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IN THIS ISSUE

[Domain Expertise](#)

[Federal Marketplace Matters](#)

[Educational Topics](#)

[Compliance Issues](#)

[Upcoming Events](#)

QUICK LINK

[Our Services](#)

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Domain Expertise

GSA announces issuance of RFP – Phase I for the new Dept of Labor (DOL) headquarters

The U.S. General Services Administration (GSA), in partnership with the U.S. Department of Labor (DOL), today announced the issuance of the Request for Proposals (RFP) – Phase I for the new DOL Headquarters. The RFP - Phase I process is an opportunity for the owners of the three sites that have been identified as potential locations for a new DOL Headquarters to qualify for the second phase of the RFP process. GSA is utilizing a two-phase solicitation process; Phase I will consist of an evaluation of the Offeror's developer, design, and construction team capabilities, quality and expertise, as well as their financial capabilities to support execution of the exchange project. In phase II, Offerors will submit to GSA detailed proposals outlining how they respond to the DOL project requirements. The short list of sites selected was announced on November 29, and through that process, these site owners indicated their wish to retain exclusive development rights on their respective sites. The three sites are, in no particular order:

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Federal Marketplace Matters

Congress, Pentagon IG apply new scrutiny to \$1.6 billion cybersecurity program

A major Defense Department initiative to protect the military services' computer networks with a shared system of regionalized cybersecurity centers will face new scrutiny in 2017, both from Congress and from the department's inspector general.

A provision in the massive [2017 Defense authorization bill](#), passed by Congress earlier this month and [signed by the President](#) last week, bars the department from declaring full operational capability on any of the 12 Joint Regional Security Stacks (JRSS) it's planned around the globe over concerns that Pentagon IT leaders haven't done enough to demonstrate that the \$1.6 billion system is effective.

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Awards to Lower Tier Small Business Subcontractors Finally Count towards Small Business Subcontracting Goals

After years of pushing by industry groups and the passage of the National Defense Authorization Act for Fiscal Year 2014, the U.S. Small Business Administration (SBA) issued a final rule to amend the federal small business subcontracting plan requirements in order to allow other than small (i.e., large in SBA speak) federal prime contractors to receive credit for lower-tier subcontracting awards to small business concerns (SBCs) and other socio-economically disadvantaged SBCs. Effective on January 23, 2017, federal prime contractors will no longer be limited to counting only the subcontract awards they make at the first tier towards satisfying their small business subcontracting goals. They will now be able to count the awards their other than small first tier subcontractors make to SBCs as well.

The amended 13 CFR Section 125.3 reads in relevant part: Where the prime contractor has an individual subcontracting plan, the prime contractor shall establish two sets of small business subcontracting goals, one goal for the first tier and one goal for lower tier subcontracts awarded by other than small subcontractors with individual subcontracting plans. Under individual subcontracting plans the prime contractor shall receive credit for small business concerns performing as first tier subcontractors (first tier goal) and subcontractors at any tier ... in an amount equal to the dollar value of work awarded to such small business concerns (lower tier goal).

...

The prime contractor's performance under its individual subcontracting plan will be calculated using its own reporting at the first tier and its subcontractor's first tier reports under their plans for lower tier subcontracting goals. The prime contractor's performance ... must be evaluated based on its combined performance under the first and lower tier goal.

[Read Article](#)



Federal Marketplace Matters

Pentagon wants more Cyber Threat Info from Contractors in 2017

The Defense Department plans to gather more information from contractors about cyber threats during the 2017 fiscal year, according to a governmentwide regulatory agenda released Thursday.

The Pentagon's fiscal 2017 regulatory wish list includes finalizing a rule that requires defense contractors with security clearances to report network breaches to DOD and give Pentagon personnel access to their systems to assess the scope and impact of the damage.

The rule also requires contractors deemed "operationally critical" to report every cyber incident on its networks to DOD. The rules were required by major defense policy bills in 2013 and 2015.

The Pentagon also plans to publish an interim final rule during 2017 aimed at increasing participation in its Defense Industrial Base program, which promotes information sharing about cyber threats between defense contractors and the government.

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Obama Clears \$619B Defense Spending Legislation for Fiscal 2017

President Barack Obama has signed the 2017 defense policy bill that authorizes \$618.7 billion in funds and includes \$67 billion for overseas contingency operations, The Hill reported Friday.

Rebecca Kheel writes the *2017 National Defense Authorization Act* provides for \$3.2 billion more OCO funds than Obama's request that will cover a 2.1-percent military pay raise and additional personnel for the U.S. Army, Marine Corps and Air Force.

The bill also includes provisions to turn the U.S. Cyber Command into a combatant command, address issues in the National Guard bonus and place restrictions on the transfer of Guantanamo Bay detainees inshore, Kheel reported.

The report said Obama noted remaining concerns about dropped reform measures to address military force structure, overhead spending and military healthcare.

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Trump's counterterror pick signals potential boon for cyber contractors

President-elect Donald Trump's pick to advise him on homeland security and counterterrorism issues may have telegraphed with a single quote how the scales of a public-private partnership on cybersecurity will tip under the new administration.

And the workload for cybersecurity contractors could get a lot heavier.

Trump tapped former deputy national security adviser Thomas Bossert on Dec. 27 to serve as assistant to the president for homeland security and counterterrorism.

Bossert — who worked on infrastructure protection and counterterrorism policy in the George W. Bush administration — said in a statement that he would craft a cybersecurity policy built on a bedrock of open-market innovation.

