

From: The PTAC at SAP&DC <jgerraughty@sapdc.org>  
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To: James F. Gerraughty  
Subject: The PTAC Link - Connecting Buyers & Suppliers



Progress Through Regional Cooperation In The Alleghenies

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### Government Contracting 101 Classes Ramping Up For 2015 - Update!

The Southern Alleghenies PTAC is pleased to announce our presentation of "Government Contracting 101" in each of the counties we serve. The Government Contracting 101 class is a FREE half-day training event that will give businesses an idea of what it takes to get into contracting with Federal, State, and Local governments, and resources provided by the PTAC. We have previously presented this class in 2013.

Our Fulton County class on April 15th went well and we were pleased to present the class to the attendees!

### VA CVE SDVOSB Verification Contractor Eliminated For OCI

An incumbent contractor performing VA CVE SDVOSB verification functions was ineligible to be re-awarded an order for those services because of an unmitigated organizational conflict of interest.

In a recent decision, the U.S. Court of Federal Claims upheld the VA's decision to cancel the award to the incumbent contractor and exclude that contractor from the follow-on order.

The Court's decision in [Monterey Consultants, Inc. v. United States, No. 14-1164C \(2015\)](#) involved a VA RFQ for CVE support functions. Those functions including supporting the CVE's SDVOSB and VOSB verification processing.

The verification functions in question had been performed by Monterey Consultants, Inc. under a VA BPA. Under its BPA, Monterey did work under a variety of call orders, including processing and verification services for CVE. Monterey also provided support for the VA OSDBU's acquisition efforts.

The RFQ included a specific section covering OCIs. In relevant part, that section stated that "Contractors performing on other contracts in support of Verification shall be presumed to have an OCI with respect to this contract and are ineligible to quote on this requirement, due to the integrated nature of work perform[ed] under this solicitation and existing contacts."

Monterey submitted a proposal. Despite the solicitation's OCI restrictions, the VA initially awarded the order to Monterey. An unsuccessful competitor, Loch Harbour Group, Inc., filed a protest with the Court. Loch's principal argument was that Monterey was ineligible for award because of its prior work under the BPA.

After reviewing the protest, the Contracting Officer investigated the possible OCI. In the course of the investigation, the Contracting Officer discovered that, prior to the RFQ public release, all of Monterey's and its subcontractor's personnel had access to non-public information regarding the RFQ, including the requirements, independent government cost estimates, acquisition plan, market research, and evaluation criteria. The Contracting Officer also discovered that Monterey personnel provided services to the OSDBU directly relating to the

If you are interested and would like more information, please visit the event you are interested at the links below:

[Blair County](#) - Devorris Ctr. for Business Development (Altoona), May 6th, 9:00 AM to 12:00 PM

[Bedford County](#) - BCDA Offices (Bedford), May 15th, 9:00 AM to 12:00 PM

[Huntingdon County](#)- Juniata College J-CEL, June 23, 9:00 AM to 12:00 PM

If you have any questions, please don't hesitate to contact us at [ptac@sapdc.org](mailto:ptac@sapdc.org), or 814-949-6528814-949-6528.

### Case closed: Court denies protest over VA contract to verify veteran small businesses

Veteran community, rejoice: It appears the legal wrangling about who should support the **Department of Veterans Affairs** program to verify veteran-owned small businesses is over.

The U.S. Court of Federal Claims denied a protest from Monterey Consultants Inc. claiming the VA [improperly revoked its contract](#) to manage the Center for Veterans Enterprise in November. The VA instead awarded the work to another company, Loch Harbour Group in Alexandria after Loch Harbour filed a protest, saying Monterey had a conflict of interest because it had access to documents from other VA work that helped it to win. That was fair move by the VA, the court decided.

This was the final legal avenue available to Monterey to overturn the VA's decision, meaning the issue can finally be put to rest after more than a year of bizarre twists since

preparation of the solicitation. Notably, one employee of Monterey's subcontractor both prepared pre-solicitation documents, and was involved in the development of Monterey's proposal. Additionally, Monterey had not provided the VA with an OCI mitigation plan.

Based on these findings, and over Monterey's strenuous objections, the Contracting Officer informed Monterey of the VA's intent to rescind the award. Monterey then filed suit in the Court, challenging the VA's OCI investigation.

The Court found that it was "undisputed" that Monterey "had access to all of the acquisition documents, and at least one or two Monterey/CACI employees did access them when providing editing and other quality control services in support of the acquisition efforts of OSD/BU/CVE." In fact, Monterey "admitted at oral argument that it did have access to some documents never released to the public, such as the internal government cost estimates."

*The CO reasonably viewed the facts as establishing a potential OCI. Plaintiffs thus had a duty to mitigate that conflict prior to bidding on the follow-on work. The CO found its efforts in that regard to be inadequate in view of the absence of a mitigation plan. Given the discretion we afford on review of agency action in this regard, we cannot say that the CO acted arbitrarily and capriciously with regard to his conclusion of a potential, unmitigated OCI.*

The Court directed judgment in the VA's favor.

