The Annual Meeting program co-chairs and panel chairs are to be commended for their terrific substantive contribution to the Section’s continuing education. Beginning, Thursday, July 30, 2015, registrants had an opportunity to walk through key issues in mergers and acquisitions in the government contractor sector. The next day, the CLE panels ranged from the Construction Division’s program on innovation by the pillars of our Section.

The celebration was the culmination of countless hours of preparation by the 50th Anniversary Committee, beginning with Immediate-Past Chair Stu Nibley, who did an exceptional job conceiving and organizing the program and putting it in motion. Stu also served as master of ceremonies and as moderator of the Intergenerational Panel, which included Ruth Burg, Norm Thorpe, Marshall Doke, Oliva Zamaray, Kristine Kassekert, Rob Leahy, Kara Saciullo, and Dan Chudd. Aaron Silberman, our new vice chair and director of the 50th Anniversary Committee, march-stepped us to a very successful event. Pat Wittie, one of our committee historians, guided us through the program content and development. She and Rob Leahy collected, labeled, and scanned the multitude of photos featured in the video presentations. Jennifer Dauer wrote the lyrics and organized “Marilyn and the Supplements” to entertain us with the dulcet tones of our Section peers as they captured the Section’s spirit in song and dance.

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Pat Meagher accompanied me in a light rendition of the history of the Section, decade by decade. John Pachter, Rob Schaefer, and Michael Mutek presented notable activities and achievements of the Section—inspiring everyone with our collective responsibility to continue to improve the system, take care of the public contract law bar, and provide service to others. And special thanks are extended to Marilyn Neforas, Patty Brennan, and Al Hernandez who did an incredible job orchestrating all the logistics for this program.

During the luncheon, Marilyn Neforas made a “historic” announcement—after 39 years as our Section director, she is retiring. Fortunately, Marilyn will continue to assist the Section on special projects and maintain a connection with Patty Brennan in Patty’s new role as Section director.

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effective ADR in federal construction project disputes, to terminations for default and convenience, to the methods in which whistleblower protections and Executive Orders are changing the way we practice. Each of these panels was extremely well done, with the A-12 default termination panel serving as a highlight for the entire program.

Congratulations are extended to the Cybersecurity, Privacy and Data Protection Committee—led by David Bodenheimer, Maureen Kelly, and Annejanette Heckman Pickens—as the recipient of the Committee of the Year award; Gerard Wimberly, the recipient of the Donald McL. Davidson Award for outstanding promotion of state and local procurement activities in the Section; and Stu Niblley and Herman Levy for their induction into the Fellows of the Section of Public Contract Law.

In my last column, I discussed the feedback I received during the Midyear Meeting in Annapolis, including a request for guidance and information on the leadership appointments process and how to become involved in the leadership of the Section. As a result of that feedback, one of my goals as chair includes providing additional information and transparency for the appointments process.

In connection with increased transparency, this year I would like to support increased succession planning at the committee level. While having a thoughtful and open appointments process is a good first step, many committees would benefit from structured transition plans to ensure future committee leaders have the knowledge and experience necessary to take on the co-chair role. While this transition plan may look different for each committee, I encourage current leaders to start thinking about how their committees might implement a succession planning structure. Some committees have already taken initial steps with leadership interest meetings, transition meetings and memos, and designated vice-chair duties and objectives. We discussed this topic at length during the brainstorming session following the Council meeting in Chicago, with both committee members and leaders expressing a desire to see a more structured process.

In the midst of administrative and leadership turnover, the Section continues to actively participate in the regulatory process. The Regulatory Coordinating Committee recently spearheaded an effort to submit comments on the proposed rule FAR Case 2014-003, Small Business Subcontracting Improvements. The letter, drafted by the Small Businesses and Other Socioeconomic Programs Committee and the Subcontracting, Team Building and Strategic Alliances Committee, applauded the effort and identified further improvements to the proposed rule. The Council approved the comments and submitted them on August 10, 2015. I would like to thank both drafting committees and the Regulatory Coordinating Committee for their diligent efforts and collaboration on this project.

The Acquisition Reform & Emerging Issues Committee along with the Employment Safety and Labor Committee drafted a comment letter regarding Executive Order 13673 “Fair Pay and Safe Workplaces.” The Section encouraged the FAR Council and Department of Labor to reevaluate certain procurement-related elements of the proposed rules and proposed guidance and then reissue updated/revised versions for public comment. Among the issues identified in the letter, the Section encouraged definition of terms left open in the current versions; consideration of phase-in periods; development of procedures for classified contracts; reconsideration of requiring public disclosure of information reported by contractors, and provision for allocability and allowability of costs related to compliance with the proposed rule and guidance. Among other things, we asked the FAR Council to consider how it can adapt or revise the proposed rule to better mirror existing procedures and processes for considering contractors’ ethics, compliance, and present responsibility as well as provide due process protections to contractors subject to these reviews. The drafters did an exceptional job under a tight time frame and many rewrites to get this comment letter right. We requested and received blanket authority from the ABA and submitted our letter on time on August 26, 2015. To further explore this important area, we received ABA permission to cosponsor a symposium with George Washington University. The time of this writing that symposium was scheduled to be held on October 8.

The Cybersecurity, Privacy, and Data Protection Committee also drafted comments on the Office of Management and Budget’s draft guidance titled “Improving Cybersecurity Protections in Federal Acquisitions.” We commented on security controls, information security continuous monitoring, cyber incident reporting, information system security assessments, and business due diligence. Due to the broader nature of the topic involved, we asked for and received blanket authority for these comments as well.

I am excited about the year ahead and am invigorated by the commitment of our Section’s leadership. As we undertake the mission we outlined at the Annual Meeting in Chicago, I welcome your recommendations and feedback.  

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