



## PilieroMazza Weekly Update for Government Contractors and Commercial Businesses

January 29, 2020

If you have questions concerning the content below, please visit this [link](#).

### PilieroMazza Prepares Draft Comments to SBA Proposed Rule

Comments to the Small Business Administration's (SBA) [proposed rule](#) are due on February 7<sup>th</sup>. In its role as advocate to small businesses operating in the government contracting arena, [PilieroMazza](#) prepared draft comments to the proposed rule, which can be viewed [here](#). SBA and PilieroMazza encourage you to [submit comments](#) letting SBA know which provisions you support and which may present compliance challenges for you and your company. Please contact [Peter Ford](#) at [pford@pilieromazza.com](mailto:pford@pilieromazza.com) to share your thoughts on our comments before the February 7<sup>th</sup> submission deadline.

### **CYBERSECURITY & DATA PRIVACY**

**Open-Source Software in Federal Procurements: The Good, the Bad, and the Ugly, Part 2 – The Bad**, January 24, 2020, [Isaias "Cy" Alba, IV](#)

In the [first post](#) of this series, we discussed "the good" of open-source software and why federal buyers should find it attractive. However, when it comes to the federal government accepting open-source code with open arms, the reality is certainly more mixed. ***Faced with changing and technical regulations, government contractors need to know the major drawbacks of using open-source code in government contracts.*** In this second entry to our open-source series, we explore "the bad" impacts of open-source use in government contracting. [\[Read More\]](#)

#### Related Cybersecurity & Data Privacy Presentations by PilieroMazza

**DoD Cybersecurity: From the DFARS Clause to CMMC**, February 25, 2020, Speaker: [Jon Williams](#). [\[Read More\]](#)

### **BUSINESS & CORPORATE LAW**

**New York v. Delaware Part 1: Which State Is Best to Incorporate My Business?**, January 24, 2020, [Melissa Rodriguez](#)

Business owners often have two questions when launching their business and growing it through commercial relationships and/or corporate transactions. These questions are "where should I incorporate?", and once the business is incorporated and operating, "what should the applicable law be of our agreements?" Two states come to mind when dealing with these questions. Both Delaware and New York have developed a reputation for purposes of incorporating businesses and being the governing law/jurisdiction of choice in commercial agreements and corporate transactions. But which makes more business sense? ***In this two-part series, we first address the question "which state is best to incorporate your business?", revealing key insights that businesses of all types should consider when navigating the incorporation process and negotiating transactions and business relationships.*** [\[Read More\]](#)

## Related Business & Corporate Law Presentations by PilieroMazza

**Access to Capital: Resources for Scaling for Growth**, February 12, 2020, Moderator: [Dave Shafer](#). [\[Read More\]](#)

### **SMALL BUSINESS PROGRAMS & ADVISORY SERVICES**

**Top Priorities from SBA Administrator Jovita Carranza**, January 20, 2020, [Tony Franco](#)

On January 7, 2020, the Senate confirmed U.S. Treasurer Jovita Carranza as the 26<sup>th</sup> Administrator of SBA. During her testimony before the Senate Committee on Small Business and Entrepreneurship, Carranza listed a number of priorities she will bring to her role at SBA. ***Below are notable priorities that may impact small businesses and/or government contractors.*** [\[Read More\]](#)

**SBA: Workshops on Applying for Women's Business Center Grant Set for February 4–5, 2020**

SBA will hold roundtable training sessions in Columbia and Charleston, South Carolina, on best practices regarding the Women's Business Center grant application opportunity. The roundtables will explain how to apply for SBA Women's Business Center grants and get the funding needed to reach more women business owners and aspiring entrepreneurs. Read more [here](#).

## Related Small Business Programs & Advisory Services Presentations by PilieroMazza

**WEBINAR: The Value and Art of Negotiating Effective Teaming Agreements**, February 13, 2020, Speaker: [Tony Franco](#). [\[Read More\]](#)

### **LABOR & EMPLOYMENT LAW**

**Bureau of Labor Statistics: Union Members Summary**

The U.S. Bureau of Labor Statistics released union membership data collected as part of the Current Population Survey, a monthly sample survey of about 60,000 eligible households that obtains information on employment and unemployment among the nation's civilian non-institutional population age 16 and over.

Highlights from the 2019 data include:

- The union membership rate of public-sector workers (33.6 percent) continued to be more than five times higher than the rate of private-sector workers (6.2 percent).
- The highest unionization rates were among workers in protective service occupations (33.8 percent) and in education, training, and library occupations (33.1 percent).
- Among states, Hawaii and New York had the highest union membership rates (23.5 percent and 21.0 percent, respectively), while South Carolina and North Carolina had the lowest (2.2 percent and 2.3 percent, respectively).

Read the full summary [here](#).

