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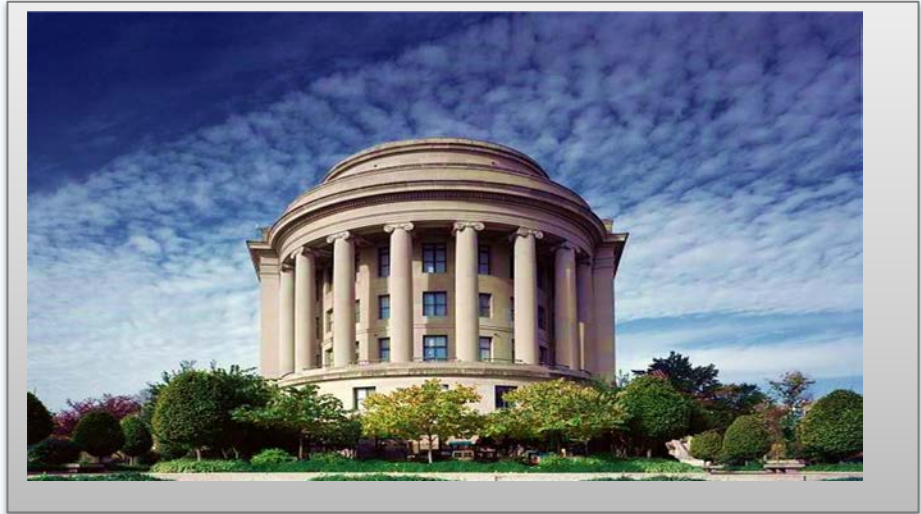
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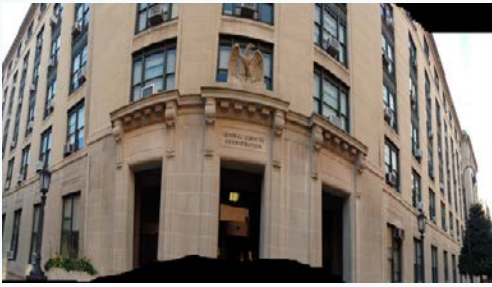
Domain Expertise

GSA Mass Modifications and Transactional Data Reporting – Important Notice

For those clients with the following Schedules and or SINS please contact your Gormley Group Consultant prior to accepting any upcoming Mass Modifications issued by GSA. We want to ensure clients do not inadvertently accept the terms of Transactional Data Reporting (TDR) at this time.

- Schedule 03FAC, Facilities Maintenance and Management: All SINS
- Schedule 51 V, Hardware Superstore: All SINS
- Schedule 58 I, Professional Audio/Video, Telemetry/Tracking, Recording/Reproducing and Signal Data Solutions: All SINS
- Schedule 72, Furnishing and Floor Coverings: All SINS
- Schedule 73, Food Service, Hospitality, Cleaning Equipment and Supplies, Chemicals and Services: All SINS
- Schedule 75, Office Products: All SINS
- Schedule 00CORP, The Professional Services Schedule: Professional Engineering Services (PES) SINS
- Schedule 70 IT – SIN 132-54, 132-55, 132-32, 132-33, 132-34, and 132-8

If there are any questions again please contact your TGG consultant.



Federal Marketplace Matters

IRS Needs to Physically Secure Its Computer Rooms

The Internal Revenue Service has had cyber problems before, but now the physical security of its facilities is under scrutiny.

IRS' computer rooms and tape libraries, which store critical systems on mainframes, servers and other equipment, aren't well enough protected from potential intruders, a new watchdog report concluded.

In some cases, anyone with general access can enter restricted computer rooms, and surveillance equipment is either outdated or nonexistent, an audit from the Treasury Inspector General for Tax Administration said.

Such "unauthorized access" could lead to the "theft of equipment and taxpayer information and disruption of service," the report said.

One of IRS' data center locations didn't have two-factor authentication, and IRS wasn't performing door-testing after some changes to its Physical Access Control System, called ePACs.

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GSA SmartPay 2, SmartPay 3 deemed 'Best in Class'

Two General Services Administration's charge card services contracts are about to get a category management upgrade.

GSA SmartPay 2 and the forthcoming SmartPay 3 programs have been designated "Best-in-Class" contracts for the agency's move to category management.

GSA Business Management Director Geri Haworth said in a Oct. 14 blog post on GSA Interact that the two charge card contracts met the rigorous standards required by the Office of Management and Budget to designate them as "'good-for-government' purchasing solutions" for all federal agencies.

