

Section of Public Contract Law
321 North Clark Street
Chicago, Illinois 60610

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American Bar Association
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**National Association of
State Procurement Officials**



**National Institute of
Governmental Purchasing, Inc**



**Information Technology
Association of America**



**Second Annual
State and Local
Procurement Symposium**

Harmonizing State and Local Procurements

May 17-18, 2007

**Sheraton Nashville Downtown
Nashville, Tennessee**

State and local contract personnel and contractors have frequently faced the challenges of “range” and “pitch” while attempting to maintain the “tempo” of the procurement process. This program will help you orchestrate effective, efficient procurements. Program sessions arrange timely themes of purpose, process, substance and controversy. Our panelists represent the different voices of state and local officials, purchaser-side counsel, consultants, and contractor-side counsel.

Themes include market trends, procurement purposes and methods, key contract issues and challenges of “special purpose” contracting.

Today, many state and local governments confront unprecedented challenges of security, infrastructure investment and next generation information systems.

Thus, public contracting has an extensive cast: elected officials, agency executives and administrators, departmental officers and purchasing agents, as well as attorneys representing the public purchasers — and the contractors, their suppliers, advisors and counselors. This program is designed for all who play roles in this long-running drama.

This program will cast light into state and local procurement where risk and doubt frustrate both buyers and sellers. **It will identify “best practices” you need to achieve clearly defined requirements, an efficient and fair competitive process, mitigation of contract risks and financial pitfalls, reasonable performance obligations and effective compliance obligations.**

Specifically, the program will include:

- **Acquisition methods** including requirements definition, selection criteria and evaluation.
- Enterprise-critical contract **terms and conditions**— e.g., Limitation of Liability, IP and Warranty.
- Recognizing and mitigating **controversies**: compliance, ethics, disputes, and false claims.
- **Collaborative solutions** for “next generation” state and local procurement needs.

Panelists also will address the effects of the federal government on state and local procurement and consider federal practices that suggest approaches to recurring problems in state and local procurement.

This will be an interactive program where all are encouraged to share their views.

Join us on May 17 from 4:15 p.m. to 7:00 p.m. for an optional practicum and hosted reception. Register today and network with other procurement professionals in the wonderful city of Nashville on May 18.

PROGRAM SPONSORS

The Section gratefully acknowledges the very generous support from the following sponsors for this Second Annual State and Local Procurement Symposium:

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OTHER PLANNED EVENTS

Thursday, May 17, 2007

4:15 p.m. to 5:45 p.m.

Optional Practicum—“Are You Ready for the Curtain Call?”

- The Market for State and Local Procurement: Growth and Change
 - ◆ Market Metrics and Participants
 - ◆ Demand-side Trends
 - ◆ Areas of Opportunity
 - ◆ Barriers to Participation

Jack Gallt, *NASPO Association Director*
AMR Management Services
Lexington, KY

Chris Dixon
Manager, S&L Market Analysis
INPUT
Reston, VA

A nominal fee of \$35 will be charged to help defray additional program costs for CLE and written materials.

This optional practicum and the hosted meet and greet reception that follows will be held at the offices of Baker Donelson Bearman Caldwell & Berkowitz, PC at 211 Commerce Street. Their offices are a 10-minute walk or 5-minute cab ride from the Sheraton Nashville Downtown.

5:45 p.m. to 7:00 p.m.

Meet and Greet Reception

The Section gratefully acknowledges the generosity of the firm of Baker Donelson Bearman Caldwell & Berkowitz, PC for hosting this Reception for program speakers and meeting attendees.

Saturday, May 19, 2007

8:30 a.m. to 12:00 noon

Section Council Meeting

The Council of the Section of Public Contract Law will meet in **open** session where a number of action and informational items will open the window on legislation, regulatory and other substantive issues of current interest and importance to government contracts practitioners. All members and registrants for the Friday program are welcome.

PROGRAM

Friday, May 18, 2007

7:15 a.m. to 8:00 a.m.

Registration

8:00 a.m. to 8:15 a.m.

Welcome and Introduction

Robert S. Metzger, *Program Co-Chair*
Gibson, Dunn & Crutcher LLP
Los Angeles, CA

Nancy Harrison, *Program Co-Chair*
FTI Consulting
Los Angeles, CA

Michael A. Hordell, *Chair*
Section of Public Contract Law
Pepper Hamilton LLP
Washington, DC

8:15 a.m. to 10:00 a.m.

