Gita Murthy, Ph.D., Small Business Council Chair for 2013-2015

It is my honor and privilege to serve as your SAME Small Business Council Chair for the next two-year term. I am supported by an outstanding team of Vice Chairs: Jeanne LeBron, Layli Pietri, Jayla Pine, Jodi Vaccaro, and Ryan Wasmus. As a current Board Member of the San Diego Post, I look forward to working with all the other SAME Posts and small businesses at the national level to ensure open communication and to making a difference in the small business community. SAME’s Small Business Council’s mission is to help small businesses through outreach, training, and recognition. Over the next two years, I hope that we can successfully achieve our mission through increased participation and valuable discussions at SAME small business and national conferences; and recognize all those who advocate for, and represent outstanding small businesses. Over the next two years, it is the Council’s intent to achieve the following goals:

• Ensure that a representative from the SBA is engaged with our Council
• Solicit speakers from the small business community to provide valuable educational seminars at the Annual SAME Small Business Conference, which takes place every fall. This year, the conference will be held in Kansas City, MO from November 19-22, 2013.
• Recognize outstanding government small business representatives who advocate for, and support Small Businesses at the annual SAME Small Business Awards session.
• Continue to provide opportunities for valuable education and training via webinars
• Continue to update the small business community with regulations as they continue to change via newsletters and social media such as LinkedIn.

I hope to meet all of you at the upcoming conferences and events and more importantly, look forward to work with all of you! Thank you for your interest in SAME and its Small Business Council.

Sincerely,

Gita Murthy, Ph.D.
Small Business Council Chair
gmurthy@roreinc.com

Continued on Page 2
The SAME Small Business Awards is an annual awards program honoring the achievements and accomplishments of small businesses, individuals who work as advocates for furthering small business interests, and large businesses that work to strengthen and support small business.

The deadline for nominations for the 2013 Small Business Awards is October 1, 2013. All Small Business Awards nominations must be submitted to SAME HQ using our online nomination process. (http://www.same.org/index.php/small-business-awards-nomination-form)

Eligibility Criteria:

- The Small Business and Large Business Awards can be self-nominated and must be a SAME Sustaining Member Company in good standing prior to Jan. 1, 2012, to be eligible for these awards.

- The Industry Small Business Advocate Award can be self-nominated. The nominee must be a SAME Member in good standing and have been a SAME member prior to Jan. 1, 2012. The nomination must be accompanied by endorsements from two or more SAME small business owners.

- Nominations for the Government Small Business Advocate Award must be made by an SAME Sustaining Member Company in good standing or the HQ Chief of Small Business for the Army, Navy and Air Force. The nomination must be accompanied by endorsements from two or more SAME small business owners.

Nomination Process:

Nominations for the SAME Small Business Awards must be submitted using our online nomination process. All nominations are due by COB October 1, 2013. For additional assistance regarding the Small Business Awards, please contact Eda English, SAME Administrative Assistant, at eenglish@same.org, or 703-549-3800 x112.

Selection Process:

SAME’s selection committee is chaired by a senior SAME member and six additional SAME members representing government and small and large business who are appointed by the SAME Executive Director. Any individual or company nominated is excluded from the selection committee. The committee reviews nominations and selects award recipients. SAME HQ notifies nominees of selection and presents awards at the SAME Small Business Conference.

For More Information on Award Criteria Please Visit (http://s3.goeshow.com/same/business/2013/sbawards.cfm)
An opportunity to lead and mentor!

The SAME Small Business Council would like to recommend that all Posts, no matter of their size, include a Post Small Business Liaison Officer (PSBLO) as a Board member. The duties of the PSBLO should include the following – which coincidentally happen to be the award criteria used to select the PSBLO of the year:

1) Conducting at least one community small business outreach event;
2) Coordinating or assisting a small business event with the National Small Business Council;
3) Recognition of a Sustaining Member small business via newsletter, newspaper, magazine award, etc.;
4) Letters of appreciation/commendation from a local or national organization or agency for post efforts in small business activity;
5) Innovative membership recruiting of small businesses;
6) Increase in small business Sustaining Membership over preceding year; and
7) Individual is a Board Of Direction member or is a Post Officer.

