



# Newsletter

## January 2023



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### PTAC News:

#### Iowa Tribe of Kansas and Nebraska to Join USDA's Partnerships for Climate Smart Commodities

Iowa Tribe of Kansas and Nebraska (ITKN) Executive Chairman Tim Rhodd joins Heather Dawn Thompson, Director of USDA Office of Tribal Relations, to announce the awarding of the Partnerships for Climate Smart Commodities grant to the Iowa Tribe of Kansas and Nebraska for their Center of Excellence for Regenerative Native Agriculture (CERNA) pilot



program. CERNA will educate native and non-native participants in climate-smart practices that provide long-lasting benefits to soil, water, and community health, expand markets for climate-smart commodities, incentivize participants through annual practice incentives and premium payments, and join participants together twice a year at CERNA to train and learn from leaders of regenerative agriculture.

The recording with Chairman Tim Rhodd and Director Heather Dawn Thompson will discuss the Partnerships for Climate Smart Commodities' historic investment and the impact the grant and ITKN's pilot program will have on Indian Country regionally and nationwide.

**Don't miss out on this recording. Request it through our PTAC! [Contact us!](#)**

Michael Channel - [MChannell@thenicc.edu](mailto:MChannell@thenicc.edu)

Heather Larsen - [HLarsen@thenicc.edu](mailto:HLarsen@thenicc.edu)

### Tip of the Month:

#### Understanding "Family Relationship" Affiliation

For federal government contractors, small business status opens many doors: small business set-aside contracts, special subcontracting opportunities, potential socioeconomic certifications, and much more. To qualify as a small business, a company, *plus its affiliates*, must fall below the applicable size standard. Some bases of affiliation, like common ownership, are relatively intuitive, but others are not. Let's take a brief look at one commonly-overlooked basis of affiliation: family relationships.

### *What Is Family Relationship Affiliation?*

Family relationship affiliation can exist when companies controlled by close family members do business together. The SBA's regulations, at [13 C.F.R. 121.103\(f\)\(1\)](#), explain:

*Firms owned or controlled by married couples, parties to a civil union, parents, children, and siblings are presumed to be affiliated with each other if they conduct business with each other, such as subcontracts or joint ventures or share or provide loans, resources, equipment, locations or employees with one another.*

For example, if a mother owns Company A, her son owns Company B, and Company A awards a subcontract to Company B, the companies are presumed affiliated.

### *Can the Presumption Be Rebutted?*

Yes. The SBA will allow the presumption of affiliation to be rebutted if the companies can show a "clear line of fracture" between them. In practice, as reported in decisions reached by the SBA's Administrative Law Judges, this generally requires a showing that (1) the family members in question are estranged; or (2) the companies do very little business together. With respect to the second item, there is no bright-line test, making it difficult to determine whether a business relationship is "too much" to rebut the presumption.

### *What About Other Business Relationships?*

Consider this twist: Companies A and B don't do any business together, but the mom and son jointly own a third business, Company C. Does this joint investment cause Companies A and B to be affiliated?

One might expect the answer to be "no," since the plain text of the regulations seems to suggest that the companies in question must do business together for the presumption to apply. However, SBA's Administrative Judges have issued decisions indicating that the family relationship presumption may apply when the family members do *any* business together, regardless of whether the companies in question are involved. The bottom line: tread carefully when doing business with companies controlled by close family members.

Questions about your small business status? Your PTAC counselor can help! Contact your PTAC counselor to schedule an appointment.

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## ***PTAC News You Can Use:***

The PTAC program is transforming! The PTAC program has moved from the Defense Logistics Agency to the DOD's Office of Small Business Programs. Additionally, on December 2, 2022, the DOD and SBA signed a Memorandum of Understanding to help strengthen the relationship between the agencies, including PTAC assistance. As part of this exciting initiative, the PTAC programs will be [rebranded as APEX Accelerators](#). The new [APEX Accelerators website](#) is already live.

Don't worry – the new name and DOD sponsoring entity won't adversely affect the services you already receive from your PTAC. Your PTAC is excited to continue serving you as your APEX Accelerator!

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## ***Govology Webinars***

Please use the new code **20NICC23** when registering for Govology webinars.



## Understanding VIPR – Virtual Incident Procurement

Date: January 12, 2023

Time: 1:00 pm EST

Presenter: Dee Edwards, GCAP (Oregon's PTAC)

[Click Here to Learn More](#)



## A Step-By-Step Guide to Registering Your WOSB

Date: January 17, 2023

Time: 1:00 pm EST

Presenter: Shana Nicholson, Rescue Me, LLC

[Click Here to Learn More](#)



## The Ins and Outs of Federal Small Disadvantaged Business Self-Certification

Date: January 24, 2023

Time: 1:00 pm EST

Presenter: Steven Koprince, Govology Legal Analyst

[Click Here to Learn More](#)

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### *Recommended Readings:*

#### **SBA Issues Final Rule on SDVOSB Certification**

The SBA recently released a final rule setting forth the procedures for verification as a service-disabled veteran-owned small business (SDVOSB) or veteran-owned small business (VOSB) under the SBA's certification program, which kicks off on January 1, 2023. [This article](#) provides an overview of the key aspects of the final rule. Additionally, the SBA held a webinar on December 6th providing a ["First Look & Live Demo"](#) on what will now be called the Veterans Small Business Certification Program and also announced that their new portal will start accepting applications on January 9th.

#### **Inflation Relief Is Coming for DOD Contractors**

For contractors operating under fixed-price contracts, the recent surge in inflation has been particularly challenging. In many cases, contractors have been forced to absorb a substantial increase in their costs of performance, while the total contract price has remained the same. Fortunately, relief is on the way for Department of Defense contractors: a provision in the new National Defense Authorization Act would authorize contractors to receive inflation-related adjustments. [This article](#) provides an overview of the new provision.

#### **An Inconvenient Requirement: New Proposed Rule Would Require Federal Contractors to Disclose Greenhouse Gas Emissions**

A proposed new FAR provision would require certain federal contractors to disclose their greenhouse gas emissions. The proposed FAR provision establishes the disclosures as a

matter of responsibility, meaning that if a contractor is required to complete the disclosures and fails to do so, the contractor could risk being declared ineligible for contracts. [This article](#) provides an overview of the proposed rule.

### ***About Nebraska Community College PTAC:***

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