

NEWSLETTER

August 2025



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TIP OF THE MONTH

When Do FAR Amendments Apply to Solicitations and Contracts?

The primary rulebook for U.S. federal government contractors, the Federal Acquisition Regulation, is in the midst of a top-to-bottom overhaul. This process, known as the [Revolutionary FAR Overhaul](#), or RFO, is intended to “return the FAR to its statutory roots, rewritten in plain language” to make the rules easier to understand and follow for contractors and government officials alike.

One might think that FAR revisions, including those stemming from the RFO process, automatically apply to existing solicitations and contracts. After all, these revisions represent the current public policy. However, [FAR 1.108\(d\)](#) provides that FAR revisions often do not apply to existing solicitations and contracts

(d)Application of FAR changes to solicitations and contracts. Unless otherwise specified-

(1)FAR changes apply to solicitations issued on or after the effective date of the change;

(2)Contracting officers may, at their discretion, include the FAR changes in solicitations issued before the effective date, provided award of the resulting contract(s) occurs on or after the effective date; and

(3)Contracting officers may, at their discretion, include the changes in any existing contract with appropriate consideration.

As provided in FAR 1.108(d), FAR revisions only apply automatically to solicitations issued on or after the effective date of the revision. For example, if a solicitation is issued on August 1 and a FAR revision takes effect on August 15, the FAR revision does not automatically apply to the solicitation. However, if those dates are reversed—the FAR revision takes effect on August 1 and the solicitation is issued on August 15—the revision

automatically applies.

If a FAR revision takes effect after the date the solicitation is issued, it is up to the contracting officer whether to amend the solicitation to include the revision. Similarly, if a FAR revision takes place after the effective date of a contract, the contracting officer may choose to amend the contract to include the revision, providing “appropriate consideration” to the contractor, such as an upward revision in the contract price if including the revised FAR provision will increase the contractor’s costs of performing the contract.

The RFO process will mean that the FAR will see a large number of revisions in the coming months, and many of those revisions will be impactful for contractors. If contractors are uncertain about whether a revised FAR provision applies to a specific solicitation or contract, it’s best not to guess. Instead, ask the contracting officer!

NICC APEX ACCELERATOR NEWS YOU CAN USE

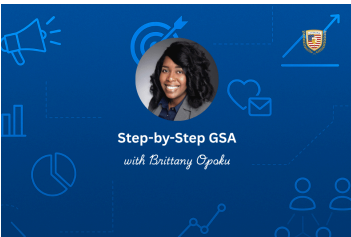
GAO Reaffirms Agencies’ Discretion to Award Sole-Source SBIR Phase III Contracts (Even to a Successor-in-Interest)

The Small Business Innovation Research program is a three-phase initiative that increases the participation of small business concerns in federally funded research and development. Awards under Phases I and II of the program are limited to small businesses. Federal agencies may award sole source SBIR Phase III contracts to recipients of prior SBIR awards (and their legal successors-in-interest of any size), as long as any new award “derives from, extends, or completes efforts made under prior funding agreements under the SBIR program.” A recent decision by the U.S. Government Accountability Office highlights the “extraordinary discretion that Congress has provided to agencies under this program.” [Read more about the GAO’s decision.](#)

Are you interested in learning more about the SBIR program or its sister program, the Small Business Technology Transfer program? Your APEX Accelerator can help! Contact your APEX Accelerator counselor today to arrange an appointment.

GOVOLOGY WEBINARS

*Please use the new code **52NICC20** when registering for Govology webinars.*



Step-by-Step GSA

Date: August 5, 2025
Time: 1:00 p.m. EDT
Presenter: Brittany Opoku, First Foster Consulting, LLC
[Click Here to Learn More](#)



Financial Freedom Comes at a Price! It’s Your Wrap Rate (2025 Update)

Date: August 7, 2025
Time: 1:00 p.m. EDT
Presenter: Jenny Clark, Solvability LLC
[Click Here to Learn More](#)



Navigating the Valley of Death: A Survival Guide for Startups

Date: August 12, 2025

Time: 1:00 p.m. EDT

Presenter: Oltac Unsal, Tambourine Innovation Ventures

[Click Here to Learn More](#)



Proposal Framing – Structuring Your Proposal for Maximum Impact

Date: August 14, 2025

Time: 1:00 p.m. EDT

Presenter: Lisa Mundt, The Pulse of GovCon

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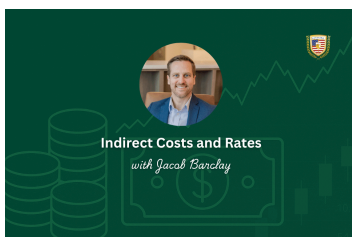
Advanced Teaming Strategies to Accelerate Small Business Government Revenue (2025 Update)

Date: August 19, 2025

Time: 1:00 p.m. EDT

Presenter: Joshua Frank, RSM Federal

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Indirect Costs and Rates

Date: August 21, 2025

Time: 1:00 p.m. EDT

Presenter: Jacob Barclay, Barclay Group LLC

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Leveraging FOIA to Win Government Contracts

