested in volunteering for a vacant position email John Curtis at [jwcurtis@govsp.com](mailto:jwcurtis@govsp.com). To be added to the Tampa Bay Chapter mailing list, contact Richie Harris at [richie.harris@jointetech.com](mailto:richie.harris@jointetech.com).

### SOUTH FLORIDA

The South Florida Chapter would like to congratulate one of its members for receiving a scholarship to participate in VETS 19: Edward J. Dort of Directional Command, LLC!

Please note that the next chapter event/dinner for South Florida will be on 2 May at the North Fort Lauderdale Marriott. The Theme for this meeting is "Teaming," which is appropriate given that it will also be celebrating its one-year anniversary.

South Florida also has other events in the works, including a lunch on 27 June and events titled "Fiscal Wake Up" and "Contracts and Primes" on 1 August and 7 November, respectively.

If anyone has a suggestion for a speaker for the 27 June lunch, please feel free to reach out to Roger Reyes at [RogerR@sdvrecon.com](mailto:RogerR@sdvrecon.com).

### LET'S GET SOCIAL!

After the Florida Gov Summit, the Tampa Bay Chapter will host an end-of-conference celebration. Register here for this event at:

Jackson's Bistro, Bar & Sushi  
601 S Harbour Island Blvd,  
Tampa, FL 33602  
28 March, 4 pm  
\*Cash Bar

Also, don't forget the next Tampa Chapter meeting will be 11 April, 5:30 pm at The Centre Club in Tampa. We are pleased to share [Ken Myers](#), Senior Vice President for Defense and Security of National Security Solutions at PAE will be the guest speaker. Members and non-members can register here.

## D.C. CHAPTER UPDATE

The D.C. Metro Chapter of NVSBC held its monthly dinner meeting on 13 March. Its guest speaker, Mr. Chris Ford, is the Founder of the National Association of Veteran-Serving Organizations (NAVSO). NAVSO, in partnership with Purdue University's Center for Global Urban Sustainability, Military Family Research Institute, and Center for Regional Development, funded the landmark study entitled "**Success Factors for Veteran Entrepreneurs.**" Chris provided highlights from this study including:

- What makes Veteran entrepreneurs successful?
- How to make the best use of limited resources?
- What Business Characteristics are most likely to lead to a successful Veteran owned start up?

For a copy of the NAVSO study and Chris's presentation, please email [ksemple@nvsbc.org](mailto:ksemple@nvsbc.org).

The D.C. Chapter meets monthly (2nd Wednesday) from September through June at the Key Bridge Marriot in Arlington, VA. It offers boot camp training prior to each meeting, as well as match-making opportunities via its platform of [govmates.com](http://govmates.com). In fact, Stephanie Alexander, Vice President of the Match Making program, provided updates on the **21,184 matches to date** which have resulted in **2,945 introductions**. For event notices, check NVSBC.org. Access [govmates](http://govmates.com) here.



## Case in Point: Lessons for SDVOSB Contractors

As part of our new regular feature, here are two cases with valuable takeaways for contractors competing in federal space:

### **Size Protests: Rely On Yourself to Get it Right**

In *Size Appeal of Global Dynamics, LLC*, SIZ 5979 (Dec. 2018), an SBA Area Office had dismissed a protest as untimely because it had not been filed within five business days after *first* awarding a contract to a joint venture. That award had been protested at the GAO, corrective action taken, and then the agency again made the award to the joint venture.

When a disappointed offeror brought its size protest to the SBA Area Office, the SBA dismissed the protest as untimely because it had not been filed within five business days of the *original* award. On appeal, the SBA OHA held that this was in error because the first notification had not triggered the deadline for a size protest. The procuring agency had subsequently taken action that was “inconsistent with award notification” (i.e., cancelled the award, reopened discussions, and obtained revised proposals). SBA OHA then instructed the Area Office to conduct a new size determination of the joint venture.

This case illustrates that the SBA doesn’t always get it right when it comes to enforcing the rights of protestors. As such, if your protest is dismissed for lack of standing or because it is deemed untimely, it might be worth it to get a different opinion. And do it quick – to appeal a size determination to SBA OHA, you only have 15 calendar days to do it.

### **GAO Protests: Go Fish!**

For those familiar with GAO protests, you know that the #1 reason why protests are sustained is because the agency evaluated a proposal unreasonably. This means that when an agency conducted its evaluation, it applied unstated evaluation criteria, failed to comply with the evaluation criteria, or otherwise deviated from the solicitation requirements. A recent case demonstrates how sometimes it might be worth protesting, in the event you suspect such deviations (and have a good faith basis and facts to back it up), in order to get your hands on the agency report to present additional grounds:

In *Hope Village, Inc.*, B-414342.2 *et. al.* (Feb 21, 2019), the GAO sustained a protest on the basis that the agency had relaxed a material requirement for the awardee, permitting a “letter of intent” between a landlord and lessors versus “official documentation that demonstrates they have a right to use.” The agency was instructed to take corrective action, and the protestor also got its costs.

The protestor couldn’t have known that the awardee had submitted a “letter of intent.” This would have been uncovered after the protest was filed and the agency defended itself by filing an Agency Report and relevant solicitation documents. In this case, it was fruitful for the protestor to file a protest and then go fishing in the Agency Report.

In other cases, the protestor might have protested and received an Agency Report that was the equivalent of an old boot at the end of a line. Sometimes we don’t know if a protest is worth pursuing, so we have to make a choice as to whether we have good faith grounds and we’re willing to risk coming up with nothing.

## 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 Dennison with your comments at: [scott.denniston@nvsbc.org](mailto:scott.denniston@nvsbc.org).