For SDVOSBs and VOSBs, the *Monterey Consultants* case will no doubt be of interest because of Monterey's prior role as a provider of verification services to the CVE. All contractors, however, can learn an important lesson from this case about the critical importance of strong, effective OCI mitigation plans—especially when a contractor is involved in acquisition support functions.

[Article posted courtesy of Steven Koprince](#)

## Surviving and Thriving in a Changing Government Contract Environment

Embodied within contracting issues today is who is winning awards and who isn't. Calls for reform start from the premise that those professionals making the awards (1) take too long; (2) don't understand their business; (3) need more training; (4) aren't sensitive to private sector concerns; (5) used the wrong selection methodology; (6) won't take risks; (7) won't talk to industry; (8) should take advice from communities (program, technical, incumbents, small business, large business, legal, trade groups, etc); (9) should act more commercial; (10) should compete more; (11) should use more past performance criteria; (12) should rely on price; etc. Certainly in a commercial market, industry success and failure is usually laid at the feet of company management and its ability to understand and meet market needs. It seems rare to hear complaints that the reason for lack of private sector success is because the supplier was right, but the customer is wrong. Not so in government contracting. One can appeal to government legislative

December 2013, [when the VA ended the old contract with Alexandria-based Ardelle Associates](#) and awarded two contracts to Monterey.

The other contract for support of the small business programs also awarded to Dayton, Ohio-based Monterey was rescinded in response to another protest filed by GCC Technologies LLC of Oakland, Maryland for reasons similar to those raised by Loch Harbour. In that case, too, the VA agreed to cancel the award, deemed Monterey no longer eligible to bid and awarded GCC the contract.

It's still unclear whether the outcome is exactly as the VA might have hoped, though. After it awarded the contract to Loch Harbour, the VA filed a protest with the Small Business Administration questioning whether Loch Harbour was qualified to bid as a small contractor. The [SBA denied the protest](#).

*Article posted courtesy of Jill Aitoro, Senior Staff Reporter, Washington Business Journal*

## Appalachian Regional Commission 2015 Strategic Listening Sessions

**The Appalachian Regional Commission is holding a series of "listening sessions" in Appalachia** as it [develops a new strategic plan](#)

to guide the Commission's economic and community development efforts over the next five years. These sessions will help ARC develop a deeper understanding of emerging opportunities, challenges, and issues in communities across the Region.

**One of these events is taking place in Altoona, PA on June 11th!**

representatives, contracting managers and agency leaders and Protest real or perceived unfair treatment. One often hears that it's the buyer, not a seller, who is wrong, and that's why revenue wasn't "booked." Its common practice, if not encouraged by government, for industry to comment on the nature of the customer's requirements, how they ago about meeting those requirements and who is involved in doing so. That's the nature of an open and fair process.

So, besides complaining directly or through trade groups to Congress, agency executives and the Contracting Officer, what are some positive tools to win and keep government business? While note new, they're certainly more important in an era of increased competition and fewer opportunities. Private firms that offer such support, but the strategy is the same:

- Offer superior product: Certainly providing great products or services that meets customer needs at an affordable price is Business 101, regardless of market
- Ensure your firm is "qualified" to do government business: Is your accounting system compliant? Can you pass a Contracting Officer's "responsibility" determination? Are you registered and licensed to do business? Have you paid your taxes? Can you positively "certify" to the several "representations" you will need to meet, etc.?
- Know your market: In government contracts, that means understanding agency authorization and appropriations language, attending industry days, analyzing Federal Business Opportunity listings, reviewing competitor strengths and weaknesses, understanding past performance indicators that may help or hinder your business prospects?
- Understand government contracting statutes, regulations and policy: Yes it may seem complicated, onerous and even overwhelming, but to anyone who really takes the time to learn, it makes sense and is very fair. Learn and create corporate acquisition knowledge.
- Find opportunities to meet and develop relationships with program and contracting officials: Becoming involved with professional associations and events can overtime develop the involvement, credibility, relationships and understanding necessary, well before specific requests for proposals are formal communications come out. Meeting top agency or contracting executives might help understand overall customer vision, but concurrently, operational contract and program managers can provide insight to customer specific requirements and acquisition planning or source selection methodology.

New strategies and policies pertaining to category, supply chain and risk management; acquisition planning and market intelligence, always foremost source selection strategy and DoD's Better Buying Power 3 and new reform legislation are here. World Congress is quickly coming up, offering more opportunities to build understanding and interact in person with those with a different perspective, from the other side of the table, and perhaps learn innovative ways of meeting ever greater challenges.

Actions industry can take toward success in government contracting today is in most cases nothing new, but should not

We hope to hear from a broad range of community members, including citizens, local leaders, students, and representatives of private, public, and nonprofit organizations. Please join us at one of these sessions to share your ideas and vision for your community.

