I began my winter column with a reference to the Washington, D.C., professional hockey team’s victory in the Winter Classic, hosted here in D.C. on January 1, 2015. Since that time, the team has played unremarkable hockey, and our local professional basketball team might benefit from counseling—win three in a row, lose four in a row, win four, lose three, etc. However! Baseball is just around the corner, and the hardball team in Washington (no, not the Republicans and Democrats)—our Nationals—are poised to achieve greatness this year. (I am sure that our Section members and friends who do not reside in the Washington, D.C. area will take the opportunity to remind me of this prediction in October should events fail to develop as I am presently forecasting).

But speaking of baseball, the co-chairs of our recently completed 21st Annual Federal Procurement Institute (FPI) in Annapolis cleverly selected a baseball theme around which to pitch the substantive topics for the program. Under the leadership of our Annual Program co-chairs, Paul Khoury and Annejanette Pickens, the FPI co-chairs, led by Anne Donohue, and co-chairs David Dowd, Scott Flesch, and John Prairie, created what I personally felt was one of the finest educational programs on government contracts legal issues that I have ever attended. Our FPI programs aim to present a comprehensive look at the most important issues the government contracting community is facing—and boy did this program meet that objective! Under the theme of Procurement Baseball—Covering All the Bases, the program featured panels on Cost Issues for Government Contractors (dealing with audit and access to information issues); Stepping Up to the Plate: What You Need to Know Now for E-Discovery for Government Contracts Cases; Subpoenas and Investigations—Hits and Misses; Construction Panel on the Interplay Between Contractor, Surety and Government Judges; The Cybersecurity Partnership: A Proposal for Cyberthreat Information Sharing Between Contractors and the Federal Government; Judges Panel: Calling Balls and Strikes on Recent Decisions; Coaching Tips from Inside the Dugout: General Counsels Speak; Bid Protests—No Easy Day at the Park; Inside Baseball: A View on Issues Before the 114th Congress; Privacy for Government Contractors Is a Whole New Ball Game in the Age
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of Information Sharing: Safeguarding Government Data; and Ethics Program—Covering All the Bases. A grand slam indeed!

But perhaps the ultimate highlight of the FPI meetings for most of us was simply the sight of something that we have seen since we have been Section members—the sight of Section Director Marilyn Neforas sitting behind the registration table personally checking in each alleged registrant, guarding the Section fisc and preventing any “fence hoppers” from crashing Section events by insisting that each putative attendee present his or her luncheon and reception tickets before being admitted to the events. Wonderful, and comforting, to see.

FPI was followed by the 10th Annual State & Local Procurement Symposium—For Whom the Bell Tolls: New Challenges Facing State & Local Procurement—on April 23-24 in Philadelphia. This was the fourth year this has been a conjoined event with the State and Local Government Law Section’s Spring Program. A major sponsor of this annual symposium is the National Association of State Procurement Officials, and the Section is extremely thankful for the unique support provided by NASPO now and in the years to come. Co-chairs Gerard Wimberly, Angela Hinton, and Grainger Bowman assembled lively and informative panels on public procurement from the perspective of its stakeholders—the contractor and the agency; the Model Procurement Code and its continuing impact on state and local procurement; State False Claims Acts, and how cases are litigated under state FCAs; best practices and the latest trends in small agency procurements; and cloud computing and how state and local governments can access its benefits and manage the risks. The luncheon address on practical steps to reconfigure a major municipality’s procurement and how state and local governments can access its benefits and manage the risks. The luncheon address on practical steps to reconfigure a major municipality’s finance and to refocus a city toward financial stability was delivered by Maj. Gen. William B. Lynch (USAF-retired), former receiver of the city of Harrisburg, Pennsylvania.

The FPI program and events in Annapolis and State & Local Procurement Symposium in Philadelphia certainly set the bar high for Section leadership and the co-chairs who are planning the program for the Annual Meeting in Chicago July 30 – August 1, 2015. However, planning to-date indicates the Annual Meeting co-chairs are up to the challenge. You will not want to miss these meetings. In addition to another excellent substantive program, the Section is planning a special two-and-a-half hour gala celebration at the Section luncheon on Friday, July 31, in recognition of the Section’s 50th anniversary. The event will feature presentations regarding the history and genesis of the Section, stories and anecdotes about those who founded the Section and those who forged creation of key government contracting legal concepts that we now take for granted (think Contract Disputes Act and the Boards of Contract Appeals, bid protest jurisdiction, the Truth in Negotiations Act, the Cost Accounting Standards, and more), special recognition of past and present luminaries, a vision for the future of the Section, and what we hope will be an amazing musical walk through the legal forest of government contracting. Events this year will be held at both the InterContinental and Marriott Hotels. Registration is now open; we look forward to seeing you there.

