



# August 2023 Newsletter

Share Tweet Forward Share

## ANNOUNCEMENT



# LINCOLN-OMAHA, NE NAVY WEEK

*Presented by:*



## “Doing Business with the DON” Workshop

Join the Nebraska Business Development Center (NBDC) APEX Accelerator and the Nebraska Indian Community College (NICC) APEX Accelerator (formerly known as Procurement Technical Assistance Centers - PTACs) as they welcome Mr. Daniel Mahan, Deputy for Small Business, Naval Surface Warfare Center (NSWC) Port Hueneme Division (PHD), to the Lincoln-Omaha area. During this event, small businesses will receive information on the following topics:

- Department of the Navy Office of Small Business Programs' Achievements and Goals
- The DON OSBP Mentor-Protégé Program
- Preparing for the DON procurement process
- Resources and assistance to help small businesses

In conjunction with the 'Doing Business with the DON' Small Business Workshop, NBDC & NICC APEX Accelerators will also host one-on-one meetings following the workshop.

**AUGUST 23, 2023**  
**9:00 AM - 12:00 PM (CDT)**

**ONE-ON-ONE MEETINGS TO FOLLOW WORKSHOP**  
**1:00 - 3:00 PM (CDT)**

**THOMPSON ALUMNI CENTER**  
**UNIVERSITY OF NEBRASKA-OMAHA CAMPUS**  
**6705 DODGE ST, OMAHA, NE 68182**

**» REGISTER**

[omahanavyweek.eventbrite.com](https://omahanavyweek.eventbrite.com)





LINCOLN-OMAHA, NE  
NAVY WEEK

DON OSBP 'DOING BUSINESS WITH THE DON SMALL BUSINESS WORKSHOP  
+ NBDC APEX ACCELERATOR & NICC APEX ACCELERATOR ONE-ON-ONE MEETINGS

- **9:00 - 9:20 AM:** Welcome and Overview of Apex Accelerator Services
- **9:20 - 9:35 AM:** Overview of SBA Programs
- **9:35 AM - 9:50 AM:** Overview of GSA Programs
- **9:50 - 11:40 AM:** How to Do Business with the DON
  - DON OSBP Achievement and Goals
  - DON OSBP Mentor-Protege Program
  - Resources and Assistance to Help Small Businesses
- **11:40 AM- 12:00 PM:** Q&A + Networking
- **12:00 - 1:00 PM:** Break
- **1:00 - 3:00 PM** One-on-One Meetings with the DON



TIP OF THE MONTH

Alternative Dispute Resolution Under the FAR

Usually, federal government contractors complete their projects without major disagreements arising between the contractor and the Contracting Officer. But sometimes, no matter how hard the contractor tries, a disagreement arises.

In those cases, it can be difficult for the contractor to know what to do. Simply accepting the government’s position can be costly: depending on the nature of the dispute, the contractor may suffer financial consequences, a negative past performance rating, or even termination for default. On the other hand, filing a request for equitable adjustment or claim has its own downsides, as REAs and claims can be time-consuming and expensive to prepare – and, for relationship purposes, many contractors hesitate to initiate a legal process against a customer.

Unbeknownst to many contractors, the Federal Acquisition Regulation offers another option. [FAR 33.214](#), titled “Alternative Dispute Resolution,” allows a contractor to request that the agency engage in an ADR process to resolve an issue in controversy. The goal, according to the FAR, is to offer a forum for “relatively inexpensive and expeditious resolution of issues” that arise between the contractor and the Contracting Officer.

The FAR doesn’t require that the government accept the contractor’s request for ADR, but if the



government refuses, it must provide a written explanation. In practice, the government often accepts an ADR request. After all, the government typically has the same goal: to resolve the dispute inexpensively and quickly. Additionally, many government officials may believe – and perhaps justifiably so – that if the dispute escalates, a judge may look unfavorably upon the government’s refusal to attempt a less formal resolution.

If the government agrees to ADR, the government and contractor must agree on the process to be used. Depending on the nature of the dispute and the interests of the parties, the process may be very informal, such as a telephone conference mediated by a member of the agency’s Office of General Counsel, or more formal, such as arbitration.

FAR 33.214(d) states that “[w]hen appropriate, a neutral person may be used to facilitate resolution of the issue in controversy using the procedures chosen by the parties.” In its arbitration request, a contractor should, if desired, ask for a neutral party to help resolve the dispute. Even if the person selected is employed by the agency – such as a lawyer with the agency’s Office of General Counsel – the contractor should consider asking that the person be unconnected with and unfamiliar with the dispute previously, to ensure that the neutral party has no preconceived notions about the dispute.

Alternative dispute resolution under FAR 33.214 doesn’t always work out, of course. Sometimes, despite engaging in the process, the contractor and Contracting Officer are still unable to resolve the dispute. But sometimes, the ADR process does produce a resolution, saving both parties considerable time and money. And even where the ADR process fails to produce a resolution, the contractor often gains additional insight into the agency’s position, which may assist in resolving the dispute at a later time.

## NICC APEX ACCELERATOR NEWS YOU CAN USE

### **The New TikTok Ban: What Government Contractors Should Know**

In June, the FAR Council adopted new provisions effectively banning most federal government contractors and subcontractors from having or using the popular TikTok application on devices used to perform government business. [This article on Govology](#) covers the most important things contractors should know about the ban, including when a prime contractor becomes subject to the ban, which prime contracts are covered, subcontractor flow-down requirements, and more.

