

Section of Public Contract Law  
321 North Clark Street  
Chicago, Illinois 60654

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## **DATED MATTER**

**Make your hotel reservations now. The Renaissance Seattle Hotel will release our room block on Monday, April 19, 2010, at 5:00 p.m. CDT.**



**Renaissance Seattle Hotel**  
*Seattle, Washington*

**May 13-14, 2010**

**State and Local  
Procurement  
in  
Challenging  
Times**

***Pointing  
the Way***

**5th Annual  
State and Local Procurement Symposium**



## PROGRAM OVERVIEW

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The new decade brings with it changes and challenges—a relatively new White House Administration, slowly recovering U.S. and global economies, and unprecedented budgetary constraints faced by state and local procurement officials. Efforts at the federal level to jump start the economy—most notably, the **American Recovery and Reinvestment Act** (ARRA)—have presented state and local agencies and their contractors with new opportunities but also significant oversight and reporting requirements.

Tighter state and local budgets have also led to emphasis on **increased transparency** in procurement and greater attention to **fraud, waste and abuse**, including increased enforcement of **state and local False Claims Acts**. Likewise, tough economic times have led to heightened use of **bid protests**.

Finally, exciting **procurement technologies** are raising cutting edge issues, and new policy objectives—focusing on the environment—are leading state and local governments to look for ways to conduct more **“green” procurements** at a time when the recovering economy might make that difficult.

This program will point out these new issues and challenges and help you scale new heights in state and local procurement. Like a bracing cup of java, each session is an invigorating, balanced blend of perspectives offered by procurement officials, government attorneys, industry members, and private practice attorneys.

Topics covered will include:

- The obligations tied to receipt of ARRA funds
- Technology issues in state and local procurements
- State and local False Claims Act litigation
- Recent trends in state and local bid protests
- “Going green” in state and local procurements

**This program is designed for everyone involved in the procurement process**—government executives, government contracts administrators, purchasing agents, government and private practice attorneys, and contractors. Participants will be encouraged to share their experiences and have their questions answered.

Join us on May 13 from 4:30 p.m. to 6:00 p.m. for a practicum covering **state and local open government and public records laws**, followed by a hosted Reception at a local firm.

Register today and network with other procurement professionals in beautiful Seattle on May 13-14.

## PROGRAM SPONSORS

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The Section gratefully acknowledges the very generous support from the following sponsors for this 5th Annual State and Local Procurement Symposium:

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& HANCOCK LLP

## OTHER PLANNED EVENTS

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### Thursday, May 13, 2010

4:30 p.m. to 6:00 p.m.

#### **Optional Practicum: Navigating through Public Records and Open Government Laws: Strategies for Seeking and Protecting Information**

- How public records laws apply to bid, evaluation, award and contract documents
- Legal strategies for obtaining, protecting and litigating access to public records
- How open government laws apply to competitive award deliberations

**Bryan B. Arnold**, *Moderator*  
Gordee Nowicki & Arnold LLP  
Irvine, CA

**B. Michael Schestopol**  
Oles Morrison Rinker & Baker LLP  
Seattle, WA

**Kristen Culbert**  
Office of the Attorney General  
Agriculture and Health Division  
Olympia, WA

**Michele Earl-Hubbard**  
Allied Law Group  
Seattle, WA

6:00 p.m. to 7:30 p.m.

#### **Meet and Greet Reception hosted by Perkins Coie LLP, 1201 Third Avenue, 48th Floor**

The Section gratefully acknowledges the generosity of Perkins Coie LLP for hosting this Reception for program speakers and meeting attendees at its offices, located about five blocks from the hotel.

### Saturday, May 15, 2010

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

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### Friday, May 14, 2010

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

#### **Registration**

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

#### **Welcome and Introduction**

**Aaron P. Silberman**, *Program Co-Chair*  
Rogers Joseph O'Donnell  
San Francisco, CA

**Kara M. Sacilotto**, *Program Co-Chair*  
Wiley Rein LLP  
Washington, DC

8:15 a.m. to 9:45 a.m.

#### **There's No Such Thing as a Free Lunch: The Obligations That Come With ARRA Funds**

- State government perspective on ARRA spending
- Practical review of legal issues raised by the ARRA
- A construction contractor's insights regarding ARRA-funded projects

**Thomas D. Blanford**, *Moderator*  
Rogers Joseph O'Donnell  
San Francisco, CA

**Richard W. Oehler**  
Perkins Coie LLP  
Seattle, WA

**Michael D. Dinneen**  
Heavy Construction Division Counsel  
Granite Construction Company  
Watsonville, CA

**Representative Kelli Linville**  
Chair of the Ways and Means Committee  
Washington State House of Representatives  
Bellingham, WA

9:45 a.m. to 10:00 a.m.

