Greetings from the Small Business Council!

I hope that you are all well under way in executing your business plans for 2015. With the continuation of limited federal contracting dollars, increased SBA reporting requirements, slim-to-none profit margins under the current LPTA procurement methods, congratulations to all of us who simply manage to sustain our businesses, and do the best with what we have to work with!

If you have not registered yet, please be sure to do so for the 2015 JETC that will be held from May 19-21 at the George R. Brown Convention Center, Houston, TX. We expect another exciting program, and to date we have 1,132 registrants, 185 Exhibitors, 181 government representatives who have committed to attend, 340 and 589 small and large businesses, respectively. Our SAME Small Business Council will meet on Tuesday May 19 from 0930-1130am. Be sure to go prepared to JETC by looking over the JETC Agenda and making appointments with colleagues that you intend to meet with. Time is limited at JETC, so go prepared! Something new this year is that the Society Awards will be presented during the evening of the Society Ball—so please don your fashionable outfits and dancing shoes for an exciting evening! Log onto www.same.org for more information on JETC.

At JETC, I will pass the Chair role to Mr. Clarence McAllister who will lead the Small Business Council for the next two years. Mr. McAllister is the CEO of Fortis Networks, Inc. (Fortis) based out of Phoenix, AZ. He is a long-term sustaining member of SAME and as such, understands the organization and the mission of the Small Business Council. As I turn over the Chair position, I would like to reminisce over the Council’s objectives and achievements over the past two years.

**Objective 1:** To ensure that the small business community is updated on current events that impact their business strategy or operations through newsletters and relevant articles published in the SAME TME Magazine.

**Action 1:** The Council has published quarterly newsletters that are emailed via blasts, uploaded to the same.org website, and published via LinkedIn. SAME National publishes small business-relevant articles in TME Magazine.

**Objective 2:** To ensure that the deserving small businesses (SB) are recognized for their accomplishments, business accolades, and contributions to SAME.

**Action 2:** The Council selects and presents four awards at the Annual Small Business Conference that include: Robert B. Flowers Small Business of the Year Award; Large Business that advocates for, and subcontracts to, small businesses; Industry Small Business Advocate (Individual) of the Year; and SAME Post Small Business Liaison Officer of the Year. These are in addition to the streamer awards presented to the Posts for Small Business Outreach as the Post levels. Please be sure to submit your applications timely!

**Objective 3:** To ensure that small businesses are offered continuing education and training opportunities that expands their technical and business knowledge.

**Action 3:** The Council has presented Webinars twice each year. The Webinar entitled “Mind the Gaps and Strengthen the Team: Teaming Agreements, Joint Ventures and Mentor-Protégé Relationships” presented in November 2013 received the highest number of attendees compared to other SAME-sponsored webinars.

**Objective 4:** To be more engaged with the small business community at large

**Action 4:** The Council has created and is reaching out to the community via LinkedIn. We encourage active dialog and participation.
Please note that Small Businesses continue to thrive and participate in several DOD set aside opportunities; women-owned businesses have gained momentum and continue to earn the well-deserved parity among other socio-economic groups within the small business community; SBA continues to engage in SAME by attending and participating in the Annual SAME Small Business Conference. SAME Small Business Conference continues to gain popularity and our intent is to have this Conference be THE Federal Small Business Conference of the year!

It has been gratifying to serve as your Small Business Council—thank you so much for the opportunity. As always, I have been honored to have Vice Chairs, Karen Buniak, TTI Environmental, Inc. (Communications); Layli Pietri, Balfour Beatty (Awards/Recognition); Jayla Pine, Baer Engineering, Inc. (Newsletters); Jodi Vaccaro, USA Environmental (Webinars); Ryan Wasmus, Cherokee Nations Technology Portfolio, Inc. (Conference Programs); and to serve as part of the Council. Without their support and actions, I would be at a loss. Furthermore, our collaboration with SAME National was critical to the Council’s smooth operations and success! I especially thank Nicole Matthews, Ann McLeod, Belle Febbraro, Nick Desport, Desyree Jones, and Eileen Erikson for their support!

Again, thank you, and I wish you all the best in your business and personal endeavors! Please remember to be engaged in small business matters, voice your opinions, collaborate and team with other small businesses, volunteer in your communities, and remain positive! I’m sure that the LPTA-era will pass!

