

PilierioMazza Weekly Update for Government Contractors and Commercial Businesses

October 8, 2019

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FALSE CLAIMS ACT / GOVERNMENT CONTRACTS LAW

Buyer Beware: More Stringent Standards for Government Contractors Under the Buy American Act on the Horizon, October 4, 2019, [Jackie Unger](#)

President Trump has made “buy American and hire American” a key goal for his administration. To that end, the President has signed three executive orders to impose stricter enforcement of the Buy American Act, the latest of which was issued on July 15, 2019. *While this new [Executive Order on Maximizing Use of American-Made Goods, Products, and Materials](#) does not have any immediate effect on federal procurements, it proposes significant changes to the Buy American requirements, and government contractors would be wise to keep abreast of the changes which could be implemented as soon as the spring of 2020.* [\[Read More\]](#)

SMALL BUSINESS PROGRAMS & ADVISORY SERVICES

SBA Funding: Overview and Recent Trends

The Congressional Research Service (CRS) released a report, “Small Business Administration (SBA) Funding: Overview and Recent Trends,” which examines SBA’s appropriations over time, focusing on developments and trends since Fiscal Year (FY) 2000. The report identifies total available funding (which includes carryover from the prior fiscal year, carryover into the next fiscal year, account transfers, rescissions, and sequestration) and, for entrepreneurial development noncredit programs, actual and anticipated expenditures for comparative purposes. Read the full report [here](#).

SBA: A Primer on Programs and Funding

CRS released a report, “Small Business Administration: A Primer on Programs and Funding,” which provides an overview of the SBA’s programs, including:

- contracting programs;
- entrepreneurial development programs;
- disaster assistance;
- capital access programs;
- SBA regional and district offices;
- the Office of Inspector General;
- the Office of Advocacy; and
- capital investment programs.

The report also discusses recent programmatic changes resulting from the enactment of legislation and provides an overview of SBA’s budget. Read the full report [here](#).

Related Small Business Programs & Advisory Services Presentations by PilieroMazza

WEBINAR: PCI Subcontracting Summit 2019: Purchasing Systems, October 22, 2019, Speaker: [Isaias “Cy” Alba](#).
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EVENT: GovCon Tips for M&A in 2020! October 30, 2019, Speaker: [Isaias “Cy” Alba](#). [\[Read More\]](#)

EVENT: Growth Through Joint Ventures and Mentor-Protégé Relationships, November 8, 2019, Speakers:
[Peter Ford](#) and [Meghan Leemon](#). [\[Read More\]](#)

WEBINAR: PCI Subcontracting Summit 2019: Administration, November 19, 2019, Speaker: [Isaias “Cy” Alba](#).
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GOVERNMENT CONTRACTS LAW

Limitations on LPTA Proposed for FAR

The Department of Defense (DoD), the General Services Administration (GSA), and the National Aeronautics and Space Administration (NASA) issued a proposed rule amending the Federal Acquisition Regulation (FAR) to implement a section of the John S. McCain National Defense Authorization Act (NDAA) for FY 2019, which specifies the criteria that must be met in order to include lowest price technically acceptable (LPTA) source selection criteria in a solicitation and requires procurements predominantly for the acquisition of certain services and supplies to avoid the use of LPTA source selection criteria to the maximum extent practicable. Comments to the proposed rule are due December 2, 2019. Read the published version [here](#).

Increase to Certified Cost or Pricing Data Requirement Threshold Proposed

DoD, GSA, and NASA issued a proposed rule amending the FAR to implement a section of the NDAA for FY 2018 to increase the threshold for requiring certified cost or pricing data. Section 811 of the NDAA for FY 2018 amends 10 U.S.C. 2306a and 41 U.S.C. 3502 to increase the threshold for requesting certified cost or pricing data from \$750,000 to \$2 million for contracts entered into after June 30, 2018. Comments to the proposed rule are due December 2, 2019. Read the published version [here](#).

Proposed Increase to Micro-Purchase Threshold

DoD, GSA, and NASA issued a proposed rule amending the FAR to implement a section of the NDAA for FY 2017 and several sections of the NDAA for FY 2018 that increase the micro-purchase threshold (MPT), increase the simplified acquisition threshold (SAT), and clarify certain procurement terms, as well as align some non-statutory thresholds with the MPT and SAT. The proposed rule will also replace non-statutory, stated dollar thresholds that are intended to correspond with the MPT and SAT, with the text “micro-purchase threshold” and “simplified acquisition threshold.” Comments to the proposed rule are due December 2, 2019. Read the published version [here](#).

National Background Investigations Bureau Transferred to DoD

DoD announced that it and the Office of Personnel Management (OPM) successfully completed the transfer of the National Background Investigations Bureau (NBIB) from OPM to DoD’s Defense Counterintelligence and Security Agency (DCSA). The transfer of NBIB to DCSA is designed to provide economy of scale in addressing the federal government's background investigations workload, promote ongoing efforts to align vetting of federal employees and contractors, and facilitate needed reforms in this area. Read more [here](#).

GSA Merges 24 Multiple Awards Schedules

GSA announced that it released its consolidated Schedule solicitation on [Fed Biz Opps](#). The new solicitation modernizes federal acquisition by consolidating and streamlining the existing 24 Multiple Award Schedules into a single Schedule for products, services, and solutions. At this time, only new contracts will be placed on the consolidated Schedule solicitation. Contractors already on Schedule will not be affected by the new solicitation until the mass modification takes effect in calendar year 2020. Federal agencies should see no disruptions to their purchasing practices during the transition. Read more [here](#).

Related Government Contracts Law Presentations by PilieroMazza

EVENT: Navigating the FAR/DFARS: The Most Confusing and Little Known Clauses, October 17, 2019, Speakers: [Kathryn Flood](#) and [Emily Rouleau](#). [\[Read More\]](#)

WEBINAR: PCI Subcontracting Summit 2019: Purchasing Systems, October 22, 2019, Speaker: [Isaias “Cy” Alba](#). [\[Read More\]](#)

WEBINAR: “Past Performance” of Government Contractors: Obtaining It, Using It, and Defending It, October 29, 2019, Speaker: [Kathryn Flood](#) and [Sam Finnerty](#). [\[Read More\]](#)

EVENT: GovCon Tips for M&A in 2020! October 30, 2019, Speaker: [Isaias “Cy” Alba](#). [\[Read More\]](#)

EVENT: Growth Through Joint Ventures and Mentor-Protégé Relationships, November 8, 2019, Speakers: [Peter Ford](#) and [Meghan Leemon](#). [\[Read More\]](#)

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LABOR & EMPLOYMENT LAW

Related Labor & Employment Law Presentations by PilieroMazza

EVENT: Labor Regulations, October 15, 2019, Speaker: [Nichole Atallah](#). [\[Read More\]](#)

WEBINAR: Labor and Employment for Government Contractors—Yes, There Is a Difference! November 12, 2019, Speaker: [Nichole Atallah](#). [\[Read More\]](#)

WEBINAR: Resolving Onboarding Mistakes That Cause Legal Problems on Federal Contracts, December 11, 2019, Speaker: [Nichole Atallah](#). [\[Read More\]](#)

BUSINESS & CORPORATE LAW

Related Business & Corporate Law Presentations by PilieroMazza

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

EVENT: GovCon Tips for M&A in 2020! October 30, 2019, Speaker: [Isaias “Cy” Alba](#). [\[Read More\]](#)

EVENT: Growth Through Joint Ventures and Mentor-Protégé Relationships, November 8, 2019, Speakers: [Peter Ford](#) and [Meghan Leemon](#). [\[Read More\]](#)

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- 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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