Date: August 26, 2025

Time: 1:00 p.m. EDT

Presenter: Darren Osborne, Govology

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RECOMMENDED READINGS

Cybersecurity Compliance in the Crosshairs: Raytheon’s \$8.4 Million FCA Settlement and What It Means for Defense Contractors

A recent settlement between the Department of Justice and defense contractor Raytheon Company highlights the critical importance of strict adherence to federal cybersecurity standards and the severe consequences of falling short. DoD contractors that neglect compliance or inaccurately represent their cybersecurity posture may find themselves facing costly False Claims Act litigation. [Read more about the details and implications of this settlement.](#)

GovCon FAQs: What is the Difference Between an REA and a Claim?

Contractors sometimes speak of Requests for Equitable Adjustment and claims as though they are interchangeable, but in fact, they are different processes—although they can have many similarities. [This article breaks down the key differences.](#)

SBA's OHA: A Joint Venture Agreement Can't Step on the Managing Venturer's Toes

Joint venture agreements under the SBA's mentor-protege program can bring powerful benefits to mentor and protege companies alike. But as a recent SBA Office of Hearings and Appeals decision demonstrates, a mentor-protege agreement must abide by rules requiring the small business protege to manage the joint venture. [Read more about this decision.](#)

GSA to Centralize Procurement Under New OMB Memo

A new OMB memo lays out how the General Services Administration (GSA) will centralize federal procurement of "common goods and services" as part of an effort to reduce waste and improve efficiency. The plan, stemming from a March executive order, will prioritize consolidating requirements that are highly standardized and commercially available. Agencies will be required to use existing government-wide and Best-in-Class contracts unless granted approval otherwise, with Federal Acquisition Regulation changes expected within 60 days. Two major approaches—centralized contracting and functional centralization—will empower GSA to take a lead role in managing acquisitions across the federal government. [Read more about the impact of the OMB memo.](#)

CMMC & FOCI RESOURCES AND NEWS

This section highlights items of special interest and importance to the Department of Defense Office of Small Business Programs (DOD OSBP). Please take a moment to visit the sites listed below for additional information.

Cybersecurity Maturity Model Certification (CMMC)/Cybersecurity Compliance Resources

[DOD CMMC Resource Page](#) – Resources to assist government contractors with understanding and complying with CMMC/cybersecurity requirements.

[Project Spectrum](#) – Project Spectrum is working with APEX Accelerators to assist small businesses in achieving compliance with CMMC/cybersecurity requirements.

Foreign Ownership, Control, and Influence (FOCI) Resources

[FOCI Frequently Asked Questions](#) – FOCI is a status or situation in which a contractor with access to classified information has some foreign investment or association with foreign interest. Learn more about the federal government's requirements relating to FOCI.

<https://business.defense.gov/> – The official website of DOD OSBP. It contains additional information, news, events, and other items for those interested in doing business (or currently engaged) with the DOD.

President Trump's New Cybersecurity Executive Order: What Contractors Need to Know

On June 6, 2025, the Trump Administration released a new Executive Order on cybersecurity, *Sustaining Select Efforts to Strengthen the Nation's Cybersecurity and Amending Executive Order 13694 and Executive Order 14144*. The Executive Order itself will not impose new obligations on agencies; instead, it strikes, amends, and updates certain provisions in prior Executive Orders from the Obama and Biden Administrations that have not been fully rescinded. [Read more about these Executive Orders.](#)

DoD Addresses Two Big Challenges to Make CMMC a Reality (Audio)

The Defense Department feels better than ever about the future of the Cybersecurity Maturity Model Certification program. DoD is close to solving two big obstacles to get CMMC off the ground more than six years after first introducing the data security program. [Listen to the audio.](#)

CMMC Is Here to Stay: DoD’s Push to Secure the Defense Industrial Base

After years of debate, delay, and skepticism, the Department of Defense is sending a clear and unmistakable message: the Cybersecurity Maturity Model Certification (CMMC) framework is real, it’s moving forward, and it’s essential to national security. [Read more on these latest CMMC developments.](#)

DCSA Releases Updated Standard Form 328, Certificate Pertaining to Foreign Interests

The Defense Counterintelligence and Security Agency has released an updated Standard Form 328. The new SF-328 includes several changes to questions, comprehensive instructions reflecting more detailed disclosure requirements and a new Statement of Full Disclosure of Foreign Affiliations. [Read more about the changes to SF-328.](#)

DOD Tightens Oversight on Foreign Investments, Helps Contractors

For those investing in or acquiring defense contractors, the updated SF 328 represents both a challenge and an opportunity. While investors will be required to provide their portfolio companies with detailed information regarding their investors and funding sources, the new requirements also make potential vulnerabilities harder to overlook. [Read more about these heightened disclosure requirements.](#)

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

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Address (Santee Campus):

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(Coverage Area: Santee Sioux Indian Reservation)

E-mail us: 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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