



## PilierioMazza Weekly Update for Government Contractors and Commercial Businesses

February 28, 2020

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

### **Comments to Proposed Rule on Consolidation of Mentor Protégé Programs and Other Government Contracting Amendments, February 7, 2020**

In its role as advocate to small businesses operating in the government contracting arena, [PilierioMazza](#) submitted comments to [RIN 3245-AG94](#), Consolidation of Mentor Protégé Programs and Other Government Contracting Amendments. Our full comments are available [here](#).

### **BUSINESS & CORPORATE LAW**

#### **ANNOUNCEMENT: PilierioMazza Counsels Tribal Tech CEO Victoria Vasques on Acquisition of Cowan & Associates, February 6, 2020**

[Victoria Vasques, Tribal Tech, LLC](#)'s President and CEO, successfully acquired [Cowan & Associates, Inc.](#) on December, 11, 2019. Ms. Vasques stated, "With an exceptional staff and client portfolio, which includes numerous Department of Defense organizations and other federal government entities, and the University of Virginia, I am fortunate to be able to acquire such a highly respected company. I am excited and proud to count Cowan & Associates, Inc. as a partner to Tribal Tech as we work together to pursue new opportunities." [\[Read More\]](#)

#### **ANNOUNCEMENT: PilierioMazza Advises Ampcus in Acquisition of iTech Solutions, February 4, 2020**

[PilierioMazza's Mergers & Acquisition Team](#) represented [Ampcus Inc.](#) (Ampcus), a global business and technology consulting firm specializing in digital transformation (AI, ML, RPA, ICR/OCR), cybersecurity and risk management, infrastructure modernization, testing, IV&V, and human capital services, in its acquisition of 100% of the capital stock of [iTech Solutions Inc.](#) (iTech), a national IT staffing and services company. The acquisition allows Ampcus to expand its market reach and strengthen its position as one of the nation's top consulting and staff augmentation companies. iTech Solutions, headquartered in Farmington, CT, will continue its business operations under the iTech brand, but will be part of the Ampcus group of companies, allowing both Ampcus and iTech many new opportunities for growth and enhanced customer service delivery. [\[Read More\]](#)

#### **Important Considerations When Structuring M&A Transactions for Government Contractors: Pre-Transaction Part 1 of a 3-Part Series, February 3, 2020, [Kathryn Hickey](#) and [Frank Massaro](#)**

M&A transactions involving government contractors carry several regulatory and industry-specific considerations that can materially impact all aspects of the deal—from high-level structuring considerations to risk allocation for compliance issues to additional administrative checklist items. If neglected or overlooked, they can result in major headaches. ***This three-part series outlines certain key issues to consider before, during, and after transactions involving government contractors.*** [\[Read More\]](#)

## Related Business & Corporate Law Presentations by PilieroMazza

**Federal Contracting Assets on the Move**, March 4, 2020, Speakers: [Peter Ford](#) and [Kathryn Hickey](#). [[Read More](#)]

### **FALSE CLAIMS ACT**

**Teva Pharmaceuticals to Pay \$54 Million to Settle Healthcare-Based FCA Claims**, February 11, 2020, [Timothy Valley](#)

A *qui tam* False Claims Act (FCA) action brought by two whistleblowers alleging violations of the Anti-Kickback Statute has resulted in a \$54-million settlement from Teva Pharmaceuticals USA, Inc. and two subsidiaries (Teva) in the case of United States ex rel. Arnstein and Senousy v. Teva Pharmaceuticals USA, Inc. Although it was alleged that the federal government and various state and local governments suffered damages as a result of Teva's actions, they declined to intervene in the case. ***Teva's settlement highlights whistleblower incentives to file costly FCA claims against government contractors.*** [[Read More](#)]

### **CYBERSECURITY & DATA PRIVACY**

## Related Cybersecurity & Data Privacy Presentations by PilieroMazza

**Defense Industrial Base Cybersecurity Maturity Model (CMMC) Conference**, March 5, 2020, Speaker: [Jon Williams](#). [[Read More](#)]

**WEBINAR: CMMC Is Coming: Are You Ready?**, March 17, 2020, Speakers: [Jon Williams](#) and [Anna Wright](#). [[Read More](#)]

