



# SAME Small Business Community of Interest Newsletter | January 2020

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## Events of Interest to the Small Business Community

1/28/2020 – 1/30/2020

[Kentuckiana Post Small Business Workshop](#)

Louisville, KY

2/11/2020 – 2/13/2020

[National 8\(a\) 2020 Small Business Conference](#)

New Orleans, LA

***\*SAME Members can get the National 8(a) member rate for the conference by using code SAME2020 when registering! \****

2/18/2020

[Webinar: Finding Competitive Intelligence on Your Opportunities](#)

Virtual

3/2/2020

[Philly Post Small Business event](#)

Philadelphia, PA

3/16/2020 – 3/18/2020

[Capital Week](#)

Rockville, MD

3/19/2020- 3/20/2020

[Hampton Roads Post Small Business Outreach and Industry Day](#)

Portsmouth, VA

3/27/2020

[USACE Sacramento District Open House](#)

Citrus Heights, CA

4/14/2020 – 4/16/2020

[GSA Federal Acquisition Service Training Conference](#)

Atlanta, GA

5/27/2020 – 5/29/2020

[Joint Engineer Training Conference & Expo](#)

Washington, DC

11/4/2020 – 11/6-2020

[Small Business Conference](#)

Dallas, TX

**Visit the SAME Calendar of Events for a listing of all SAME-related activities**

[Visit the SAME Small Business Community Webpage](#)



## **VOLUNTEERS NEEDED!**

The SAME National Office is seeking volunteers to support the Joint Engineer Training Conference & Expo (JETC). Volunteers will receive a FREE or DISCOUNTED registration to JETC.

This is a great way to network with conference attendees and expand your reach beyond your normal circles. If you are seeking to bring a bigger team from your organization but didn't have the funds in your budget for registration fees, here's a great way to expand your footprint and the conference!

[Volunteer Sign-ups will open in early February. Check the JETC website for details.](#)

## **Record Attendance at 2019 Small Business Conference!**

With more than 3,700 attendees and 450 exhibitors, the 2019 SAME Federal Small Business Conference for the A/E/C Industry set a new record for the sixth consecutive year. Held Nov. 20-22 in Dallas, Texas, SBC brought together professionals from across the public and private sectors—both large and small businesses and both military and civilian federal agencies

- Find a recap of the conference on SAME's [Bricks & Clicks blog](#).
- [Session presentations](#) can be found on the SBC website.
- Recordings of Business Opportunity Briefings can be found on the [SAME YouTube Channel](#).
- Check out photos of all the activities at the [SAME Flickr site](#).

## **Webinar: Finding Competitive Intelligence on Your Opportunities**

Join us February 18 at 1:00 pm eastern time for a webinar that can help you win more business! A virtual version of the most-attended education session at the 2019 SBC, This session, designed for Procurement Readiness, will accelerate your ability to validate who buys what you sell (down to the contracting office and installation level); to help transform how and where you engage the market; and to help validate the competitiveness of your pricing . . . for any specific opportunity.

This webinar is FREE for SAME members. [Register now!](#)

## **Say Goodbye to FBO.gov!**

- Effective November 12, 2019, FBO.gov is retired, and Beta.SAM.gov is now the authoritative source for Contract Opportunities. Visit the [Learning Center](#) for videos, FAQs and other information!
- GSA decided to use the term beta when naming beta.SAM.gov to distinguish it from the current legacy SAM.gov site. While parts of the site are official, others are demonstration only and continue to be supported on one of our original websites. The original websites will be gradually migrated to the beta site. When the functionality from an original site has been migrated, the site will be a candidate for retirement. The original sites will co-exist with beta.SAM.gov until they are retired. Once the original SAM.gov site has retired, this site will be renamed "SAM.gov."
- The Learning Center (<https://beta.sam.gov/help/new-to-sam>) has great videos and tools for navigating this new website.
- SAME is working with representatives from GSA to do a series of training webinars for SAME members.
- GSA presented a training session during SBC on beta.sam.gov – check out the [recording of the session here](#).