Your Small Business Council can support you in these tasks. If you have questions or concerns – please contact Council Chair Gita Murthy (gmurthy@roreinc.com), or the Vice Chair of Communications, Jeanne Lebron (jlebron@altusstudios.com).

SBLO LISTING
Seeking Information!
The Small Business Council would like to create a list of all PSBLOs. The list will be published on the Small Business Council website.
The following list was compiled from visiting SAME Post websites.

Atlanta, GA (Pamela Little, PE, LEED AP) New Jersey (Dr. B.V. Rao, Ph D., P.G., NSRP)
Boston, MA (Dawn Dearborn) New York City, NY (Nancy Goshow)
Campbell, Ft. Campbell, KY (Chris Green) Northern Virginia, Ft. Belvoir, VA (Jeannine Nelson)
Charleston, SC (Al Hitchcock) Oklahoma City, OK (Krystal Vickers)
Dallas, TX (Noelle Ibrahim) Orange County (John Cromwell)
Denver, CO (Mindy Davine) Panama City, FL (Dave Morse)
Greater Kansas City, MO (Amy McCurdy) Philadelphia, PA (Marc Radell, Chair / Sukha Williams, Co-Chair)
Honolulu, HI (Eamonn Kinsella) Pikes Peak, Colorado Springs, CO (Nicole Schroder)
Houston-Galveston, TX (Elizabeth Parent) Piscataqua, NH (Marc Bouvier)
Kentuckiana, Louisville, KY (Vinay Polepalli, PE, PMP) Robins AFB, GA (Steve Hvizdzak)
Kentuckiana, Louisville, KY (Paul Shipp, PG) Rock Island, IL (Doug Davis)
Kittyhawk, Dayton, OH (Michael Chow) San Antonio, TX (Deena Jensen)
Lake Michigan, Great Lakes, IL (Daniel Becker) San Diego, CA (Denise Anderson)
Los Angeles (Candie Benn) Tulsa, OK (Loretta Turner)
Los Angeles (Italia Gray) Virginia Peninsula, Langley AFB, VA (Bill Stutz / Cindy Hall-Beale)
Memphis, TN (Mike Donohoe) (Bill Stutz / Cindy Hall-Beale)
Mount Tacoma, WA (John Malasmas) Washington, DC (Tawania McFadden)
Nashville, TN (Chris Green) (Bill Stutz / Cindy Hall-Beale)

Please submit additions/corrections to Jeanne Lebron.
National Center for VIP at the Bolger Center

Date: October 15 – 17, 2013
Location: The Bolger Center Hotel and Conference Center / 9600 Newbridge Drive / Potomac, MD 20854-4436

The Veteran Institute for Procurement (VIP) is an educational training program for owners, principals and C-level executives of veteran-owned businesses. The VIP is a 27-hour, 3-day comprehensive certification program instructed by professional service experts, government officials, and agency representatives. It is designed for veteran businesses to increase their ability to win government contracts by establishing best business practices. 296 veteran-owned businesses have graduated from the program to-date.

The National Center for VIP is located at The Bolger Center Hotel and Conference Center in Potomac, Maryland. The VIP classes are offered to one executive from each of the enrolled veteran-owned businesses. Class size is limited to 50 individuals. Funded entirely by Montgomery County Chamber Community Foundation and VIP sponsors, the program is at no cost to participants. VIP enrollment is open to Veteran-owned businesses nationwide. Eligible applicants 1) must be an owner, principal or C-level executive for a veteran-owned business; 2) be in business for at least 2 years with a minimum of 3 full time employees; 3) have experience working on government contracts as a prime and/or sub-contractor to a prime; and 4) be a small business. VIP is for veteran business executives with interest in best business practices in these areas:

