Greetings, Section members! I hope you all had a wonderful holiday season and a great start to 2016. There is much to report and many people to thank for their substantial efforts on behalf of the Section. I wish I had more space to highlight all the committees and individuals who made the past quarter such a successful one for the Section.

The Section hosted two conferences this fall. The first was the 7th Biennial Federal Drug Pricing Conference, “Contracting and Pricing Requirements for Drugs, Devices, and Other Products and Services Under the VA’s Federal Supply Schedule Contracts.” Program chair Connie Wilkinson assembled a very engaging program that received excellent feedback from the participants. In November, the Section hosted the Fall Educational Program and Council Meeting, “A Bridge Too Far: The Ever-Increasing Compliance Challenges for Government Contractors,” in Charleston, South Carolina. Program co-chairs Kate Cloonan, Jim McCullough, and Tara Ward did an exceptional job assembling the program presentations, speakers, and materials. The program brochure featured a photo of the Arthur J. Ravenel Bridge, connecting historic Charleston and Mount Pleasant, South Carolina. As North America’s longest cable-stayed bridge, this bridge is not only a visual and architectural wonder, but also served as a symbol for the ABA Fall Conference. Kate Cloonan noted in her opening comments that, as professionals, we serve as bridges for our clients between problems and answers, confusion and clarity, requirements and solutions, regulations and application. As we continue to add members to our professional ranks, we “span” old and new ideas and "link" generations of professional experience. The Fall Educational Program successfully provided those educational and networking links to our members.

I would also like to highlight one of our Section’s most labor-intensive, but often unnoticed activities. Our ability to comment on regulations has been the source of the Section’s considerable influence and contributions to help shape and improve the procurement system. As the committees are the heart and soul of this important task, I have to commend the committee co-chairs and drafters who lead these efforts. Since August, the Section has submitted a total of eight comment letters:

- FAR Case 2014-003, Small Business Subcontracting Improvements (8/10/15)
NEWS FROM THE CHAIR
continued from page 2

- FAR Case 2014-025, Fair Pay and Safe Workplaces (8/26/15)
- OMB Draft Guidance, Improving Cybersecurity Protections in Federal Acquisitions (9/10/15)
- DFARS Case 2013-D034, Price Reasonableness for Commercial Items Proposed Rule (10/7/15)
- DFARS Case 2013-D018, Network Penetration Reporting and Contracting for Cloud Services (11/20/15)
- RIN 0790-AJ29, Comments on Interim Final Rule, DOD Defense Industrial Base Cybersecurity Activities (12/1/15)
- RIN 3245-AG71, Credit for Lower Tier Small Business Subcontracting (12/7/15)
- DFARS Case 2014-D005, Detection and Avoidance of Counterfeit Electronic Parts—Further Implementation (12/9/15)

I thank all of the committees who assisted in the preparation of these comments, and the Council for their revisions and feedback. In particular, special thanks and recognition are due to the Legislative Coordinating Committee, co-chaired by Kara Sacilotto, Craig Smith, and Samantha Lee, who spent countless hours coordinating the drafting, review, voting, and submission of these comments. Their hard work and diligence in navigating the review and submission process allowed us to have one of the most productive comment submission quarters in the Section's history.

In addition to producing the Section’s stellar educational programs and drafting comment letters, several of our committees have also developed member outreach initiatives and activities. The newly formed Diversity Committee hosted a well-attended Kickoff Happy Hour in early October, and the Young Lawyers Committee hosted both a Young Lawyers Fall Happy Hour in September and a Law School Outreach Program at the George Washington Law School in October. Our Cybersecurity, Privacy and Data Protection Committee and Young Lawyers Committee also joined the ABA Science and Technology Law Section in hosting Careers in Cybersecurity, Privacy & Information Law in October, designed to give area law students a preview of potential future career paths in cybersecurity and procurement law. These member outreach activities are critical to attracting and welcoming the newest members of the profession to our section.

As I indicated at the beginning of my term, one of my goals for the Section is to continue our efforts from last year with the HASC/SASC Joint Committee’s request for the ABA’s input on how to improve the federal procurement system. In our July 14, 2014, letter, we gave our initial recommendations for procurement reform and indicated we wanted to follow up that effort with a continuing dialogue on procurement reform. To that end, we recently met with staffers to explore where we could be most effective in helping the process. That meeting was very informative and the Section will be working on some of the issues we discussed.

Circling back to the Section’s educational programs, please mark your calendars now and plan to attend the 22nd Annual Federal Procurement Institute (FPI), March 9–11, 2016, at the Loews Hotel in Annapolis, Maryland. In addition to two full days of the latest developments in federal procurement law, the FPI will include a special workshop devoted to subcontract terms and clauses, a construction panel on strategies and tactics used during the claims process, a judges panel, sessions on bid protests, emerging issues, fraud remedies, best practices in supply chain risks/counterfeit parts, and two full hours of ethics. The Program co-chairs, Susan Ebner, Linda Maramba, Scott Maravilla, and Marques Peterson, are hard at work and promise that the 22nd Annual FPI will be the best ever.

I look forward to seeing you in Annapolis!

PENSIVE POSER
continued from page 4

back to the ASBCA for it to set damages awards again on multiple claims, 755 F.3d at 1312, and the ASBCA did so in initial and reconsideration decisions. ASBCA No. 55306, 15-1 BCA ¶¶ 35,878, 35,992. SUFI said it was satisfied with the board decisions on reconsideration, but DOJ told the CFC that it was not. The CFC has now said that DOJ can’t complain and so this part of the case is over, 122 Fed. Cl. 257 (2015), but DOJ has appealed that ruling.

10. I didn’t work so hard to pen this quizzical essay as to look up and read the pleadings to see if the contractor actually argued ratification, but I suspect it did. 11. SUFI, 755 F.3d at 1324–25.
12. Id. at 1325.
13. Id. at 1326.
16. Id.
17. Id. at 168,257–58.
18. Id.
19. Id.
20. Id.
23. Id. at 1338 (quoting Brandt v. Hickel, 427 F.2d 53, 57 (9th Cir. 1970)).