## Small Business COI Steering Committee Contact List

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- GSA is holding a Federal Acquisition Service Training (FAST) conference which includes training on the new system, plus opportunities to learn about GSA's consolidated Schedule, Category Management, Commercial Platforms, and much more.
  - The event will be held April 14-16 in Atlanta.
  - FAST will also include a matching session on Tuesday, April 14. This session will provide a platform for small businesses to meet with prime contractors and government agencies around tangible subcontracting opportunities. You must be registered to attend the conference first to participate in the matchmaking session.
  - To register and for more conference details, navigate to [gsa.gov/FAST](https://gsa.gov/FAST) and click on register. For additional assistance and questions, reach to [fast2020@gsa.gov](mailto:fast2020@gsa.gov).

### **From USA Today: From Workspace to the Gig Economy: The Top 5 Small-Business Trends of 2020**

5 - The way we physically work is changing.

*The past few years, the biggest trend in the physical way we work has been the advent of the open office. Yes, it fosters collaboration (or so they say) but it also presents a huge privacy problem.*

4 - Death of the Gig Economy

*For many people, the Gig Economy is not all it's cracked up to be. Yes, freedom and independence are nice, but a lack of benefits and being taken advantage of by large corporations are no doubt challenging. And that is why California just passed a sweeping law that affects gig workers. The new law makes it much more difficult for companies to label workers "independent contractors." Aimed at, for example, Uber and Lyft drivers, the new law is intended to give gig workers more rights. Given that California is often a harbinger of things to come, this is definitely one to watch. ([Gig economy article by NPR](#))*

3 - Play it safe and Double Down

*"Given the state of the economy, and in this time of disruption, the smart move for businesses is to play it safe and double down."- Sam Johnson, EY's Americas Vice Chair of Accounts. Yes, prepare for a recession (because one is coming) but also plan for growth too. Smart.*

2 - It's the economy, stupid.

*The famous sign in the 1992 Clinton presidential election war room applies today too. While yes, this is a very strong economy, it is equally true that troubling factors are emerging: tariffs, unrest in the Middle east, impeachment, possible signs of a recession. Be bullish and be wary.*

1 - Millennials are reshaping the workforce

*Millennials work differently. For example, not only are they more inclined to be gig workers, but, according to a CNBC report, "Millennial managers are more than twice as likely as baby boomers to have increased their use of freelancers in the past few years."*

*"74 percent of millennial and Gen Z managers have team members who work a significant portion of their time remotely, versus 58 percent of baby boomers." According to former CEO of UpWork, Stephane Kasriel, "As younger generations . . . become the majority of managers in corporate America, they'll reshape work as we know it."*

## Small Business Administration Adopts Five-Year Receipts Calculation

*This article was reprinted by permission from the PilieroMazza Client Alert and written by firm partner [Megan Connor](#) and Associate [Anna Wright](#)*

Effective January 6, 2020, SBA will change the period of measurement for receipts-based size calculations from three years to five years. This change is the result of the Small Business Runway Extension Act of 2018 and SBA's [final rulemaking](#) on December 5, 2019. ***This is a long-awaited change and will have far-reaching impacts for government contractors.***

Importantly, SBA is adopting a two-year transition period, until January 6, 2022, during which firms may choose to use either the current three-year calculation or the new five-year calculation. After January 6, 2022, all companies must use the five-year period of measurement in determining their size under a receipts-based calculation. PilieroMazza strongly advocated for a transition period [before Congress](#) and in its [comments](#) to SBA's rulemaking.

This shift from using a three-year period to a five-year period for the average annual receipts calculation will affect all of SBA's receipts-based size standards, though the change in calculation will not yet apply to the SBA Business Loan and Disaster Loan Programs, which will be handled in a separate rulemaking. SBA did not address in its rulemaking how SBA would view contractors that have been using the five-year period of measurement since the Runway Extension Act became law nearly a year ago.