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Federal Marketplace Matters

Postal Service seeks supplier for benchmarking vehicle fleet maintenance

A recent request for proposal by the U.S. Postal Service Office of Inspector General seeks a supplier well-versed in large fleet operations and maintenance.

A firm fixed-price contract will be awarded for a study benchmarking best practices to support technologies and performance measures benefiting the Postal Service's 214,933 delivery, transport and administrative vehicles.

The supplier selected will use knowledge of private, city, state and federal fleets, as well as vehicle and inventory management programs, to gauge the effectiveness and efficiency of Postal Office systems in place to deliver safe, dependable and economical vehicle performance.

A complete scope of work rundown — including performance measures to be gauged, deliverables, etc. — [can be found on FedBizOpps](#).

[Source](#)



GAO analyzes how agencies are doing more with less

A Government Accountability Office review of three agencies has provided insight into approaches that can help manage and minimize the effects of shrinking federal resources on services to the public.

A look at select programs and documents of the Employment and Training Administration, Federal Law Enforcement Training Centers, and the Environmental Protection Agency, supplemented by agency official and external stakeholder interviews, allowed the GAO to gauge the impact as federal discretionary appropriations declined from fiscal 2010 through 2014.

GAO looked specifically at whether the agencies addressed three key themes within a framework:

- Top management should lead efforts to manage declining resources.
- Data analytics should guide decision-making.
- Agencies should develop cost cutting and cost avoidance strategies.

GAO looked at ways leadership had helped restructure and cross-train agency workforces to achieve mission objectives; how data-driven process-improvement methodologies had identified efficiency opportunities; and how reviewing service contracts reduced or eliminated nonessential services. However, GAO also found instances where programs were pushed to capacity and timeliness and service levels did decline.

GAO has recommended the agencies involved finalize existing efforts that offer long-term savings and can provide swift response to future economic downturns. Lessons learned will be used to examine and manage other agency programs facing a strained environment.

The full report is [available for viewing on GAO's website](#).

[Source](#)





Federal Marketplace Matters

2017 NDAA Extends SBIR & STTR Programs For Five Years

The 2017 NDAA will extend the life of the Small Business Innovation Research and Small Business Technology Transfer programs.

The conference version of the bill, which seems likely to be on the President's desk in short order, contains provisions extending both programs for five years.

SBIR and STTR are unique research, development, and commercialization programs overseen by the SBA. Each program calls for a three-phase process. In the first two phases, R&D is funded by the government; the third phase of each program involves commercialization. Although the programs have many similarities, there are also important differences. For example, in the SBIR program, a small business may collaborate with a non-profit research institution; in the STTR program, such collaboration is required.

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Educational

Contractor Wins Claim for Additional Costs After Partial Termination by Government

It is common for government contractors to [file claims on federal projects where there are government-directed changes](#) to the contract that add time or scope.

But what if – instead of adding time and/or scope – the government de-scopes work from the contract by issuing a partial termination? A recent successful claim shows that the contractor can still recover its increased costs.

In a [decision](#) by the Armed Services Board of Contract Appeals (ASBCA), the Board considered a contract for the provision of food service operations at 18 dining facilities at Fort Leonard Wood, Missouri. After two years, the agency issued a partial termination for convenience and removed six facilities from the contractor's scope. The contractor continued to provide services at the remaining 12 facilities, but could not reach an agreement with the government for the cost of completing the contract.

After negotiations with the government broke down, the contractor filed a certified claim seeking to recover its increased costs. The government denied the claim, but on appeal, the ASBCA agreed that the partial termination increased the contractor's costs to complete the contract. Specifically, the Board looked to calculations of the contractor's fixed costs – which stayed the same despite the partial termination – and estimated production hours at the remaining facilities.

Notably, in finding in favor of the contractor, the Board rejected the government's argument that no contract adjustment was required just because the agency failed to meet its estimated requirements. The government's argument is based on a common misconception that should not scare contractors away from pursuing claims for damages under Federal Acquisition Regulation (FAR) 52.249-2 (Termination for Convenience of the Government).

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Upcoming Events

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.



April 13 2017 B2G Conference & Expo Joint Base Langley / Eustice

[More Info](#)



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Compliance

Labor Qualification Compliance

Multiple Award Schedule (MAS) contractors providing professional labor categories should be prepared to demonstrate the personnel they are providing under each GSA task order meet the minimum qualifications as specified in their GSA MAS contract.

Professional services labor is made up of employees considered exempt from the Service Contract Act (SCA) such as those who qualify as executive, administrative, or professionals under the definitions provided in 29 C.F.R. Part 541. These employees are generally salaried employees not paid on an hourly basis, and who either supervise others, make decisions of importance and significance using independent judgment, and/or perform work primarily requiring advanced education and experience. If providing professional services, the MAS contract will typically be awarded with labor categories, which will describe the minimum qualifications required of the person serving in that particular capacity. The minimum qualifications are established by your company during the pre-award phase or at the time labor categories are added to your MAS contract. Therefore, the labor categories will be unique to each contractor's particular MAS contract.

For example, Company X has a labor category titled "Network Engineer", which requires a bachelor's degree and ten years of experience. Therefore, if Company X is bidding on a task order project, offers their "Network Engineer", and is awarded the project, Company X must ensure the employee serving in this capacity has a bachelor's degree and ten years of experience. Otherwise, Company X will be found to have provided unqualified labor for that particular project and is noncompliant with the terms and conditions of their MAS contract.

If you have any questions about Labor categories you have or wish to add to your schedule contract, please contact your TGG consultant

