

O'Riordan Bethel provides counsel and advice in the following practice areas:

- Government Contracts
- Securities Enforcement
- Financial Regulation
- Business Litigation
- Government Affairs
- White Collar Criminal Defense
- Construction
- Certification (including 8(a) and DBE)

Firm Certifications/Qualifications

8(a) • SDB

WOSB • EDWOSB

Small Business

DC / WMATA DOT DBE

MDOT DBE

DC CBE

VA DBE/MBE

WBENC/WPEO WBE

African-American and Woman-Owned

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Visit our updated website!  
[www.oriordan-law.com](http://www.oriordan-law.com)

We are looking forward to keeping busy this holiday season. See what we've been up to since our last newsletter by clicking on the headlines for more information:

- Executive Partner Pamela J. Bethel will be inducted into the [Hall of Fame!](#)
- The awards keep rolling in for [our attorneys](#).
- As do the certifications for [our clients](#).
- Speaking of clients, meet one of [Ernst & Young's Entrepreneurs Of The Year® in Maryland!](#)
- And we're excited for [Athena Construction's latest venture](#).
- Check out the [upcoming government contracts seminar](#) hosted by DC DOT for small businesses.
- Technical Tips: [Bid Protests](#) and [Regulatory and Agency Insights](#)
- We're proud to lend a helping hand in Haiti through [Kids Connection Haiti](#).



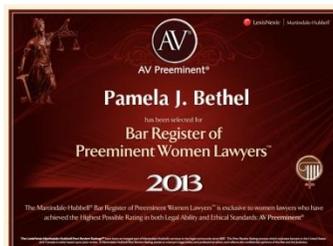
THE NATIONAL BLACK COLLEGE ALUMNI HALL OF FAME

We're

expanding our social media presence. In addition to our [website and blog](#), you can find us on [LinkedIn](#), [Twitter](#), [Facebook!](#)

Executive Partner Pamela J. Bethel will be inducted into the [National Black College Alumni Hall of Fame](#) for her achievements in the field **Government/Law**. The ceremony will take place September 26, 2013 in Atlanta. O'Riordan Bethel is grateful for all the support and encouragement received thus far, and we are looking forward to seeing those of you who have indicated you're coming.

The National Black College Alumni Hall of Fame Foundation is dedicated to the growth and development of **Historically Black Colleges and Universities**. To this end, the Hall of Fame secures supplemental scholarships for students and recognizes the accomplishments of distinguished alumni.



Executive Partner Pamela J. Bethel has been named a **Top Rated Lawyer in White Collar Criminal Defense** by American Lawyer Media and Martindale-Hubbell®. American Lawyer Media will highlight the Top Rated Lawyers in White Collar Criminal Defense in a special section running in The American Lawyer, Corporate Counsel, and National Law Journal. Ms. Bethel has also been named to the 2013 edition of the

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Martindale-Hubbell® **Bar Register of Preeminent Women Lawyers™** which honors women attorneys who have received the highest possible rating in both legal ability and ethical standards from their peers.

O'Riordan Bethel Law Firm is also honored to be named **Government Contract Law Firm of the Year** in Washington, D.C. by Dealmakers Global Awards and **Administrative Law Firm of the Year** in Washington, D.C. by Global Law Experts.

- Congratulations to the following clients and colleagues for their **certifications**:
  - **Britt's Industries** – WBE and WOSB, Women's Business Enterprise National Council
  - **Chevy Chase Contractors, Inc.** – MBE/DBE, Maryland Department of Transportation (Renewal)
  - **M. Luis Products, LLC** – MBE, Maryland Department of Transportation (Renewal)
  - **Washington Consulting Corporation** – DBE, Virginia Department of Minority Business Enterprise



ERNST & YOUNG  
ENTREPRENEUR  
OF THE YEAR®

O'Riordan Bethel would like to extend congratulations to longstanding clients **Cidalia Luis-Akbar and Natalia Luis**, President and Vice President of M. Luis Construction Co. Inc. for winning the **Ernest & Young Entrepreneur Of The Year® 2013 Award** in the Maryland region. M. Luis is a leading regional asphalt manufacturer and construction services company. The company was recognized in the Construction and Manufacturing segment by an independent panel of judges for excellence and success in innovation, financial performance and personal **commitment to the community**. Said Ms. Luis-Akbar, "This award would not have been possible without the dedication of our teams of employees who pride themselves on **integrity, hard work and delivering superior products** every day."

Ernst & Young's Entrepreneur Of The Year® is a prestigious business award that recognizes the significant contributions of entrepreneurs who inspire others with their **vision, leadership, and achievement**.