### **LITIGATION & DISPUTE RESOLUTION**

**ANNOUNCEMENT: Senior Litigator Stephanie K. Wood Joins PilieroMazza**, February 13, 2020

[Stephanie K. Wood](#) has joined [PilieroMazza](#) as Counsel in the Firm's [Litigation & Dispute Resolution](#), [False Claims Act](#), and [Audits & Investigations](#) groups in Washington, DC. Commenting on Ms. Wood's arrival, Practice Group Chair [Matt Feinberg](#) said, "*Stephanie is an accomplished and insightful litigator who brings an added depth to our litigation and dispute resolution practice. Her breadth of experience will serve our clients well, particularly in complex litigation and investigation matters.*" [[Read More](#)]

### **LABOR & EMPLOYMENT LAW**

**Federal "Ban-the-Box" Law: The Fair Chance Act to Limit Criminal Background Inquiries by Federal Contractors**, February 7, 2020, [Sara Nasser](#)

On December 17, 2019, the Senate passed the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020, which was subsequently signed by the President. ***As part of the NDAA, the government enacted the Fair Chance to Compete for Jobs Act of 2019 (Fair Chance Act), which prohibits federal agencies and federal contractors from requesting criminal background information from job applicants prior to extending an offer, with a few exceptions. The Fair Chance Act goes into effect on December 20, 2021.*** [[Read More](#)]

**The HIPAApotomas in the Room: Signs You May Be a Covered Entity Under This Hefty Healthcare Law**, February 3, 2020, [Sarah Nash](#)

The Health Insurance Portability and Accountability Act (HIPAA) establishes certain minimum requirements for the protection of patient health information. So, for example, restrictions on how your doctor keeps

electronically stored medical records, and the specific circumstances under which they can disclose that information to a third party, are governed by HIPAA. **Unknown to many businesses, however, are HIPAA requirements that often extend beyond a doctor's office, and can hold a number of other entities accountable (including imposing stiff monetary penalties) for how they keep and process medical information.** [\[Read More\]](#)

#### **GSA and DOL Partner in Centers of Excellence Initiative**

The General Services Administration (GSA) and the Department of Labor (DOL) are entering into a partnership as part of GSA's Centers of Excellence (CoE) initiative, housed within the Technology Transformation Services (TTS) office. This engagement will accelerate the modernization of DOL's acquisition capabilities using Robotic Process Automation expertise, which is a part of GSA's newly formed Artificial Intelligence (AI) CoE. It will also position these capabilities to be scaled throughout DOL as a shared service. The partnership will combine expertise from both DOL's business units and TTS's AI CoE in a model that empowers agencies to own their path to modernization. Read more [here](#).

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

**The Reach of Tribal Preference and Equal Employment Opportunity Laws for Tribally Owned Entities**, March 4, 2020, Speakers: [Nichole Atallah](#), [Matt Feinberg](#), and Nicole Ramirez (HR Answers). [\[Read More\]](#)

**WEBINAR: May the Clause Be with You—Session 5 (FAR 52.222-26: Equal Opportunity)**, March 11, 2020, Speaker: [Sara Nasseri](#). [\[Read More\]](#)

#### **GOVERNMENT CONTRACTS LAW**

**SBA Issues FAQs on New HUBZone Program Rules**, February 21, 2020, [Megan Connor](#)

Earlier this month, the Small Business Administration (SBA) issued its answers to [frequently asked questions](#) (FAQ) concerning the new rule changes to the HUBZone Program. **These FAQs follow the December 26, 2019, effective date of the new HUBZone rules, and should be helpful for current and potential HUBZone firms.** [\[Read More\]](#)

**UPDATE: Default Terminations—ASBCA Lacks Jurisdiction Over Excusable Delay, Constructive Change Defenses Not Presented to Contracting Officer for Final Decision**, February 6, 2020, [Meghan Leemon](#) and [Lauren Brier](#)

PilieroMazza previously [explained](#) that a termination for default is considered a contracting officer's final decision, which may then be appealed. While this is still the case, **a recent decision from the Armed Services Board of Contract Appeals (ASBCA) highlights the importance for prime contractors—especially those who anticipate that their contract may be (or already has been) terminated for default—to preserve all relevant defenses to termination in advance of an appeal to the Board of Contract Appeals or Court of Federal Claims.** [\[Read More\]](#)