GSA SmartPay 2 provides agencies the ability to purchase travel-related expenses, fleet expenses and commercial goods and services. SmartPay 3 will be the updated version of the program, and GSA sent out a draft RFP for the program's new charge cards in June. SmartPay 2 cards are set to expire on Nov. 29, 2018.

As part of the Unified Shared Services Management Office's initiatives for shared services, contract vehicles designated "Best-in-Class" will be available to all agencies for single service use.

GSA building maintenance and operations contracts became the first service to receive "Best-in-Class" status back in September.

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Federal Marketplace Matters

Agencies Can Now Buy Through GSA's Cyber SINS

An effort to help government agencies zero in on relevant cyber vendors is underway.

The General Services Administration is now using a special item number to tag vendors specializing in services such as penetration testing, incident response and vulnerability assessment. As of Thursday, 15 vendors have been approved under the Highly Adaptive Cybersecurity Services section of the IT Schedule 70, a list of companies pre-vetted to sell tech services to the government.

Now, agencies can create blanket purchase agreements with those 15 vendors or place individual own task orders, according to a GSA blog post.

The first 15 vendors were selected after "oral technical evaluations," GSA's IT Category Manager Mary Davie wrote in a blog post.

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A return of the 'minibus' for 2017?

An idea that House Speaker Paul Ryan (R-Wis.) had once floated to fund the government appears to be percolating again in Congress.

Even before the end of fiscal 2016, Ryan had proposed the idea of passing a few "minibuses," or small spending bills based on some of the still-unfinished appropriations measures, while passing a continuing resolution that would keep funding at 2016 levels for the other civilian agencies.

The plan could reappear as Congress returns from recess Nov. 14 and takes another stab at a budget solution before the current short-term continuing resolution expires Dec. 9.

But House Democratic leadership isn't thrilled by Ryan's idea.

"If you want to do minibuses, they have to add up to an omnibus," House Minority Speaker Nancy Pelosi (D-Calif.) said during an [Oct. 19 press conference](#). "But to do a minibus and a [continuing resolution] is like two derelictions of duty. We are failing on two scores. We have to rise up to our responsibility of what we have to do. We come back, we are ready to cooperate in any way to get this done in a reasonable time and remove all doubt that we will have an appropriations bill going into next year."

Ryan's office did not immediately respond to a request for comment.

Though it's relatively unclear which appropriations bills Ryan would want to package together under the "minibus," Republican leadership will likely use this scenario to boost defense spending while keeping other agencies' spending flat.

But Congress already passed the Military Construction and Veterans Affairs Appropriations Act, which it attached to the continuing resolution it passed at the end of September.

The Senate has passed two of the 11 remaining appropriations bills, while the House passed four.

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Federal Marketplace Matters

GAO: “Brand Name Only” Restrictions Must Be Justified

Competition is the touchstone of federal contracting. Except in limited circumstances, agencies are required to procure goods and services through full and open competition. In this regard, an agency’s decision to limit competition to only brand name items must be adequately justified.

GAO recently affirmed this principle in Phoenix Environmental Design, Inc., B-413373 (Oct. 14, 2016), when it sustained a protest challenging the Department of the Interior, Bureau of Land Management’s decision to restrict its solicitation for herbicides on a brand name basis.

The solicitation at issue in Phoenix Environmental Design specifically named five herbicides, and contemplated that BLM would issue a purchase order to the vendor that offered to provide those five herbicides on a best value basis.

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FedRAMP overhaul begins paying dividends

The Federal Risk Authorization and Management Program’s (FedRAMP) new streamlined, simplified process is paying off. The program is boasting increased authorizations and return business, and the new dashboard is making it easier for feds to use the program.

“We have seen an 85 percent increase in FedRAMP authorization for new cloud services,” said Ashley Mahan, FedRAMP agency evangelist, during an Oct. 19 Digital Government Institute webinar. “And those that have received a FedRAMP authorization, we have seen a 185 percent increase in agency re-use of existing FedRAMP authorized services, which is absolutely significant.”

More than 75 cloud service providers have been authorized by FedRAMP, along with 41 third-party assessment organizations. There are also 50 more cloud service providers currently in line for imminent approval.

FedRAMP is also reaching for a “reduction of up to 75 percent in time without compromising the program’s rigorous security standards,” Mahan said.

Advertisement

The program’s goal is to reduce the amount of time it takes for a cloud service provider to earn a FedRAMP provisional authorization — essentially giving agencies the go-ahead to consider these services — in as little as three months. Agencies and other organizations can view the available services, which third-party assessors approved them, and which agencies are now using them with the FedRAMP Dashboard, which launched in August.

“That is an effort to really be as transparent as possible to our federal community and to the FedRAMP family,” Mahan said.

