



# April 2023 Newsletter

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## Tip of the Month:

### FAR-Compliant Nondisclosure Agreements

Government contracting is a highly competitive business. So it’s little wonder that many contractors require their employees and subcontractors to sign agreements prohibiting them from disclosing the Contractor’s confidential information. Using a fair and effective nondisclosure agreement can be smart, but many contractors don’t realize that the Federal Acquisition Regulation limits the permissible scope of an NDA.

Under the FAR, a contractor cannot impose an NDA that would prevent lawful whistleblowing. [FAR 52.203-19](#), a clause titled “Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements,” says, in part:

*The Contractor shall not require its employees or subcontractors to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or subcontractors from lawfully reporting waste, fraud, or abuse related to the performance of a Government contract to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information (e.g., agency Office of the Inspector General).*

The clause then goes a step further, requiring:

*The Contractor shall notify current employees and subcontractors that prohibitions and restrictions of any preexisting internal confidentiality agreements or statements covered by this clause, to the extent that such prohibitions and restrictions are inconsistent with the prohibitions of this clause, are no longer in effect.*

A sister clause, [FAR 52.203-18](#), says that by submitting an offer in response to a solicitation containing the clause, the Contractor represents that it will not require employees or subcontractors to sign NDAs that would violate the prohibition in FAR 52.203-19.

Many contractors’ standard NDAs strictly prohibit the disclosure of confidential information without mentioning the whistleblower exceptions required by FAR 52.203-18 and -19. To help ensure compliance with the FAR – and be more easily able to demonstrate that

compliance in the event of an audit – contractors may wish to consider including “carve-outs” in their NDAs, stating that the nondisclosure obligation does not apply to the whistleblower matters covered by these FAR clauses. Of course, it’s wise to check with your legal counsel before making any changes to an NDA or any other contractual document.

## NICC APEX Accelerator News You Can Use:

The Department of Veterans Affairs has released a final rule amending the VA’s Acquisition Regulation to impose new cybersecurity procedures and processes to protect sensitive VA data and health information. These VAAR additions will require affected contractors at all tiers to implement internal controls to properly handle sensitive information for VA systems and impose unreasonably short reporting requirements for breaches. Read about the [new VA cybersecurity requirements here](#).

## APEX Accelerator Events:

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### The Sister Sky Empowerment Workshop

**Date:** April 11, 2023 - April 12, 2023

**Time:** 8:00am – 4:00pm CST

**Location:** Haskell Indian Nations University Auditorium, Lawrence, Kansas

**Registration URL:** <https://nativesba.sisterskyinc.com/workshop/empowerment-workshop-8-2/>

We’re grateful and honored to bring the Sister Sky Empowerment Workshop to Haskell University on April 11th-12th. The workshop will be a 2-day business training program about entrepreneurship and small business management for Native entrepreneurs and business owners led by Sister Sky. The event is free and open to all.

Jackson Brossy, Assistant Administrator with the SBA's Office of Native American Affairs, and Michael Barrera, SBA Kansas City District Director will be presenting SBA resources to Native American entrepreneurs.

Sister Sky, Inc., presents the 2021 Native Business Development Empowerment Workshops under contract with the Office of Native American Affairs (ONAA) of the U.S. Small Business Administration (SBA). Sister Sky, Inc., is a 100% Native American-owned company. All SBA programs are extended to the public on a nondiscriminatory basis. Reasonable accommodations for persons with disabilities will be made if requested at least two weeks in advance.

The NICC APEX (formerly known as PTAC) Program Director Michael Channell will be attending in person at the event and available for Native-owned & tribally-owned

businesses.



**Are You An Aspiring Entrepreneur?**

**Attend This**

**FREE ON-SITE**

**BUSINESS TRAINING**

**Learn Steps to Start or Grow Your Small Business**

**Haskell Indian Nations University**

**Auditorium**

**April 11 & 12, 2023**

**8:00AM-4:00PM**



*Jackson Brossy, Assistant Administrator with the SBA's Office of Native American Affairs and Michael Barrera, SBA Kansas City District Director will be presenting SBA resources to Native American entrepreneurs.*

**Register at the link below to reserve your seat:**

**<https://nativesba.sisterskyinc.com/workshop/empowerment-workshop-8-2/>**



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**The 2023 Reservation Economic Summit**

**Date:** April 3, 2023 - April 6, 2023  
**Time:** 8:00am – 5:00pm PT  
**Location:** Caesars Palace, Las Vegas, NV  
**Registration URL:** <https://res.ncaied.org/Register>

RES 2023 is the Summit to attend for those looking for high-caliber networking, winning teaming opportunities, business development sessions, and one-on-one consulting, all centered around American Indian Enterprise.

The National Center for American Indian Enterprise Development (NCAIED) is embracing EMPOWERING FOR GENERATIONS for the 2023 Reservation Economic Summit. The event features tribal leaders, members of Congress, federal agency representatives, state and local officials, and top CEO's on a national platform.

