



Weekly Report June 16th, 2017

GOVERNMENT CONTRACTING

“GSA Adds Hundreds of Small Businesses to the 8(a) STARS II GWAC Contract.”
GSA Press Release, June 15, 2017. Retrieved from gsa.gov.

The GSA 8(a) STARS II Governmentwide Acquisition Contract (“GWAC”) recently added approximately 500 qualified industry partners during an Open Season. The Open Season enables GSA to continue its support of the U.S. Small Business Administration’s (“SBA”) 8(a) Business Development Program and assist agencies in meeting their small business goals. With over 3,200 task order awards and \$5.3 billion in sales since 2011, the 8(a) STARS II GWAC provides an abundance of opportunities for small businesses.

GSA anticipates issuing a “Notice to Proceed” for the Open Season awards in the near future. For more information, visit the 8(a) STARS II GWAC [website](#).

“Class Deviation from the Federal Acquisition Regulation (FAR) to remove the Fair Pay and Safe Workplaces final rule (FAR Case 2014-025).” *Acquisition.gov, CAAC Letters, June 12, 2017. Retrieved from acquisition.gov.*

The General Services Administration (“GSA”) released a memorandum in which it provides agency and contracting officer guidance to Executive Order 13782, Removal of the Fair Pay and Safe Workplaces Final Rule (Federal Acquisition Regulation (“FAR”) Case 2014-025). The memorandum explains that, while the rulemaking is underway to amend the FAR, agencies should not wait for the formal rescission of the rule, as it is null and void. Furthermore, the memorandum states that no solicitations and contracts dated after January 1, 2017 should have included the following provisions or clauses: FAR 52.222-57, 52.222-58, 52.222-59, 52.222-61, and paragraph (s) of the provision at 52.212-3. Executive Order 13782 rescinds the requirement for federal contractors to disclose compliance with labor laws, paycheck transparency, and arbitration clauses for sexual harassment, sexual assault, and discrimination claims.

CAPITOL HILL

The National Defense Authorization Act (“NDAA”) for Fiscal Year 2018 was introduced in the House on June 7, 2017, and referred to the House Committee on Armed Services. Presently, there is one provision that affects small businesses under Title VIII – Acquisition Policy, Acquisition Management, and Related Matters. Section 801

proposes to repeal an NDAA FY17 provision that allowed certain Department of Defense (“DOD”) contractors not to be subjected to government audits of their indirect costs. The intent of the NDAA FY17 provision was to enable more competition by non-traditional, small business, and commercial contractors. However, the manner in which the criteria were written also would benefit some of the largest DOD contractors. Removing government audits of procurements by large DOD contractors would affect the government acquisition system, such as how pricing rates are established on other contract types. Legislation can be retrieved from congress.gov.

“Small Business Committee Approves Five Bipartisan Bills to Improve the SBA.”
Small Business Committee Press Release, June 15, 2017. Retrieved from smallbusiness.house.gov.

The House Small Business Committee approved five pieces of legislation to amend the Small Business Act and the Small Business Investment Act:

1. H.R. 2763 reinforces SBA reporting requirements of the Small Business Innovation Research and Small Business Technology Transfer Programs.
2. H.R. 2594 ensures small business federal contractors get paid sooner on change orders by requiring federal agencies to make interim partial payments to contractors.
3. H.R. 2333 increases the amount of capital made available to small business investment companies (“SBIC”).
4. H.R. 2364 increases the amount that financial institutions may invest in SBICs, increasing the limit up to 15% of their holdings to SBICs.
5. H.R. 2056 will raise the microloan lending limit from \$5 million to \$6 million and provide flexibility to the 25/75 rule, which restricts the amount of pre-loan technical assistance a microloan intermediary can offer to its small business.

OTHER NEWS

“AWS Unveils New Region for Government Customers.” *NextGov*, June 13, 2017. Retrieved from nextgov.com.

Cloud provider Amazon Web Services (“AWS”) will create a new East Coast computing region built specifically for U.S. government customers. AWS GovCloud (US-East) is expected to become operational in 2018, according to Teresa Carlson, Vice President of AWS Worldwide Public Sector. The new computing region would meet the government customer compliance requirements, including FedRAMP, ITAR, DOD impact levels 2-4, IRS 1075, and others. The closer proximity of AWS GovCloud (US-East) could prove attractive for DOD and military customers, as the nature of their sensitive data sets tends to prefer closer locales.