Regards,

Gita Murthy, Ph.D.
CEO
RORE, Inc.
Webinars

Wednesday, May 6, 2015
4:00-5:00 PM Eastern Time
SBA and Colonial Life
Voluntary Benefits: Not Just For the Big Guys
Many small businesses do not offer benefits. Many business owners don't think they can afford them, don't know that their business is large enough to qualify, or think they're too much of an administrative hassle. But the truth is, you can offer a strong benefits package to your employees, even though your business is small. Join this webinar to learn more about voluntary benefits and how can they help your business.

Thursday, May 7, 2015
2:30-3:30 PM Eastern Time
SBA and PayPal
Payments as a Trigger for Small Business Growth
PayPal and the SBA present a special National Small Business Week webinar about payments as a trigger for small business growth. Tune in to an interactive discussion featuring Crisloid, a PayPal merchant, and hear how simple steps like adding a payments button to your website can spur growth.

National Small Business Week is an opportunity to celebrate the contributions of small businesses to the economic well-being of local communities. Participants will have an opportunity to hear from SBA Administrator Maria Contreras-Sweet on how businesses can benefit from SBA's financial programs including LINC, a new SBA program that connects small businesses with SBA approved small business lenders. Participants will also have an opportunity to engage in a discussion with the Administrator on the opportunities and challenges facing the small business community.

SBA & Mike Muse will bring together Millennials in NYC from all walks of life for a town hall conversation focused around entrepreneurship. This event will highlight the individual journeys of a diverse set of entrepreneurs—people whose stories show exactly why America needs to foster more opportunities across all communities to help us compete in the global market. The town hall will provide an opportunity for attendees to hear from successful Millennial entrepreneurs across various industries across NYC.

InnovateHer Finals: The InnovateHER final competition during NSBW is a live pitch competition featuring 15 entrepreneurs whose products and services were deemed by the SBA to best meet the competition criteria and present the greatest potential for success in supporting the lives of women and families. The top finalists will give a 2 minute pitch on their product or service in front of a team of expert judges, and will answer any questions from the judges for 2 minutes as well. The 1st place winner will receive $15,000 in prize money provided by Microsoft; 2nd place $10,000; and 3rd place $5,000.

Education

University of Texas at San Antonio, Aula Canaria Lecture Hall- Buena Vista St. Bldg 1.328
501 W. Cesar E. Chavez Blvd, San Antonio, TX 78207
Wednesday, May 6, 2015 from 12:30 PM to 1:30 PM (CDT)
National Small Business Week is an opportunity to celebrate the contributions of small businesses to the economic well-being of local communities. Participants will have an opportunity to hear from SBA Administrator Maria Contreras-Sweet on how businesses can benefit from SBA's financial programs including LINC, a new SBA program that connects small businesses with SBA approved small business lenders. Participants will also have an opportunity to engage in a discussion with the Administrator on the opportunities and challenges facing the small business community.

LinkedIn - New York, Empire State Building
New York, NY
Thursday, May 7, 2015 from 6:00 PM to 9:00 PM (EDT)
SBA & Mike Muse will bring together Millennials in NYC from all walks of life for a town hall conversation focused around entrepreneurship. This event will highlight the individual journeys of a diverse set of entrepreneurs—people whose stories show exactly why America needs to foster more opportunities across all communities to help us compete in the global market. The town hall will provide an opportunity for attendees to hear from successful Millennial entrepreneurs across various industries across NYC.

Washington Post
1550 15th St, NW, Washington, DC 20071
Friday, May 8, 2015 from 10:00 AM to 1:00 PM (EDT)
InnovateHer Finals: The InnovateHER final competition during NSBW is a live pitch competition featuring 15 entrepreneurs whose products and services were deemed by the SBA to best meet the competition criteria and present the greatest potential for success in supporting the lives of women and families. The top finalists will give a 2 minute pitch on their product or service in front of a team of expert judges, and will answer any questions from the judges for 2 minutes as well. The 1st place winner will receive $15,000 in prize money provided by Microsoft; 2nd place $10,000; and 3rd place $5,000.

ABOUT
Every year since 1963, the President of the United States has issued a proclamation announcing National Small Business Week, which recognizes the critical contributions of America’s entrepreneurs and small business owners.

More than half of Americans either own or work for a small business, and they create about two out of every three new jobs in the U.S. each year.

