

**PilieroMazza Weekly Update for
Government Contractors and Commercial Businesses**
July 1, 2019

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SMALL BUSINESS PROGRAMS & ADVISORY SERVICES

SBA Issues Proposed Rule Changing Receipts Calculation to 5 Years, Implementing Small Business Runway Extension Act, June 24, 2019, [Megan Connor](#).

On June 24, 2019, the Small Business Administration (SBA) published its long-awaited proposed rule changing the period of measurement for a receipts-based size calculation from three years to five years. This change was prompted by the Small Business Runway Extension Act (the Runway Act), which became law on December 17, 2018. SBA was slow to implement this change because SBA believes that the Runway Act amended a section of the Small Business Act that does not apply to SBA. "Nevertheless," SBA says, "to promote consistency government-wide on small business size standards, SBA proposes to change its own size standards to provide for a 5-year averaging period for calculating annual average receipts for all receipts-based size standards." Smaller and larger small businesses industry wide could be impacted in terms of gaining access to government contracts. ***PilieroMazza will be submitting comments to the proposed rules on behalf of our small business clients before the August 23, 2019, deadline.*** [\[Read More\]](#). The text of the SBA's proposed rule can be found [here](#), and comments to the proposed rule are due August 23, 2019. 84 Fed. Reg. 121, 29399.

WEBINAR: Everything You Need to Know about SBA's Manufacturer and Non-Manufacturer Rules, July 17, 2019, Speakers, [Jonathan Williams](#) and [Timothy Valley](#). [\[More Info\]](#).

LITIGATION

U.S. Supreme Court – The Supreme Court rendered its [decision](#) in *Kisor v. Wilkie* and upheld *Auer v. Robbins* or *Bowles v. Seminole Rock & Sand Co.*—two decisions that establish the deference given to administrative agencies' reasonable readings of their own genuinely-ambiguous regulations.

GOVERNMENT CONTRACTS LAW

General Services Administration – The GSA [issued](#) a [Request for Information](#) (RFI) seeking industry comment on new large categories, subcategories, and Special Item Numbers (SINs) for the GSA's forthcoming consolidated Multiple Award Schedules (MAS) solicitation. All comments related to the RFI must be submitted by July 12, 2019 at 11:59 p.m.

U.S. Supreme Court – The Supreme Court expanded the type of "confidential" private business information that is exempt from disclosure under the Freedom of Information Act ("FOIA") by [holding](#) that information that is "customarily and actually treated as private by its owner and provided to the government" falls under the protection of FOIA's Exemption 4 for "confidential" private information. The Court abandoned an interpretation of Exemption 4 in which only information that could be shown to cause competitive harm is protected.

Federal Aviation Administration – According to Bloomberg Government, the FAA is planning a multiple award, indefinite delivery indefinite quantity contract for engineering services that could be worth \$2.8 billion. Per Bloomberg Government, the FAA issued a source sought notice, is seeking comments from industry on the draft screening information request, and the System Engineering and Technical Innovative Solutions (SETIS) program would be open to large and small businesses. Responses to the notice are due July 11, 2019.

LABOR & EMPLOYMENT LAW

Department of Labor – The DOL issued a notice of proposed rulemaking that, if finalized, would give States increased flexibility in their administration of Employment Service (ES) activities funded under the Wagner-Peyser Act. The changes would also give States the flexibility to staff employment and farmworker-outreach services in the most effective and efficient way, using a combination of State employees, local government employees, contracted services, and other staffing models in the way that makes the most sense for them. Comments are due July 24, 2019. [84 Fed. Reg. 121, 29433](#).