



FIRST CALL

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Update from NVSBC

A message from NVSBC Executive Director, Scott Denniston



As we enter the summer and see the COVID-19 restrictions beginning to lift, please remember the virus is not gone. We still need to be smart as businesses open and we get back to some sort of normalcy . . . whatever that looks like!

This month has been difficult in America, not only due to the pandemic but also the killing of George Floyd, the peaceful protests, and the unfortunate rioting and looting by a few (the latter of which detracts from the message and spirit of the peaceful protestors). Recently, I was moved to ask Heather to send to NVSBC membership the writing of John Moliere called "Colors." John's piece reminded me of why military service is transformative –working together to protect and defend each other as well as this nation no matter our differences.

I myself grew up in a small New Jersey town. This was not a diverse setting. So, the Army was a different environment for me during the Vietnam War. The Army instilled in me and others who grew up in a homogenous environment the value in teamwork and in protecting each other no matter who we were or where we came from.

Many NVSBC members thanked

me for sharing John's poem. All are white. I also received one note from former NVSBC Board member, Bede Ramcharan, who I am fortunate to call my friend. He is an amazing community leader in San Antonio and a dedicated role model for young people. He is also a veteran and a successful minority business owner. Bede shared this:

"We may have had each other's backs on the battlefield. Soldiers are soldiers, and we will. But there was a time when we were segregated by color, to even fight on the battlefield. And once we returned home, we fought a different battle-by ourselves. Racism should not ever be tolerated. But it is real, and deadly. We can't have a Pollyanna attitude about who we are as brothers and sisters when we are killed in the streets of our hometown or separated from our families and our children put in cages. The fight is not on a distant battlefield or the deck of a ship. It is in our front yards, our neighborhoods, and our cities. I hope we will all take time to seriously reflect on our own contribution to the problem or the solution."

I hope we all take Bede's charge to heart and make our world, our nation, our cities, and our neighborhoods better places.

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

DON'T LET A COVID-19 SCHEME COST YOU

According to an article recently posted in *USA Today*, desperate times have motivated scammers to get busy. The Federal Trade Commission says that coronavirus-related scams have cost Americans **\$13.4 million** so far this year (as of late April). Google blocks more than 100 phishing emails every day as criminals try to steal money and personal information. About 18 million are coronavirus-related.

Based on the nature of these schemes, here are red flags to note:

- Never, ever give anyone information over the phone. If you receive a call from someone claiming to be from your bank or healthcare provider, stop right there. The caller may be fishing for personal information.

- Know nothing is free. If you receive any form of communication about having received COVID-assistance without having applied, be wary. To receive assistance, you have to ask for assistance. Chances are that to “receive” the money, they need information from you they’ll then use to *take* money.

Here are some schemes to avoid:

- Expedited stimulus checks. If you receive an email or call about expediting your payment or increasing the amount, it’s bogus. If you want to see where you stand with your check, the IRS has a webpage for that purpose.

- Tech support scams – Some companies are hijacking tech support contact information to gain access to an individual’s personal information or commandeer their website. If you need tech support, go to the company’s verified website and get their phone number from the Contact Us section.
- “Government-issued” coronavirus tests – While the FDA approved the first at-home test, any online vendor selling these may be a scammer given the rarity.
- “No-risk investment” companies – Just . . . no.
- Fake emails – If ANY business colleague asks you for personal/password info via email, call them first to verify they actually sent it.

Whistleblower Cleans Up by Alleging Set-Aside Fraud

On June 2, the U.S. [Department of Justice](#) announced that an Oklahoma-based company and its affiliates will pay \$2.8 million to settle allegations that they violated the False Claims Act by improperly obtaining set-aside contracts reserved for disadvantaged small businesses. Interestingly, the case began as a whistleblower action filed in district court, and as a result of this outcome, the whistleblower will receive over half a million dollars.

This cautionary tale illustrates what **not** to do in taking advantage of the federal government’s socioeconomic programs: **if you need to find a loophole or a way around something (versus calibrating operations to meet requirements), you may have a problem.** Here, one company, which was ineligible for small business set-asides, allegedly formed two other companies and then exercised operational control over their finances and day-to-day and long-term operations.

This case involves the implication of affiliation rules and other control requirements in pursuing small business set-aside requirements. If you misrepresent your eligibility or the set-up of your organization you might find yourself facing allegations of violating the False Claims Act (because, when giving you a set-aside contract, the government is relying on your representation that you qualify; i.e., you have made a “false claim.”).



NVSBC Memberships: Sponsor/Get Sponsored

During this challenging time, NVSBC is aware that many small businesses are struggling. In 2019, we ended our year with 528 members. To date, 350 of you have renewed for 2020.

Our motto of **Vets helping Vets** is never more important than now. Accordingly, we have created a program called "Sponsor/Get Sponsored."