We believe we have enjoyed considerable success this year in pursuing two major objectives that Section leaders from prior years had initiated: 1) injecting more discussion and presentation of substantive legal issues into the Section’s Council meetings; and 2) using what is perhaps the Section’s most effective tool, the strength of its substantive committees, to advance general and specific Section objectives. A number of years ago, Section leaders began to discuss the advantages that might come from placing more substantive, rather than purely administrative, issues on Council meeting agendas. Immediate-Past Chair Sharon Larkin championed the concept of using the energy and resources of the Young Lawyers Committee for the dual purpose of securing commitments from those willing to make brief presentations at Council meetings regarding important topics of the day and allowing less experienced lawyers the opportunity to speak and be recognized. At our Council meeting held in conjunction with the FPI program, we benefited from five substantive presentations, two on behalf of Section Committees—Issues Relating to Cybersecurity Rules Affecting Government Contractors (presented by Keir Bancroft and Kate Crowley on behalf of the Cybersecurity Committee); Combatting Trafficking in Persons—Rules (presented by Jeffrey Chiow and Jody Reed on behalf of the Battlespace Committee)—and three presentations by younger lawyers addressing important current issues—“The King’s Court?: An examination of Kingdomware’s chances for certiorari before the Supreme Court” (presented by Craig Schwartz); Proposed Small Business Rules Impose Steep Penalties for Violations of the Limitations on Subcontracting (presented by Lucas Hanback); and It’s About Time: Long Overdue Updates to Contractor Gender Discrimination Guidance (presented by Kelly Krystyniak). These excellent presentations can be accessed on the Section website on the Resources page.

Second, we devoted considerable effort early in the Section’s fiscal year towards defining and redefining 1) important Section objectives, and 2) how the Section’s 30 substantive and administrative committees could advance these objectives. Chief among the Section’s objectives remain the need to a) attract more members, government attorneys, diverse attorneys, and younger attorneys, and b) define how committees can enhance the value they provide to members through programs, meetings, preparation of comments on regulations, webinars, and use of technology and their individual
webpages to deliver content. We canvassed Section and committee leaders and collected a list of best practices for committee co-chairs, entitled “Expectations of Committee Co-Chairs,” which can be accessed on the Section website on the Committees page; we tasked the division co-chairs to be more active in serving as a resource to committee chairs, and to help ensure that committee co-chairs are meeting the expectations articulated; and we have initiated a review of all committee webpages and their efficacy. Progress is slow, but steady. For their part, committee co-chairs are responding to our suggestions—more committees are holding more meetings devoted to substantive issues, making sure Section members are aware of the meetings and opportunities to contribute, maintaining meaningful websites, and making thoughtful attempts to reach out to new members. This has been quite encouraging.

Section leadership has also considered and approved a proposal from the Membership Committee co-chairs and other Section leaders to elevate attention to the Section’s objectives dealing with attracting more government, younger, and diverse attorneys to the Section. We are at the time of this writing establishing a new membership division that will include separate committees devoted to mentoring, scholarship, diversity, and, perhaps, other important objectives. Creation of the new division and committees is designed in part to provide substantive committee leaders with resources focused exclusively on membership, inclusion, and value initiatives.

I want to also give another shout-out to Kara Sacilotto and Craig Smith who co-chair the Section’s Regulatory Coordinating Committee. The Board of Governors has granted the Section authority to submit comments on proposed and final Federal Acquisition Regulation and agency supplements. Kara and Craig follow (like hawks) announcements regarding such regulations, and they distribute notice of the regulations and opportunity to run draft comments through our Council and leadership approval process. It is one of the most important functions our Section can provide to the government contracting community. Members of all constituencies—government, in-house, and private firm attorneys, and members of the judiciary when appropriate—participate in our commenting process. We are now also making sure that final comments the Section submits are receiving attention in publications widely read within the government contracts community. Recent comments include: Proposed Rule: SBA Govt Contracting and 2013 NDAA (Feb 26, 2015); Proposed Rule – FAR: Inflation Adjustment of Acquisition-Related Thresholds (Jan 26, 2015); OSC NPRM Whistleblower Rule, Fed. Reg. 3182 (Jan. 22, 2015); DFARS Case 2012-D042: Business Systems Compliance (Sept. 15, 2014); FAR Case 2013-002: Expanded Reporting on Nonconforming Parts (Sept 10, 2014); DFARS Case 2014-D003: Afghan Taxes (Aug. 29, 2014); Proposed Rules: Advisory Small Business Size Decisions (Aug. 25, 2014); Further Implementation: Final Counterfeit Electronic Parts Rule (Jun 30, 2014).

Section members should be proud of the work they have done this year. But there is more to be done (and probably always will be). Just a few days ago Congressman Thornberry, chairman of the House Armed Services Committee, introduced his acquisition reform legislation—the Agile Acquisition to Retain Technologies Edge Act—and Senate Armed Services Committee Chairman McCain is poised to introduce his own acquisition reform legislation. Our Section needs your help; we welcome your participation. In the meantime, hardball (I mean baseball, not politics) will start in the nation’s capital in just over one week, and the Washington Nationals will begin their march towards baseball dominance (oh boy . . . I’m going to hear about this from you Chicago, Boston, New York, Los Angeles, Philadelphia, Texas, Kansas City, Detroit, Baltimore, Saint Louis, Atlanta, Pittsburgh, San Francisco, etc. fans . . . but it will be worth it). Best regards to all.