



Legislative Update

MSFC SBELT 20 April 2021



Biden-Harris Administration's NASA FY 22 Budget

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- Keeps NASA on the path to landing the first woman and the first person of color on the Moon under the Artemis program.
- Strengthens NASA's ability to better understand Earth and how it works as an integrated system, from our oceans to our atmosphere, how it all impacts our daily lives, and how it all is impacted by climate change.
- Furthers robotic exploration of the solar system and the universe.
- Invests in aviation to make our skies safer, our fuels cleaner, and to get you to your destination faster than ever before.
- Includes new funding for NASA's STEM engagement efforts to inspire underserved and underrepresented students to become the next generation of scientists, engineers, mathematicians, and explorers.

Acting NASA Administrator Statement on Agency FY22 Budget Request | NASA



Pentagon Reviewing Cybersecurity Maturity Model Certification (CMMC) program

- Industry concerns about the costs and other challenges of meeting the requirements has been heard.
- Defense Department remains committed to addressing the continued cyber threats.
- No details provided on when the review is expected to be complete.

<https://www.nationaldefensemagazine.org/articles/2021/4/1/pentagon-reviewing-cmmc-for-potential-improvements>

<https://www.nationaldefensemagazine.org/articles/2021/4/8/cmmc-chief-supports-internal-program-assessment>



<https://www.cmmcab.org/>
<https://www.acq.osd.mil/cmmc>

2021 NDAA (National Defense Authorization Act)

Subtitle E—Small Business Matters

- Sec. 861. Initiatives to support small businesses in the national technology and industrial base.
- Sec. 862. Transfer of verification of small business concerns owned and controlled by veterans or service-disabled veterans to the Small Business Administration.
- Sec. 863. Employment size standard requirements for small business concerns.
- Sec. 864. Maximum award price for sole source manufacturing contracts.
- Sec. 865. Reporting requirement on expenditure amounts for the Small Business Innovation Research Program and the Small Business Technology Transfer Program.
- Sec. 866. Small businesses in territories of the United States.
- Sec. 867. Eligibility of the Commonwealth of the Northern Mariana Islands for certain Small Business Administration programs.
- Sec. 868. Past performance ratings of certain small business concerns.
- Sec. 869. Extension of participation in 8(a) program.
- Sec. 870. Compliance of Offices of Small Business and Disadvantaged Business Utilization.
- Sec. 871. Category management training.

[BILLS-116hr6395enr.pdf \(congress.gov\)](#)

SBA Oversight of VOSB and SDVOSB Verification (§ 862)

This provision directs the Department of Veterans Affairs (VA) to transfer its oversight of the veteran-owned small business (VOSB) and service-disabled veteran-owned small business (SDVOSB) verification and certification program to the Small Business Administration (SBA). The VA must effect the transfer within two years of the NDAA's enactment.

Employment Size Standard Requirements for Small Business Concerns (§ 863)

Amends the Small Business Act to extend the period of measurement for employee-based size standards from 12 months to 24 months, meaning a company would be small if the average of its employees for each pay period during the prior 24 months is below the applicable size standard.

[BILLS-116hr6395enr.pdf \(congress.gov\)](#)

Past Performance Ratings for Certain Small Business Concerns (§ 868)

This provision directs the SBA to establish regulations permitting contracting officers to consider the past performance of a previous joint venture when evaluating a small business concern's past performance. When electing such an option, small business concerns must inform the contracting officer of its duties and responsibilities as part of the joint venture.

Section 868 additionally requires that, when requested by a small business concern that performed as a first-tier subcontractor on a covered contract, the prime contractor for the covered contract provide past performance records to the concern. Contracting officers may consider these past performance records when evaluating prime contract offers made by the small business concern.

Extended 8(a) Program Participation (§ 869)

The SBA must ensure that small business concerns participating in the 8(a) program on or before September 9, 2020, may elect to extend participation by one year, regardless of whether the concern previously elected to suspend its program participation pursuant to SBA guidance.

[BILLS-116hr6395enr.pdf \(congress.gov\)](#)

Category Management Training (§ 871)

Not later than 8 months after the date of the enactment of this section, SBA, in coordination with OFPP (Office of Federal Procurement Policy) and any other head of a Federal agency (as determined by the Administrator), shall develop a training curriculum on category management for staff of Federal agencies with procurement or acquisition responsibilities. Such training shall include—

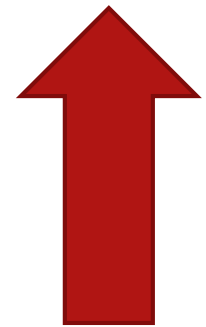
- (1) best practices for procuring goods and services from small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)); and
- (2) information on avoiding conflicts with the requirements of the Small Business Act (15 U.S.C. 631 et seq.).

[BILLS-116hr6395enr.pdf \(congress.gov\)](#)

Open FAR Cases as of 4/5/2021

Case Number	Part Number	Title	Synopsis	Status
2020-016	19, 52	Rerepresentation of Size and Socioeconomic Status	Implements the requirement in SBA's proposed rule (84 FR 60846, November 8, 2019) for rerepresentation of size and socioeconomic status for orders under multiple-award contracts.	09/09/2020 DARC Director tasked Acquisition Small Business (FAR) Team to draft proposed FAR rule. Report due 11/04/2020. Report due date extended to 04/21/2021.

47 Open FAR Cases – Several opened since 2015

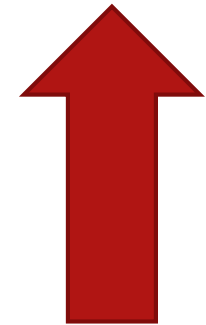


Open FAR Cases as of 4/5/2021

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Case Number	Part Number	Title	Synopsis	Status
2018-003	19, 42, 52	(S) Credit for Lower-Tier Small Business Subcontracting	Implements section 1614 of the NDAA for FY 2014, as implemented in the SBA regulations on 12/23/2016 (81 FR 94246), which allows prime contractors to receive credit toward goals in their small business subcontracting plans for subcontracts awarded by their subcontractors.	01/08/2020 Case on hold at the direction of DARS Director.

No Change



GSA OLM (Order Level Materials)

- Supplies and/or services acquired in direct support of an individual task or delivery order placed against a Schedule contract or BPA.
- OLM pricing is not established at the Schedule contract or BPA level, but at the order level.
- With increased use of GSA Multiple Award Schedules (MAS), understanding the benefits and procedures for OLM is critical.
- Download OLM training for federal agency customers and industry partners at:

<https://www.gsa.gov/buying-selling/purchasing-programs/gsa-schedule/schedule-features/orderlevel-materials-olms#training>

GSA ODCs – 4 Ways to Procure

- Open Market Procedures (FAR 8.402(f))
- Contractor Team Arrangements (CTAs)
- Ancillary Special Item Numbers (SINs)
- Order Level Materials (OLM)

<https://www.gsa.gov/buying-selling/purchasing-programs/gsa-schedule/schedule-features/orderlevel-materials-olms#training>

AVISTA Points of Contact

- Rhonda Harrison
rhonda.Harrison@avistastrategies.com
- Mary Griffith
mary.griffith@avistastrategies.com

www.avistastrategies.com

