BY TY HUGHES, CHAIR

We just concluded another successful ABA and Section Annual Meeting in San Francisco. Our CLE programs ranged from mega-protests, industry consolidations, media, and politics in government contracting to the role of government contract counsel and engaging sessions on public-private partnerships and prevailing wage requirements in government construction contracts.

A special thanks is extended to the Annual Meeting Program Co-Chairs, Kevin Mullen, Sharon Larkin, and Lt. Col. Rebecca Vernon, and to our Section Director, Patty Brennan, for successfully coordinating all the programs and networking events. Also, on behalf of the Section, I want to thank Dave Ehrhart, the Section’s Immediate Past Chair, for his distinguished leadership of the Section’s programs, initiatives, and governance activities, over the past year.

Annual Meeting Highlights

ABA Board of Governors Update

Judge William Carpenter, the ABA Board of Governors (BOG) liaison to the Section, presented an update to the Section Council on the activities of the BOG. In addition to a reorganization of the BOG committees, which include four committees focusing on the following areas—member services, public service and diversity, improving the practice, and internal organization and finances—the BOG has approved a redesign of the Association’s website. Judge Carpenter also highlighted the initiatives of 2016–2017 ABA President Linda Klein, which include:

- A Veteran Legal Services Initiative to build a comprehensive online resource that informs veterans of legal issues that could affect them and directs them to relevant local resources and legal providers.
- A voting initiative to encourage participation in the upcoming elections this fall and the launch of the ABA Votes 2016 website, www.ambar.org/vote, which will provide state-by-state information on voter laws, as well as resources that encourage lawyers to spread the word on the importance of voting and to work as poll workers in their local communities. The Section greatly appreciates Judge Carpenter’s active participation and his support of the Section this past year and looks forward to his second term as our BOG Liaison.

Council Presentations

The Section’s Council Meetings routinely feature informative presentations for public contract/procurement professionals and this meeting was no exception. Craig continued on page 26
NEWS FROM THE CHAIR
continued from page 2

Smith and Susan Ebner delivered an excellent and informative presentation on best practices for preparing Section comment letters. Patrick Jensen of the Kenrich Group delivered a presentation on DCAA Audits, Issues, Trends, and Hot Topics. Thomas Miller of K&L Gates gave a presentation on the HASC and SASC proposed changes to bid protest rules. The slides from these presentations are an excellent reference and can be found on the Section website under Resources.

Section Recognitions
Planning, attention to detail, and hard work by our colleagues are essential elements for successful CLE programs. In addition to the recognition and appreciation of our Annual Meeting Program Co-Chairs, we thanked the Section's Annual and Quarterly Program Chairs, Michael Hordell and Kristen Irtig, for their oversight and management of a successful programming year. We also recognized and thanked the outgoing Section Council Members for their three years of service to the Council—Susan Warshaw Ebner, Kristin E. Irtig, Anthony Palladino, and Annejanette Heckman Pickens. The Section recognized John S. Pachter for 11 years of service as Section Delegate to the ABA House of Delegates.

The Section elected and welcomed the newest members to the Section's Council—Judge Marian Blank Horne, Kristine B. Kassekert, Bryant G. Snee, and Eric Whytsell. Linda Maramba was elected Secretary and Michael W. Mutek, Section Delegate to the ABA House of Delegates.

Special thanks were extended to our Construction Division Gold Sponsors, Smith Pachter McWhorter and The Kenrich Group, and Silver Sponsors, Smith Currie and FTI Consulting. The Section Committee of the Year award was presented to the Regulatory Coordinating Committee.

Planning Session
Following the Council Meeting, the Section leaders convened a planning session for 2016–17 to discuss ways to increase the value of the Section to the members. We focused on three areas: committee activities, publications, and programs. A number of excellent ideas were discussed that we will try to implement. The good news is that we are off to a great start in all three areas.

We continue to have strong and active leadership in the 20+ active Section committees that address a wide range of substantive topics impacting government contracts. I encourage you to get involved with one or more Section committees to stay current and to meet fellow government contract lawyers. You can join and add your name to the mailing list for any Section committee directly from the committee pages on the Section website. Your location should not be a barrier to getting involved. Many committee meetings are accessible by telephone or webinar link.

Fall Program in Portland, Maine
The Section has teamed with the University of Maine School of Law for the fall program on October 6–8 in Portland, Maine, which will include a full day of training in fundamental issues of government purchasing by the School of Law, including contract formation, disputes, and issues arising under state fraud statutes. The second day will feature more in-depth programming on purchasing issues in federal, state, and local venues.

Program Co-Chairs Christopher R. Yukins, Dean Danielle Conway, and Missy Copeland have done an excellent job organizing this unique meeting.

Congress Proposes Changes to the GAO Bid Protest Process
Both the House and Senate bills for the Fiscal Year 2017 National Defense Authorization Act contain provisions that would change the bid protest process. At the time of this writing, it is unclear what will happen to the bills. This issue's cover article, “Bid Protests Before the Government Accountability Office: Basic Facts and Misperceptions” concludes that the current system is working as intended and that GAO bid protests provide a timely and efficient review of procurement decisions involving billions of taxpayer dollars. We hope the article will help inform those who are considering changes to the bid protest process.

Section 809 Panel Presentation
Section 809 of the 2016 National Defense Authorization Act established the Advisory Panel on Streamlining and Codifying Acquisition Regulations to review DoD acquisition regulations. The panel will make recommendations on how to streamline and improve the efficiency and effectiveness of the defense acquisition process and to maintain a defense technology advantage.

The Section has already submitted written comments to the Section 809 Panel. Our comments discuss (1) changes that could be made to make the process of doing business with DoD faster and more efficient, (2) changes to DoD business models to include emerging technology and the adoption of new business approaches, (3) barriers to flexibility and innovation, and (4) key areas seen by industry as most prohibitive to business—technologically and financially.

The Section has been invited to make a presentation to the Section 809 Panel on September 20 at the U.S. Chamber in Washington, D.C. Our previously filed comments as well as our prepared statement and presentation slides are posted on the Section website. Thank you to Susan Ebner for her leadership in preparing the written comments and the presentation to the Section 809 Panel.

Looking Ahead
We have a great year ahead of us. As we move forward, please do not hesitate to call or e-mail me with suggestions, comments, or feedback. I look forward to seeing you in Portland, Maine. <PL>