## APEX ACCELERATOR EVENTS





LINCOLN-OMAHA, NE  
NAVY WEEK

DON OSBP 'DOING BUSINESS WITH THE DON' SMALL BUSINESS WORKSHOP  
+ NBDC APEX ACCELERATOR & NICC APEX ACCELERATOR ONE-ON-ONE MEETINGS



8.23.23 | 9 AM - 3 PM | OMAHA

omahanavyweek.eventbrite.com

**Lincoln – Omaha, NE Navy Week 2023**

**Date:** Wednesday, August 23, 2023

**Time:** 9:00a.m. – 3:00p.m. CDT

**Location:** Thompson Alumni Center, 6705 Dodge St, Omaha, NE 68182

[Click here to register](#)

The Nebraska Indian Community College APEX Accelerator (formerly known as PTAC) is happy to co-host the Lincoln – Omaha, NE Navy Week for our clients. This in-person event allows attendees to learn about doing business with the Department of Navy during their small business workshops. In conjunction with the “Doing Business with the DON” Small Business workshop, the NBDC & NICC APEX Accelerators will also host one-on-one meetings following the workshop.

Join the Nebraska Business Development Center (NBDC) APEX Accelerator and the Nebraska Indian Community College (NICC) APEX Accelerator (formerly known as Procurement Technical Assistance Center - PTAC) as they welcome Mr. Daniel Mahan, Deputy of Small Business, Department of the Navy (DON) Naval Surface Warfare Center (NSWC) Port Hueneme Division (PHD) to the Omaha and Lincoln area. During this event, small businesses will receive information on the following topics:

- Department of the Navy Office of Small Business Programs' Achievements and Goals
- The DON OSBP Mentor-Protégé Program
- Preparing for the DON procurement process
- Resources and assistance to help small businesses

In conjunction with the “Doing Business with the DON” Small Business workshop, NBDC & NICC APEX Accelerators will also host one-on-one meetings following the workshop.

**Agenda:**

**9:00-9:20** | Welcome and Overview of NBDC APEX Accelerator Services

**9:20-9:35** | Overview of SBA Programs

**9:35-9:50** | Overview of GSA Programs

**9:50-11:40** | How to Do Business with the DON

- DON OSBP Achievements and Goals
- DON OSBP Mentor-Protege Program
- Resources and Assistance to Help Small Businesses

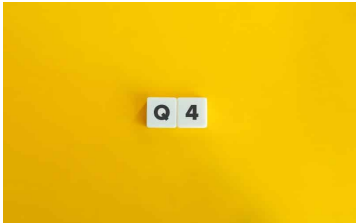
**11:40-12:00** | Q&A and Networking

**1:00 - 3:00** | One-on-One Meetings with DON



GOVOLOGY WEBINARS

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



**Strategies to Capture Expiring Funds and Sole Source Contracts (2023 Update)**

**Date:** August 8, 2023  
**Time:** 1:00 pm EDT  
**Presenter:** Jeff Cuskey, Consultant & Expert Witness

[Click Here to Learn More](#)



**Determining Your Proposal Strategy (2023 Update)**

**Date:** August 10, 2023  
**Time:** 1:00 pm EDT  
**Presenter:** Carrie Ann Williams, Andana Consulting

[Click Here to Learn More](#)



**The Ins and Outs of Defense Production Act Title III Agreements**

**Date:** August 24, 2023  
**Time:** 1:00 pm EDT  
**Presenter:** Steven Koprince, Govology Legal Analyst

[Click Here to Learn More](#)



**Beyond the Contract: Unlocking the Power of Other Transaction Authorities**

**Date:** August 29, 2023  
**Time:** 1:00 pm EDT  
**Presenter:** Dolores Kuchina-Musina, REXOTA Solutions LLC

[Click Here to Learn More](#)

RECOMMENDED READINGS

**Clarity Is Key: An Example of Why Clear Language Is Important for Showing SDVOSB Control**

To qualify as a service-disabled veteran-owned small business, a company must be unconditionally controlled by one or more service-disabled veterans. Establishing that control to the satisfaction of the U.S. Small Business Administration – which now administers the SDVOSB program government-wide – may require a contractor to amend its governing documents (such as its operating agreement or bylaws), as well as meeting minutes to reflect the required level of control. A recent decision by the SBA’s Office of Hearings and Appeals upholding the denial of an SDVOSB application demonstrates the importance of paperwork clarity for SDVOSBs. [Read about the decision here.](#)

**8(a) MAS Pool Initiative Increases Federal Contracting Opportunities for Small-Disadvantaged Businesses**



A recent joint initiative between the SBA and the General Services Administration aims to increase federal contracting opportunities for certified small disadvantaged businesses in the SBA’s 8(a) Business Development Program. Through the joint initiative, the SBA and GSA intend to boost 8(a) awards under the GSA’s Multiple Award Schedule program, commonly known as the GSA Schedule. [Read more about the initiative here.](#)

**About Nebraska Indian Community College  
APEX Accelerator:**

**Address (Macy Campus):**  
1111 Hwy. 75/P.O. Box 428  
Macy, NE 68039  
(Coverage Area: Omaha Indian Reservation)

**Address (Santee Campus):**  
415 North River Road  
Niobrara, NE 68760  
(Coverage Area: Santee Sioux Indian Reservation)

**E-mail us:** [APEX@thenicc.edu](mailto:APEX@thenicc.edu)

*This APEX Accelerator (formerly known as PTAC) is funded in part through a cooperative agreement with the Department of Defense.*

---

Copyright © 2023 Nebraska Indian Community College APEX Accelerator, All rights reserved.

Want to change how you receive these emails?  
You can [update your preferences](#) or [unsubscribe from this list](#)