- Contracting/Teaming Agreements
- Human Resources
- Compliance and Systems Approvals
- Insurance
- Internal Controls
- Accounting/Budgets/Developing Rates
- Marketing, Proposals, and Capture
- Certifications

For any questions, please contact Barbara Ashe, National Director, VIP, at bashe@mcccmd.com or (301) 738-0015 x215.
For further information or to register, please visit www.nationalvip.org
On August 27, 2013, the Small Business Administration’s (“SBA”) new presumed loss rule takes effect. The presumed loss rule implements the Small Business Jobs Act of 2010 and is designed to increase penalties (and prosecutions) against firms who misrepresent their size or status for contracts, subcontracts, and other similar arrangements. The rule provides that the presumed loss to the government based on a size or status misrepresentation is the total amount expended on a contract obtained by misrepresentation.

Though initially proposed to be an irrefutable presumption, the final rule allows a contractor to offer a rebuttal. The rule emphasizes that the question of whether a contractor willfully misrepresented its size or status is a factual determination to be decided by a judge or jury on a case-by-case basis. Circumstances that may rebut the presumption of liability include cases involving new or unsophisticated firms or when a firm makes a good faith misinterpretation of the SBA’s regulations, particularly for circumstances or regulations that are not clear-cut. Additionally, a firm that has strong internal policies and procedures for size and status representations and acts quickly to correct an erroneous representation will be better suited to avoid or limit liability.

Preparation for the new rule requires a firm grasp of the SBA’s affiliation rules. In this new reality, simply checking your tax returns before making a size representation may not suffice to rebut the presumption of loss. Contractors should also make sure they understand the affiliation ramifications of recent corporate actions, such as changes in ownership, management, mergers, acquisitions, and spin-offs, before making size or status representations. And prime contractors cannot turn a blind eye to the size and status representations of their subcontractors. The rule envisions liability for prime contractors based on a misrepresentation by a subcontractor, unless the prime contractor relied in good faith on a written representation from its subcontractor.

The rule also requires annual updates of the representations and certifications in the System for Award Management (SAM). Contractors will lose their size or status designation in SAM if not updated at least annually. Contractors will also be required to have an authorized representative sign on the same page of their proposal that includes their size or status representation.

In sum, small business contractors need to be prepared for the increased exposure they will face when making size and status representations for contracts, subcontracts, and other similar arrangements.

By Jon Williams, M.SAME, Partner, PilieroMazza PLLC.

He can be reached at:
(202) 857-1000
or
jwilliams@pilieromazza.com.
Small business has never had more opportunities or more challenges than it does in today’s domestic and global marketplace. As part of the Small Business Jobs Act (SBJA) reform in 2010, policy was established to provide small business with the maximum practical opportunity through Federal contracting to participate in providing goods and services. In FY 2011, the Government goal was 23% of all federal contracting dollars, which was generally accepted as met. Also as part of the reform, the small business qualifier for design services was increased to $14 million in annual fees, which benefits small businesses as these firms can now compete as prime contractors for larger IDIQ contracts without the fear of losing their small business status. Both factors have had a positive impact on small business as a whole. However, with the Government sequester currently in place and the economy still lagging, federal budgets are tight, projects are fewer, and competition with the expanded regulation is greater and stronger than ever.

With Government’s ongoing economic focus at all levels (federal, state, and local), it is critical that small business also refocus and reevaluate their efforts regarding effective and efficient business strategies. By forming proactive, strategic partnerships, a group of small businesses can leverage their combined resources to reach further, penetrate deeper, and provide a higher level of client service than they can accomplish individually. Strategic partnerships function as a full-service provider (team) with a greater depth of talent capable of delivering value-added services faster with greater breadth and more efficiency to larger geographic areas than ever before. The positive effects of the strategic partnership is multiplied through the rapid advances in all areas of technology which allow the team partners to function seamlessly as one and can now reach literally anywhere in the world.

