Donald G. Featherstun, Chair

This column is being written the Monday after Thanksgiving. I am still recovering from our Fall Meeting in Boston. This was the first time I chaired a Council meeting, and it is harder than it looks. I have newfound respect for my predecessors. This job is not for the faint of heart, but so far I am really enjoying it.

In this column I thought I would describe the Section Officers Conference held in September, our fall program and meeting in Boston, and our upcoming Federal Procurement Institute. In addition, I will update you on several of our initiatives involving state and local procurement, best practices for services contracts, and technology. I will close with a call to all committees to prepare and file quarterly reports with the Council.

Section Officers Conference

In September, our Section’s officers attended the ABA’s Section Officers Conference (SOC). This is a two-day meeting in Chicago where officers are trained in how to run a section and how the sections fit within the overall ABA. During this training, two things became clear: First, the recession has caught up to the ABA and financial resources are at a premium. Second, we all felt it was essential to make certain that our Section protected its resources by increasing our visibility within the larger ABA.

To accomplish our goals, we focused on a two-prong approach. First, we made it a goal to improve the Section Program, Evaluation and Planning Committee (PEPC) Entity Prioritization of the Section. This prioritization is used to determine the administrative support our Section receives from the ABA. The PEPC ranks ABA entities under the following criteria:

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<thead>
<tr>
<th>Category</th>
<th>Ranking</th>
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<tbody>
<tr>
<td>Core = A</td>
<td>Exceptional = 1</td>
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<tr>
<td>Highly Desirable = B</td>
<td>Excelling = 2</td>
</tr>
<tr>
<td>Desirable = C</td>
<td>Satisfactory = 3</td>
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<td>At Rank = 4</td>
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In 2009-2010, the Public Contract Law Section was marked as an A-3. This translates into a “Core” category with a “Satisfactory” ranking. Frankly, once we focused on the ranking, we were all disappointed we had not received a “Core” category, “Exceptional” ranking.

As luck would have it, the Section was preparing its (continued on page 22)
of economic disadvantage for WOSB contract awards in underrepresented industries, and providing for the award of sole-source contracts. In addition, women business owners must recognize that there remains the formidable hurdle of persuading contracting officers—most, if not all, of whom have competing concerns—to exercise their discretion to set aside contracts for restricted competition and award to woman-owned small businesses.

Endnotes
18. 13 C.F.R. § 127.203.
23. 15 C.F.R. § 127.600.
24. Id.
25. 15 C.F.R. § 127.601.
26. 15 C.F.R. § 127.603(c).

CHAIR’S COLUMN
(continued from page 2)

annual report to the PEPC. Carol Park-Conroy and Mark Colley worked with Marilyn Neforas to prepare an outstanding submission to the PEPC. I must say, the emotion exhibited by my fellow officers when we focused on the ranking the section received in the prior year was rewarding to watch. After answering some follow-up questions from the PEPC we anxiously awaited a ranking. I am thrilled to report our ranking jumped to A-1, the highest ranking possible. My deepest thanks to Carol Park-Conroy, Mark Colley, and Marilyn Neforas for the great work they did on this report.

The second stage of our effort internal to the ABA was to obtain a meeting with Jack Rives, the new executive director of the ABA. In our meeting with him, we described our Section, and extended to him an invitation to attend our Federal Procurement Institute in Annapolis, Maryland.

Boston Fall Program
I am pleased to report that our Fall Program—“Intellectual Property in Government Agreements: What You Didn’t Learn in Kindergarten”—was a huge success. We had almost 70 people at the practicum on Thursday night. We had the largest “in person” attendance at a fall program in 10 years. Furthermore, for the second time, the section broadcast most of the program over the Internet. We had more than 50 people attend “virtually” from around the country. If you were one of them, let me know how the presentations came through.

I want to thank Mary Shallman of Boeing and Holly Svetz of Womble Carlyle Sandridge & Rice for putting the program together. They did a terrific job.

Fall Council Meeting
I want to highlight several things that occurred at the Council meeting on Saturday morning. We had our first “Skype” presentation. Dan Chudd of the Young Lawyers Committee reported on a study his committee is doing for how the Section can use technology better to reach our members. Dan was in Washington, D.C., but called in using Skype technology and we projected the video feed onto a large screen. It was a creative way to participate in the Council meeting. My thanks to Dan and Kate Swisher, who worked out the logistics.