#### **Networking Break**

10:00 a.m. to 11:30 a.m.

#### **Back to the Future: Technology and the New Decade of State and Local Procurement**

- Government and industry perspectives: challenges in technology procurement and contracting
- Renewed sensitivity to vulnerability: cyber-security
- New solutions for old problems? Implications of transparency and privacy

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

**Dianne Lancaster**  
Chief Procurement Officer  
Oregon Department of Administrative Services  
President, National Association of State  
Procurement Officials  
Salem, OR

# PROGRAM

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## **Stuart McKee**

National Technology Officer  
Microsoft Corporation  
Redmond, WA

## **Nova Daly**

Public Policy Consultant  
Wiley Rein LLP  
Washington, DC

11:45 a.m. to 1:00 p.m.

### **Program Luncheon**

Presiding:

#### **Karen L. Manos, *Chair***

Section of Public Contract Law  
Gibson, Dunn & Crutcher LLP  
Washington, DC

Speaker:

#### **Bonnie J. Dunbar, Ph.D, NAE**

Retired Astronaut  
President & CEO  
Museum of Flight  
Seattle, WA

1:15 p.m. to 2:30 p.m.

### **State and Local False Claims Acts: Identifying, Prosecuting, and Defending Procurement Fraud Claims**

- Evaluating potential legal claims and liability
- The relationship between whistleblowers, government plaintiffs, and their lawyers
- Practical differences between federal, state, and local False Claims Act litigation
- Negotiating a global settlement with governments and whistleblowers

#### **Stephen S. Hasegawa, *Moderator***

Phillips & Cohen LLP  
San Francisco, CA

#### **Owen J. Clements**

Chief of Special Litigation  
San Francisco City Attorney's Office  
San Francisco, CA

#### **Nicklas A. Akers**

Deputy Attorney General  
California Department of Justice  
San Francisco, CA

#### **Mary Carter Andruess**

Howrey LLP  
Los Angeles, CA

2:30 p.m. to 3:45 p.m.

### **Rising to New Heights: Trends and Lessons Learned in State and Local Bid Protests**

- Are bid protests on the rise during slow economic times?
- Why some legal grounds for protest rise to the top and others sink
- A fair and balanced discussion of hot legal topics in state and local protests from both the state and the vendor perspective

#### **Melissa J. Copeland, *Moderator***

Schmidt & Copeland LLC  
Columbia, SC

# PROGRAM

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## **James D. Bennett**

Assistant General Counsel  
SunGard Data Systems Inc.  
Malvern, PA

## **Cathy E. Holley**

Associate Vice-President  
EyeMed Vision Care  
Mason, OH

## **Keith C. McCook**

Assistant General Counsel  
South Carolina Budget & Control Board  
Columbia, SC

## **Barry Rosenthal**

Vice-President, Public Sector Sales  
Express Scripts, Inc.  
St. Louis, MO

## **Linda Sullivan-Colglazier**

Assistant Attorney General  
Office of the Attorney General  
State of Washington  
Olympia, WA

3:45 p.m. to 4:00 p.m.

### **Networking Break**

4:00 p.m. to 5:00 p.m.

### **State and Local Efforts to “Go Green”**

- State goals and legal requirements for purchasing green products and services
- Green building and energy savings performance contracting efforts
- Selling green products and legal compliance risks of green procurement

#### **J. Catherine Kunz, *Moderator***

Crowell & Moring LLP  
Washington, DC

#### **Christine Warnock**

State Purchasing Agent  
Washington Office of State Procurement  
Olympia, Washington

#### **Joseph Burke**

Legal Director, Global Operations and Services  
Dell, Inc.  
Round Rock, Texas

#### **Daniel E. Toomey**

Duane Morris LLP  
Washington, DC

#### **Jaime Roth**

Assistant Counsel  
New York State Office of General Services  
Albany, NY

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

### **Section Reception**

## RECEPTION SPONSORS

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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 LLP**  
**Akin Gump Strauss Hauer & Feld LLP**  
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**Arnold & Porter LLP**  
**Baker Tilly/ Beers + Cutler**  
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**Watt, Tieder, Hoffar & Fitzgerald, L.L.P.**  
**Wiley Rein LLP**  
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## HOTEL INFORMATION

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Located at 515 Madison Street, the Renaissance Seattle Hotel is just minutes from Pike Place Market and upscale shopping. Some of the many local attractions and landmarks are the Space Needle, Pioneer Square, Seattle Aquarium, Tillicum Village, Pacific Science Center, Seattle Art Museum, Olympic Sculpture Park, and Asian Art Museum.

The hotel is 15 miles from SEATAC Airport. The fare for the 30-minute trip by taxi ranges between \$42-\$48. The shuttle bus is \$11 one way and \$18 round trip, and the trip time varies between 30-60 minutes. On-site parking is \$30 per day; \$36 for valet parking.