**5 Mistakes Companies Make on Proposals**, February 3, 2020, Guest Blogger: [Reena Bhatia](#), [ProposalHelper](#)  
Less than a decade ago, the ratio of contracts to proposals was 1:4. The ratio is now around 1:27. **With stakes this high and increasingly limited access to government stakeholders for any real capture, here is a list of five common mistakes government contractors should avoid on proposals.** [\[Read More\]](#)

#### **DOD Seeks Information Regarding Performance-Based Payment**

The Department of Defense (DOD) issued a notice for a collection of information regarding performance-based payments. This information collection results from a new Defense Federal Acquisition Regulation Supplement

requirement implementing section 831 of the NDAA for FY 2017, which amends 10 U.S.C. § 2307 and adds a new provision requiring an entry in the annual representations and certifications with regard to whether the offeror's financial statements are in compliance with Generally Accepted Accounting Principles. This provision is used in solicitations where the resulting contract may include performance-based payments. This representation will be included in the annual representations and certifications in the System for Award Management (SAM). Comments are due March 20, 2020. Read the published version [here](#).

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

**Strategies, Tips and Tricks for Government Contract Compliance**, March 3, 2020, Speakers: [Peter Ford](#), Jack Coviello (Baker Tilly), Thomas Tagle (Baker Tilly), Josilynn Robinson (All Native Group). [\[Read More\]](#)

**The Reach of Tribal Preference and Equal Employment Opportunity Laws for Tribally Owned Entities**, March 4, 2020, Speakers: [Nichole Atallah](#), [Matt Feinberg](#), and Nicole Ramirez (HR Answers). [\[Read More\]](#)

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**WEBINAR: CMMC Is Coming: Are You Ready?**, March 17, 2020, Speakers: [Jon Williams](#) and [Anna Wright](#). [\[Read More\]](#)

**WEBINAR: PCI Subcontracting Summit 2020: Risk Management**, March 24, 2020, [Isaias "Cy" Alba, IV](#). [\[Read More\]](#)

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

#### **ACVBA and IATF Seek Information on Efforts to Support SDVOSBs**

Along with supplemental information, SBA announced the location, date, and time for the next meeting of the Advisory Committee on Veterans Business Affairs (ACVBA) and the Interagency Task Force on Veterans Small Business Development (IATF). These meetings are to discuss efforts that support veteran-owned small businesses and updates on past and current events. They will also respectively cover the ACVBA's objectives for FY 2020 and the IATF's objectives for FY 2020. The meetings are open to the public; however advance notice of attendance is requested.

### **ACVBA Meeting**

To RSVP and confirm attendance, the general public should email [veteransbusiness@sba.gov](mailto:veteransbusiness@sba.gov) with the subject "RSVP for March 5, 2020 ACVBA Public Meeting."

#### **Location**

SBA Headquarters  
409 3<sup>rd</sup> Street, SW  
Eisenhower Conference Room B  
Washington, DC 20416

**Date / Time:** March 5, 2020, from 9:00 AM to 4:00 PM EST

**Dial-In Information:** (202) 765-1264 / ID Number 137290192#

Read more [here](#).

### **IATF Meeting**

To RSVP and confirm attendance, the general public should email [veteransbusiness@sba.gov](mailto:veteransbusiness@sba.gov) with the subject "RSVP for March 4, 2020 IATF Public Meeting."

#### **Location**

SBA Headquarters  
409 3<sup>rd</sup> Street, SW  
Eisenhower Conference Room B  
Washington, DC 20416

**Date / Time:** March 5, 2020, from 9:00 AM to 4:00 PM EST

**Dial-In Information:** (202) 765-1264 / ID Number 331933369#

Read more [here](#).

### **DOD Office of Inspector General Report: Audit of DOD SDVOSB Contract Awards**

The DOD Office of Inspector General (OIG) issued a report presenting the results of an audit conducted to determine whether DOD awarded service-disabled veteran-owned small business (SDVOSB) contracts to eligible contractors. Contracting officers use the SAM database as their primary source of vendor information, but businesses self-represent their SDVOSB status in SAM and must represent to contracting officers that they are SDVOSBs when submitting offers. Auditors found that DOD contracting activities awarded SDVOSB contracts to ineligible contractors and did not implement procedures to ensure compliance with SDVOSB subcontracting requirements after award. The DOD OIG also made recommendations to the Office of Small Business Programs to ensure eligible businesses receive SDVOSB contracts. Read the full report [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:

- [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](#)
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