As part of National Small Business Week, the U.S. Small Business Administration takes the opportunity to highlight the impact of outstanding entrepreneurs, small business owners, and others from all 50 states and U.S. territories. Every day, they’re working to grow small businesses, create 21st century jobs, drive innovation, and increase America’s global competitiveness.

https://www.sba.gov/nsbw/nsbw
VIP ACCEPTING APPLICATIONS FOR JUNE 9-11 SESSION

The Veteran Institute for Procurement (VIP) is a FREE educational training program for owners, principals and C-level executives of Veteran-owned businesses. VIP is a 27-hour, 3-day comprehensive certification program instructed by industry 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. 446 Veteran-owned businesses Nationwide have graduated from the program to-date. VIP enrollment is open to Veteran-owned businesses nationwide. Class size is limited to 50 individuals per session.

VIP FAST FACTS

EXPANDED FROM A REGIONAL TO A NATIONAL INSTITUTE
- Launched in DC/MD/VA region in Fall 2009, VIP expanded as a National Center at the Bolger Center in 2011.
- Funded by the MCCC Foundation, VIP is underwritten by private sponsors and is offered at NO COST to participants.
- VIP Recognized by SBA as Veteran Small Business Advocate of the Year for Region III and the Capital District
- VIP Presented at American Legion National Convention, Veteran Affairs Small Business Conference, & VETS 2011

THE VIP EXPERIENCE IS UNIQUE
- Veteran-Owned company executives receive 27 hours of comprehensive instruction on how to accelerate their Federal government contracting business skills. Over three days, industry experts provide best practices. Federal agencies and prime contractors provide access and opportunities.
- On average, VIP graduates are later stage companies in business for 6.5 years with 10 or fewer employees

VIP GRADUATES ARE DIVERSIFIED
- 348 graduates from 29 states and Washington D.C., including Alaska and Hawaii
- 83% are SDVOSB, 44% 8(a), 52% minority-owned, 12% woman-owned, 11% hub Zone, and 100% VOB

SUCCESS!
- A survey of 146 VIP graduates created 1589 jobs and increased their revenue by an average of 44% within their first year of graduation
- Over 82% said they changed the way they do business after graduating from VIP
- As Veteran-owned businesses, 55% of their employees are former warfighters, including service-disabled
- 3 of the 7 SDVOSB/VOSB winners of the VA T4-$12B contract are VIP Graduates
- 1 of the 10 SDVOSB winners of the NIH CIO-SP3 GWAC -$20B contract is a VIP Graduate

ABOUT VIP
The VIP is an educational training program for owners, principals and C-level executives of veteran-owned businesses. 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 and wanting to accelerate the growth of their business.

VIP TESTIMONIALS
“One of the most important things we can do is help [veterans] find opportunities in the business community.” - and - “As never before, the Federal Government has committed to contracting with Veteran-owned businesses. It is timely that the Chamber’s Foundation established VIP to train and qualify Veteran-owned businesses to compete for these procurement opportunities.”

- Congressman Chris Van Hollen
8th District of Maryland

“Not only are veterans well suited to be leaders in business, they are especially well suited to support our federal government solve some of its toughest challenges. The Veteran Institute for Procurement is a great example of community, government and private sector organizations coming together for one purpose-to help veteran-owned businesses from around the nation be even more competitive in the government contracting arena.”

- Bridget Bean
(Former) Director, U.S. Small Business Administration's Washington Metropolitan Area District Office

“I truly was amazed by the program, and am so very, very glad to have been able to attend. I look forward to maintaining my relationship with MCCC. Thanks again, very professional program, well executed and enjoyable.”

-Daniel Morris (2013 Graduate)
Managing Member and CEO, SemperServe, LLC
SAME Continuing Education
Pre-Conference Continuing Education Courses
Monday, May 18, 2015 • 8:00 a.m.-5:00 p.m.

George R. Brown Convention Center
1001 Avenida De Las Americas, Houston, TX 77010 | Phone: 713-853-8000

Jumpstart your JETC experience by taking part in one of the following topic-specific Continuing Education courses. Each course will be held Monday, May 18, from 8:00 a.m.-5:00 p.m., and offers 8 PDHs or 8 AIA LUs for your licensure or certification needs. Separate registration is required.