**There is no cost to attend the listening sessions, but registration is required. Each session will be held from 10:00 a.m. to 3:00 p.m. Lunch will be provided.**

**Listening Sessions will be held at these locations:**

**\*Altoona, Pennsylvania:** Thursday, June 11 [Blair County Convention Center](#), One Convention Center Drive

See a [preliminary agenda](#) for the listening sessions.

[REGISTER](#) to attend a session.

For additional information on the listening sessions, please contact ARC at 202.884.7748/202.884.7748 or at [conferences@arc.gov](mailto:conferences@arc.gov)

## Become a PTAC Client

To take advantage of the services and resources provided by The PTAC at SAP&DC, complete the [New Client Sign-Up form](#).

## Quick Links

[The PTAC at SAP&DC](#)

[PA Department of General Services](#)

[PA Small Business Procurement Initiative](#)

[PA Supplier Portal](#)

be minimized during a climate which seeming correlates business success or failure as a result of customer (i.e. government) failures. In our system of government, it is fair and expected that citizens have the opportunity to exert influence on the expenditure of taxpayer funding. However, all of us should look in the mirror and acknowledge the responsibilities we all share in our business success.

*Article posted courtesy of  
Michael P. Fischetti, J.D., CPCM Fellow  
Executive Director  
National Contract Management Association*

## About Us

The PTAC at SAP&DC is an economic development entity that bridges the gap between supplier and buyer in the government marketplace. The PTAC stands ready to support businesses in the Alleghenies region in their pursuit to secure contracts with local, state and/or federal government agencies nationwide by:

- Identifying niche government markets and specific contract opportunities
- Assisting with bid and proposal preparation
- Preparing the required vendor registrations
- Navigating your company through the requirements and procedures of government contracting
- Enhancing competition by obtaining applicable socio-economic certifications
- Providing guidance to ensure successful post-award contract performance

**Due to the generous support of our Commonwealth and Federal funding partners, services provided by the PTAC are free of charge.**

Whether you are an experienced contractor or new to the government marketplace, the PTAC will provide one-on-one counseling utilizing the following program resources to increase your share of contact awards.

### PTAC Resources

- Electronic Bid Matching for products and services
- Military/Commercial specifications and standards
- Past procurement information and pricing histories
- State and Federal regulations guidance
- Professional training and outreach events
- Quality assurance and packaging guidance

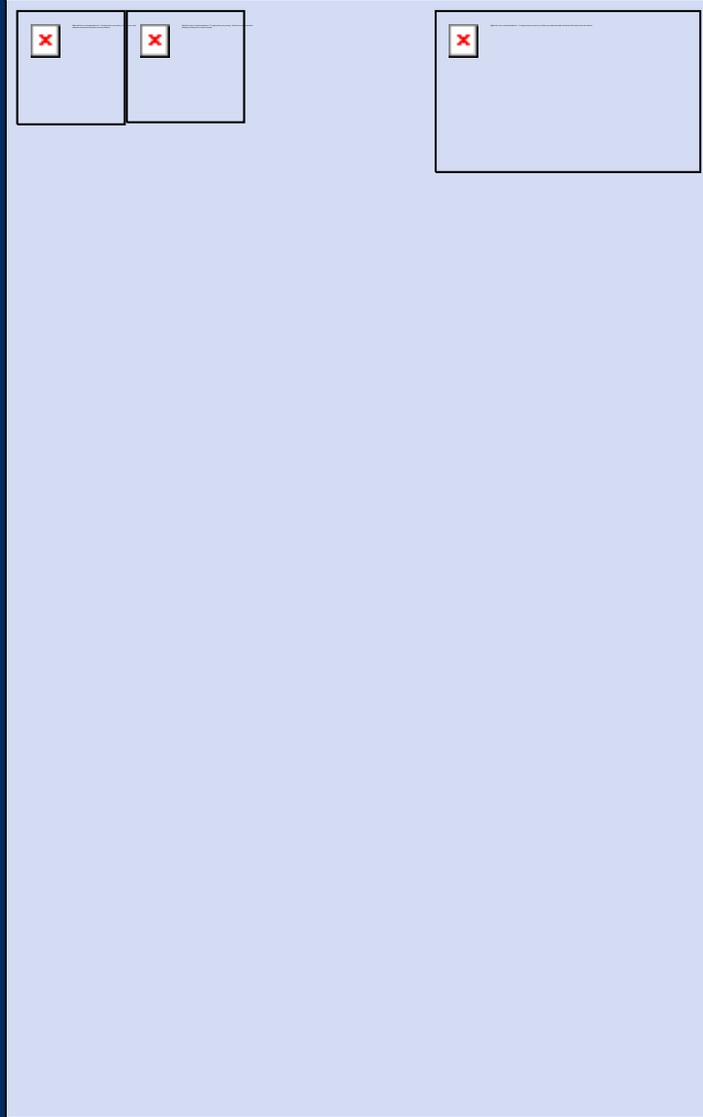
Contact us today at [The PTAC at SAP&DC](#) to get started!

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[System for Award Management \(SAM\)](#)

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