



PilierioMazza Weekly Update for Government Contractors and Commercial Businesses

January 23, 2020

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PilierioMazza Wins HUBZone Small Business Resource Partner of the Year!

The [HUBZone Contractors National Council](#) honored [PilierioMazza](#) with the “HUBZone Small Business Resource Partner of the Year” award at the HUBZone Industry Awards Gala on January 17, 2020. Accepting the award on behalf of PilierioMazza were Partners [Jon Williams](#) ([Government Contracts Group](#)) and [Kathryn Hickey](#) ([Business & Corporate Group](#)). [\[Read More\]](#)

ANNOUNCEMENT: PilierioMazza Expands Litigation Team Welcoming Two New Attorneys: Camilla Hundley and Matthew Kreiser

[PilierioMazza](#) is pleased to announce the addition of [Camilla Hundley](#) and [Matthew Kreiser](#) as Associates in the Firm’s [Litigation & Dispute Resolution Group](#). “*Camilla and Matt are bright, hard-working attorneys, and we’re excited to bring them on board our talented litigation team. Their impressive credentials and prior experiences will serve our clients well as they address the diverse needs of PilierioMazza’s government contractor and commercial business clients, both large and small,*” remarked [Matthew Feinberg](#), Chair of the Firm’s Litigation & Dispute Resolution Group. [\[Read More\]](#)

FALSE CLAIMS ACT

The FCA Continues to Pay (For the Government): Key Takeaways from DOJ's FY 2019 Fraud Statistics, January 14, 2020, [Matthew Feinberg](#)

On January 9, 2020, the Department of Justice (DOJ) [announced](#) that it recovered more than \$3 billion in settlements and judgments from civil cases involving fraud and the False Claims Act (FCA) in Fiscal Year (FY) 2019, which ended September 30, 2019. Along with the announcement, the government issued its annual fraud statistics report for the fiscal year. ***The government’s announcement and report confirmed trends in FCA litigation and other fraud cases that government contractors should look out for in 2020 and beyond.*** [\[Read More\]](#)

BUSINESS & CORPORATE LAW

Related Business & Corporate Law Presentations by PilierioMazza

Access to Capital: Resources for Scaling for Growth, February 13, 2020, Moderator: [Dave Shafer](#). [\[Read More\]](#)

Expanding Your Company Through Acquisition: M&A for Government Contractors, March 1, 2020, Speaker: [Kathryn Hickey](#). [\[Read More\]](#)

LABOR & EMPLOYMENT LAW

New DoL Rule Clarifies Joint Employer Status Under FLSA, January 14, 2020, [Nichole Atallah](#)

The Department of Labor's (DoL) Wage and Hour Division published a final rule clarifying joint employer status under the Fair Labor Standards Act (FLSA), adopting a four-factor test to determine joint employer status. The rule simplifies and narrows the interpretation of a joint employer from the interpretation implemented by the Obama Administration. ***This final rule benefits companies establishing cooperative business arrangements as they seek assurances as to whether they will be responsible for ensuring employees are paid correctly.*** [\[Read More\]](#)

Related Labor & Employment Law Presentations by PilieroMazza

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

The Reach of Tribal Preference and Equal Employment Opportunity Laws for Tribally Owned Entities, March 1, 2020, Speaker: [Nichole Atallah](#). [\[Read More\]](#)

GOVERNMENT CONTRACTS LAW

Early Engagement Opportunity for FY 2020 NDAA Acquisition Regulation Implementation

The Department of Defense (DoD) issued a notice announcing an early engagement opportunity regarding implementation of the National Defense Authorization Act (NDAA) for FY 2020 within the acquisition regulations. The public is invited to submit early input on sections of the NDAA for FY 2020 via the Defense Acquisition Regulations System website [here](#). Please note, this venue does not replace or circumvent the rulemaking process; DoD will engage in formal rulemaking, in accordance with 41 U.S.C. 1707, when it has been determined that rulemaking is required to implement a section of the NDAA for FY 2020 within the acquisition regulations. Read the published version [here](#).