Energy Management for DOD Installations
Instructor: Col. Brian Lally, P.E., CEM, USAF (Ret.) – Army & Air Force Exchange Service (AAFES)
The one day Energy Management for DOD Installations course will outline strategies for DOD Installation Owners to improve energy usage. Current DOD Energy Management policies, goal and date reporting will be reviewed. Best practices to create energy and water saving opportunities for DOD installation owners including renewable energy, energy storage and financing energy investments, will be discussed.

Project Management Best Business Practices
Instructor: William A. Sorrentino Jr., P.E., PMP, DBIA – Sorrentino Consulting LLC
Enhance your Project Management skills through effective project management training. Learn effective, professional and practical techniques that will delight your clients and keep your projects on budget and on time. This is hands-on training that you can use in your office the very next day.

Course Fees:

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Last day to register online is Monday, May 11, 2015.

For registration assistance please contact registration@same.org.
For more information on this program, please contact Belle Febraro at bfebraro@same.org.

Accommodations:
SAME has established a room block at Hilton Americas – Houston for individuals attending Continuing Education Workshops or JETC.

SAME Cancellation and Refund Policy:
Cancellations will be accepted prior to the start of the course and must be received in writing to registration@same.org. Tuition costs will be refunded in full minus a handling and processing charge of $50 for individual registrations. Refunds will not be issued after April 28, 2015 unless otherwise arranged with SAME Continuing Education Manager, Belle Febraro, bfebraro@same.org. You may transfer your registration to a colleague if circumstances prevent you from attending the course. Please contact registration services to do so.

August Mack Webinars
Eliminating the Problem at the Source: Environmental Site Cleanup
May 6, 3:00 pm EST
Are you struggling with an environmental cleanup? Are you realizing it is time consuming and cost prohibitive to clean up...

Overlooking Form R Reporting Requirements: A Huge Mistake!
May 13, 3:00 pm EST
One of the major annual environmental reporting requirements for most industries is the Toxic Release Inventory (TRI), often referred to as Form R, due by July 1 of each year. It is also one of the reporting requirements that is often overlooked. Companies that have overlooked this...

August Mack 101: A Company Overview
May 20, 3:00 pm EST
Join us for this brief webinar to learn more about August Mack Environmental.

Kissing Cousins: The Relationship Between U.S. DOT Hazardous Materials and RCRA Regulations
May 27, 3:00 pm EST
Many environmental, health and safety regulations overlap, which requires the EHS professional to have a strong understanding of how these regulations work together to shape our management practices at the facility level. One of the most notable and confusing areas of overlap is...

EHS Auditing: Do You Really Know Where You Stand?
June 17, 3:00 pm EST
During this webinar we will discuss why it is so important to conduct an EHS audit, how to prepare for an audit, what types of things to look for during the site inspection and how to go about reviewing your data and records.

https://www.augustmack.com/Webinars.asp
Tampa Bay Post

Please join us for our 2nd Annual Joint Training and Education Day (JTED), where we will discuss topics of interest to both Small Business and the A/E/C Industry overall. This year, we are building momentum leading up to the JTED with the following activities:

- Trends and Updates by US Army, US Navy, VA and others in three (3) webinars tentatively scheduled for the weeks of July 27, August 3, and August 10.
- Icebreaker event (location TBD), Tuesday evening, August 11, 2015 where we invite all speakers to mix socially with the Post Members.
- The actual JTED is Wednesday, August 12, 2015 to be held from 0830 to 1600 at the Surf’s Edge Club, 7315 Bayshore Blvd, MacDill AFB in Tampa, FL and will include panel discussions covering the subjects of environmental, survey, civil / geotechnical / mechanical engineering, construction, and small business.

For more information, please contact Mr. Mike Ulekowski, email: mike.ulekowski@mule-eng.com 407-473-1600 or Ms. Stephanie Thoresen, CPSM email: sthoresen@usatampa.com 813-925-6732

With Amec Foster Wheeler

- **Who:** Amec Foster Wheeler is one of the world’s leading engineering, project management and consultancy companies. We provide services including construction, geosciences, water resources, transportation and environmental services.
- **What:** Free networking event for the small business community: come enjoy food, beverages, basketball, matchmaking and giveaways.
- **Where:** The Factory of Champions 8227 Broadway, San Antonio, TX 78209
- **When:** June 16 from 10:30 A.M. - 4:00 P.M.
- **Why:** To connect Amec Foster Wheeler project personnel and local, state and federal agencies with small businesses who perform services aligned with our subcontracting needs.
- **Attire:** Casual and comfortable.
- **Contact:** Holly Hutson at holly.hutson@amecfw.com or 770-360-0624.