The NICC APEX (formerly known as PTAC) team member Debra Grant will be attending in person at the event and available for Native-owned & tribally owned businesses.

**The HHS and DOI Buy Indian Industry Day Matchmaker**

**Date:** Wednesday, April 26, 2023  
**Time:** 8:00am – 8:00pm EST (7:00am – 7:00pm CST)  
**Location:** Virtually  
**Registration URL:** [HSS and DOI Buy Indian Industry Day](#)

The Native American APEX Accelerators (formerly Native American Procurement Technical Assistance Centers or PTACs) proudly present The HHS and DOI Buy Indian Industry Day Matchmaker.

Please join us for The HHS and DOI Buy Indian Industry Day Matchmaker, taking place April 26th, 2023, from 8:00 AM - 8:00 PM EST. Meet with contracting officials seeking qualified Native American Indian suppliers!

**Please note:** the buyers will be available during their working hours in their specific time zone.

The Buy Indian Industry Day Matchmaker is focused exclusively on American Indian and Alaskan Native businesses owned by Federally Recognized Tribes and their members. Only businesses owned by Federally Tribes, or their members should register for the matchmaker. If you have questions regarding this, please contact [apex@ncaied.org](mailto:apex@ncaied.org).

By taking part in the matchmaker, you have the opportunity to present your company's goods and/or services to contracting officials from the Health and Human Services (HHS) and Department of the Interior (DOI).

This event will provide you with the opportunity to generate 10–15-minute meetings with different representatives to stimulate potential teaming opportunities and future contracts.

**Please click the link to begin your Registration Now.**

Note: The matchmaking event is taking place on the 2nd day of the event virtually (April 26, 2023). If you would like to attend in person on the first day of the event, please contact the organizers at [apex@ncaied.org](mailto:apex@ncaied.org).

The NICC APEX (formerly known as PTAC) team members Debra & Harold (Sonny) will be in attendance virtually at the event and available for Native-owned & tribally owned businesses. The Program Director Michael Channell will be attending in person at the event.



Department of Health and Human Services  
Department of Interior  
HOSTS



B U Y

INDIAN

SMALL BUSINESS

INDUSTRY DAY

TUESDAY | APRIL 25, 2023

VIRTUAL MATCHMAKING

WEDNESDAY | APRIL 26, 2023

Powering Our Missions Through  
Native American Businesses

Save the Date

Hybrid Option for Industry Day In-Person (Rockville, MD) or Virtual

★ Valuable Speakers  
★ Grow Your Business

★ In-Person Networking  
★ Federal Agency Trade Show

Questions: [apex@ncaied.org](mailto:apex@ncaied.org)



# Govology Webinars:

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



## Navigating the 8(a) Application Process

**Date:** April 11, 2023  
**Time:** 1:00 pm EDT  
**Presenter:** Dr. Shana Nicholson, Rescue Me LLC

[Click Here to Learn More](#)



## Dynamic Color Team Reviews for Government Proposals (2023 Update)

**Date:** April 13, 2023  
**Time:** 1:00 pm EDT  
**Presenter:** Carrie Ann Williams, Andana Consulting

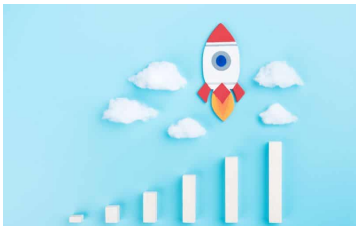
[Click Here to Learn More](#)



## How to Build a Strong Government Sales Strategy – 8 Core Activities (2023 Update)

**Date:** April 18, 2023  
**Time:** 1:00 pm EDT  
**Presenter:** Joshua Frank, RSM Federal

[Click Here to Learn More](#)



## How to Get Your Foot in the Door with Micro-Offers

**Date:** April 20, 2023  
**Time:** 1:00 pm EDT  
**Presenter:** Carroll Bernard, Govology

[Click Here to Learn More](#)



## Still a Game Changer: The SBA Mentor-Protégé Program (2023 Update)

**Date:** April 27, 2023  
**Time:** 1:00 pm EDT  
**Presenter:** Shane McCall, Koprince McCall Pottroff LLC

[Click Here to Learn More](#)

# Recommended Readings:

## SBA Says Goodbye to Reasonable Commute Rule for SDVOSBs

The SBA has eliminated the requirement that a service-disabled veteran live within a "reasonable commute" of the SDVOSB's headquarters and/or job site. The rule had come under fire for being inconsistent with the shift to remote work and for failing to distinguish between industries in which remote work is commonplace and those in which working remotely would be more challenging. Read about [the SBA's rule change here](#).

**Navy Office of Small Business Programs Hits the Street to Try and Increase 8(a) Awards**

After missing its Fiscal Year 2022 goal for awards to Small Disadvantaged Businesses (a category including 8(a)s), the Navy is stepping up its efforts to make awards to 8(a)s -- but the numbers from the first half of the current fiscal year suggest that the agency still has some work to do. Read about the [Navy’s efforts to increase its 8\(a\)/SDB contracting 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.*

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