“Hitting the High Note ” — “Best Practices” in Acquisition Practice and Procedures

- Perceived Impediments to Participating in State and Local Procurement
- “Best Value” Selection and Other Emerging Trends in Local Government Procurement
- Streamlining State Procurement: The Objectives, Benefits, and Challenges
- Cooperative Procurements In and Among the States: What’s Happening and Where It’s Headed

C. Richard Pennington, *Moderator*
McKenna Long & Aldridge LLP
Denver, CO

Arthur W. Burger
Executive Vice President
Burger, Carroll & Associates, Inc.
Santa Fe, NM

Darin Matthews, *2006-2007 NIGP President*
Procurement Division Manager, METRO
Portland, OR

Ellen Phillips, *Past NASPO President*
Operations Services Division
Commonwealth Central Procurement Office
Boston, MA

Robert Voight Shealy, *Current NASPO President*
Materials Management Officer
South Carolina Office of General Services
Columbia, SC

PROGRAM

10:00 a.m. to 10:15 a.m.

Networking Break

10:15 a.m. to 12:00 noon

“Auditions ... Making the Cut”: “Best Practices” — Terms and Conditions

- The Critical Issues
 - ◆ Limitation of Liability (and Indemnity)
 - ◆ Intellectual Property (Rights in Data)
 - ◆ Warranty
 - ◆ Contract Termination
- Recommendation and Justification of “Best Practices”

Carol Henton, *Moderator*

Vice President, State & Local
Information Technology Association of America (ITAA)
San Mateo, CA

Robert S. Metzger

Benjamin A. Winter

Staff Counsel
IBM Public Sector
Bethesda, MD

Gerard F. Amann

Accenture LLP - Legal
Reston, VA

12:00 noon to 1:30 p.m.

Program Luncheon

Presiding:

Michael A. Hordell, *Chair*

Section of Public Contract Law
Pepper Hamilton LLP
Washington, DC

Luncheon Speaker:

Not yet confirmed

1:45 p.m. to 3:15 p.m.

“Practice Makes Perfect” — Contracting for Purpose: Experience and Lessons Learned in Critical Areas of Current Contracting

- Key areas of importance
 - ◆ Representative Projects / Initiatives
 - ◆ Successes
 - ◆ Lessons Learned
 - ◆ Alternative Methods

PROGRAM

Martha L. Staley, *Moderator*

General Counsel, State of Tennessee
Department of Finance and Administration
Nashville, TN

David A. Kessler

Corporate Counsel
Symantec Corporation
Herndon, VA

Daniel J. Donohue

Akerman Senterfitt Wickwire Gavin, P.C.
Vienna, VA

3:15 p.m. to 3:30 p.m.

Networking Break

3:30 p.m. to 5:00 p.m.

“Critics, Hecklers, and Bad Press”: Current Issues in Controversy ... Ethics and Compliance, Disputes and Litigation

- Bid Protests
- State and Local False Claims
- Performance Disputes
- Ethics, Conflicts, Procurement Integrity
- “Hot Issues” that Produced Disputes

George Thomas, *Moderator*

Vice President, Construction Services
Rimkus Consulting Group, Inc.
McLean, VA

Neil H. O'Donnell

Rogers Joseph O'Donnell
San Francisco, CA

Joseph M. Goldstein

Shutts & Bowen LLP
Fort Lauderdale, FL

Robert J. Sherry

K&L Gates
Dallas, TX

Daniel R. Forman

Crowell & Moring LLP
Washington, DC

5:00 p.m. to 7:00 p.m.

Section Reception

RECEPTION SPONSORS

We gratefully acknowledge the contributions from the following firms to help defray the costs of all the Section's Quarterly Receptions this year:

Akerman Senterfitt Wickwire Gavin, P.C.
Arent Fox PLLC
Arnold & Porter LLP
Cooley Godward Kronish LLP
Crowell & Moring LLP
Dickstein Shaprio LLP
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Vinson & Elkins LLP
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HOTEL INFORMATION

The Sheraton Nashville Downtown, centrally located at 623 Union Street, is close to everything: the Gaylord Entertainment Center, Printer's Alley, Titan's Coliseum, historic Second Avenue, the Financial District, world-class shopping, award-winning restaurants, and entertainment that only Nashville can provide.

This four-diamond, atrium style, full-service hotel is a preferred destination for business and carefree leisure travel. In addition to guest room amenities such as in-room coffee makers with complimentary coffee and full-size ironing boards and irons, guests can enjoy the use of the fitness facility and sauna and indoor heated pool.

Nashville International Airport is a 6-mile, approximately 20-minute, drive from the hotel. Gray Line Airport Express operates shuttle service between the airport and hotel for \$12 one way, and \$18 round trip. Gray Line picks up every 15 minutes from the transportation level of the airport. Service is every 30 minutes between the hotel and the airport, with pick up times 5 minutes before, and 30 minutes after, the hour. Cab fare between the airport and hotel is a flat rate of \$22.