Visit [eisb.amec.com](http://eisb.amec.com) to view our commonly subcontracted services and register in the SB database.
The SAME Boston Post Small Business Committee hosted a highly successful 12th Annual Contract Opportunities and Small Business Showcase on February 5, 2015 at the Westin Waltham Hotel in Waltham, Massachusetts. This event invites participation from the Piscataqua and Narragansett Bay Posts and is a highlight on the calendar of SAME members and colleagues in the New England Region and beyond. Registrants were from as far away as California. There were over 300 participants, 46 Corporate Sponsors, and 78 Exhibitors in attendance. Although the weather outside was cold and snowy (what a surprise), the atmosphere inside was warm and charged with positive energy.

Christen Sardano, SAME Boston Post President, opened the program and introduced a very special guest, Brig. Gen. Joseph Schroedel, P.E., F.SAME, USA (Ret.), Executive Director of SAME. The Boston Post was honored to have Joe, as he prefers to be addressed, join our event. Joe delivered rousing welcome remarks introducing his new vision for SAME and energized the participants.

The Small Business Committee thanks all the Speakers and their agencies for sharing their time and insight with the attendees. The speaker presentations are posted at: http://www.sameboston.org/

The Small Business Committee would like to thank all the Sponsors and Exhibitors, without which we would not be able to host events such as this.

A special thanks to Mark Salvetti of CDM Smith for being the ‘official photographer’ for the event. Photos from this event can also be found on the Boston SAME site.

The Small Business Showcase portion of the program is specifically designed to provide a venue for Small Businesses to network with large businesses for possible teaming. Tables for the Speakers and their agencies were sprinkled though both Exhibit areas and proved to be magnets for attendees. Beverage and food stations were strategically placed to foster congenial circulation. And circulate people did! Based on feedback, everyone had a grand time.

The Small Business Committee's Contract Opportunities and Small Business Showcase is a sell-out event every year, and was once again sold out in 2015. The best part is that the event is a win-win for the participants and the Post. The event produced more than $20,000 to help support the Boston Post’s Outreach & Scholarship programs.

SAME Philadelphia Post Small Business Committee News

On March 5, 2014 the Philadelphia Post Small Business Committee held its 9th Annual Small Business Event at the Holiday Inn Stadium in Philadelphia, PA.

The well attended event had an informative workshop on using the Federal Procurement Data System (FPDS) as a tool for success in contracting that was led by Ms. Carrie Ann Williams from Andana Consulting, LLC. The knowledgeable speakers provided great information for small businesses. Ms. Cheryl Chandler Deputy of Small Business for the USACE Philadelphia District discussed the Corps small business programs and upcoming contract opportunities. W. George Murray, Lead Economic Development Specialist, US SBA Eastern PA District Office discussed proposed changes to the small business regulations and Mr. Doug DeFazio, H&S Environmental discussed how involvement in SAME helped H&S win the Robert B. Flowers Small business and how important it is to become a volunteer and stay involved.

The event provided small businesses the opportunity to exhibit. Large and Small Businesses and Government Agencies participated in one-on-one matchmaking. NEW THIS YEAR - All Sustaining Member Small Businesses were able to fill out a profile of their firm, a directory of the profiles was provided to all attendees.

The Small Business Committee is looking forward to our fall Meet-n-Greet, details will be available in early September. If you’re interested in contributing to the committee contact Karen Buniak, Post SBLO at karenb@ttienv.com to volunteer. We’d be pleased to have your support!

Space Coast Post

The SAME Space Coast Post held it's 2015 Spring Social at the new Port Canaveral Exploration Tower on April 23, 2015. This year's Spring Social was sponsored by SIEMENS who also held their Technology Trade Show prior to the social and invited SAME members and guests to attend. It was a great networking event!
2015 SAME/SMPS Small Business Industry Day

Held on April 7th at the Regency Conference Center in O’Fallon, IL, the 2015 SAME/SMPS Small Business Industry Day was a great success! The event, hosted by SAME St. Louis Post, SAME Scott Field Post and SMPS St. Louis, had just over 130 St. Louis area professionals in attendance. The three groups collaborating for this event had one combined goal in mind: bring St. Louis-area small businesses together with some of the Nation’s most influential local federal leaders. “This event brings relevant industry information to small businesses in the area, many of which may not have the opportunity to travel to the larger national conferences,” stated Julia Pluff, Business Development with BRiC Partnership, LLC and Volunteer Coordinator for the 2015 Small Business Industry Day.