Among those government market sectors that are expected to grow, strategic small business providers can effectively compete in are the Department of Defense, Healthcare, Education, and Infrastructure. Even though the DOD is under pressure to reduce its budget, the on-going threat of terrorism and rogue nations possessing nuclear weapons will require an ongoing investment to maintain adequate national security. With 75 million baby-boomers retiring within the next 10 years and only one-half the Healthcare facilities needed in existence, a significant investment in renovating and building new clinics, hospitals, and life care centers will be required over the next 20 years. Education (K-12 and Higher Ed) will always be a central focus of Government at all levels, but the focus of our educational institutions needs to be more agile to respond the ever changing job markets, especially in the K-12 market which provides the baseline for first-time job seekers. Skilled labor is a premium today and is a focus of our 2 year higher educational institutions along with professional degrees in engineering, technology, and healthcare. Our Infrastructure, at all levels, is a generation behind the curve and will continue to be an increasing priority in the future to handle the demands of basic domestic services including clean air/water, sanitation, public utilities, transportation, and safety.

In this environment, Teaming with strong partners is the key component to small business success. By bringing together multiple disciplines that subscribe to the same philosophy of innovative design excellence and client focus, a strategic team can compete on any level. The team must be agile, responsive, flexible, and fluid in their approach to the project. The team must also be capable of working together in a natural, cohesive, yet adaptable manner in its approach to the contract.

By Brad Carne (bcarne@specializedeng.com)
It has now been almost three months since the 112th Congress authorized the SBA to create a mentor-protégé program for all small businesses (SBs). As with many pieces of legislation, this change was not done directly pursuant to the Small Business Act but in the National Defense Authorization Act. It did; however, modify the Small Business Act, 15 U.S.C. 631, et.seq.) President Obama signed this change into law on January 3, 2013. Along with establishing a new SBA Mentor Protégé Program, it addressed, shall we say corralled the numerous Agency led Mentor Protégé Programs by now requiring the Agencies with a M/P Program (or those desiring one) to submit their program for SBA approval (some exceptions, e.g. DOD, SBIR or SB Technology Transfer apply).

The precise language authorizing the new M/P program in the Act states "The Administrator [of SBA] is authorized to establish a mentor-protégé program for all small business concerns." In the next paragraph it states, "The new mentor-protégé program established under paragraph (a) shall be identical to the mentor-protégé program of the Administration for small business concerns that participate in the program under section 8(a) (as in effect on the date of enactment of this section) except that the Administrator may modify the program to the extent necessary given the types of small business concerns included as protégés."

On its face it appears we will now level the playing field for SBs. The SBA shall establish M/P programs for all small businesses identical to the 8(a) program and it shall be identical to the 8(a) M/P program. The caveat inserted here is that it may be modified to the extent necessary given the type of SB concern included as protégés.

For someone who has been working with small businesses law for decades, this is clear. However, it is possible SBA may not interpret this the same way as I do. I believe the intent of Congress was to allow the SBA Administrator some flexibility to adjust the rules to accommodate the nuances of each program, For example SDVOSBs receive their CVE verifications from the VA so they would be subject, possibly to a coordination if the SBA decided to incorporate CVE designation into the process. HUBZones can lose their designation if either the geography of the HUBZone map changes or they bust their 35% employee composition.

This seems plain to me. However, the Administrator, or his drafters, might interpret this as a license to preserve certain privileges, long held by the 8(a) community, to disadvantaged status groups and not the SB community at large. While it is not clear as crystal, the history behind the purpose of this change should be and I believe my interpretation to be the right one, if not followed, will raise the most controversy.

