



FIRST CALL

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December 2022



In January of 1988, I decided to join the Air Force out of high school. The original plan was to serve four years and then attend college. 19 years later with 6 assignments and 2 deployments including college under my belt, I hit a crossroads in my Air Force career. Either I can serve another 4 years or retire. It wasn't an easy decision with the wonderful people I met throughout the country...some which I'm still friends with today. I was receiving 'signs from the universe' that it was time to go so I retired from the Air Force. Fast forward to May of 2022, 7 months after my stroke at VETS'21, I met my personal goal to return at VETS'22. It wasn't easy! I describe my recovery/rehab like being in all the Rocky movies (Rocky theme song playing)! Then, I started receiving 'signs from the universe'

that it was time to go again. With that being said, I have made the decision to retire from the NVSBC effective May 31, 2023.

I promise, I won't do a "Tom Brady" and come out of retirement in 40 days. I've been part of the Veteran small business community for 22 years. First with the Air Force Small Business Program, then working for 2 SDVOSBs and now with the NVSBC. I've learned so much from Veteran small business owners throughout the years and I admire their passion and determination with all the roadblocks and red tape they confront to become successful business owners. I've seen how Veteran small businesses change the lives of their employees and impact their communities for the better. I'm going to take what I've learned from all of you, "dip my feet in the pond" and start my own photography SDVOSB! This is a very exciting time for my wife and me. Until then, there is still lots of work to be done at the NVSBC.

Zack and I are currently working on schedule for Charlie Mike in 2023 but we need your help! We want to know what topics you want us to cover for the coming year. We will be sending out a questionnaire this month, so it is important to collect your input. We are looking forward to receiving your feedback. Please visit <https://www.youtube.com/@theNVSBC> to review all previous Charlie Mike training webinars and other NVSBC videos. And lastly, our team has been working diligently for the past few months on bringing you a new and fresh VETS 23 on May 22 – 25, 2023 at the Doubletree at SeaWorld in Orlando, FL...more networking, more educational sessions and more decision makers which equals more opportunities for you! Registration will be open in January 2023 but [sponsorship and exhibitor packages are now available](#). We are looking at least 700 attendees for VETS 23 so if you know of a veteran business owner who is looking to become "procurement ready" in the Federal marketplace, VETS 23 is the place to be.

I'm excited for the future of the NVSBC under the leadership of Scott Jensen. We have a fantastic team with determination and dedication to the veteran small business community which helped us grow this past year! Let's continue to grow together for 2023.

Hope to see you in May!

Earl A. Morgan
Program Director



ObjectiveAreaTM
SOLUTIONS



Name of Business Owner: J.J. Stakem
Military Branch/Years Served: USMC, 9 years
Occupation in Military: CH-46E Pilot
Name of business: Objective Area Solutions (OAS), LLC
Year Established: 2016
Location(s): Tysons Corner, Virginia
Website: www.objectivearea.com

OAS provides specialized consulting services to the United States Government's aviation, transportation, and defense programs to improve operational performance, decrease costs, and mitigate risk. OAS staff have extensive operational backgrounds to strengthen the quality, reliability, and impact of our client's programs.

What motivated you to start your own business? Probably like most business owners, I saw a need in the GovCon marketplace that I didn't think was effectively being addressed and I took the leap to try to make a positive impact. In my case, the issue was in the area of interagency planning for major aviation infrastructure systems (e.g., radar, communication, navigation). From that entry point we have expanded to provide a range of services in public sector civil and military aviation.

What has been your biggest challenge(s) in the Federal marketplace and how did you overcome them? Confirming the business focus once I identified the general market. Supporting the Federal Government can feel like trying to boil the ocean. It took some time to get very specific about where we provided the most value. I am not sure that I would say that we have fully "overcome" the challenge as we are always examining our value in the marketplace. There are a lot of tools that we have used over time such as Business Model Canvas and McKinsey 7 S that have been helpful. Often, we use the tools in conjunction with meetings and discussions with our advisors.