One of the many highlights of the event included the opening remarks by Brig. Gen. Joseph Schroedel, PE, FSAME, USA (Ret.), Executive Director SAME HQ. As SAME “XD” Gen. Schroedel leads an organization comprising 105 Posts around the world and more than 28,000 members, including uniform service members, civilians with the federal government as well as state and local agencies, academics, college students, and professionals from across the architecture, engineering and construction industry and related fields such as environmental remediation and facility asset management. Discussing the obstacles facing SAME, Schroedel challenged audience members to “stop whining,” step up to the plate, and offer whatever value they have to the Society. Despite federal budget cuts, legal obstacles, etc., many posts have an energized and involved membership. He encouraged the local SAME posts to do the same. He insisted “this is not your father’s SAME” and insisted that SAME National will be placing much less emphasis on streamer requirements, and return focus to supporting the posts.

Topics covered during the event included the following:

- Government Projects
- Partnering with Small Business
- AMC Installations: Increasing Use of Strategic Sourcing Contracts
- Overview of Mission & Services
- Leading from the Middle
- Overview of Mission & Services
- St. Louis District Program Overview
- Overview of Mission & Services
- Next NGA West (N2W)
- Doing Business with the Federal Government

Other presentations available via printed media:

- Overview of Mission & Program Services
- Military Programs Overview

To find out more about the opportunities to be found at the 2016 SAME/SMPS Small Business Industry Day, contact Julia Pluff at jpluff@bricpartnership.com. BRiC Partnership, LLC is a 45-person consulting engineering firm with locations in Belleville and Springfield, IL and Kirkwood, MO. BRiC, specializing mechanical, electrical, plumbing, fire protection and information technology systems engineering is also a SAME Sustaining Member at the Scott Field Post.
SBA Selects Burgos Group - 2015 Region VI Prime Contractor of the Year

The Small Business Administration (SBA) has awarded Burgos Group, LLC its 2015 Small Business Prime Contractor of the Year award for Region VI. This Region serves the five states of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. Burgos Group was selected as the top performer of some 3.5 million small businesses in the five state region. The award is unique in that the nomination is by a federal agency, specifically the Department of the Air Force, Air Force Research Laboratory.

John Shoraka, SBA’s Associate Administrator of the Office of Government Contracting and Business Development, noted in his letter Mario Burgos, President & CEO of Burgos Group, “Your hard work, innovative ideas, and dedication to your community have helped you succeed. The SBA is pleased to recognize your achievements and your role in driving our nation’s economic growth.”

Mario Burgos commented, “It is humbling to be recognized for the commitment our team has to supporting our many customers in the Air Force and throughout the Department of Defense – particularly those defending our freedom each and every day.”

Burgos Group is an SBA certified 8(a) and Small Disadvantaged Business headquartered in New Mexico with regional offices in New Jersey and Florida. Since the company’s inception in 2006, they have experienced significant growth through commitment to delivering excellent performance. Nine different federal agencies have awarded Burgos Group a total of 42 prime contracts with their largest single award to date being a $160M IDIQ construction contract for DTRA.

SBA Approves CMS and JWC Mentor/Protégé Agreement

On 20 April 2015, the U.S. Small Business Administration (SBA) approved the Mentor/Protégé Agreement (MPA) between CMS Corporation (CMS – the Mentor) and Jack Wayte Construction Co., Inc. (JWC – the Protégé). Indiana-based CMS is an award-winning small business with over 20 years of experience in design-build, new construction, renovation, and mechanical/fabrication work for the federal government and commercial clients. Based in Alamogordo, NM, JWC has been in business for 56 years. They have experience in renovation, D-B, and heavy civil construction in both the public and private sectors. JWC is a family owned and operated business.

CMS has worked with JWC for the past two years. Just last year, the two firms were awarded two ID/IQ Multiple Award Task Order Contracts (MATOCs) – one with the USACE Albuquerque District and the other with USACE Ft. Worth District. These contracts, with ceilings of $140M and $49M, respectively, were awarded under an SBA-approved 8(a) Joint Venture between CMS and JWC call the “JWC CMS JV.” The JWC CMS JV is currently executing projects at Camp Bullis, TX, and Kirtland AFB, NM under these contracts, with a combined value of $4 million.

