



Weekly Report for February 2, 2018

GOVERNMENT CONTRACTS

Defense Federal Acquisition Regulation Supplement: Procurement of Commercial Items (DFARS case 2016-d006)

The Department of Defense (DOD) issued a final rule, which amended the Defense Federal Acquisition Regulation Supplement (DFARS), to implement sections of the National Defense Authorization Acts for Fiscal Years 2013, 2016, and 2018, related to commercial item acquisitions. The rule will reduce the risk of fraud, increase accountability, and make the buying process more seamless for the military. See [83 Fed. Reg. 4431](#).

SMALL BUSINESS

Ownership and Control of Service-Disabled Veteran-Owned Small Business Concerns

The U.S. Small Business Administration (SBA) proposes to amend its regulations to implement provisions of The National Defense Authorization Act for Fiscal Year 2017 (NDAA 2017). The NDAA 2017 placed the responsibility for issuing regulations relating to ownership and control for the Department of Veterans Affairs verification of Veteran-Owned and Service-Disabled Veteran-Owned Small Business Concern with the SBA. Pursuant to NDAA 2017, there will be one definition of ownership and control for these concerns, which will apply to the Department of Veterans Affairs in its verification and Vets First Contracting Program procurements, and all other government acquisitions which require self-certification. This proposed regulation seeks to remove all references to ownership and control in VA's existing verification regulations and to add and clarify certain terms and references that are currently part of the verification process. The NDAA also provides that in certain circumstances a firm can qualify as Service-Disabled Veteran Owned Small Business when there is a surviving spouse or an employee stock ownership plan. See [83 Fed. Reg. 4005](#).

LABOR AND EMPLOYMENT

Maryland Healthy Working Families Act to Take Effect on February 11, 2018

Effective February 11, 2018, Maryland's Healthy Working Families Act (the "Act"), or Maryland's sick leave law will go into effect. Although Governor Larry Hogan had vetoed the measure, on January 11, 2018, the Maryland General Assembly overrode the Governor's veto leaving employers scrambling to prepare for implementation. The Act requires employers to grant sick and safety leave to employees in the State of Maryland, but does not clearly define requirements that would qualify a worker as a Maryland employee. [Click here](#) to read the full Act.

PILIEROMAZZA NEW BLOGS

Don't Get Lost Filing and Prosecuting CDA Claims

By [Michelle Litteken](#)

Although the Contract Disputes Act ("CDA") is intended to provide an efficient way for contractors to resolve disputes with the Government, contractors often encounter difficulties when submitting and prosecuting CDA claims. A claim may not satisfy the CDA's requirements, such as providing a certification or requesting a final decision. Or, a contractor may face problems at the appeal stage due to jurisdictional issues. A recent decision from the Federal Circuit, Securiforce International America, LLC v. United States, Nos. 2016-2586, 2016-2633 (Fed. Cir. Jan. 17, 2018), provides a good reminder on some of these issues. Read the article at <http://www.pilieromazza.com/blog>.

Defining "Unconditional" Ownership and Control of SDVOSBs: SBA Proposes to Relax Ownership and Control Requirements

By [Meghan Leemon](#)

Recently, we [wrote](#) about the VA's proposed rule to eliminate its own ownership and control criteria for SDVOSB and VOSB eligibility under the Vets First contracting program. The proposed rule stems from Congress' mandate in the National Defense Authorization Act for Fiscal Year 2017 ("NDAA") that SBA be the sole agency responsible for issuing regulations relating to the ownership and control of SDVOSBs and VOSBs. On Monday, the SBA released [a proposed rule](#) regarding the sole definition of ownership and control that would apply to VA, Vets First, and all other Government acquisitions that require self-certification as an SDVOSB or VOSB. Read the article at <http://www.pilieromazza.com/blog>.

CAPITOL HILL

Safeguarding Small Business Cybersecurity

On January 30, 2018, the House Committee on Small Business heard testimony from Howard Marshall, Deputy Assistant Director of the Cyber Division of the Federal Bureau of Investigation and Richard Driggers, the Deputy Assistant Secretary of the Office of Cybersecurity and Communications, National Protection and Programs Directorate, at the United States Department of Homeland Security, on the federal government's role in providing support to America's 29 million small businesses at risk of foreign cyber attack. More information on the hearing can be found [here](#).