### **About PilieroMazza**

PilieroMazza – a business law firm – serves as a strategic partner to government contractors and commercial businesses from across the United States in numerous industries. Visit us at [www.PilieroMazza.com](http://www.PilieroMazza.com)

## SAME Unveils 2020-2025 Strategic Plan

All great organizations have a roadmap to success. We commonly refer to that roadmap as a strategic plan. Borrowing from one of America's greatest presidents, the 2025 SAME Strategic Plan was crafted "of the people, by the people, for the people." The collaborative nature of the effort exemplifies the very mission of the Society.

The five goals of the strategic plan are:

- Strengthening Industry-Government Engagement
- Building and Sustaining Resilient Communities
- Developing Leaders for the Profession
- Enriching the STEM Pipeline for the Nation
- Preparing Servicemembers and Veterans for the A/E/C Industry

Thank you to the many members, leaders, and volunteers who contributed to the development of the plan. [Read the 2025 Strategic Plan now!](#)





## USACE Los Angeles District Opens House for Business Representatives

By Jay Field, from USACE Los Angeles District News Story, October 25 5, 2019

*The LA District is responsible for planning, operations, engineering, construction, real estate, regulatory, emergency management and environmental services for three Army and eight Air Force installations, interagency and international customers and the nation's civil water resources infrastructure in the Southwest.*

More than 150 business representatives attended the U.S. Army Corps of Engineers Los Angeles District's annual Business Opportunities Open House Oct. 9 at the District's downtown LA headquarters.

The event came on the heels of a record fiscal year for the District, with about 730 contracts awarded worth more than \$3.1 billion for a wide variety of projects, including southern border barrier construction, Veterans Affairs health facilities' construction and Los Angeles County Drainage Area operations and maintenance.

Small business representatives engaged with more than a dozen of the District's program and project managers in order to learn about opportunities to work with the Corps in fiscal year 2020. The open house also allowed business representatives to introduce their capabilities to the Corps.

The connections made and information shared at the event are essential to the District's success, said Eric Ravelli, deputy of the District's Small Business Program.

"Our staff gets to meet highly experienced businesses that may not have had a chance to work with our District," Ravelli said. "The BOOH is one important event to grow our industrial base."

Also attending was Col. Aaron Barta, commander of the Los Angeles District, who had the opportunity to meet and chat with several of the business representatives, some of whom had not done work with the District.

"Several business representatives commented that this forum both helped them gain an understanding of how to be more competitive for government contracts and what other businesses they can partner with," Barta said.

The open house was the largest one attended to date and provided an excellent opportunity for businesses to connect with the District's program managers and leadership, Ravelli said. The District hosts the event semi-annually – once a year in Los Angeles and again in the spring in its Arizona office.

"Often the best part of (these events) is the sidebar networking between the speeches and training," Ravelli said. "The BOOH is quintessential networking and a vital part of business development."

The District forecasts continued opportunities for contractor work on southern border barrier construction, VA medical facilities' construction and design work for modifications to Whittier Narrows and Prado dams, as well as continued operations and maintenance projects across the District's 226,000-square-mile area of responsibility in Southern California, Arizona and portions of Nevada and Utah.

Businesses interested in opportunities with the District can learn more by visiting its website at <https://www.spl.usace.army.mil/Business-With-Us/Small-Business-Program/>.



## Trust but Verify: Disclosure of Trust Ownership May Be Required for Family- Owned Government Contractors

This article was reprinted with permission from [BuildsmartBradley.com](http://BuildsmartBradley.com) and written by [Frederic L. Smith, Jr.](#) & [Aron C. Beezley](#)

If you have any questions about the topics discussed in this article, please feel free to contact [Frederic Smith](#) or [Aron Beezley](#).

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Family-owned businesses are often owned and controlled by family trusts. Trusts are used by families for estate planning, tax planning and asset protection. Family-owned government contractors with trust ownership structures should be mindful of ownership disclosures required by the Federal Acquisition Regulation (FAR). Failure to comply with the required disclosures could result in False Claims Act or false statement allegations, loss of Facility Security Clearances, rejections of bids and proposals, and loss of bid protests.