A Win-Win Arrangement

The purpose of this MPA program is to encourage Mentors to provide a broad range of business development assistance to Protégés. Such assistance may include technical and/or management assistance, financial assistance in the form of equity investments and/or loans, subcontracts, and/or assistance in performing prime contracts with the Government through JV arrangements. CMS had a highly successful Mentor-Protégé arrangement as a Protégé that ended in 2014. This positive experience has positioned CMS to become a top Mentor to JWC.

Under the MPA, CMS will provide JWC assistance in the following areas:

- Expansion of their management team
- Expansion of their operations
- Estimating and proposal support

Marketing

The benefit to CMS, a 2014 graduate of the SBAs 8(a) program, is a meaningful opportunity to “give back” to the small business / 8(a) community.
On February 5, 2015, the Small Business Administration (SBA) issued a proposed rules that would establish a mentor-protégé program for all small businesses, including HUBZone, Women-Owned Small Businesses and Service Disabled Veteran Owned Small Businesses. The rules serve to implement enabling provisions of the Small Business Jobs Act of 2010 and the National Defense Authorization Act of 2013. While this change in the regulation will increase opportunities for many previously excluded from the benefits of the mentor protégé program, it also brings a new era of scrutiny into the Small Business Contracting arena. It will also increase the level of competition to an all-time high. Contractors interested in participating in the new mentor-protégé program need to begin preparing their strategic plans for this program now as many changes may restrict these opportunities to those who are well versed in the new rules. The following is a short synopsis of the program as presented in the proposed rule.

Under the current, and as proposed, SBA regulations, two companies that form a joint venture are considered affiliates. This means that in determining their size, their assets are combined in the aggregate to determine if the joint venture entity is large or small by the applicable NAICS code size standard appropriate for the procurement. The new rule will make an exception to affiliation, just as found in the 8(a) Mentor Protégé program that will exempt a mentor and protégé from affiliation for activities conducted under the auspices of an approved mentor Protégé Agreement. Remember, however, that they may still be found to be affiliated for other reasons.

Given the anticipated level of participation and confusion generated by this new rule, added competition and potential for misuse, there will be additional certifications and reports to be made by mentors and protégés. In all likelihood many of these certifications will carry the penalty of a finding of fraud or false claims which can even lead to criminal penalties being imposed so again, understanding the rule is critical.

It is anticipated the application procedure will be close in form to that currently used for 8(a) mentor Protégé applications. The one caveat with respect to this approach is that the SBA has suggested in the proposed rule that 8(a) applications will continue to be approved by SBA’s Associate Administrator for Business Development while non-8(a) applications will be approved by the SBA’s Director of Government Contracting.

Another suggestion by the SBA is that due to the anticipated desired participation in the program, SBA wishes to restrict the time for filing applications to “open” and “closed” periods during which SBA will accept and review applications or another suggestion is that SBA should limit the number of applications that it will review or approve during a year. We specifically commented on this avenue as we believe it might impede or at last raise the specter of “Due Process” if not managed very carefully. SBA has placed a limited duration of a mentor-protégé agreement to three years in the proposed rule with annual recertifications.

The proposed rule limits the number of protégés a mentor can have to three. This total includes all mentor-protégé programs. The new rule also relaxes the requirement a firm be less than half its primary NAICS code in order to qualify as a protégé. Now it just has to meet the requirement of being a small business in its primary NAICS code.

Joint ventures must all be unpopulated now with the exception of administrative employees. This will not affect many JVs as most were already being formed as unpopulated JVs. It also makes it clear the JV may take any legal form (partnership, LLC, etc.). The rule will continue to require the qualifying member of the JV to perform at least 40% of the JV.

A change to the regulations will allow HUBZone protégé’s to JV with their mentor.