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Federal Marketplace Matters

Agencies on a roller coaster ride with cloud spending

Sometimes covering the federal IT community is like a bad roller coaster. The buildup when going up the big hill is exciting and stomach churning. But when the downhill falls flat, you feel a little cheated. That's the feeling today when it comes to cloud computing. You can't shake a stick at a conference without someone mentioning the need to the cloud. The crucial role software-, platform-, infrastructure-as-a-service play and will continue to play in the future of federal IT always is hot topic.

But then Deltek's GovWin puts out a report that is like that flat roller coaster ride. GovWin, a market research firm, looked at preliminary federal procurement data for fiscal 2016 that shows spending on cloud computing hasn't lived up to its hype.

GovWin found civilian agencies have awarded \$75.4 million in cloud contracts in 2016 and the Defense Department, its services and agencies awarded \$45.3 million in 2016.

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Educational

SBA Revises 8(a) JV Regulation—But Confusion Remains

Stating that populated joint ventures have now been eliminated, the SBA has revised its 8(a) joint venture regulations to reflect that change.

In a technical correction published today in the Federal Register, the SBA flatly states that an earlier major rulemaking eliminated populated joint venture, and tweaks the profit-sharing piece of its 8(a) joint venture regulation to remove an outdated reference to populated joint ventures. But even following this technical correction, there are three important points of potential confusion that remain (at least in my mind) regarding the SBA's new joint venture regulations.

If you're a SmallGovCon reader, you know that the SBA made some major adjustments to its rules regarding joint ventures earlier this year. Among those changes, the SBA amended the definition of a joint venture to state that, among other things, a joint venture "may be in the form of a formal or informal partnership or exist as a separate legal entity." If the joint venture is a separate legal entity, it "may not be populated with individuals intended to perform contracts," although the joint venture may still be populated with one or more administrative personnel.

When the SBA made this change, it apparently forgot to adjust its 8(a) joint venture regulation to reflect the elimination of "separate legal entity" populated joint ventures. The 8(a) joint venture regulation, 13 C.F.R. 124.513, continued to provide that each 8(a) joint venture agreement must contain a provision "Stating that the 8(a) Participant(s) must receive profits from the joint venture commensurate with the work performed by the 8(a) Participant(s), or in the case of a populated separate legal entity joint venture, commensurate with their ownership interests in the joint venture."

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Upcoming Events

CGP Fall Training Conference – November 17th. The Westin Tysons Corner [Register](#)

April 13 2017 B2G Conference & Expo
Joint Base Langley / Eustice [More Info](#)

Watch out for GSA Events in 2017:

MARCH 7-8, 2017 IFMIPS (51V, 03FAC) Industry Day Event

May 2017 the GSA Federal Acquisition Training Symposium penciled in for in Huntsville, Alabama, and

June 2017 the Professional Services Industry Day in Tacoma, Washington.



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Compliance

Contractors Are Without A Forum To Protest Civilian Agency Task And Delivery Order Award Decisions

The Government Accountability Office's (GAO) jurisdiction over protests of civilian agency task and delivery orders expired on October 1, 2016, leaving federal contractors without a forum to protest a civilian agency's task and delivery order award decision.

The Federal Acquisition Streamlining Act (FASA) of 1994 prohibits protests related to task and delivery orders unless the protest alleges that the order "increases the scope, period or maximum value of the contract under which the order is issued." 41 U.S.C. § 4106(f)(1). The National Defense Authorization Act (NDAA) for Fiscal Year 2008 granted the GAO jurisdiction over protests of task and delivery orders with a value above US\$10 million, regardless of the bases of protest. 41 U.S.C. § 253j(e) (2008). This statute provided contractors with an opportunity to protest an order issued under any indefinite-delivery contract pursuant to FAR Subpart 16.5, including government-wide acquisition contracts with the General Services Administration (GSA), that exceeded this jurisdictional threshold.

The Act, however, included a three-year sunset provision by which GAO's jurisdiction would expire as of May 27, 2011. 41 U.S.C. § 253j(e)(3) (2008). Through the NDAA for Fiscal Year 2012, Congress extended the sunset date for protests of task and delivery orders under Title 41 (civilian) contracts to September 30, 2016, and removed the sunset provision for protests of task or delivery orders under Title 10 (DoD, NASA, and Coast Guard).

Although the House introduced legislation earlier this year to eliminate the sunset provision for protests of task and delivery orders under civilian contracts, Congress failed to enact any such legislation on or before September 30, 2016. The funding bill that Congress passed on September 28, 2016, and the President signed into law on September 29 (H.R. 5325), does not extend or address this sunset provision.

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