



NACA

Native American Contractors Association

**Welcome to the
Native American Contractors
Association's**

**Successful Marketing
Strategies**

AK CLE Certified for 5 credits

**Washington, D.C.
May 22, 2013**





Who we are

NACA is a National Native organization based in Washington, D.C. that advocates for the rights of Tribes, ANCs and NHOs in government contracting and their participation in the SBA 8(a) Program.

Vision: To enhance the economic self-sufficiency of America's Indigenous people.

View our website at www.nativecontractors.org





PRESENTED BY

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OVERVIEW

- ❖ The Caveats for Firms Using Consultants
- ❖ Due Diligence on Consultants and Teaming Partners
- ❖ Marketing Tips and Marketing to Prime Contractors
- ❖ Responding to Sources Sought Notices and Speed Dating



CONSULTANTS AND CONTINGENT FEES

- ❖ Consultants frequently perform a variety of legitimate services for government contractors
- ❖ However, in an increasingly competitive marketplace, temptation may exist to turn to consultants for help with obtaining contracts
- ❖ While not all assistance is prohibited, payment of a fee contingent on the receipt of a federal contract is expressly forbidden (with limited exceptions)



COVENANT AGAINST CONTINGENT FEES

- ❖ Covenant to be included in practically all federal contracts
 - In form of warranty to government
- ❖ With exception of bona fide employees or bona fide commercial entities hired to secure business, contractors may not pay contingent fees
- ❖ A violation may result in:
 - Proposal rejection (pre-award)
 - Contract cancellation (post-award)
 - Suspension and/or debarment
 - Referral to the Department of Justice for further investigation



THIRD-PARTY CONTINGENT FEES AND 8(A) FIRMS

- ❖ SBA allows 8(a) Applicants and Participants seeking contracts to hire agents or representatives to assist them
- ❖ Compensation received by any agent or representative of an 8(a) Applicant/Participant must be reasonable in light of the service(s) performed by the agent/representative
- ❖ Percentage of the gross contract value prohibited
- ❖ Compensation that is a percentage of profits may be found to be unreasonable
- ❖ SBA may suspend or revoke an agent's or representative's privilege to assist applicants



DUE DILIGENCE ON CONSULTANTS AND TEAMING PARTNERS

- ❖ Avoid the temptation to hire any consultant or get on *any* team and at *any* cost
- ❖ Carefully & thoroughly screen prospective primes/subcontractors
 - Check liens, litigation, UCC's, judgments, tax debts
- ❖ History of being a good consultant or teaming partner
 - Ask for references
- ❖ Record of being fair, equitable, collaborative, and flexible in consulting/teaming relationships
- ❖ Unblemished reputation with the Government/Customers



MARKETING TIPS

- ❖ Expertise in Industry or Specialty Areas
- ❖ Past Performance
- ❖ Emphasize Specific Unique Services your firm can provide
- ❖ Identify resources available to Company as a result of other resources of Parent/Sister Companies
 - No affiliation



MARKETING TO PRIME CONTRACTORS

- ❖ SBA sets agency subcontracting goals for 8(a) and other small business categories
- ❖ Primes must have subcontracting plan goals for SDB and other small business categories
- ❖ ANCs/Tribes, regardless of size or 8(a) status, count as SDBs for subcontracting purposes



SOURCES SOUGHT NOTICES

❖ Why respond?

- Ensuring small business set-asides
- Practice for proposal preparation
- Forces the business to think critically about its capabilities prior to expending resources on proposal preparation
- Preservation of rights to protest the failure to set the requirements aside for small businesses



SOURCES SOUGHT NOTICES

❖ How to respond?

- Show your Existing and Potential Capabilities
 - A. Some Sources Sought Notices allow you to not only show your current capabilities, but also explain how you would perform if awarded a contract even if you cannot currently provide all the necessary resources. Take advantage of this!
 - B. Fully Demonstrate Capability:
 - 1) Demonstrate Ability to Manage
 - 2) Demonstrate Technical Ability
 - 3) Demonstrate Capacity



SOURCES SOUGHT NOTICES

❖ Ability to manage

- Usually this is an area where “potential capability” is prohibited, must show current capability
- Ability to manage work is different from ability to manage a business
- Generalizing tantamount to not responding at all
- Performing the work is not the same as managing the work



SOURCES SOUGHT NOTICES

❖ Technical Ability

- Describe the specific approach and how you plan to meet the requirements
- Use the terms in the Sources Sought Notice to show understanding of the subject matter
- Do not make assumptions about the knowledge of the reviewers



SOURCES SOUGHT NOTICES

❖ Capacity

- Show the ability to handle the magnitude of the work, including the amount of equipment or facilities involved and the size of the staff required
- Do not expect reviewers to look up past contracts or have knowledge of your company's prior experience or expertise



“SPEED DATING” FOR YOUR BUSINESS

- ❖ Have a succinct yet informative elevator speech ready
- ❖ Do not claim to be all things to all people – focus on your business’ key skills
- ❖ Do not just talk to potential clients – competitors and service providers can be a source of referrals and conversations can allow you to better understand the marketplace
- ❖ Follow-up with everyone!



LEVERAGING YOUR SPECIFIC STATUS

- ❖ 8(a)
- ❖ Small Disadvantaged Business
- ❖ HUBZone
- ❖ Small Business



ANY QUESTIONS?

Thank you for joining us today.

If you would like to speak with Tony Franco or Cy Alba about any of the topics discussed today, please contact them as follows:

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