



JULY 2023

# FIRST CALL



## New SBA Rules Promote SD/VOSB Opportunities



The Small Business Administration (SBA) plays a crucial role in promoting the growth and success of small businesses. Among its various certification programs, the Veteran-Owned Small Business (VOSB) and Service-Disabled Veteran-Owned Small Business (SDVOSB) programs (or together commonly referred to as SD/VOSB) aim to provide opportunities for Veterans and Service-Disabled Veterans to participate in federal contracting.

On January 1, 2023, the SBA assumed responsibility for the SD/VOSB certification program formerly administered by the VA. The SBA has provided companies with a one-year grace period to apply for SBA SD/VOSB, if they had not already been verified by the Center for Verification and Evaluation (CVE) via the VA Vendor Information Pages (VIP), prior to January 1, 2023. This means that Veteran-Owned small businesses have one year to apply for certification, or they run the risk of

losing eligibility for prime contracts that require a certified SD/VOSB. They also run the risk of not being eligible to submit proposals for new opportunities that require an SBA certified SD/VOSB.

With the SBA taking responsibility for the certification process, there are several areas that will be improved upon, to include the following:

### **Increased Transparency and Fraud Prevention:**

To maintain the integrity of the program, the SBA has implemented measures to improve transparency and prevent fraud. These include more stringent documentation requirements, site visits, and enhanced verification procedures.

### **Streamlined Application Process:**

Recognizing the need for efficiency, the SBA has streamlined the application process for SD/VOSB certification. By leveraging technology and digital platforms, businesses can submit their applications online, reducing paperwork and processing time.

### **Enhanced Training and Support:**

The SBA has expanded its efforts to provide comprehensive training and support to SD/VOSB applicants. This includes webinars, workshops, and online resources aimed at educating veterans on the certification process, federal contracting requirements, and business development strategies.

The SBA has taken significant action

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over the years to support small businesses of all kinds and these enhancements to the SD/VOSB certification program once again demonstrate their leadership. These actions also ensure that all firms that qualify for SD/VOSB set aside awards meet the standards established in the new FAR 13 CFR 128 regulation. The SBA has taken a proactive step to ensure that the men and women who wore our Nation's cloth are getting a fair and equal opportunity to bid on and be awarded contracts to support our federal agencies missions.

*Antonio Moscatelli is the President & CEO of [Associated Veterans, LLC](#) and is a member of the NVSBC Board of Directors*

## Welcome New & Renewed Member Organizations

### New Members

A Design Group--Art Architecture  
&Engineering  
Abacus Accounting LLC  
CDO Consulting Services LLC  
Center for Performance Mastery  
Eagle Horizon Group  
General Management (GM) Healthcare  
Group  
HonorVet Technologies  
Horizon Strategies, LLC  
Recon Inc.  
SECURITY CONSULTANT AGENCY LLC  
Socium Advisors

### Renewed Members

Axios Investigations Firm, LLC  
B. Out There  
Baker Botts L.L.P.  
Community Business Partnership  
CRG Automation  
Do More Group Homes  
Endoscopy Repair Specialist Inc  
L.C. Fluharty Construction LLC  
Mohela  
Nationwide IT Services, Inc.  
Oasys International Corp  
Objective Area Solutions, LLC  
PilieroMazza PLLC

RoDa Business Solutions  
Romanyk Consulting Corp  
South River Federal Solutions LLC  
T & T Materials  
The Craddock Group, LLC  
The Gatewood Group, LLC  
Trans Global Solutions, LLC  
VetAble Technologies LLC  
Veterans Enterprise Technology  
Solutions, Inc.  
Vivid Imaginations  
VPD Government Solutions

## ANNUAL AWARDS GALA

**SAVE  
THE DATE!**

**Date: NOVEMBER 9, 2023**

**Time: 5:30pm – 8:30pm**

### Sponsorships Available

Recognizing Veteran Contracting Leadership!

- Champion Awards – Federal Agencies and GovCons
- Small Business Advocate of the Year Award
- Gordon H. Mansfield Veterans Small Business Award
- Small Business of the Year
- Small Business Employee of the Year





## Coalition Celebrations



# MARK YOUR CALENDARS

for

# VETS 24

**MAY 21-24, 2024**

*Sponsorships Available*

The Nation's Leading VSO-Sponsored Training,  
Networking, and Advocacy Event for  
Small Businesses Serving as Federal Contractors