What advice would you give to other veteran small business owners? (1) The veteran community is extremely valuable and reliable. Leverage the veteran community and network everywhere you can, but also actively look to expand your network outside of the veteran community. (2) Don't be afraid to ask for help from experts around you. I established a Board of Advisors as soon as I started the company and I have maintained that board, adding and changing members along the way as my company needs different advice. I have always been amazed at how much people will help if you just ask. I also try to keep that in mind to give back whenever I can. (3) Confirm your personal and corporate values as a business owner. I try to use data and research whenever possible to make decisions, but I often have to make decisions without perfect information. In those instances what we value guides decision making.

Part 4: : Don't Let the Exception Swallow the Rule

Welcome to part four of our series on common contractor bid protest mistakes! Our [first installment](#) covered the difference between size/status protests and bid protests. Our [second installment](#) addressed how to identify, and timely file, pre-award bid protests challenging solicitation terms. [Last month](#), we talked about knowing when to act in competitive range protests. Today, we will be tackling how debriefings can sometimes – **but not always** – impact protest filing deadlines. This is a **BIG** one, so pay attention!

* * *

Every contractor knows that debriefings are a great way to gather information about a contract award decision, and help evaluate the possibility of a bid protest. However, many contractors have misconceptions about the impact that debriefings have on protest deadlines. Specifically, many contractors think that the filing deadline for all protests is “10 days after the day of the debriefing.” But this is not technically accurate.

The GAO regulations lay out the deadlines for filing different types of protests. As discussed in [September's newsletter](#), pre-award protests that challenge the terms of a solicitation must be filed before the deadline for bid/proposal submission. All other protests should be filed no later than 10 days after the basis of the protest is known or should have been known. The **exception** to this rule is for procurements involving a required and timely-requested debriefing; in those cases, protests should be filed no later than 10 days after that debriefing. This is exactly where a lot of contractors make their mistake, by believing that this **exception** is the **rule**. These contractors incorrectly think that their protest deadline is 10 days from their debriefing, no matter what when, in reality, the 10-day protest clock starts ticking from the date of a debriefing **only if the debriefing was both required and timely requested**. Accordingly, to ensure compliance with filing deadlines, you need to: (1) make sure that you know whether a debriefing is “required” and (2) timely request your required debriefing. Which leads us to two big questions: First, when are debriefings required. Second, what is considered a “timely” debriefing request?

On the first question - When are debriefings required? - they are required a lot less often than many contractors think.

- Debriefings are **not** required for GSA Schedule Procurements under FAR Part 8, for Commercial Item Procurements under FAR Part 12, for Simplified Acquisition Procurements under FAR Part 13, or for Sealed Bidding Acquisitions under FAR Part 14. Note, however, that for many FAR Part 8 and FAR Part 13 procurements, while a “debriefing” is not required, the agency is required to provide “a brief explanation of the basis for the award decision.” It is important to understand that, just because the agency agrees to give you a debriefing, it does not necessarily mean a debriefing was, technically speaking, “required,” or that the debriefing you receive has any impact on your protest deadline. Similarly, a “brief explanation” under FAR parts 8 or 13 does not constitute a debriefing (even if the government folks you talk to inaccurately refer to it as a “debriefing,” which a lot of them do), and does not impact the normal rule concerning protest deadlines.
- Debriefings **are** required for any competitive procurement under FAR Part 15 (Contracting by Negotiation). Debriefings are also required for certain task orders, pursuant to FAR Part 16. Sometimes, and this can get tricky, they can be required for other procurements that incorporate FAR Part 15 procedures.

Ten Biggest Protest Mistakes

If a debriefing is indeed required, it becomes an issue of timely requesting your debriefing. Which begs our second critical question: What is considered “timely?”

In the post-award context, debriefings need to be requested within three (3) days of the date the contractor receives notice of award. Usually, that notice arrives in the form of an “unsuccessful offeror letter,” but it could also be posted or noticed in other ways. In the pre-award, competitive range context (remember our good friend competitive range, from [last installment](#)?) a debriefing must be requested within three (3) days of the notice of exclusion from the competitive range. So, if you get notice of an award, or of exclusion from the competitive range, don’t delay! Request your debriefing quickly, and in writing. Be aware that an agency may decide to give you a debriefing even if you are late in requesting it. But don’t be lulled into a false sense of security – if you were late in requesting the debriefing, it likely does not extend your protest deadline.

