



# FIRST CALL

[www.nvsbc.org](http://www.nvsbc.org)

January 2022



Happy 2022!

I want to start off by saying THANK YOU for all the love and support during my stroke and rehab last year in Florida. There are so many people I want to thank. First, Rita Brooks from SAIC for recognizing the signs that something was wrong. Second, Scott Jensen for his quick actions with the Hilton hotel management and security staff that saved my life. The outpouring of support from the entire membership was overwhelming and my family and I appreciate all you have done during my hospitalizations and recovery.

I'm officially back!

The ultimate goal is to see everyone in person at VETS'22 in Orlando FL in May. The NVSBC management team is looking forward to bring the best conference possible. We also look forward to bring back our Charlie Mike Webinar Series and other training program in 2022. The NVSBC is a great organization and promises to be even greater organization in 2022 because we have wonderful members. Thank you again for all what you do to make working on your behalf a pleasure to come to work.

Earl A. Morgan  
Program Director  
National Veteran Small Business Coalition

## Inside:

Members Spotlight

SBA Proposed Rule Enhances Options to Demonstrate Small Business Past Performance

GAO Lesson: Neglecting Post-Proposal Submission Duties Can Sink a Contract



**MAY 17-20**  
**ORLANDO, FL**  
★ ★ ★ ★  
**REGISTRATION**  
**OPENS SOON**  
**CLICK HERE**  
**FOR MORE INFO**

# Members Spotlight

**Business Owner:** Jack Coley

**Military Branch/Years Served:** USAF/20 years

**Occupation in Military:** Supply Chain/Logistics

**Name of business:** Coley GCS, LLC

**Type of business:** Government Contracts Consulting, Coaching, and Training Services

**Year Established:** 2001

**Location(s):** San Antonio, TX

**Website:** Fedmap.us

## **What motivated you to start your own business?**

I had successfully opened and ran three regional offices for a large government contractor after retiring from the Air Force and had experienced the frustration of navigating the government bureaucracy, learning the unique language of the government market, and understanding the confusing world of GSA Schedules and other contract vehicles. So, I wanted to share my knowledge and experience to help other small businesses come up-to-speed and capture contracts more quickly. I'm very proud of the impact we've made. Since starting my company 20 years ago, we have helped our clients win over \$22 Billion in new government contracts.

## **What has been your biggest challenge(s) in the Federal marketplace and how did you overcome them?**

The government market is complex, but small business owners often have an expectation that they'll start a business, respond to a solicitation, and win a contract. Of course, that doesn't happen so then these owners attend lots of training that promises to teach them the secrets to success. But the wins still don't come because winning government contracts isn't as simple as taking a course or learning a "secret". Two years ago, I started FedMap to address the shortcomings of small business training programs that exist in our industry. You need context, coaching and community to really understand how to apply the training. That is the key difference between FedMap and other training programs— FedMap translates learning into action and action into contract wins. FedMap is a platform that consists of two powerful and complementary parts: FedMap Capture and FedMap Growth. FedMap Capture is a 12-week, hands-on, coach-guided, cohort training program that uses a real contract opportunity specific to each company to teach the science of winning contracts. Each company comes away with a deep understanding of the specific actions that lead to contract wins. Our FedMap Growth Platform complements the Capture program and acts a catalyst for accelerated success. It includes three online modules: Connect (community, teaming, and peer support), Learn (online training and live webinars), and Target (opportunity research technology). In under two years, FedMap has helped more than 450 companies win a combined \$1 Billion in new contracts.

## **What advice would you give to other veteran small business owners?**

Act fast and focus on gaining traction quickly. Cashflow is everything and without it, you're not really in business. Winning that first, second, and third contract is critical to creating a successful and sustaining business. With that in mind, one needs to be strategic about how they approach the government market. Small businesses need to plan, stay focused, and be flexible enough to adapt and pivot quickly. To avoid common pitfalls, seek the advice of mentors, coaches, peers and experts that have succeeded in the government contracting space.

