

Thursday, March 4, 2010

7:00-7:45 **Registration and Continental Breakfast**

7:45-8:00 **Opening Remarks and Introductions**

Karen L. Manos, *Chair*
Section of Public Contract Law
Gibson, Dunn & Crutcher LLP
Washington, DC

Marcia G. Madsen, *Co-Chair*
Federal Procurement Institute
Mayer Brown LLP
Washington, DC

Gary L. Poleskey, *National President*
National Contract Management
Association
Dayton Aerospace, Inc.
Dayton, OH

Matthew J. McGrath, *Chair*
Government Contracts Section
Federal Bar Association
The McGrath Law Group, LLC
Washington, DC

8:00-9:30 **Contracting Officers: The Journey from
Autonomy to 24/7 Oversight**

- What are the statutory and regulatory sources of traditional CO authority?
- Is CO authority being eroded by Congress, the Courts, Boards, the IGs and protesters?
- If a CO cannot make a decision that binds the government, who can?

Patricia H. Wittie, *Moderator*
Oldaker Belair & Wittie LLP
Washington, DC

Barbara T. Greeley
(Former) Chief
Division of Planning and Procedures
USCG Office of Contract Operations
Washington, DC

Paula J. Haurilesko
Staff Attorney
Government Accountability Office
Washington, DC

John S. Pachter
Smith Pachter McWhorter, PLC
Vienna, VA

9:30-10:00 **The Administration's Acquisition Agenda**

Daniel I. Gordon
Administrator
Office of Federal Procurement Policy
Washington, DC

10:00-10:15 **Networking Break**

10:15-11:45 **The Role of DCMA and DCAA in
Supporting the Contracting Officer**

- How are contract administration responsibilities divided between the PCO and ACO and does this limit the PCO's legal authority and discretion?
- How are audit reports used in contract formation and administration? Can a CO challenge statutory and regulatory interpretations reflected in an audit report?
- How does the contracting officer reconcile adverse audit findings? Who has the authority to decide when DCAA and the contractor disagree?
- In performing their functions, does DCMA or DCAA limit a contracting officer's legally authorized discretion?

James A. "Ty" Hughes, Jr., *Moderator*
Deputy General Counsel (Acquisition)
Department of the Air Force
Washington, DC

Charlie E. Williams, Jr.
Director
Defense Contract Management Agency
Alexandria, VA

Peter A. McDonald
Navigant Consulting, Inc.
Vienna, VA

DCAA Representative (Committed)

12:00-1:30 **Construction Luncheon—Small Business
and Other Set-Asides in Federal
Construction Contracting.**

This luncheon is *optional*. No seminar-sponsored luncheon is scheduled.

- Socio-economic policies underlying Small Business Set-Asides
- Current trends, including Mentor-Protégé Agreements
- Limitations on subcontracting and joint ventures
- Regulatory changes to 13 C.F.R. Parts 121 through 127
- The small business concern perspective

Reginald M. Jones, *Moderator*
Smith, Currie & Hancock LLP
Washington, DC

Kathleen Olden-Barnes
Watt, Tieder, Hoffar & Fitzgerald, L.L.P.
Washington, DC

Gail Wegner
Acting Director
Office of Small Disadvantaged Business
Utilization (OSDBU)
Department of Veterans Affairs
Washington, DC

Mary Richards
Executive Vice President
Zapata Incorporated
Charlotte, NC

1:45-2:15

**Writing Competition Presentation—
Energy Savings Performance Contracts:
Assessing Whether to “Retrofit” an
Effective Contracting Vehicle for
Improving Energy Efficiency in Federal
Government Facilities**

An analytic discussion of the legal issues
addressed in the Paper awarded First Place in
the 2009 *Public Contract Law Journal* Writing
Competition.

Christyne K. Brennan
Managing Editor
Public Contract Law Journal
Washington, DC

David R. Frenkil
Writing Competition Winner
The George Washington University
Law School
Washington, DC

2:15-3:45

**Emerging Legal and Policy Issues:
Acquisition Initiatives from the Hill and
the Obama Administration**

- Which acquisition issues are of greatest concern to Congress and the Administration?
- On which legal and policy issues is there consensus in the government? Where is there disagreement?
- What changes, if any, should be made to the acquisition process for major systems? Commercial items?
- What are the legal and policy implications of the increased emphasis on in-sourcing?

Paul W. “Whit” Cobb, Jr., Moderator
Deputy General Counsel (Corporate)
BAE Systems, Inc.
Rockville, MD

Troy Cribb
Counsel
Senate Committee on Homeland
Security and Governmental Affairs
Washington, DC

Peter Levine
General Counsel
Senate Armed Services Committee
Washington, DC

Steven L. Schooner
Associate Professor of Law and
Co-Director of the Government
Procurement Law Program
The George Washington University
Law School
Washington, DC

William T. Woods
Director
Acquisition and Sourcing Management
Government Accountability Office
Washington, DC

3:45-4:00

Networking Break

4:00-5:30

**The American Recovery and
Reinvestment Act: Reporting
Requirements, the Recovery Board,
“Interviews” of Employees, and the
Role of the Inspector General**

- What are the oversight initiatives in the Act and how have they been implemented?
- How do the Act and its implementation compare with the Inspector General Act of 1978?
- What are the benefits and burdens of oversight?
- What are the oversight models for the future?