Under rules adopted in 2014, a government contractor or offeror owned by another entity must disclose its own Commercial and Government Entity (CAGE) code *and* the CAGE codes of its "immediate owner" and "highest level owner" both in the System for Award Management (SAM) and to the contracting officer before contract award. Under FAR 52.204-17 (Ownership or Control of Offeror), "immediate owners" and "highest-level owners" are required to obtain their own CAGE codes even if they will not be directly contracting with the government. The terms "immediate owner" and "highest-level owner" are defined in FAR 52.204-17:

"*Immediate owner*" means an entity, other than the offeror, that has direct control of the offeror.

"*Highest-level owner*" means the entity that owns or controls the immediate owner of the offeror, or that owns or controls one or more entities that control an immediate owner of the offeror. No entity owns or exercises control of the highest-level owner.

If an offeror is owned directly by individuals, the offeror does not have an "immediate owner" or a "highest-level owner." If an offeror is directly owned by another entity, the ownership entity is the "immediate owner" of the offeror. If an offeror's immediate owner is, in turn, owned by another entity or series of entities, the last entity at the top of the offeror's organizational chart is the "highest-level owner." An offeror is required to certify its ownership disclosures in the "Representations and Certifications" section of its registration on SAM.gov.

The term "entity" is not defined in the FAR. The [government website](#) where an offeror obtains CAGE codes for its "immediate owner" and "highest-level owner" asks what type of entity is being registered and offers only two options: "U.S. Commercial Company/Firm, Organization or Governmental Entity (non-federal)" or "sole proprietorship." Given that the term "entity" is not defined in the FAR and the registration website does not expressly refer to trusts, offerors registering on SAM.gov may think disclosure of a family trust as the offeror's "immediate owner" or "highest-level owner" is unnecessary.

However, both the state law characteristics of a trust and recent guidance from the Defense Logistics Agency (DLA), the agency responsible for assigning CAGE codes, suggest that trusts are considered entities under the FAR and should have their own CAGE codes and be disclosed on SAM.gov.

Trusts are created under state law. While trusts are typically not required to be registered with the secretary of state or other applicable agency in their state of formation, trusts are commonly referenced in state business entity statutes. Trusts also have certain characteristics that are similar to other business entities such as corporations and limited liability companies. Namely, trusts can buy, sell and own personal property and real property; own equity in other

business entities; and enter into contracts. Trusts may also shield their beneficiaries from the claims of creditors.

In addition, the [CAGE Code Registration Procedures](#) published by the DLA in 2019 suggest that the DLA considers trusts to be entities. The DLA notes that in order for a CAGE code to be assigned, the DLA's U.S. Cage Program Office must validate the legal business name of the entity obtaining a CAGE code. The *CAGE Registration Procedures* state that the DLA will validate the legal business name of a trust by obtaining and reviewing a copy of the trust agreement for the trust. The DLA's guidance indicates that trusts would be considered entities under the FAR and should have their own CAGE codes.

In order to avoid possible False Claims Act or false statement allegations, loss of security clearances, rejections of bids and proposals, and adverse bid protest decisions, family-owned government contractors with trust ownership structures should review their SAM.gov registration to ensure that disclosures about their "immediate owner" and "highest-level owner" are accurate.

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2020  
JOINT ENGINEER  
TRAINING CONFERENCE  
& EXPO

May 27-29, 2020  
WASHINGTON, DC

**JETC**  
Joint Engineer Training  
Conference & Expo

**SAME**  
SOCIETY OF AMERICAN MILITARY ENGINEERS  
CENTENNIAL  
1920-2020

The banner features a blue and red background with white stars and radiating lines. It includes the JETC logo on the left and the SAME Centennial logo on the right.



2020 CAPITAL  
WEEK

March 16-18, 2020  
ROCKVILLE, MD

**SAME**  
SOCIETY OF AMERICAN MILITARY ENGINEERS  
CENTENNIAL  
1920-2020

The banner features a red and white background with blue stars and a stylized American flag. It includes the 2020 Capital Week logo on the left and the SAME Centennial logo on the right.