In a similar vein, Aaron Silberman reported on efforts to take the Section paperless. Aaron was able to link to the Internet and bring up examples of the Construction Forum website for the Council to review. As a result of the committee’s work, the Council voted to provide program materials for the next three programs in electronic format along with a hard copy. We will then review how it worked to see if we can go paperless going forward.

Kate Swisher did an excellent presentation on the Small Business Jobs Act of 2010 and the final rules implementing the

Pete Dungan (Young Lawyers Division liaison to the Section) and Robert Wu (2010 diversity scholarship recipient) made a presentation on the Department of Defense Guidance Memorandum entitled “Better Buying Power: Guidance for Obtaining Greater Efficiency and Productivity on Defense Spending.” It was great to see two new members of the Section make such a good presentation.

State and Local Procurement
As I have noted in my prior columns, state and local procurement is an area of emphasis for me in my year as the chair. Missy Copeland, Gerald Wimberly, and Keith McCook are really stirring the pot this year. Missy is focused on completing a 50-state summary of procurement laws. With luck, it will be published this year. Keith McCook is working with the National Association of State Purchasing Officials on a plan to help sponsor the Section’s State and Local Procurement Symposium. I hope that we will have that deal in place before my next column.

Finally, Gerard Wimberly is putting together an electronic newsletter focused on state and local procurement issues. If you would like to write an article, send him an e-mail at gwimberly@mcglinchey.com. We are also in the final planning stages for the State and Local Procurement Symposium to be held on May 11-13, 2011, in Sacramento, California.

The Year of the Government Lawyer
In my first column, I proclaimed this as the “Year of the Government Lawyer.” Mike Rose has formed a team of current and former government lawyers to help explore how to make the Section more attractive to government lawyers. Their work is paying off, because at the fall program we had a significant number of government lawyers in the audience who were attending for the first time. I am pleased to report that four attorneys from my prior employer, the Office of General Counsel, Department of the Navy, were among the new attendees.

Best Practices for Service Contracts
I mentioned in an earlier column that Michael Mutek has agreed to chair a task force on Best Practices for Service Contracts. Michael has formed a committee but is still looking for members, particularly government members. If you are interested in participating, please contact him at michael_w_mutek@raytheon.com.

Technology
Besides the technology efforts mentioned in the paragraphs above on the Fall Council Meeting, you should know that the ABA is changing its website as of February 2011. Our Section’s website will change as a part of the process. As we get more information about the change, I will pass it on to you. For those of you involved in committee work, I request that you review your committee’s page to see if material can be deleted before it is moved to the new website.

Federal Procurement Institute
This is just a reminder that the Federal Procurement Institute will be held March 3-5, 2011, in Annapolis, Maryland. Michael Hordell and Jeri Somers have put together a two-day program entitled “Procurement Potpourri—Is the System Working?” The full brochure is posted on the Section’s website along with other meeting details. I hope to see you there.

Committee Reports and Committee Support
Each year, the incoming chair has the unenviable task of reviewing committee performance in the prior year, along with appointing chairs to each committee. One thing that is reviewed is whether a given committee is active. If a committee is not active, one has to wonder whether the committee should be discontinued. We ask each committee to file quarterly reports to the Council to keep us apprised of the committee efforts. The dates for filing the reports for the remainder of the year are: April 8 for the May 14 Spring Council Meeting, and June 24 for the August 6 Annual Council Meeting.

If a committee has gone awhile without submitting a report, that committee’s chair or cochairs may receive a call from one of the Section officers to see if the committee should be continued.

Coming Attractions

**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

**AUGUST 5-8, 2011**
Annual Educational Programs and Open Council Meeting
**Sheraton Centre**
Toronto, Ontario, Canada

**NOVEMBER 4-5, 2011**
Fall Program and Open Council Meeting
**Hotel Albuquerque**
Albuquerque, New Mexico

**MARCH 22-24, 2012**
18th Annual Federal Procurement Institute and Open Midyear Council Meeting
**Loews Annapolis Hotel**
Annapolis, MD