David F. Dowd, Moderator
Mayer Brown LLP
Washington, DC

Robert J. Cramer
Managing Associate General Counsel
Government Accountability Office
Washington, DC

Mary Mitchelson
Deputy Inspector General
Department of Education
Washington, DC

Laura Auletta
Procurement Analyst
Office of Federal Procurement Policy
Office of Management and Budget
Washington, DC

Anne B. Perry
Sheppard Mullin Richter & Hampton LLP
Washington, DC

Friday, March 5, 2010

7:30-8:00 **Registration and Continental Breakfast**

8:00-8:15 **Opening Remarks and Introduction**

James J. McCullough, *Co-Chair*
Federal Procurement Institute
Fried, Frank, Harris, Shriver
& Jacobson LLP
Washington, DC

8:15-9:45 **The Commission on Wartime Contracting
and New Legislative and Regulatory
Initiatives—Impact on Contractors in the
Battle Space**

- How will the new OMB guidelines on “inherently governmental functions” impact battle space contracting?
- How should we measure success in battlefield contracting? Is a “lowest price - technically acceptable” standard for warzone security sufficient to achieve battle space contracting objectives or are there other standards that should be used?
- How is contract oversight being implemented during the drawdown of U.S. forces in Iraq and the surge in Afghanistan? What are the lessons learned and recommendations for improvement?

Tara M. Lee, *Moderator*
DLA Piper US LLP
Reston, VA

Rich Beutel
General Counsel
Commission on Wartime Contracting
Washington, DC

Mark DeWitt
Senior Director
Legal & Government Affairs
Triple Canopy, Inc.
Herndon, VA

Chris Taylor
Chief Executive Officer
Mission Essential Personnel
Chantilly, VA/Columbus, OH

Jeff Green
President
J.A. Green & Company, LLC
Washington, DC

9:45-10:00 **Networking Break**

10:00-11:30 **The 2009 False Claims Act Amendments:
Perspectives of Government and
Relators’ Counsel**

- How did the 2009 amendments to the False Claims Act change the statute’s liability provisions?

- Are the amendments “clarifications” to existing law, and should they be applied retroactively?
- What is the significance of the changes to the statute’s Civil Investigative Demand provisions?

Rob Vogel, *Moderator*
Vogel, Slade & Goldstein, LLP
Washington, DC

Brian D. Miller
Inspector General
General Services Administration
Washington, DC

Michael Granston
Deputy Director, Commercial
Litigation Branch, Civil Division
Department of Justice
Washington, DC

Roann Nichols
Deputy Chief, Civil Division
U.S. Attorney’s Office for the
District of Maryland
Baltimore, MD

Colette G. Matzzie
Phillips & Cohen, LLP
Washington, DC

11:45-1:15 **Luncheon**

Presiding:
Karen L. Manos, *Chair*
Section of Public Contract Law
Gibson, Dunn & Crutcher LLP
Washington, DC

Speaker:
Shay D. Assad
Assistant Secretary of Defense for
Acquisition (designated);
Director of Defense Procurement
and Acquisition Policy
Washington, DC

1:30-3:00 **Cybersecurity Challenges: Mitigating
Risks and Exploring Opportunities**

- What challenges do agencies and contractors face in complying with current requirements?
- How can contractors develop comprehensive cybersecurity strategies? Are SAFETY Act protections available?
- Will new legislation and regulations clarify cybersecurity standards?
- What are the challenges to effective public-private partnership on cybersecurity issues?

Annejanette Heckman Pickens

Moderator
Senior Counsel
HP Enterprise Services, LLC
Herndon, VA

M. Peter Adler

Chief Privacy Officer
UnitedHealth Group
Washington, DC

Christina Ayiotis

Deputy General Counsel for
E-Discovery and Data Privacy
CSC
Falls Church, VA

Ellen Doneski

Chief of Staff
Senate Commerce, Science and
Transportation Committee
Washington, DC

Brian Finch

Dickstein Shapiro LLP
Washington, DC

Hugo Teufel III

Director
PricewaterhouseCoopers LLP
McLean, VA

Paul J. McNulty

Baker & McKenzie LLP
Washington, DC

Department of Justice Office of
Professional Responsibility
speaker not yet confirmed

5:15-7:15 Cocktail Reception

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3:00-3:15 Networking Break**3:15-5:15 Ethical Issues for Government, Corporate and Outside Counsel Involved in Employee Interviews, Fraud Investigations and Mandatory Disclosures**

- What ethical issues does the new FAR mandatory disclosure rule raise for corporate and outside counsel?
- What has been the impact of the August 2008 DOJ Memorandum on the conduct of Agency and DOJ counsel with respect to waiver and cooperation in corporate investigations?
- Have the ethical ground rules for employee interviews changed for internal investigations and responding to Government demands for access to employees?

Agnes P. Dover, Moderator

Hogan & Hartson LLP
Washington, DC

Wallace E. "Gene" Shipp, Jr.

Bar Counsel
DC Office of Bar Counsel
Washington, DC

Steve A. Linick

Director, National Procurement Task
Force and Deputy Chief, Criminal
Division Fraud Section
U.S. Department of Justice
Washington, DC