**FLRA Seeks Comments on Proposed Issuance of Guidance**

The U.S. Department of Agriculture (USDA) asked the Federal Labor Relations Authority (FLRA) to issue a general statement of policy or guidance regarding expiring collective bargaining agreements. Specifically, the USDA asked for a general statement holding that, if an expiring collective bargaining agreement continues in

force during renegotiations, then an agency head may review the legality of the expiring agreement as early as the agency head may review the legality of an expiring agreement that was renewed automatically for a fixed term. The FLRA solicited comments on whether it should issue such a general statement, and if so, what the FLRA's policy or guidance should be. Comments are due February 24, 2020. Read more [here](#).

#### **Related Labor & Employment Law Presentations by PilieroMazza**

**Labor Regulations**, February 3, 2020, Speakers: [Nichole Atallah](#) and [Sarah Nash](#). [\[Read More\]](#)

**WEBINAR: May the Clause Be with You—FAR 22.2105: Paid Sick Leave for Federal Contractors and Subcontractors**, February 12, 2020, Speaker: [Sarah Nash](#). [\[Read More\]](#)

**WEBINAR: May the Clause Be with You—FAR 52.222-55: Minimum Wages Under Executive Order 13658**, March 11, 2020, Speaker: [Sarah Nash](#). [\[Read More\]](#)

#### **GOVERNMENT CONTRACTS LAW**

##### **GSA Posts Website Standards for 21<sup>st</sup> Century IDEA**

Bloomberg Government reported that the General Services Administration (GSA) released new website standards to guide compliance with the 21<sup>st</sup> Century Integrated Digital Experience Act (21<sup>st</sup> Century IDEA), which requires federal agencies to ensure that new or updated websites are user-friendly, function on mobile devices, and protect citizen data. Familiarity with the new standards may help contractors improve their responses to agency solicitations. Read more [here](#).

##### **SBA's Most Active Surety Companies and Agencies in FY 2019**

SBA announced its most active surety companies and agencies for Fiscal Year (FY) 2019, which contributed to increases in the [Surety Bond Guarantee \(SBG\) Program](#)'s activity. SBA's SBG Program, in direct partnership with surety companies and their agents, provides SBGs for small businesses on federal, state, local, and private projects. Commercial construction, service and supply contracts and subcontracts are eligible if the contract requires a surety bond. Read more [here](#).

#### **Related Government Contracts Law Presentations by PilieroMazza**

**Labor Regulations**, February 3, 2020, Speakers: [Nichole Atallah](#) and [Sarah Nash](#). [\[Read More\]](#)

**Mentor-Protégé Program, Teaming Agreements, and Joint Ventures**, February 6, 2020, Speaker: [Meghan Leemon](#). [\[Read More\]](#)

**WEBINAR: The Value and Art of Negotiating Effective Teaming Agreements**, February 13, 2020, Speaker: [Tony Franco](#). [\[Read More\]](#)

**Access to Capital: Resources for Scaling for Growth**, February 12, 2020, Moderator: [Dave Shafer](#). [\[Read More\]](#)

**WEBINAR: Overview of the Request for Equitable Adjustment, Claim and Appeal Process for Government Contractors**, February 19, 2020, Speakers: [Meghan Leemon](#) and [Lauren Brier](#). [\[Read More\]](#)

**DoD Cybersecurity: From the DFARS Clause to CMMC**, February 25, 2020, Speaker: [Jon Williams](#). [\[Read More\]](#)

**WEBINAR: PCI Subcontracting Summit 2020: Joint Ventures and Teaming Agreements**, February 25, 2020,  
Speaker: [Isaias “Cy” Alba, IV.](#) [[Read More](#)]

## **FALSE CLAIMS ACT**

### **DynCorp Pays \$1.5 Million to Resolve Kickback Allegations**

The Department of Justice reported that DynCorp International, LLC (DynCorp) has agreed to pay \$1.5 million to settle civil fraud allegations involving two former DynCorp officials who solicited and accepted kickbacks from an Iraqi subcontractor in connection with DynCorp’s lease of property for its operations in Baghdad on behalf of the Department of State. Read more [here](#).

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### **About PilieroMazza**

PilieroMazza – a business law firm – serves as a strategic partner to government contractors and commercial businesses from across the United States in numerous industries, including:

- Aerospace and Defense
- Construction
- Cybersecurity & Data Privacy
- Emerging and Developing Industries
- Environmental Remediation
- Healthcare
- Information Technology
- Manufacturers and Suppliers
- Professional Services
- Solar Energy
- Telecommunications
- Transportation

We deliver results for our clients by implementing legal and business solutions that take the client’s best interests into consideration. Moreover, PilieroMazza’s efficient operational structure and lean approach to staffing matters translates into competitive pricing for our clients, while providing the highest standard of client service and legal acumen.

With lawyers in Washington, DC; Boulder, CO; Annapolis, MD; and Chicago, IL, PilieroMazza is privileged to represent clients in the following areas:

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- [Cybersecurity & Data Privacy](#)
- [False Claims Act](#)
- [Government Contracts Claims and Appeals](#)
- [Government Contracts Law](#)
- [Intellectual Property & Technology Rights](#)
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