

PilieroMazza Weekly Update for Government Contractors and Commercial Businesses

September 4, 2019

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SMALL BUSINESS PROGRAMS & ADVISORY SERVICES

Small Business Administration – SBA issued a rule extending the 504 Loan Program Rural Initiative Pilot Program (504 Rural Pilot) through September 30, 2021. The 504 Rural Pilot authorizes Certified Development Companies to make 504 loans for projects in rural counties located in their SBA Region. Read more [here](#).

Congressional Research Service – CRS has released a report examining the SBA’s veteran business development programs, the SBA’s efforts to assist veterans’ access to capital, and the SBA’s veteran contracting programs. Entitled “SBA Veterans Assistance Programs: An Analysis of Contemporary Issues,” the CRS report also describes employment assistance programs offered by several other federal agencies to assist veterans in their transition from the military to the civilian labor force. Read the full report [here](#).

Small Business Administration – SBA granted 24 awards up to \$125,000 per recipient in Fiscal Year (FY) 2019 under its Federal and State Technology (FAST) Partnership Program. FAST’s objective is to improve outcomes for underrepresented entrepreneurs in SBA’s Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Programs and increase participation for women-owned, rural-based, and socially and economically disadvantaged firms. FAST provides specialized training, outreach, mentoring, and technical assistance for research and development focused small businesses. The program provides one-year funding to organizations to execute state/regional programs that support potential SBIR applicants and awardees. Read more [here](#).

Congressional Research Service – CRS released a report titled “Small Business Administration: A Primer on Programs and Funding.” The report provides an overview of SBA’s programs, including entrepreneurial development programs, disaster assistance, capital access programs, contracting programs, regional and district offices, the Office of the Inspector General, the Office of Advocacy, and capital investment programs. Read the full report [here](#).

Related Small Business Programs & Advisory Services Presentations by PilieroMazza

EVENT: Top 10 Corporate Mistakes that Small Businesses Make in Federal Contracting, September 19, 2019, Speakers: [Isaias “Cy” Alba](#) and [Kathryn Hickey](#). [\[Read More\]](#)

EVENT: Growth Through Joint Ventures and Mentor-Protégé Relationships, November 6, 2019, Speakers: [Peter Ford](#) and [Meghan Leemon](#). [\[Read More\]](#)

FALSE CLAIMS ACT

Building Compliance: Construction Industry Concerns Under FCA, August 28, 2019, [Sarah Nash](#)

The Department of Justice has settled and obtained judgments in excess of \$2.8 billion for false claims against the government last year. Over \$2.1 billion of these cases arose from lawsuits filed under the *qui tam* provisions of the False Claims Act (FCA) which incentivizes whistleblowers to file claims. ***Government contractors in the construction industry – both primes and subcontractors – face a higher risk of FCA liability because of the complicated nature of construction contracts and prevailing wage obligations. Below we discuss the top FCA issues facing construction contractors and protection strategies for avoiding them.*** [\[Read More\]](#)

Cybersecurity Meets the FCA: What the Chinese Telecom Ban Means for Government Contractors, August 27, 2019, [Peter Ford](#)

Government contractors are required to comply with a new set of prohibitions on telecommunications equipment acquired from certain Chinese companies, and they may face False Claims Act liability since the prohibitions require certification that they have not used prohibited products. These prohibitions come from the John S. McCain National Defense Authorization Act for FY 2019, which contains a number of provisions intended to keep U.S. government funds from moving to Chinese government-owned corporations. Section 889 in particular lists companies the Chinese government owns that are now prohibited sources of supply for telecommunications equipment. Effective August 13, 2019, these prohibitions are incorporated into the FAR in Subpart 4.21. [\[Read More\]](#)

Related False Claims Act Presentations by PilieroMazza

PODCAST: PilieroMazza's *GovCon Live!* presents "Ex Rel. Radio," our multi-part series on the False Claims Act, which will include commentary on potential pitfalls for your company, enforcement issues, and emerging trends. Check out our next episode "**Building Compliance: Construction Industry Concerns Under FCA**" with [Sarah Nash](#) and [Jon Williams](#), which went live the week of August 19th. [\[Read More\]](#)

LABOR & EMPLOYMENT LAW

Department of Labor – DOL issued a final rule that makes two procedural changes to its Workforce Innovation and Opportunity Act (WIOA) Job Corps regulations to enable the Secretary of Labor to delegate procurement authority as it relates to the development and issuance of requests for proposals for the operation of Job Corps centers, outreach and admissions, career transitional services, and other operational support services. DOL is amending two provisions of 20 CFR part 686, which implements subtitle C of title I of WIOA. Through these amendments, DOL is aligning these regulatory provisions with the language in WIOA by broadening the authority to issue contract solicitations from the Employment and Training Administration to the Secretary of Labor. Read the published version [here](#).

Department of Labor – DOL issued a final rule that amends three definitions in the DOL Acquisition Regulation (DOLAR) in order to provide the Secretary of Labor greater flexibility and a streamlined procedure to delegate procurement authority and appoint procurement officials. Currently, the definitions section of DOLAR delegates the Secretary's procurement authority to certain specified DOL officials. The changes would remove some of those specific designations, allowing the Secretary to delegate the Secretary's procurement authority and assign roles and responsibilities related to procurement through internal guidance, without the need to revise the DOLAR. Read the published version [here](#).