**USAA Small Business  
Insurance wishes  
you and your family  
Happy Holidays and  
success in 2022!**



**SMALL BUSINESS  
INSURANCE**

**[USAA.COM/SMALLBUSINESS](https://www.usaa.com/smallbusiness)**

Membership eligibility and product restrictions apply and are subject to change. Small Business Insurance is underwritten by Garrison Property & Casualty Insurance Company, San Antonio, Texas ("Garrison"), or is underwritten by insurance companies that are not affiliated with USAA ("third-party insurance companies"). Each company is solely responsible for its insurance products. Any product or coverage descriptions are brief and are informational only. Products, availability, coverages, and terms vary by state and exclusions apply. Applications for insurance are subject to underwriting by the applicable insurance company. All coverages are subject to the terms and conditions of your policy. Read your policy for details. Products underwritten by third-party insurance companies are offered through a relationship between the USAA Insurance Agency (the "Agency") and the third-party insurance company. The Agency contracts with third-party insurance companies to offer products and services ("third-party insurance products") on their behalf. Third-party insurance products are not underwritten by USAA or its affiliates. The Agency receives a commission on the sale or renewal of third-party insurance products and may receive other performance-based compensation from them. When you purchase an insurance product from one of these third-party insurance companies, that company is responsible for protecting your data, and its processes and procedures may differ from those of USAA. USAA Insurance Agency means USAA Insurance Agency, Inc., or USAA of Texas Insurance Agency (collectively the "Agency"). CA Lic #0D78305, TX Lic. #7096. 9800 Fredericksburg Road, San Antonio, TX 78288. © 2021 USAA. 281758-1021

## **SBA Proposed Rule Enhances Options to Demonstrate Small Business Past Performance**

On November 18, 2021, the SBA published a proposed rule in the Federal Register that would provide new methods for small business government contractors to obtain past performance ratings to be used with offers on prime contracts with the federal government. A small business contractor may use a past performance rating for work performed as a member of a joint venture, *or* for work performed as a first-tier subcontractor. Particularly the latter option is huge news for small businesses, as many such firms cut their teeth in the federal sphere on subcontracts (which come with less risk).

The proposed rule creates a new 13 C.F.R. § 125.11(a) (renumbering the old “definitions” section), which addresses those circumstances under which an agency is required to consider such past performance. In a nutshell, this is as follows: for *joint ventures*, where the small business does not independently demonstrate past performance necessary for award, the small business may elect to use a joint venture’s past performance. In its offer for a prime contract, taking advantage of such past performance requires the small business to describe the specific responsibilities it carried out (i.e., it cannot take figurative and literal credit for work assumed by the other member(s)).

Interestingly, the rule only allows submission of joint venture past performance if the small business “does not independently demonstrate past performance necessary for award.” In other words, this appears not to be a preferred method of demonstrating past performance. It is unclear whether, when two offerors receive the same past performance rating but one filled a gap with joint venture experience, the one with “pure” prime experience will receive the edge.

For *first-tier subcontractors*, a small business may receive past performance consideration experience when they served as such on contracts including subcontracting plans. The prime is charged with rating the subcontractor as requested, and must do so within 15 days of request.

The rule leaves a few questions unanswered, such as the one noted above. In general, is there an evaluation preference? As written, the rule does not come out and say there is, but it is certainly alluded to in noting that joint venture past performance may only be used if one doesn’t have prime contractor experience. (There is not similar language with respect to first-tier subcontractor experience, although one might posit that joint venture experience would be more valuable considering percentage of work requirements and the assumption of responsibility in dealing with the federal government).

As this is an important development for small firms seeking a foothold in the federal sphere, requesting clarification or providing feedback on this rule is worth it. Submit your comments to the SBA by January 18, 2022 by emailing them directly to Donna Fudge at [donna.fudge@sba.gov](mailto:donna.fudge@sba.gov) (using the ID of RIN: 3245-AH71). Access the proposed rule and further information [here](#).

## GAO Lesson: Neglecting Post-Proposal Submission Duties Can Sink a Contract

In [\*Ashlin Management Group, Inc.\*](#), an initially successful awardee lost out on a contract when one of its key personnel became unavailable during a corrective action period and the awardee failed to inform the agency. A competitor jumped on the opportunity to protest that the firm had become technically unacceptable, and the GAO agreed. B-419472.3, B-419472.4 (November 4, 2021).