If you are affected by COVID-19 and would like to continue membership via a sponsor, we ask that you please send an e-mail with your company name and point of contact (including email).

If you are in a position to sponsor, another company or companies, please send your company name, point of contact email address, number of

companies you are willing to sponsor (at \$295 apiece), and whether we may release your information to the sponsored company.

If you are *sponsored*, we will let you know and provide you the name of your sponsor (if revealed).

If you *sponsor*, know the difference you've made to a fellow veteran-owned business. We are a fantastic team, and we don't want to leave anyone behind!

To date, 45 businesses have stepped up to the plate to sponsor, meaning we have a surplus for those who want to be sponsored (which is limited to current members, but subject to change). **To participate in this program in either capacity, please contact Heather Lee at heather.lee@nvsbc.org.**

Are You a WOSB, HUBZONE or 8(A) Firm Under NAICS 236220?

On Feb 6, 2020, the Air Force posted a Sources Sought synopsis seeking capability statements from 8(a)s, WOSBs, or HUBZones for purposes of determining the appropriate level of competition and/or small bus/ subcontracting goals for a Multiple Award Construction Contract. It received 48 capability statements from this posting. The Air Force is now narrowing down its acquisition strategy and requires more information from the marketplace to do so. Therefore, it is requesting capability statements from all WOSB, HubZone and 8(a) firms who are interested.

If you are such firm, or know someone who might be interested, visit the Sources Sought [here](#). Keep this opportunity with small business!

VETS'20 Coming Virtually!

Due to the unforeseen events which forced us to cancel VETS'20 last month in San Antonio TX, the NVSBC conference planning committee has decided to host the conference "virtually," enabling us to bring our members together while providing the same valuable training and networking offered by our in-person experience.

The "Virtual" Veteran Entrepreneur Training Symposium 2020 (V-VETS'20) will be a 13-part, 1-hour webinar series **held every Tuesday from 7 July to 29 September 2020 (equaling a 1 1/2-day conference)**. Sessions scheduled for last month's conference will be moved to a webinar format. V-VETS'20 will also feature speakers from senior-level acquisition leaders and professionals from the services industry within the federal marketplace. Because the format is virtual, we hope the flexibility and lack of travel will make it easier to recruit the best of the best!

More details will follow soon. Visit the conference webpage at www.nvsbc.org/v-vets20 for agenda, registration, and available sponsorships.



Protest Lessons: If It's Close, Consider Fighting

In *Battelle Memorial Institute*, B-418047.3 (May 2020), the GAO sustained a protest when the awardee's proposal wasn't dinged in a technical category despite being indistinguishable from the protestor's in that respect. This constituted "disparate treatment."

Both the protestor and the awardee had been rated as "technically acceptable" for a best value requirement, with a price difference of less than two percent. Noting this, the GAO stated:

"Given the closeness of the two proposals in terms of technical merit and price, we cannot say what impact even just one evaluation error would have had on the CDC's best-value decision. Any change in [awardee's] evaluation could have widened the gap between the two proposals sufficiently that the SSA no longer considered them technically equivalent, potentially resulting in a different best-value decision. In such circumstances, we resolve any doubts regarding prejudice in favor of the protestor because even a reasonable possibility of prejudice forms a sufficient basis to sustain a protest."

The GAO recommended that the agency conduct a re-evaluation and make a new source selection decision. It also recommended that the protestor's protest costs be reimbursed.

The disparate treatment ground likely emerged *after* the protestor filed its protest and its counsel got its hands on the Agency Record. (How else would it have known what the awardee's proposal said?). Thus, when the race is close and you have reasonable grounds to protest, consider that option.

You might find something in the Agency Report that gives you a second bite at the apple.

Meet Your New Board Members!

Each year, in accordance with the By-Laws of the NVSBC we invite people to serve on the Board for a 3-year term. The Board then selects and invites nominees to join the Board.

First, we want to thank Heidi Gerding and Troy Mizell for their outstanding service. Both have been active Board members from the beginning of the NVSBC. We will miss them! Norris Middleton and Eric Dailey's terms on the Board also expire at the end of this month. Norris has volunteered for another 3-year term, and Eric has volunteered for a one-year term in the seat held by a Board member who retired the beginning of 2020.

Our 3 new Board members whose terms begin July 1st are Bill Belknap, Bob Roth and James Quilty. Bill, an Army veteran, is President of AEONRG, LLC., in Philly. Bill is a 1981 West Point graduate and received his MBA from Wayne State University. Bob Roth is the President/CEO of Access Products, Inc. in Colorado. Bob is a Naval aviator having served in Operation Desert Storm. James Quilty, an Army veteran, is the founder and CEO of Sofia Information Technology Consulting, Inc, in Tampa. James is President of the Tampa/Central Florida NVSBC Chapter.

Bill, Bob, James: WELCOME ABOARD!!!!

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.