Please feel free to contact us with any questions or requests for assistance. We will also be in attendance at many conferences to offer advice and consultation at our booth. Look for Moser Rose or Rose Consulting Law or contact us at 229-244-1527 or tbazin@roseconsultingllc.org.
SBA Regulation Invalidated By Court of Federal Claims:
Nonmanufacturer Rule Applies to Supply Portions of Service Contracts
By Cy Alba, Partner, PilieroMazza PLLC

It has been the common understanding within the Small Business Administration ("SBA"), and the small business government contracting community as a whole, that the nonmanufacturer rule applies only to contracts for the provision of supplies (i.e., goods) and not to service contracts, regardless of whether or not such service contracts have a supply component. This understanding was even memorialized in a regulatory change that SBA made in 2011 whereby the agency stated that the nonmanufacturer rule did not apply to mixed contracts that had both services and supply components where the primary purpose was for services. See 13 C.F.R. § 121.406. However, the U.S. Court of Federal Claims ("COFC"), in Rotech v. United States, COFC No. 14-502C (2014), issued a ruling on September 19, 2014, which invalidated that SBA regulation. This means that all small businesses now have to comply with all requirements of the nonmanufacturer rule for any and all supplies provided under a service contract. It is unclear how broad the reach of the decision could be, but, in theory, it could have a massive impact on how small businesses perform federal contracts and how contracting officers solicit such contracts.

The nonmanufacturer rule requires small businesses to meet certain specific requirements, different from the standard limitation on subcontract rules, to be considered eligible small businesses for supply contracts. Specifically, to comply with the nonmanufacturer rule, a small business must (1) have 500 employees or less; (2) be primarily engaged in the retail or wholesale trade and normally sell the items being supplied under the contract; (3) take ownership or possession of the items being supplied with its own personnel or facilities; and (4) supply the end item of a small business manufacturer unless the contracting officer obtains a waiver or a class waiver exists for the items being supplied.

Further, contracting officers must now make a determination, prior to the issuance of any service contract where supplies are a component, as to whether or not a small business exists that can manufacture the supplies required by the contract. If there is a small business, then the supplies being used under the service contract must come from a small business manufacturer. This means that, by way of example, an IT company providing certain computer components must provide components manufactured by a small business or it would be in violation of the rule and not qualify as "small" for the procurement. If there is no small business manufacturer for the supplies being used (i.e., say you need Cisco routers and no small business supplies the same or similar routers) then the contracting officer would have to check and see if SBA has already issued a class waiver to the nonmanufacturer rule for those items or whether a contract-specific waiver is required. If there is no class waiver, then the contracting officer will either have to issue the contract as a full-and-open procurement, likely excluding most or all small businesses, or he/she will have to prepare a written justification for the nonmanufacturer, contract-specific waiver and request said waiver from SBA. SBA will then review the issue, investigate whether any small businesses exist who manufacture the supplies requested, and then, if and only if, no small business exists, issue the requested contract specific waiver – thereby allowing small businesses to compete for the procurement. Thus, before even soliciting a service contact where supplies are required, the contracting officer will have to do substantial additional due diligence.

Another major concern for small businesses, due to the COFC’s ruling, is whether small business service contractors would ever be able to qualify as small under the nonmanufacturer rule at all because they are service providers, not companies “primarily engaged in the retail or wholesale trade” or “normally sell the type of item being supplied” as the rule requires. Thus, if an IT service provider is not “primarily engaged in the retail or wholesale trade” of routers, they just install them and service them, but then a procurement hits the street where routers are required to be supplied (regardless of how small a portion of the contract that supply actual is) the IT service provider would not be an eligible small business under the nonmanufacturer rule and would, thus, no longer qualify as “small” for the service component. This is clearly not what was intended by Congress when drafting the Small Business Act, but due to imprecise drafting, it is now how the COFCs is forced to interpret the Act. This is extremely unfortunate and, unless and until the recent decision is limited through future litigation, it is unclear what the scope or impact of the case will be to the large community of small business service contractors. At its worst, it could have a major negative impact.

Given the COFCs ruling in Rotech, it is possible that many current small business set-asides will change to full-and-open procurements in the future or small business service companies will have to find small business manufacturers for the supplies they are currently using to perform contracts. Otherwise, the small business service contractors will not be in compliance with the nonmanufacturer rule, and would no longer be eligible for award of service contracts that for years have been performed by the small business community. Clearly, Congress needs to act quickly to amend the Small Business Act so I would urge all of our clients to reach out to their representatives to discuss these issues and seek a correction to the law.

About the author: Cy Alba is a partner with PilieroMazza and is a member of the Government Contracts and Small Business Programs Groups. He may be reached at ialba@pilieromazza.com or 202-857-1000. Learn more at www.pilieromazza.com.