

**PilieroMazza Weekly Update for
Government Contractors and Commercial Businesses
May 17, 2019**

If you have questions concerning the content below, please visit this [link](#).

FALSE CLAIMS ACT / LITIGATION

U.S. Supreme Court – According to Law360, the U.S. Supreme Court ruled unanimously that the “government knowledge” statute of limitations applies in False Claims Act cases regardless of whether the government intervenes, expanding the time relators have to file FCA claims by up to four years in some circumstances.

Justice Department Issues New False Claims Act Guidance on Cooperation Credit That May Reduce FCA-Defendant Liability, May 16, 2019, [Matthew Feinberg](#)

Last week, on May 7, 2019, the U.S. Department of Justice ("DOJ") announced the issuance of formal guidance to clarify the manner in which the DOJ allocates credit to defendants who cooperate with government investigations in False Claims Act ("FCA") matters. In a press release from the Office of Public Affairs, the DOJ explained that it "has taken important steps to incentivize companies to voluntarily disclose misconduct and cooperate with [DOJ] investigations[.]" Specifically with regard to the FCA, the DOJ announced, "False Claims Act defendants may merit a more favorable resolution by providing meaningful assistance to the [DOJ] – from voluntary disclosure, which is the most valuable form of cooperation, to various other efforts, including the sharing of information gleaned from an internal investigation and taking remedial steps through new or improved compliance programs." [\[Read More\]](#).

SMALL BUSINESS PROGRAMS & ADVISORY SERVICES

SBA Proposes to Implement Certification Requirement for WOSB/EDWOSBs and Revise Economic Disadvantage Criteria for 8(a) Eligibility, May 15, 2019, [Meghan Leemon](#)

A few years ago, we wrote about how, through the 2015 National Defense Authorization Act (NDAA), Congress directed SBA to end self-certification for WOSBs and EDWOSBs and implement a certification process. On May 14, 2019, SBA issued the proposed rule which, if finalized, would implement a certification requirement for WOSBs and EDWOSBs. In this proposed rule, SBA has also proposed revising the economic disadvantage criteria for 8(a) companies, particularly for initial eligibility purposes, and to make these consistent between the 8(a) and EDWOSB programs. [\[Read More\]](#). Comments to the proposed rule are due July 15, 2019. See also [84 Fed. Reg. 93, 21256](#).

CYBERSECURITY & DATA PRIVACY

PODCAST: GovCon Live! Episode 3 – Managing Insider Threats and Other Risk Mitigation Strategies, May 15, 2019, Speakers, [Jonathan Williams](#), [Nichole Atallah](#), and [Megan Connor](#) [\[Listen\]](#).



Join us on **June 5, 2019** for **PilieroMazza's half-day conference "Gaining a Competitive Edge through Cyber, Data, & Personnel Security."** Visit this [link](#) for more information and to register.

PODCAST: GovCon Live! Episode 2 – Cybersecurity Compliance for M&A, May 8, 2019, Speakers, [Jonathan Williams](#) and [David Shafer](#) [[Listen](#)].

PODCAST: GovCon Live! Episode 1 – Protecting Your Data Rights, May 1, 2019, Speakers, [Jonathan Williams](#) and [Cy Alba](#) [[Listen](#)].

GOVERNMENT CONTRACTS LAW

Department of Defense, General Services Administration, National Aeronautics and Space Administration – The DoD, GSA, and NASA issued a proposed rule to amend the FAR and implement a section of the NDAA for Fiscal Year 2018 to revise and broaden the definition of a “commercial item.” [84 Fed. Reg. 91, 20607](#).

Food and Drug Administration – According to Bloomberg Government, the FDA’s Center for Tobacco Products (CTP) is proposing a five-year, \$149 million blanket purchase agreement for IT system lifecycle development and management support. CTP plans to use the GSA’s Schedule 70 and a special item number (SIN) 132-51, for IT professional services. Responses to the request for information are due May 28, 2019.

Department of Defense – According to Law360, the DoD released a report identifying 1,059 cases from 2013 to 2017 that led to fraud-related criminal convictions, \$5 billion that was recovered in civil judgments and settlements, and \$369 million that was recovered in fines and penalties.

Government Accountability Office – The GAO released a [report](#) finding that five agencies awarded more than 1,800 contracts to contractors that had reported qualifying federal tax debts despite each of the agencies having internal policies and procedures meant to help ensure they considered qualifying federal tax debts before awarding contracts.

CVE Denies SDVOSB Verification Application Based on Outdated VIP Profile, May 14, 2019, [Peter Ford](#) SDVOSBs participating in the VA's Veterans First Contracting Program are required to maintain a Vendor Information Page ("VIP") profile which contains a significant amount of information about the company, such as ownership structure, financial data, and capabilities. Making sure this information is current and accurate is critical to your verified SDVOSB status, as a recent OHA decision demonstrates. [[Read More](#)].

LABOR & EMPLOYMENT LAW

Department of Labor – The DOL extended the comment period for its proposed rule that would update and clarify the DOL’s interpretation of “joint employer status” under the Fair Labor Standards Act (FLSA). Comments to the proposed rule are now due June 25, 2019. [84 Fed. Reg. 83, 21301](#). The DOL also extended the comment period for its proposed rule regarding the “regular rate” under the FLSA to June 12, 2019. [84 Fed. Reg. 93, 21300](#).

BUSINESS & CORPORATE LAW

ANNOUNCEMENT: PilieroMazza Enhances Corporate and Litigation Legal Services to Government Contractors and Commercial Businesses, May 13, 2019, [Patrick Burns](#) and [Francis Massaro](#)
PilieroMazza is pleased to announce the addition of Patrick Burns as an Associate in the firm's Litigation Group and Francis Massaro as an Associate in the firm's Business & Corporate Law Group.