



Weekly Report for March 16, 2018

## **GOVERNMENT CONTRACTING**

### ***San Diego Communications Company Pays More Than \$12 Million to Settle False Claim Act Allegations Regarding Eligibility for Small Business Innovation and Research Contracts***

According to a news release by the Department of Justice, TrellisWare Technologies, Inc., a communications company located in San Diego, has agreed to pay \$12,177,631.90 to settle civil False Claims Act allegations that it was ineligible for multiple Small Business Innovation and Research (SBIR) contracts it had entered into with government defense agencies. TrellisWare is a majority-owned subsidiary of ViaSat, Inc., a global broadband services and technology company also headquartered in San Diego.

The SBIR program is designed to stimulate technological innovation by funding small businesses to engage in federal research and development efforts. To be considered a small business for purposes of SBIR awards, a contractor must not be majority owned by another company. Between 2008 and 2015, TrellisWare was awarded multiple SBIR contracts to provide the Navy, Army, and Air Force with a variety of technology services and products involving communications and signal processing systems, including wireless networks used in military tactical environments. TrellisWare self-certified that it met the small business size requirements for eligibility to receive SBIR funding. But based on certain disclosures that TrellisWare later made about its ownership relationship with ViaSat, the government conducted an investigation into TrellisWare's eligibility for SBIR awards. The government contends that TrellisWare was not eligible for SBIR awards because it was actually a majority-owned subsidiary of ViaSat at the time it was awarded and performed on SBIR contracts. For the full article, please visit [Justice.gov](http://Justice.gov).

## **SMALL BUSINESS ADMINISTRATION**

### ***SBA Administrator Honors Nation's Top Small Businesses***

Administrator Linda McMahon, the head of the U.S. Small Business Administration, announced today this year's Small Business Person of the Year winners from the 50 states, the District of Columbia, and Puerto Rico. All of the winners have been invited to attend ceremonies in Washington, D.C on April 29-30, where they will be honored with their individual award along with special recognition of the three runners-up and the naming of the 2018 National Small Business Person of the Year. For a full list of winners, please visit [SBA.gov](http://SBA.gov)

## **VETERANS AFFAIRS DEPARTMENT**

### ***Revise and Streamline VA Acquisition Regulation To Adhere to Federal Acquisition Regulation Principles (VAAR Case 2014-V002); Correction***

On February 21, 2018, the Department of Veterans Affairs (VA) published a final rule prescribing five new Economic Price Adjustment clauses for firm-fixed-price contracts, identifying VA's task-order and delivery-order ombudsman, clarifying the nature and use of consignment agreements, adding policy coverage on bond premium adjustments and insurance under fixed-price contracts, and providing for indemnification of contractors for medical research or development contracts. It contained an erroneous amendatory instruction citing the wrong CFR section. This document corrects that error. For more, please visit [83 Fed. Reg. 10801](https://www.federalregister.gov/documents/2018/02/21/2018-04531)

## **U.S. SUPREME COURT**

### ***Justices to consider tribal immunity from state-court actions to adjudicate title to land***

The justices will get a chance to review first principles of sovereign immunity next week when they hear oral argument in *Upper Skagit Indian Tribe v. Lundgren*. The case presents yet another chapter in the long saga of the Supreme Court's stance as a mediator between the efforts of the states to control activities within their territorial boundaries and the rights of tribes to protect the sovereignty left to them after their assimilation into the national community. For more information please visit [scotusblog.com](http://www.scotusblog.com)

## **CAPITOL HILL**

### **Six Bipartisan Bills Pass House Small Business Committee**

On March 14, 2018, the House Small Business Committee held an executive business meeting in which it favorably reported six bills to the full House of Representatives for consideration. This includes **H.R. 4743**, the Small Business 7(a) Lending Oversight Reform Act; **H.R. 3170**, the Small Business Development Center Cyber Training Act; **H.R. 4668**, the Small Business Advanced Cybersecurity Enhancements Act; **H.R. 2655**, the Small Business Innovation Protection Act; **H.R. 5236**, the Main Street Employee Ownership Act; and **H.R. 5178**, the Puerto Rico Small Business Contracting Act. If passed by the House of Representatives, identical versions of the bills would need to be passed by the Senate in order for these measures to be signed into law by the President. For more information, please visit [Smallbusiness.house.gov](http://smallbusiness.house.gov)

### **Senate Small Business Committee reports two nominees and eight bills**

On March 14, 2018, the Senate Committee on Small Business and Entrepreneurship held an executive business meeting to consider the nominations of David C. Tryon to be Chief Counsel for Advocacy of the Small Business Administration and Hannibal M. Ware to be Inspector General of the Small Business Administration, as well as several pieces of legislation. The legislation included **S. 526**, the Microloan Modernization Act of 2017; **S. 791**, the Small Business innovation Protection Act of 2017; **S. 1538**, the Small Business Employee Ownership Promotion Enhancement Act of 2017; **S. 1961**, the SBIR and STTR Oversight and Pilot Program Extension Act of 2017; **S. 1995**, Spurring Business in Communities Act of 2017; **S. 2283**, Small Business 7(a) Lending Oversight Reform Act of 2017; **S. 2419**, Support Startup Businesses Act of 2018; **S. 2527**, a bill to amend the Small Business

Investment Act of 1958 to increase the amount of leverage made available to small business investment companies.

All of the bills, as well as both nominees, were reported favorably by the Committee. If passed by the Senate, identical version of the bills would need to be passed by the House of Representatives before being signed into law by the President. In order for the President to officially appoint the nominees, they would need to be approved by the Senate. For more information, please visit [sbc.senate.gov](http://sbc.senate.gov)

## **PILIEROMAZZA BLOGS**

### **[Pre-Award Notifications in a Set-Aside Procurement: Can I Get a Debriefing Now?](#)**

By Julia Di Vito

If you pursue contracts that are set aside for small businesses, you have probably noticed that if your proposal is not successful, you will get what is called a “pre-award” notification from the agency informing you of the identity of “apparently successful offeror.” If you receive such a notice, you may be eager to get a debriefing to find out why your company was not identified as the “apparently successful offeror.”