If you do NOT fit into the required & timely-requested exception to the rule, remember that your 10-day protest filing deadline clock starts ticking **not** when you get your debriefing, but the day “you know or should have known” the basis of your protest. In some limited circumstances, you still may be able to argue that the clock started on the day you got your debriefing or your brief explanation. More often, though, the GAO will consider the notice of award or unsuccessful offeror notice to be the triggering event.

As you can see, determining whether your debriefing was required, when to request your debriefing, and how your debriefing impacts your protest filing deadline, can be a very complex matter. It may be further complicated if you do not know what section of the FAR is applicable to the procurement at issue. Or by the fact that the enhanced debriefing rules alter when a debriefing is considered concluded, and when the clock starts to run. Or by the fact that there are different deadlines if you want the automatic stay. (More on these last two topics in future installments!) For that reason, it is best to engage a legal professional as soon as you think you have a potential protest, so they can advise you on the appropriate course of action, and ensure no deadlines are missed.

[Maria Panichelli](#) is a partner in McCarter & English LLP’s Government Contracts & Global Trade group, and she focuses her practice exclusively on federal contracting and small business procurement. McCarter’s more than 375 sophisticated and exceptionally skilled lawyers in 11 offices deliver solid results and innovative solutions to our clients nationwide. We are trusted business advisors to our clients, which include an array of Fortune 100, mid-market, and emerging growth companies. Check out the NVSBC’s webinar ‘Charlie Mike’ featuring Maria Panichelli on the [‘Top Ten Tips About Protests: Fighting for and Keeping the Contracts You Deserve.’](#)

Veteran Ownership

STATISTICS

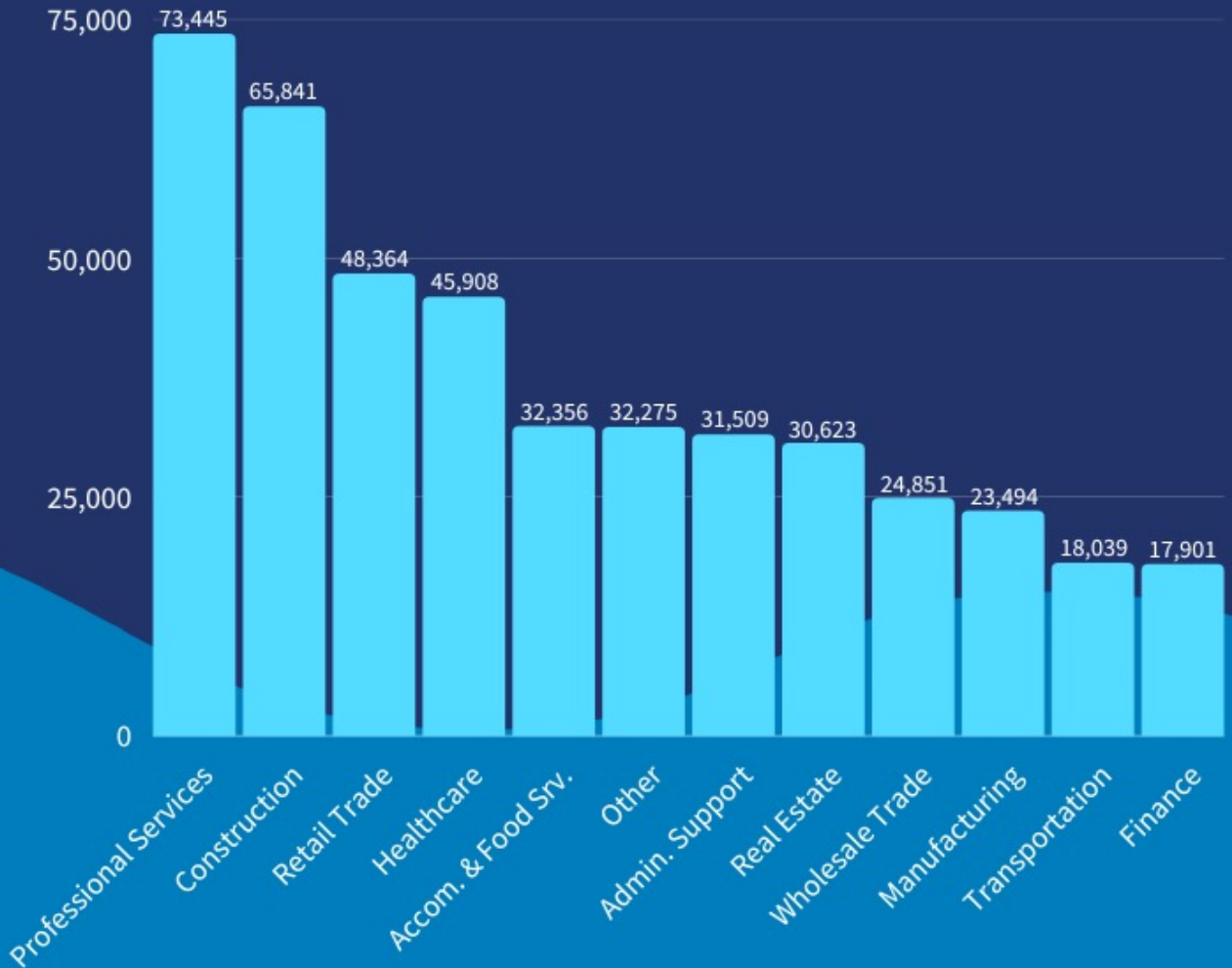
In 2018, Veterans owned 1,991,716 businesses.
Veteran-owned businesses employed 5,267,781 Americans.