DoD Seeks Information on FY 2018 NDAA Implementation on DFARS

The DoD issued an advanced notice of proposed rulemaking seeking information that will assist in the development of a revision to the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the NDAA for FY 2018, which establishes considerations for the acquisition of all noncommercial computer software, related data and documentation, and associated license rights. In addition to the request for written comments on this advance notice of proposed rulemaking, the DoD will hold a public meeting on February 18, 2020, from 10:00 AM to 1:00 PM EST to hear the views of interested parties. The meeting will be held in the Pentagon Library and Conference Center, Conference Room B6, 1155 Defense Pentagon, Washington, DC 20301. Registration to attend the public meeting must be received no later than close of business on February 11, 2020. Read the published version [here](#).

OIG REPORT: Evaluation of DCMA CO Actions on Penalties Recommended by the Defense Contract Audit Agency

DoD's Office of Inspector General (OIG) released a report titled, "Evaluation of Defense Contract Management Agency Contracting Officer Actions on Penalties Recommended by the Defense Contract Audit Agency." The objective of the evaluation was to determine whether Defense Contract Management Agency (DCMA) contracting officer (CO) actions complied with the Federal Acquisition Regulation (FAR), DoD instructions, and agency policy when the Defense Contract Audit Agency recommended penalties against DoD contractors for claiming unallowable indirect costs. The OIG recommended that DCMA provide training to contracting officers and supervisors covering the requirements for identifying expressly unallowable costs and for assessing and waiving penalties. In addition, the OIG recommended that DCMA reevaluate the contracting officers' decisions

not to assess penalties, take steps to recoup any expressly unallowable costs not previously disallowed, and obtain payment from the contractor for any penalties due to the government. Read the full report [here](#).

WIFCON: Analysis of Contracting-Related Sections of NDAA for Fiscal Year 2020

Wifcon published a table of contracting-related sections for the 2020 NDAA, which can be viewed [here](#), and a corresponding explanation for how to use the NDAA 2020 suite of pages can be found [here](#).

Related Government Contracts Law Presentations by PilieroMazza

WEBINAR: PCI Subcontracting Summit 2020: Overview of Subcontracting and FAR Part 44, January 28, 2020, Speaker: [Isaias “Cy” Alba, IV.](#) [\[Read More\]](#)

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 13, 2020, Moderator: [Dave Shafer.](#) [\[Read More\]](#)

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

Expanding Your Company Through Acquisition: M&A for Government Contractors, March 1, 2020, Speaker: [Kathryn Hickey.](#) [\[Read More\]](#)

The Reach of Tribal Preference and Equal Employment Opportunity Laws for Tribally Owned Entities, March 1, 2020, Speaker: [Nichole Atallah.](#) [\[Read More\]](#)

SMALL BUSINESS PROGRAMS & ADVISORY SERVICES

Jovita Carranza Announced as 26th SBA Administrator

SBA announced Jovita Carranza as the 26th SBA Administrator. This is Administrator Carranza’s second tenure at SBA. She served in the George W. Bush Administration as Deputy Administrator, from 2006–2009. President Trump nominated Administrator Carranza to lead SBA while she was serving as the 44th Treasurer of the United States. She was confirmed by the U.S. Senate in a vote of 88-5. Read more [here](#).

SBA Statement on Maryland WBC Grant to Help Train Women Entrepreneurs

SBA announced a Women’s Business Center (WBC) grant opportunity in the state of Maryland. This expansion is part of an agency priority to open more doors for women entrepreneurs and increase access to SBA resources in underserved communities by better connecting small businesses with SBA support services. The total award amount is \$75,000 each for up to two WBCs in Maryland. Applications will be accepted on [grants.gov](#) and all applications for Funding Opportunity Announcement No. OWBO-2020-01 must be submitted online by the closing date. This grant opportunity will be open from January 16, 2020, to February 16, 2020. Read more [here](#).

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:

- [Audits & Investigations](#)
- [Business & Corporate Law](#)
- [Cybersecurity & Data Privacy](#)
- [False Claims Act](#)
- [Government Contracts Claims and Appeals](#)
- [Government Contracts Law](#)
- [Intellectual Property & Technology Rights](#)
- [Labor & Employment Law](#)
- [Litigation & Dispute Resolution](#)
- [Mergers & Acquisitions](#)
- [Native American Law](#)
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