

Keeping up with the news: Resources for Contracting Updates

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The only constant in government contracting is change. This truth is the theme of APTAC's 2016 Spring Conference. But it is also a challenge with which PTAC counselors must contend every day. Changing laws, changing regulations, changing interpretations, changing processes . . . how can a PTAC counselor possibly keep current?

Adding complexity to this task is the necessity to be mindful of at what point a provision actually becomes effective, as opposed to being merely in the pipeline. It can be confusing for PTAC counselors or clients to hear of proposed legislation or rules – or even new laws that have been passed but for which rulemaking is not yet complete – if they don't fully understand the implementation process. A good case in point is the SBA's Woman-owned small business program. Congress passed the Equity in Contracting for Women Act authorizing set-asides for WOSBs/EDWOSBs in 2000, but rulemaking was delayed and consequently the program was not implemented until 2011. During the interim, the fact that WOSB set-asides were allowed by law was irrelevant because there was no mechanism for achieving them. For a good overview of the legislative and regulatory processes, see [APTAC Body of Knowledge section C.1 Statutes and Regulations](#).

That being said, because strategies for government contracting often involve planning into the future, it can be helpful to clients to have a heads-up about possible/likely regulatory or programmatic changes in addition to a thorough understanding of the current rules. APTAC remains an invaluable source for PTAC Counselors, providing information on developments in the government contracting arena, but many of our most experienced PTAC professionals find value in following first-hand sources of congressional and agency actions, decisions and proposals. Fortunately, there are a number of government- and private-sponsored sources you can turn to for notice of just such activity. Many thanks to Montana PTAC's Jeff Cuskey (also Co-Chair of APTAC's Body of Knowledge Subcommittee) for sharing the sources he uses to keep on top of the shifting government contracting landscape. Please see his suggestions below (along with a few of our own!)

Some of the resources provide raw, unfiltered information while others reduce and distill the material for their intended audiences. Many busy PTAC professionals would ideally like to receive succinct summaries of changing government laws, regulations and processes. But Jeff notes that there is a potential danger that the authors of summary articles may not have captured all of the pertinent information or may have provided only information that they thought would interest their audience. Reviewing the actual statutory or regulatory language can serve to clarify and deepen understanding of the issue.

Gov't Contracting News Resources (cont.)

Another caution is related to "Google" searches. Many PTAC counselors perform research via "Google" searches, and in the process locate articles written by supposed experts in their professional fields. In a lot of cases, those articles and blogs are written by commercial companies trying to market their services. There is nothing inherently wrong with that. However before using that information as a basis for procurement counseling with a client, Jeff highly recommends that the PTAC counselor conduct independent research on the subject and, if necessary, review the applicable law and regulation to ensure that the information is current and accurate. It would be all too easy to use outdated information from undated articles and blogs only to find out later that the applicable laws and regulations had been changed 5 to 10 years previously.

Finally, especially in light of the complexity noted above, it is essential to remember that as a PTAC Counselor, it is not appropriate for you to provide legal advice to your clients. You can best serve them by making them aware of all of the information pertinent to their situation and allowing them to make decisions about their course of action, seeking additional legal counsel if they see fit.

Resources for Keeping Current on Government Contracting Issues

Free Subscriptions & RSS Feeds

Federal Register notices regarding small businesses: Daily publication of new and proposed rules from federal agencies that will impact small businesses. The site provides the option to subscribe to all documents or just significant documents. <https://www.federalregister.gov/topics/small-businesses>

Defense Federal Acquisition Regulation Supplement (DFARS) and Procedures, Guidance, and Information (PGI): Subscribe to DFARS publication notices:
<http://www.acq.osd.mil/dpap/dars/dfarspgi/current/> (tip: subscription link does not work well in Microsoft Edge web browser)

GSA Email Updates: GSA will send email updates on AutoChoice/Federal Vehicle Standards changes and updates; important information covering vehicle contract awards and ordering information; and vehicle availability dates. <http://www.gsa.gov/portal/content/101335>

U.S. Government Accountability Office Email Updates: GAO e-mail updates notify you when publications – including newly issued Comptroller General Decisions - are posted to their Web site. They have daily and monthly update options, or you can choose to be notified only when publications in a particular topic area are posted to the site. <http://www.gao.gov/subscribe/index.php>

SBA Email Alerts: SBA will send email alerts email alerts whenever new reports are published.
<https://www.sba.gov/oig/email-alerts>

Gov't Contracting News Resources (cont.)

Commercial Websites *(free content)*

SmallGov.com: Government contract lawyer Steve Koprince posts blog articles several times a week on timely government contracting issues relevant to small businesses. You can also subscribe to email notices.

Where in Federal Contracting (WIF): Serves the federal acquisition community by providing quick access to acquisition information such as contracting laws and pending legislation, current and proposed regulations, guidance, courts and boards of contract appeals, bid protest decisions, contracting newsletters, and selected analysis of federal acquisition issues. <http://www.wifcon.com/>

Professional Associations (in addition to APTAC)

National Contract Management Association (NCMA): An individual-membership, professional society for individuals dealing with the tasks of procurement and contract management. <http://www.ncmahq.org/>

National Institute of Government Purchasing (NIGP): Serves public sector (ie: government agency) procurement professionals by providing training, research programs, professional support, technical services and advocacy initiatives. <http://www.nigp.org/eweb/>

Professional Newsletters & Publications

NCMA'S Contract Management monthly magazine and archived articles for NCMA members. Provides comprehensive reporting on current issues and trends relevant to both public and private sectors and helps keep acquisition and contracting professionals on top of late-breaking developments. Requires NCMA membership

NCMA Legislative and Regulatory Alerts: Publicly available webpage update periodically with postings on legislative and regulatory actions of interest to contract management. Does **not** require NCMA membership to access. <http://www.ncmahq.org/stay-informed/legislative-and-regulatory-alerts>

Formal Training & Class Opportunities

APTAC Fall & Spring National Conferences - Presentations that provide summary updates on Acquisition Programs, Laws & Regulations

Centre Law and Consulting's Annual Review 20XX: Hot Issues in Federal Contracting. Centre Consulting

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annually offers this one day class covering Legislative, FAR, GSA & VA Schedule Contracting updates and current government acquisition trends and compliance issues. Most events are held in Tysons Corner VA in the January through April timeframe however they have held classes in other locations.

<http://centrelawgroup.com/annual-review/>