Sources: *Census Bureau 2019 Annual Business Survey (2018 data reference year); 2018 Non-employer Statistics by Demographics.

*Totals include majority veteran-owned and equally veteran/nonveteran owned.

Number of Veteran Employer Firms by Sector



Source: Census Bureau 2020 Annual Business Survey (2019 data reference year); Totals include majority veteran-owned and equally veteran/nonveteran-owned.

U.S. SMALL BUSINESS ADMINISTRATION
OFFICE OF ADVOCACY

REGULATION • RESEARCH • OUTREACH

WOES TO THE WOSB PROGRAM (AND A RELUCTANCE TO CHANGE)

The Small Business Administration's (SBA) Women-Owned Small Business (WOSB) federal certification program enables contracting officers to set aside contracts for certified WOSBs and economically-disadvantaged WSOBs (EDWOSBs). On September 29, 2022, the SBA Office of Inspector General (OIG) released a report where it analyzed audit results of the relatively new (as of 2020) certification program. Specifically, the OIG looked at the SBA's ability to identify ineligible firms, and the quality and effectiveness of the general process.

In addition to finding numerous problems with the WOSB program, the OIG made six recommendations to improve its oversight and management. Of these, the SBA "disagreed" with four of them, and it only partially agreed with the other two. In other words, of the issues identified by the audit and how to solve them, the SBA is not on board with the recommended path forward. OIG concluded that it would "seek resolution in accordance with [its] audit resolution policies and procedures."

The results of the audit are further concerning because some of the issues will be inherently hard to correct. In particular, the OIG determined that the agency did not have adequate staffing levels to support the program. It also found that the SBA did not ensure that its database to administer the eligibility reviews could fully support the program. These issues both involve solutions requiring corrective action that will take significant time to implement. It could take months for the SBA to reach "adequate" levels of staffing (or to even determine what those are, or the gaps that need to be filled). New personnel will also need to be trained. Upgrading or fixing the database is even more complicated (and costly).

