



Weekly Report for August 24, 2018

FEDERAL ACQUISITION REGULATIONS

Federal Acquisition Regulation; Paid Sick Leave for Federal Contractors

The Department of Defense (DoD), General Services Administration (GSA), and NASA are adopting as final, without change, an interim rule amending the FAR to implement the Executive Order, Establishing Paid Sick Leave for Federal Contractors. The interim rule also implemented a final rule issued by the Department of Labor. [83 Fed. Reg. 163, 42569](#).

Federal Acquisition Regulation: Non-Retaliation for Disclosure of Compensation Information

The DoD, GSA, and NASA adopted as final, without change, an interim rule amending the FAR to implement Executive Order, Non-Retaliation for Disclosure of Compensation Information. The interim rule also implemented a final rule issued by the Department of Labor. [83 Fed. Reg. 163, 42570](#).

DEFENSE DEPARTMENT

Office of the Inspector General, Freedom of Information Act Program

This final rule removes the DoD's regulation concerning the Office of the Inspector General, Freedom of Information Act program (FOIA). On February 6, 2018, the DoD published a revised FOIA program rule as a result of the FOIA Improvement Act of 2016. When the DoD FOIA program rule was revised, it included DoD component information and removed the requirement for component supplementary rules. The DoD now has one DoD-level rule for the FOIA program that contains all the codified information required for the Department. Therefore, this part can be removed from the CFR. [83 Fed. Reg. 161, 42025](#).

GOVERNMENT CONTRACTING

Government-Wide Commercial Purchase Card Prohibited Purchases

The Defense Federal Acquisition Regulations Supplement Part 213.3 provides direction for authorizing, establishing, and operating Government-wide Commercial Purchase Card programs (GPC), and directs personnel to follow the guidance in the *Department of Defense Government Charge Card Guidebook for Establishing and Managing Purchase, travel, and fuel Card programs*. Section A.1.2.4 of the guidebook establishes a list of items prohibited from purchase using GPC. This memo adds the following items to the prohibited list:

- Video Surveillance Cameras
- Commercial Unmanned Aerial Systems

For more information, please visit this [link](#).

WHITE HOUSE

'Trump Will Get His Wall,' Says Senator

According to an article in govexec.com, less than two months after activists launched the edgy slogan "Abolish ICE," the White House on Monday brought more than 100 law enforcement agency leaders and staff to Washington to hear praise and gratitude for Immigration and Customs Enforcement's work. Both President Trump and Sen. David Perdue, R-Ga., also took the opportunity in the East Room ceremony to predict victory in fulfilling Trump's long-time campaign promise to build a wall along the U.S.-Mexico border. "I think he will" get his border wall, Perdue said when asked at a panel discussion of agency heads. "It's no longer a debate between zero and \$25 billion, but between \$2 billion and \$5 billion," for wall funding provided in preliminary Senate and House versions of the fiscal 2019 Homeland Security appropriations bill. The reason the Senate is in session during August, Perdue said, is partly to tackle the DHS spending bill "soon" after his chamber completes work on the Defense spending bill.

PILIEROMAZZA BLOGS

Congress Lowers the Acceptability of LPTA

By Michelle Litteken

Government contractors have criticized lowest-priced technically acceptable ("LPTA") procurements since LPTA was first introduced as a source selection method. In an LPTA procurement, all offerors that meet the requirements in a solicitation are deemed technically acceptable, and award is based solely on price. Critics of LPTA have argued that this source selection technique does not allow an agency to exercise the type of judgment needed when a contract involves complex requirements or when quality, safety, and innovation are paramount. [\[Read more\]](#)

Contractor Who Brought Lawsuit Against Government Faces False Claims Act and Fraud Counterclaims

By Ambika J. Biggs

The U.S. Court of Federal Claims ("COFC") recently issued an opinion that should give pause to contractors who seek to bring suit against the U.S. government but have not complied with materially relevant government regulations. In *LW Construction of Charleston, LLC v. U.S.*, a government contractor filed suit against the Department of Veterans Affairs ("VA"), alleging that its contract for a construction project at Fort Jackson National Cemetery was wrongfully terminated. The procurement under which LW Construction of Charleston ("LW") had been awarded the contract had been set aside for service-disabled veteran-owned small businesses ("SDVOSB"). Three years after LW filed suit, the government brought counterclaims alleging that LW was not an eligible SDVOSB. [\[Read more\]](#)