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HOW TO GET THE MOST OUT OF FEDERAL KATRINA RELATED CONTRACTS



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The federal contract marketplace involves hundreds of billions of dollars. It spans the horizon from trailers, generic supply items, services of all types, to construction, vessels, major systems and aerospace. There is something for everyone, small or large, disadvantaged or not.

REGISTERING – GETTING THEM TO KNOW YOU

The first administrative step is twofold. First is for you to obtain a Data Universal Number System (DUNS) account from Dunn and Bradstreet (866-705-5711). This is a free service. This step also includes registration on Central Contractor Registration at www.ccr.gov. There are no registration fees. These steps do not guarantee an award but can increase your business opportunities and make it easier to obtain contract payments electronically from the government when you do get federal work.

MARKET RESEARCH – WHERE'S THE BEEF?

The second step is to market yourself. Procurement opportunities are described on FedBizOps (FBO: www.fbo.gov). You can search this database for markets, e.g., key word, geographic, etc. The U.S. Small Business Administration (SBA) also has procurement center representatives (PCRs) at various locations where you can call for information (800-333-4636) for national assistance, or local assistance (504-862-2992). The Department of Commerce has a Hurricane Contracting Information Center (HCIC) website at www.hcic.gov. The HCIC is a central point of reference for you to become aware of both federal contracts and subcontract new opportunities. (See also, www.RebuildingTheGulfCoast.gov for additional information about major Corps of Engineers and Federal Emergency Management Agency (FEMA) prime contractor points of contact, e.g., debris, roof repair, power, water removal, contingency support, QA inspections, construction, housing, etc.)

Both SBA Subcontracting Network (Sub-Net) (<http://web.sba.gov/subnet/>) and the federal data procurement system (<http://www.fdps.gov/>), also give subcontract information.

The General Services Administration (GSA) also has awarded thousands of contracts for generic items, e.g., hardware, recycling, office supplies, information systems, maintenance, furniture, etc.,

which are useful for a myriad of agencies, GSA services through supply schedules, GSA e-Buy and at federally-owned or leased buildings. See www.fss.gsa.gov.

There are substantial set-asides, Department of Defense percentage goals for small businesses (including small disadvantaged, women owned, and veteran owned) special Section 8(a) contracts by SBA, etc., for various small businesses. Some small businesses are self-certifying, while others (e.g., HubZones) require SBA application and certification. Jones Walker can guide you through complex SBA rules and size standards and appeals.

THE MEAT

The third step is to know what you are doing. You must also be aware that you are dealing with a new world of federal red tape. There is some procurement flexibility during emergencies, but emergencies do not last forever. For instance:

- A contractor is not usually indemnified by the government for risks associated with the work – which can haunt you if you lack insurance;
- The public “fisc” or funds are guarded by federal auditors, inspector generals, qui tam plaintiffs, certifications and disclosures in many cases – this can haunt “emergency” work after-the-fact;
- The government is not typically bound by apparent authority of people you deal with – which can haunt you on getting paid;
- Federal procurement clauses may be passed down by prime contractors to unsuspecting subcontractors who may lose many rights under state law in the process;
- Permit requirements are often flowed down from the government to primes and even subcontractors, e.g., storm water discharges. You don’t want to be left holding the enforcement bag.

Jones Walker can guide you through the procurement maze, whether during bidding, proposal preparation, negotiations, bid protests, prosecuting work, changes, terminations, disputes or appeals.

Contact Stan Millan at smillan@joneswalker.com or Marc Hebert at mhebert@joneswalker.com for more information.