Room rates at the Sheraton Nashville Downtown are \$144, single or double, plus 14.250% tax per room per night. A limited number of rooms are available to government employees at \$99. Daily parking for meeting attendees is \$14 for self-parking and \$16 for valet parking.

You may reserve your accommodations by calling the hotel directly at 800/447-9825, identifying the **ABA Public Contract Law 2007 Spring Meeting** room block, and guaranteeing your reservation by credit card or deposit check. Rooms will be available for check-in no later than 3:00 p.m. with a check-out time of 11:00 a.m. Early arrivals or late departures will be booked on an availability basis. **Individuals with guaranteed reservations must cancel their reservations 24 hours prior to the scheduled day of arrival to avoid a one-night cancellation charge.**

Make your reservations NOW. The hotel will release the room block on Wednesday, April 25, 2007.

SPECIAL AIRLINE DISCOUNTS

Airfare discounts are available through ABA Online Travel, Travelocity Business or directly from the airline. To access ABA Online Travel, go to www.abanet.org/travel and click on the Online Travel link at the top of the page. The 24/7 toll-free number for Travelocity Business is 1-866-321-8403. If you are calling American Airlines directly at 800-433-1790, please reference Discount Code 18395.

CANCELLATION POLICY

Requests for refund must be made in writing and received in the Section of Public Contract Law's office on or before May 11, 2007. **Refund requests received after May 1 will be reduced by a \$25.00 administrative fee.** Substitutions may be made at any time.

If you complete a registration form and fax it to the Section office, the transaction is considered a firm commitment, and you will be expected to pay the registration fee even if circumstances prevent you from attending the conference.

NO REFUNDS WILL BE MADE AFTER MAY 11, 2007.

CLE CREDIT

Accreditation has been requested for this program from every state (including CA and PA) with mandatory continuing legal education (MCLE) requirements for lawyers. Please be aware that each state has its own rules and regulations, including its own definition of "CLE". Attorneys seeking to obtain credit in Pennsylvania must pay fees directly to the PACLE. Please be prepared to remit payment to the PACLE (\$2 per credit hour or any portion thereof) after the program. Certificates of attendance will be available at the conclusion of the program for both attendees and speakers. If you have questions about the number of CLE credit hours granted by each state, you may call 800-285-2221 starting 2 to 3 weeks before the program.

COMING ATTRACTIONS

AUGUST 10 - 13, 2007

Annual Educational Programs and Open Council Meeting
WESTIN ST. FRANCIS, SAN FRANCISCO, CA

NOVEMBER 2 - 3, 2007

Fall Educational Program and Open Council Meeting
BROWN PALACE HOTEL, DENVER, CO

MARCH 6 - 8, 2008

14th Annual Federal Procurement Institute and Open Midyear Council Meeting
LOEWS ANNAPOLIS HOTEL, ANNAPOLIS, MD

MAY 2 - 3, 2008

3rd Annual State and Local Procurement Symposium and Open Spring Council Meeting
OMNI AUSTIN HOTEL DOWNTOWN, AUSTIN, TX

REGISTRATION APPLICATION

Send directly to:
Marilyn M. Neforas
American Bar Association
321 North Clark Street, M/S 19.1
Chicago, Illinois 60610
312-988-5596— Fax: 312-988-6033
neforasm@staff.abanet.org

Register online at: <http://www.abanet.org/contract/admin/programs/2007spring.html>

Please register the following person for the *Public Contract Law (PCL) Section Second Annual State and Local Procurement Symposium—Harmonizing State and Local Procurements* on Friday, May 18, 2007, at the Sheraton Nashville Downtown, Nashville, Tennessee.

1 Registration Fee:

- \$240 Member *PCL* Section, NASPO, NIGP, ITAA
- \$195 Government Employee of *PCL*, NASPO, NIGP, ITAA
- \$215 Other Government Employee
- \$295 ABA Member, *PCL* Non-Member
- \$350 Non-ABA Member
- \$40 Law Student

2 and/or

- \$35 Thursday, May 17, Practicum
- Free Thursday, May 17, Meet and Greet Reception
- Free Friday, May 18, Cocktail Reception
- Free Saturday, May 19, Council Meeting

For reservations postmarked or faxed after May 11, 2007, and for walk-in registrants, add \$25 to each fee category.

3 Name _____
(please print or type)

ABA Member No. _____

Firm/Agency/Company _____

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 Government purchase/training order enclosed.
 Charge \$_____ to my Credit Card:
 AmEx MasterCard Visa
Card Number: _____
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- 5 Please send me information on becoming a member or associate of the: American Bar Association
 Public Contract Law Section
 I am an attorney I am not an attorney