

PROGRAM OVERVIEW

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.

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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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OTHER PLANNED EVENTS

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

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

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

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

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

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HOTEL INFORMATION

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).

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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, 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 by entering **ZFD2BWRKNY** in the "offer code box"