In addition, the OIG found that WOSB certification is not completed in a timely manner. Of a sample taken of 25 firms, 12 of these were not notified in a timely manner of the status of their application. Program regulations require the SBA to notify applicants of status within 15 calendar days, but for 12 of these firms, response times ranged from 24 to 78 days (averaging 50 days). More importantly, eligibility determinations were not timely. When looking to 2,505 applications to the program, the SBA's processing time averaged 112 days compared with its federal mandate to process applications within 90 days.

The OIG also found that the SBA did not have proper checks in place to determine eligibility. For instance, the program office does not require applicants to submit documentation for purposes of verifying size (for example, tax returns or payroll records). Instead, they only look to self-certification in Sam.gov and whether there had been an adverse size determination against the firm.

This certification program is new, and growing pains are completely expected. Still, it's unfortunate to see that going through the process appears to hurt more than one would expect. Access the full report [here](#).

SIZE PROTEST PROBLEMS NOT “OTHER” THAN SMALL

On September 30, 2022, the SBA OIG released an audit report of the SBA’s process for reviewing size protests. Interestingly, this audit was less about whether the SBA typically made the right decision, but whether the SBA had effective controls in place to: (1) ensure protest decisions were properly enforced; and (2) to monitor the protest process. In general, the SBA passed the audit with flying colors, with only one recommendation made.

OIG found that program officials decided 80% of small business protests within the required 15 business days, or within extension dates approved by the contracting officer. That rendered 20% of these decisions “late,” which isn’t a bad percentage considering the tight turnaround time. Also, of the 364 decisions rendered on size and status in 2021, contracting offices and firms took appropriate follow-up action 96% of the time. (Where a firm did not, this was where the firm did not update their Sam.gov profile to reflect they were “other than small” under applicable NAICS codes).

The one recommendation made by OIG was for the SBA to implement a process for each protest program to document complete and accurate records of all extensions and monitor to ensure timeliness of protest decisions to minimize disruptions to the award process. SBA management agreed with that recommendation.

The decisions made on these protests show the importance in hurrying this process along. Of the 364 decisions rendered, only 53 awardees were found “other than small or ineligible,” and 12 “other than small for a specific award” (for instance, non-compliance with joint venture rules). That’s a less than 18% success rate.

Two hundred ninety-nine of these protests were dismissed or denied, meaning that a size protest would result in slowing down the award process to an ineligible firm (and the government potentially paying the incumbent a higher price for a bridge contract while the size protest was being resolved). As that’s another example of where a delay costs money, it’s good to hear that the SBA’s on top of implementing a corrective process.

Access the report [here](#).

Sarah Schauerte Reida is an attorney specializing in helping veteran-owned small businesses (VOSBs) grow. She specializes in assisting VOSBs in maximizing opportunities offered by federal government contracting programs.

Grow Your Business with a Feedback Mindset

One of the strongest skills you can develop as a CEO is how to handle criticism and feedback from your team.

Navigating this obstacle to growth makes up a significant portion of my time when I open up relationships with businesses. In many cases, CEOs surround themselves with strong coworkers, advisors, and employees.

But if you don't foster an environment that will give you honest and timely feedback, you could be stuck in an endless loop.

It's likely not your employee's fault. Plenty of CEOs directly or indirectly create an environment of *"yes men/people"* by responding defensively or even aggressively when they hear unflattering feedback. And even if that doesn't sound like you, the stigma created by most businesses is already in place.

It's up to you to break the mold for the good of your organization. Once you create a **healthy feedback pipeline**, your business will grow faster. Soon, new ideas and fresh opinions will propagate, drastically reducing research and planning hours and reinforcing a collaborative nature in the workplace.

Promote Healthy Feedback

Let's examine what healthy feedback looks like.

In its purest form, healthy feedback occurs naturally whenever new ideas are floated – before they're put into action. Whether you're in team meetings or receiving an email from a hardworking employee after a weekly update, good feedback can occur wherever you allow it. Eventually, this shifts the culture of your organization to a more pro-feedback style.