## Calls to Action

### MARK YOUR CALENDAR

#### July 2023

Huntsville Networking Dinner

JULY 27 | 5:30 PM - 8:30 PM CDT

#### August 2023

Charity Golf Tournament

AUGUST 14 | 9:00 AM - 4:00 PM EDT

Norfolk Networking Dinner

\*TENTATIVE AUGUST 3 | TIME TBD

Tampa Networking Dinner

\*TENTATIVE AUGUST 21 | TIME TBD

#### September 2023

DC Networking Dinner &  
VetFedAcademy

SEPTEMBER 12 | 4:00 PM - 8:30 PM EDT

San Diego Networking Dinner

\*TENTATIVE SEPTEMBER 25 | TIME TBD

#### October 2023

DC Networking Dinner &  
VetFedAcademy

OCTOBER 11 | 4:00 PM - 8:30 PM EDT

#### November 2023

Awards Gala

NOVEMBER | 5:30 PM - 8:30 PM EDT

#### December 2023

DC Networking Dinner &  
VetFedAcademy

DECEMBER 12 | 4:00 PM - 8:30 PM EDT



### Come out and play: Golfer registration is now open!

Don't miss the event that had the Vets contracting community talking for weeks last year. Golfers will enjoy 18 holes with carts, skills games on the greens, an incredible silent auction and raffle, and a lively networking lunch. Gather your own team, or let us pair you with one.

A limited number of sponsorships remain that include golfing spots.



**NVSBC**  
Education  
Foundation  
Charity Golf  
Tournament



[www.nvsbc.org](http://www.nvsbc.org)



## Calls to Action

### OPPORTUNITIES

VIRTUAL accelerator is seeking **50 business leaders** that operate companies with **\$1.5M to \$5M in sales** and are driven to aggressively grow their business.

Project Accelerate, sponsored by JPMorgan Chase & Co., is a new national initiative aimed at supporting small businesses led by **veterans, military members, and military spouses across diverse communities.**

[daytonchamber.org/projectaccelerate](https://daytonchamber.org/projectaccelerate)



The advertisement features a background image of a man in a suit working on a laptop. The DTS logo is in the top left corner. The main headline is in large white text, and the sub-headline is in smaller white text. The body text is in a smaller font, and the call to action is in a larger, bold font. The URL is in a smaller font at the bottom.

**DTS**  
Changing business.  
Delivering results.

## Handle CMMC Level 1 and OASIS+ cybersecurity requirements yourself

**With DTS's guided online course, you can write your own Cybersecurity Plan for CMMC Level 1 and OASIS+**

Fulfill the pre-award C-SCRM requirements for OASIS+ by using our online course, **Cyber Track: Basic**, to learn cybersecurity basics and produce a cybersecurity plan at the same time.

**Take an active role in your cybersecurity. Register now!**

[consultdts.com/cyber-track-basic](https://consultdts.com/cyber-track-basic)

## Don't Make the Most Common Bid Protest Mistakes!

### Part 10: It Might Not Be the End of the Road

You've made it, guys! Today marks the final chapter in our Bid Protest Mistake series. We've covered a lot: the difference between size/status protests and bid protests; protest deadlines for protests challenging solicitation terms; exclusions from the competitive range; post-award protest deadlines; demystifying debriefings; jurisdictional limits on task award protests; prejudice; intervention; and how to spot a losing protest. This month, we're finishing up with a discussion on when and how a protestor may get multiple tries to advance their protest.

For those of you familiar with bid protests, you might remember that protestors generally have three options concerning where to file: the agency; the GAO; and the COFC. There are many considerations that should go into selecting the forum in which you want to file: availability of the automatic stay; price; timing; existence/number of additional protestors, etc. One additional thing you might want to keep in mind – and discuss with your attorney – is what other options you might have, post-protest, should the decision not go your way. Many contractors don't realize that you sometimes have the option to seek resolution in multiple fora.

Specifically, if you first file your protest at the agency, if the agency does not find in your favor, you may be able to file your protest at GAO. The GAO rules provide that:

If a timely agency-level protest was previously filed, any subsequent protest to GAO must be filed within 10 days of actual or constructive knowledge of initial adverse agency

Note, however, that while this gives the agency-level protestor a "second bite at the apple" at GAO, it still raises several questions and issues that the protestor must keep in mind and address. First, the initial agency protest must have been filed in accordance with GAO deadline rules, which means that GAO rules need to be taken into account even before the agency level protest is filed. Second, what constitutes "initial adverse agency action" may be somewhat complicated and should be evaluated on a case-by-case basis. Third, pursuing an agency protest does not extend the time for obtaining a stay at GAO, so the repercussions of that must be kept in mind.