Related Labor & Employment Law Presentations by PilieroMazza

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EVENT: Clearing a DOL Audit, September 25, 2019, Speakers: [Nichole Atallah](#) and [Sarah Nash](#). [[Read More](#)]

CYBERSECURITY & DATA PRIVACY

Centers for Medicare and Medicaid Services – CMS contracted with Guidehouse, LLP (Guidehouse) to evaluate the information security programs of Medicare administrative contractors (MACs), using a set of agreed-upon procedures. Guidehouse's evaluations of the contractor information security programs were adequate in scope and sufficiency. Guidehouse reported a total of 112 gaps at the 7 MACs for FY 2018, which was 26 percent more than the number of gaps for the same 7 contractors in FY 2017. The increase was due in part to the addition of database and web server testing. Read the full report [here](#).

BUSINESS & CORPORATE LAW

Related Business & Corporate Law Presentations by PilieroMazza

EVENT: Legal and Practical Perspectives on Mergers & Acquisitions, September 5, 2019, Speakers: [Jon Williams](#) and [Kathryn Hickey](#). [[Read More](#)]

WEBINAR: Top 10 Corporate Mistakes that Small Businesses Make in Federal Contracting, September 19, 2019, Speakers: [Isaias "Cy" Alba](#) and [Kathryn Hickey](#). [[Read More](#)]

WEBINAR: Incentive Compensation Plans Designed to Retain Talent and Grow the Business, October 15, 2019, Speaker: [Kathryn Hickey](#). [[Read More](#)]

GOVERNMENT CONTRACTS LAW

Department of Defense – DoD's Office of Inspector General (OIG) issued an audit report to determine whether the Defense Health Agency (DHA) paid higher prices than necessary for TRICARE health care services and equipment where it did not establish or use existing TRICARE maximum allowable reimbursement rates. A TRICARE maximum allowable reimbursement rate is the payment ceiling for reimbursement to providers. OIG determined that DHA regularly paid more than other pricing benchmarks for services and equipment where it did not establish or use existing TRICARE maximum allowable reimbursement rates. Specifically, DHA paid more than other pricing benchmarks for vaccines, contraceptive systems, compression devices, oral appliances, costs associated with the installation of medical equipment, and stem cell acquisition provided to TRICARE beneficiaries in the three TRICARE regions in 2017. Read the full report [here](#).

General Services Administration – GSA issued a formal 30-day advance notice of its intention to modernize federal acquisition by consolidating the agency's current 24 Multiple Award Schedules (MAS) into one single Schedule for products and services. GSA first announced plans to consolidate the MAS program in November 2018 and is on track to meet the agency's planned deadline of creating and releasing a new solicitation with one easy-to-understand set of terms and conditions by the end of FY 2019. Read more [here](#).

Department of Commerce – Bloomberg Government reports that DoC’s Acquisition and Grants Office posted a request for proposals for staff support services that will be worth a potential \$151 million. The acquisition will be a set-aside for Service-Disabled Veteran-Owned Small Businesses and Historically Underutilized Business Zones. DoC says it plans on using multiple indefinite-delivery/indefinite-quantity contracts that will cover five years with no option years. The solicitation has been updated several times, and the response deadline is set for September 12, 2019.

Department of Defense – DoD issued a notice proposing to extend the collection of information for DFARS 252.225-7039, Defense Contractors Performing Private Security Functions Outside the United States. The clause in this DFARS regulation requires contractors and subcontractors performing private security functions in designated operational areas outside the United States to comply with 32 CFR 159 and any orders, directives, and instructions contained in the contract. Geographic combatant commanders use the information reported by private security contractors on security incidents in order to properly account for and track contractor personnel and assets in theater and to respond to security incidents as deemed necessary. Comments are due by September 30, 2019. Read the published version [here](#).

Related Government Contracts Law Presentations by PilieroMazza

EVENT: Forming CTAs on GSA Schedules, September 5, 2019, Speaker: [Katie Flood](#). [[Read More](#)]

EVENT: Legal and Practical Perspectives on Mergers & Acquisitions, September 5, 2019, Speakers: [Jon Williams](#) and [Kathryn Hickey](#). [[Read More](#)]

WEBINAR: Top 10 Corporate Mistakes that Small Businesses Make in Federal Contracting, September 19, 2019, Speakers: [Isaias “Cy” Alba](#) and [Kathryn Hickey](#). [[Read More](#)]

WEBINAR: Subcontract Pricing, September 24, 2019, Speaker: [Isaias “Cy” Alba](#). [[Read More](#)]

EVENT: Growth Through Joint Ventures and Mentor-Protégé Relationships, November 6, 2019, Speakers: [Peter Ford](#) and [Meghan Leemon](#). [[Read More](#)]

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.

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- [False Claims Act](#)
- [Government Contracts Law](#)
- [Intellectual Property & Technology Rights](#)
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