In the solicitation at issue, the Request for Quotations (“RFQ”) included an evaluation basis of “key personnel, staff experience and qualifications (key personnel).” The Agency received seven quotations and selected Booz Allen Hamilton (“BAH”) for award. The award was protested, however, and the Agency decided to take the corrective action of reconsidering quotations and making a new award decision. (“Corrective action” is when, rather than fighting a protest, the agency grants some form of relief, like deciding to re-evaluate proposals or otherwise takes action so the GAO dismisses it as moot.). It again awarded to BAH, and Ashlin Management Group, a disappointed offeror, protested the award. While the protestor alleged multiple protest grounds, the GAO found the only one warranting the sustaining (granting) of the protest was *BAH’s actual knowledge of the unavailability of one of its key personnel, which obligated it to notify the agency*. The GAO agreed with this, noting prior decisions where it had explained that vendors are obligated to advise agencies of material changes in proposed staffing, even after submission of proposals, or as here quotations. *MindPoint Group, LLC*, B-418875.2, B-418875.4, Oct 8, 2020, 2020 CPD ¶ 309 at 6.

This premise is grounded in the notion that a firm may not properly receive award of a contract based on a knowing material misrepresentation in its offer. *M.C. Dean, Inc.*, B-418553, B-418553.2, June 15, 2020, 2020 CPD ¶ 206 at 4. An offeror or vendor generally is required to advise an agency when it knows that one or more key employees have become unavailable. *Id.* The duty to notify does not arise, however, if an offeror or vendor does not have actual knowledge of the employee’s unavailability. *DZSP 21, LLC*, B-410486.10, Jan. 10, 2018, 2018 CPD ¶ 155 at 10. When an agency is notified of the withdrawal of a key person, it has two options: 1) either evaluate the proposal/quotation, as submitted without considering the resume of the unavailable employee (in which case the proposal or quotation would likely be rejected as technically unacceptable for failing to meet a material requirement); or 2) open discussions to permit the offeror or vendor to amend its proposal or quotation. *M.C. Dean, Inc.*, *supra* at 4. Here, the agency could not have done this because BAH had failed to inform it that the individual at issue had become unavailable. BAH had failed to meet its duty to inform the agency of the unavailability of one of its key personnel, and the GAO sustained the protest on that basis. The lesson here isn’t too complicated. In the event a key personnel member becomes unavailable after the submission of a proposal, notify the agency or risk losing your award. Better yet, if you are identifying someone as key personnel and their involvement is valuable in securing the award, *ensure contractually that you won’t risk losing them*.

# Calendar of Events

U.S. Department of Veterans Affairs Seeks to Increase Women in Construction - 19 and 20 January 2022, 1pm - 6pm

This is an invitation for Women-Owned Small Businesses (WOSBs) and Women Veteran-Owned Small Businesses (WVOSBs), as well as Service-Disabled Veteran-Owned Small Businesses (SDVOSB) and Veteran-Owned Small Businesses (VOSBs) to participate in a 2-Day Virtual Industry Day Event on January 19 - 20, 2022 from 1:00pm - 6:30 pm EST.

[More info](#)

---

2022 National Small Business Conference  
Orlando, FL  
January 31 – February 2

[Register here](#)

---

The A2S Insider Series: Category Management - Part 2 Using Category Management Tools for Market Research

Join us for Part 2 of this insightful and informative Listening Lab on Category Management, the powerful purchasing tool the federal government uses to streamline its approach to buying goods and services from American companies.

Our October 2021 Listening Lab introduced Category Management and demonstrated useful dashboards small businesses could access for their business development needs. The January 2022 Listening Lab will dive deeper into those dashboards and show how to do targeted queries on Category Management

**Time:** Jan 20, 2022 01:00 PM

Register <https://lnkd.in/eqphFe99> today!

The [National Veteran Small Business Coalition](#) Networking Dinner  
The Army Navy Country Club,  
Feb. 9, 2022!  
[Register Now](#)

---

The U.S. Department of Homeland Security (DHS), Procurement Innovation Lab (PIL) welcomes your participation in the Virtual PIL Boot Camp Workshop for Industry on Wednesday, February 16, 2022, from 8:00 a.m. to 12:30 p.m. ET.

[REGISTER HERE](#)