However, if the programs are in substance, identical to the 8(a) program - if I were a SB, I would be calling and writing my Congressman, there are a great many incredible benefits to follow. For instance, all joint ventures between two companies are affiliated. Eyebrows are raised of course. The rest of the story - unless there is an exemption from affiliation found in 13 CFR 121.103(h). We provide a detailed chart on our website at [http://www.roseconsultingllc.org/linked/joint_venture_chart_dar.pdf](http://www.roseconsultingllc.org/linked/joint_venture_chart_dar.pdf). The big one here is that a large business and small business are always affiliated unless they are in an approved SBA mentor protégé agreement (right now reserved for 8(a) firms). If they are and they form a joint venture, they get to compete for any small business procurement, 8(a) or small business set aside, regardless of the value, as a SB, and they get to claim the experience, bonding capacity and capabilities of the mentor. Other competitors (non M/P) are at a great competitive disadvantage.

Also, the search letter. Even a great many 8(a)s have not heard of this one. In effect, a search letter allows the SBA to cherry pick a project (<4 Million) for a sole source set-aside to an 8(a) of their choosing.

The mentor can also provide any type of assistance written into the M/P agreement (loans, line of credit, bonding, teaming, etc.) without the fear of affiliation, so long as the M/P agreement has been approved by the SBA.

So when do we get all these benefits? 270 days after January 3 (the date signed into law) the regulations were mandated to be released for Public Notice and Comment. Just like any CFR regulation under the Administrative Procedures Act. Once this process is completed, we should see what this program looks like.

Keep in touch. We are here to assist you with all your Government Contracts issues. We can be reached at 678-854-0222 or debrose@roseconsultingllc.org.

By David A. Rose, M.SAME
Scott Field/St. Louis Posts and St. Louis SMPS hold Annual Industry Day
On April 17, 2013, SAME Scott Field Post joined forces with SAME St. Louis Post and the St. Louis Society for Marketing Professional Services to host its annual Small Business Industry Day at the Regency Conference Center in O’Fallon, Illinois. Over 225 attendees enjoyed a program that included briefings by the 375th Contracting Squadron, AMC HQ, SBA, GSA, USACE Kansas City, USACE Louisville, USACE Rock Island and USACE St. Louis. Twenty-five firms took advantage of a variety of sponsorship levels that gave them the opportunity to exhibit, give a short presentation and/or have their firms listed in programs and pre-event literature. The day wrapped up with a Happy Hour allowing attendees, sponsors and presenters to spend some time networking.

2013 SAME Rocky Mountain Joint Education Training Symposium (JETS)
At the recent 2013 SAME Rocky Mountain Joint Education Training Symposium (JETS) hosted by the SAME Denver Metro, Frontier, and Pikes Peak Posts a special Small Business/VIP event was held. The event was an invite only event for our Small Businesses in attendance, Federal Agencies representatives, top level sponsors as well as those VIP’s in attendance. Mr. Matt Varilek, the Small Business Administration’s Region VII Administrator was the host of the event and shared his thought on a variety of small business issues to the crowd of about 90. The event provided our small businesses an opportunity to connect with and talk to some of the Federal Agency representatives as well as Mr. Varilek. The event received positive feedback from those in attendance as a great event focused on small businesses.

Tampa Bay Post Annual Small Business Day
The Tampa Bay Post hosted approximately 100 people at their annual Small Business Day. In the morning they heard from two panels, the first was the “government” panel comprised of Small Business Liaison’s from the Army Corps of Engineers - Mobile District, MacDill AFB, the City of Tampa and the Small Business Administration, as well as a Construction Secretary from the Mobile District. Secondly they heard from the “private” sector panel, comprised of the five (5) companies with current MACC (multiple award construction contract) contracts at MacDill AFB. At lunch they heard from Small Business Consultant James “Tony” Price. His presentation was on “Teaming & Developing a Winning Proposal”. The afternoon portion of the meeting was set aside exclusively for one on one (speed) networking. Representatives from small businesses had the opportunity to meet one on one with representatives from government sector and large businesses. The event was an overwhelming success, because of the support and participation from their sponsors, attendees, presenters, large business representatives and government agency representatives. The Tampa Bay Post would like to thank all those who helped organize, attended or participated in the meeting.