## BID PROTESTS: Past Performance

# BID PROTESTS: Past Performance

It's the age old "chicken or the egg" dilemma for federal contractors: **young**

**companies need contracts to establish strong past performance.** Yet to qualify for and win track record-building contracts, companies often have to display to contracting officers that they already have a good past performance record. One solution to this Catch-22 that young companies should be aware of is **the joint venture vehicle**. True, some business development programs, such as the 8(a) program, require a separate approval process for each joint venture, but the extra work up front to build working relationships with established contractors is the best way for many young companies to gain experience and grow.

This question was recently raised in a GAO protest ([TFab Manufacturing, LLC, B-406698, Aug 3, 2012](#)) and decided favorably. While [joint venture relationships can be challenged](#), when properly executed, the **GAO routinely upholds unpopulated joint ventures** as a way to help young companies meet past performance requirements and build that valuable track record. In [TFab](#), **GAO found that the Army acted reasonably when it attributed to a new 8(a) joint venture the past performance of experienced personnel who worked for one of the joint venture members** and were offered to perform the contract at issue.



As the joint venture model becomes better established, particularly within the various business development programs many of our clients participate in, we expect to see more young companies take advantage of this business model.

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The **U.S. Department of Labor** (DOL) and the **U.S. Small Business Administration** (SBA) are both toughening up toward government contractors and subcontractors. The DOL recently issued new rules that increase the **affirmative action** requirements of contractors under the Rehabilitation Act of 1973, Section 503 and the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA). Their goal is to promote the recruitment, employment, promotion, training, and accommodation of **individuals with disabilities** and specific categories of **veterans**.

On the other hand, the SBA is pursuing an initiative to reduce instances of **ineligible firms receiving contracts** under small business set-asides or preferences, and has released new rules designed to facilitate punishment of those inaccurately certified contractors. For example, the when a contractor misrepresents its size or other certification status and wins a contract, the government can seek **damages equaling the total value of the awarded contract** from the contractor.

To find out exactly when and how these regulations will be implemented, read more on the [law firm's blog](#).

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The O'Riordan Bethel Law Firm is proud to announce that our client **Athena Construction Group** has been approved by the **Department of Defense (DoD)** to participate in its **Mentor-Protégé Program** with **Hensel Phelps Construction Co.** Hensel Phelps is one of the largest general contractors and construction managers in the United States and is one of the top 50 contractors with the federal government.



The DoD Mentor-Protégé Program helps small businesses (protégés) successfully compete for prime contract and subcontract awards by partnering with large companies (mentors) under individual, project-based agreements. The program benefits both the mentor and protégé firms by playing an integral part in the mentor firm's sourcing plans while developing the protégé firm's much needed business and technical capabilities to diversify its customer base.



O'Riordan Bethel undertook to sponsor a young adult transitioning from an orphanage to independent living in Haiti through **Kids Connection Haiti**. The money will go to help her with education, training, and providing her with other the necessities of life. This is a natural outgrowth of our work on behalf of clients working to rebuild Haiti following the earthquake, and Managing Partner Carol L. O'Riordan's trip to Haiti last year.

The firm owes many thanks to our client **Pioneering Evolution, LLC** for introducing this wonderful opportunity at the fundraising event it hosted in June.

Kids Connection Haiti is a non-profit organization founded by Astrid Fitzgerald assisting young adult orphans transitioning into life outside of the protected world of the orphanage. By partnering with local non-governmental organizations, educational institutions, and businesses, KCH provides orphans with education, mentors, and business opportunities to create a positive, secure, and stable future. For more information or to sponsor a youth, click on the KCH logo above.



The O'Riordan Bethel Law Firm is proud to announce that partners Pamela J. Bethel and Carol L. O'Riordan will lead a two part workshop for small businesses seeking to win contracts with the **District Department of Transportation (DDOT)**.

DDOT's Office of Civil Rights (OCR) will host the **Contract Law for Federal Aid**

**Projects Workshop Series** on **September 24** and **October 3** at their 11<sup>th</sup> Street Bridge Field Office.

Securing a DDOT federal aid contract means working in a high-stakes and heavily regulated environment which can be overwhelming. This interactive workshop series will help firms understand the contracting process and requirements so that they can better position themselves to successfully bid and perform the work.

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You have received this email because you are listed as a contact with one of the members of our firm. We would like to send you our e-letters that will provide information and developments in government contracting, construction, and business law, but we do not want to send it without your consent. If you are not interested in receiving our e-letters, please email [APark@ORiordan-law.com](mailto:APark@ORiordan-law.com) with "Unsubscribe" in the subject line.