This is not the only chance a protestor gets to seek

additional review of a protest that did not go its way. A protestor that files a protest at the GAO but does not succeed in that protest may thereafter bring its protest to COFC. Note that, contrary to what some contractors think, this is not an "appeal" of the GAO decision. Rather, the COFC has separate and independent statutory authority under 28 U.S.C. § 1491(b) (1) to adjudicate bid protests. The protest to COFC is treated as a new protest filing. While the GAO decision will be considered, it is neither binding on the COFC nor

additional review of a protest that did not go its way. A protestor that files a protest at the GAO but does not succeed in that protest may thereafter bring its protest to COFC. Note that, contrary to what some contractors think, this is not an "appeal" of the GAO decision. Rather, the COFC has separate and independent statutory authority under 28 U.S.C. § 1491(b) (1) to adjudicate bid protests. The protest to COFC is treated as a new protest filing. While the GAO decision will be considered, it is neither binding on the COFC nor





# Business Leadership: Legal

## Part 10: It Might Not Be the End of the Road (cont.)

reviewed for “clear error” only. The GAO decision will likely become a part of the administrative record, but protestors must be very careful, when using information obtained during a GAO protest under protective order, not to violate that protective order. I

have seen attorneys sanctioned for making this mistake.

Finally, as with other COFC decisions, a COFC ruling on a bid protest may be appealed to the United States Court of Appeals for the Federal Circuit.

Taken together, this means that a protestor might, in certain situations, have the right to try and pursue the protest in several different fora. This is good news for protestors who need additional options to pursue a

legitimate protest. As a practical matter, though, you should never pursue a protest – let alone multiple rounds of protest litigation – on a whim. You must ensure that your protest is in fact a strong one, based on objective arguments and not mere

disagreement with agency judgment (see last month’s installment for a recap on this topic), and that you are not simply throwing some arguments at the wall to see what sticks. The last thing any contractor needs is to develop a reputation for

pursuing frivolous bid protests. This includes those incumbents who use these multi-tiered review options to drag out the award process and prolong existing contracts or bridge

the contract just to get a couple of months additional revenue. The government does not appreciate that type of waste of agency and judicial resources.

The key is to consider all your forum options, and the path you want to follow, before filing anything at all. If you have questions about how to do this, consult with a legal professional.

*Maria Panichelli is a partner at [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.’](#)*

**“The last thing any contractor needs is to develop a reputation for pursuing frivolous bid protests.”**

**PROUDLY SERVING  
THE VETERAN  
SMALL BUSINESS  
COMMUNITY**

HELPING VETERANS SUCCEED IN THE FEDERAL MARKET



# Calendar of Events

## NVSBC Events

NVSBC Events are specially designed to provide networking and training for those VOSB & SDVOSB ready to take their business to the next level! These include:

- Charlie Mike Webinar Training Series
- VetFedAcademies
- Washington DC Networking Dinners
- Many more...

Let us help you get "Procurement Ready!" Click on the on the button below to learn more and register.

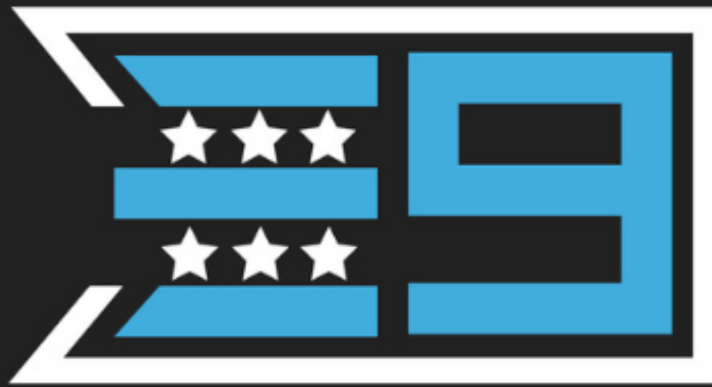
[Enter NVSBC Events](#)



**14**  
**AUG**

**Come out and play:  
Golfer registration is now open!**

[REGISTER HERE](#)



**ELEVEN09**

Look Beyond What You See



# Calendar of Events

## Federal Procurement Events

Grow your business through events provided by agencies within the Federal government including outreach, matchmaking, networking, training, and additional activities. If you have a Federal Procurement Event you'd like NVSBC to consider adding to this page, please contact [members@nvsbc.org](mailto:members@nvsbc.org) with respective details.

[Enter Federal Procurement Events](#)

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#### A salute to those who serve

Boeing is proud to honor service members for everything they do to keep those at home safe.



# Calendar of Events

## Partnership Deals

Take advantage of benefits where NVSBC has created partnerships that bring value to your business. If you would like NVSBC to consider a partnership with your business, please contact [members@nvsbc.org](mailto:members@nvsbc.org) with respective details.

Partner Deals

## Membership and Sponsorship Supports NVSBC Programs

Did you know that NVSBC is a **non profit organization** that relies on membership and sponsorship to provide our programs and services? **If you benefit from our Training, Networking, and Advocacy, join the coalition or sponsor NVSBC today and strengthen our voice!**

Join Today!

Sponsorship Opportunities

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*\*First Call audience of 48,000+ in the GovCon community with open rates 38%*