Room rates at the Renaissance Seattle are \$192 single or double plus 15.6% tax per room per night. A limited number of rooms are available at the government rate of \$152, single or double. Guest rooms feature in-room coffeemakers with complimentary coffee, hair dryers, in-room safes, iron and ironing board. Guests also enjoy use of the hotel's fitness center, indoor pool and whirlpool.

You may reserve your accommodations by calling the hotel directly at 206-583-0300 or toll free at 800-546-9184, referring to the **ABA 2010 5th Annual State and Local Procurement Symposium**, and guaranteeing your reservation by credit card or deposit check. Rooms will be available for check-in after 3:00 p.m. with a check-out time of 12:00 noon. Early arrivals or late departures will be booked on an availability basis.

**Individuals with guaranteed reservations must cancel their reservations by 6:00 p.m. on the scheduled day of arrival to avoid a one-night cancellation charge.**

**Make your reservations NOW. The hotel will release the room block on Monday, April 19, 2010, at 5:00 p.m. (CST).**

## SPECIAL AIRLINE DISCOUNTS

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Discounted airfares are available from ABA Orbitz for Business including ABA negotiated discounts on American, United and Continental Airlines. To book online, go to [www.abanet.org/travel](http://www.abanet.org/travel), click under the Orbitz for Business logo at the top of the page, then click on the appropriate link in the Self Paid Travel box. For assistance with online or offline reservations, call toll free 1-877-222-4185.

Discounts can also be obtained directly from the carrier. American: Call 800-433-1790 code **20348**; United: Call 800-521-4041 code **578IG**; Continental: Call 800-468-7022 Z code **ZFD2**—Agreement code **BWRKNY**. Continental discounts also available at [www.continental.com](http://www.continental.com) by entering **ZFD2BWRKNY** in the "offer code box"

## GROUP DISCOUNTS

Any firm, company, or government entity that has at least three registrants will receive a 25% discount on the price of each registration, reimbursed to the attendees' employer following the program. For further details, please contact Marilyn Neforas at 312-988-5596 or at [neforasm@staff.abanet.org](mailto:neforasm@staff.abanet.org).

## 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 7, 2010. Refund requests received after April 27 will be reduced by a \$50.00 administrative fee. Substitutions may be made at any time.

***A registration submitted online or by mail, fax, or PDF to the Section office is considered a firm commitment. If you do not cancel by the designated deadline date for refund, you will be expected to pay the registration fee even if circumstances prevent you from attending the program.***

**NO REFUNDS WILL BE MADE AFTER MAY 7, 2010.**

## 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 6-9, 2010

**Annual Educational Programs and Open Council Meeting**  
Westin St. Francis, San Francisco, CA

### NOVEMBER 11-13, 2010

**Fall Educational Program and Open Council Meeting**  
Seaport Hotel, Boston, MA

### MARCH 3-5, 2011

**17th Annual Federal Procurement Institute and Open Midyear Council Meeting**  
Loews Annapolis Hotel, Annapolis, MD

### MAY 12-14, 2011

**6th Annual State and Local Procurement Symposium and Open Spring Council Meeting**  
Sheraton Grand Sacramento, Sacramento, CA

## REGISTRATION APPLICATION

Send directly to:

Marilyn M. Neforas  
American Bar Association  
321 North Clark Street, M/S 19.1  
Chicago, Illinois 60654  
312-988-5596 — Fax: 312-988-6033  
[neforasm@staff.abanet.org](mailto:neforasm@staff.abanet.org)

**Register online at:** <http://www.abanet.org/contract/admin/programs/2010spring.html>

Please register the following person for the *Public Contract Law (PCL) Section 5th Annual State and Local Procurement Symposium, Pointing the Way: State and Local Procurement in Challenging Times*, on Friday, May 14, 2010, at the Renaissance Seattle Hotel, Seattle, Washington.

- 1 Registration Fee:
  - \$240 Member PCL Section, NASPO, NIGP, TechAm
  - \$195 Government Employee of PCL, NASPO, NIGP, TechAm
  - \$215 Other Government Employee
  - \$295 ABA Member, PCL Non-Member
  - \$350 Non-ABA Member
  - \$40 Law Student
- 2 and/or
  - \$35 Thursday, May 13, Practicum
  - Free Thursday, May 13, Meet and Greet Reception
  - Free Friday, May 14, Cocktail Reception
  - Free Saturday, May 15, Council Meeting

**For reservations postmarked or faxed after May 7, 2010, and for walk-in registrants, add \$25 to each fee category.**

- 3 Name \_\_\_\_\_  
(please print legibly or type)  
ABA Member No. \_\_\_\_\_  
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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