"Good" feedback doesn't just hinge on your response; tone and word choice go a long way to delivering solid, substantial feedback that is easy to hear. Ultimately, once your team knows how to respond constructively and not just critically, good feedback **sounds a lot more like the sharing and building of ideas. Collaboration. Ideation. Whiteboarding.**

And this works doubly for your leadership. Confident, capable CEOs receptive to feedback have immense confidence in not just their business, but in who they are as people. They can remove themselves from the equation and see feedback for what it is, not as a judgment of their character.

Once you **shift your mindset** like this, you can see ideas for what they are (good or bad) and start making the right moves toward growth. Besides just being inefficient, failing to accept feedback will leave you mentally exhausted, as just about any positive idea perceived as a slight will feel like it's undermining your authority. But there's nothing to worry about: you created this robust team because they're gifted, talented, and driven. You trust them, and you need to start trusting their feedback to see results.

Signs Someone is Not Receptive to Feedback

Think about your personal life. You might have some friends who can't take a joke, let alone a valid point that contradicts how they operate. People like these are easy enough to spot, and you might even resort to walking on eggshells around them.

Now compare this to the atmosphere at weekly team meetings. Sometimes it's hard to see when the shoe's on the other foot. But if no one speaks up to challenge or support new ideas, it might be a clue that they don't feel comfortable speaking up.

Finance (Con't)

Ask for criticism. Now look for body language tells. If people seem to shut down when you ask for their opinion, you may have directly or indirectly created an environment where feedback is shunned.

Get Better at Receiving Feedback

First, remember that all feedback is beneficial. You don't need to take their advice to garner new perspectives. However, you need to reframe feedback: it's not a personal attack, but rather more information from the diversity of the minds you surround yourself with. The larger your team, the more likely someone is to arrive at an independent thought you might not have immediately thought of.

But you do need to discern. It's human nature that some people like pointing out mistakes. But you're not filtering for baseless or empty criticism – locate feedback that includes **what will work instead**, and keep your mind open until your employee or advisor finishes their thought. Take a moment to think before you respond, and ask questions to learn more about their insights. Finally, if you've unknowingly created a workplace where employees feel they cannot give feedback, this process starts with you. This includes changing your tone in meetings, and even opening the floor to voices you might not hear regularly. This can bleed into personal, casual interactions around the office, eventually communicating to everyone that they won't be shut down for their words, but rather listened to and rewarded.

Sending an email or speaking up at the start of your next meeting is a good way to directly combat it. You don't have to admit fault or beat around the bush. Just open the door for communication directly – say that the success of your next few initiatives hinge greatly on the fresh ideas and feedback of your entire team. The more you promote these efforts, the quicker they will become routine.

Let's Talk the Hard Truths

At the end of the day, you hold the power to hire or fire everyone. For that reason, the feedback loop can constrict over time if you don't nurture it, even if you aren't actively holding it back.

KIRK W. MCLAREN MBA, CPA, IFM | CEO Foresight CFO | Georgetown University Lecturer
Having built and sold his first company before graduating from high school, Kirk is a natural at building growth companies and helping talented CEOs and their leadership teams exploit opportunities by obliterating obstacles that might get in their way.

Calendar of Events - NVSBC



December Schedule

8 Dec - Bid Protests 101

13 Dec - The Changes Clause: How it works and how to protect your rights

20 Dec - Introduction to Doing Business with the NSA



VetFedBootCamp

GSA Contract Vehicle Updates including Oasis+, PSS, HCaTS



Tiffany T. Hixson

Assistant Commissioner, Office of Professional Services and Human Capital Categories
Federal Category Manager for Professional Services
Federal Acquisition Service
U.S. General Services Administration

4:00 PM – 5:00 PM



Washington DC Networking Dinner

Fireside Chat with Phil Christy: VA and Veteran Owned Businesses Working Together in FY'23



Phillip W. Christy EJD, CMRP, CFCM, PMP, FACHE

Deputy Principal Executive Director
Office of Acquisition, Logistics & Construction,
U.S. Department of Veterans Affairs

5:30 PM - 8:30 PM



ARMY NAVY COUNTRY CLUB

1700 Army Navy Drive,
Arlington, VA 22202

**Tuesday,
December 14, 2022**

[Register for these NVSBC Events Today!](#)