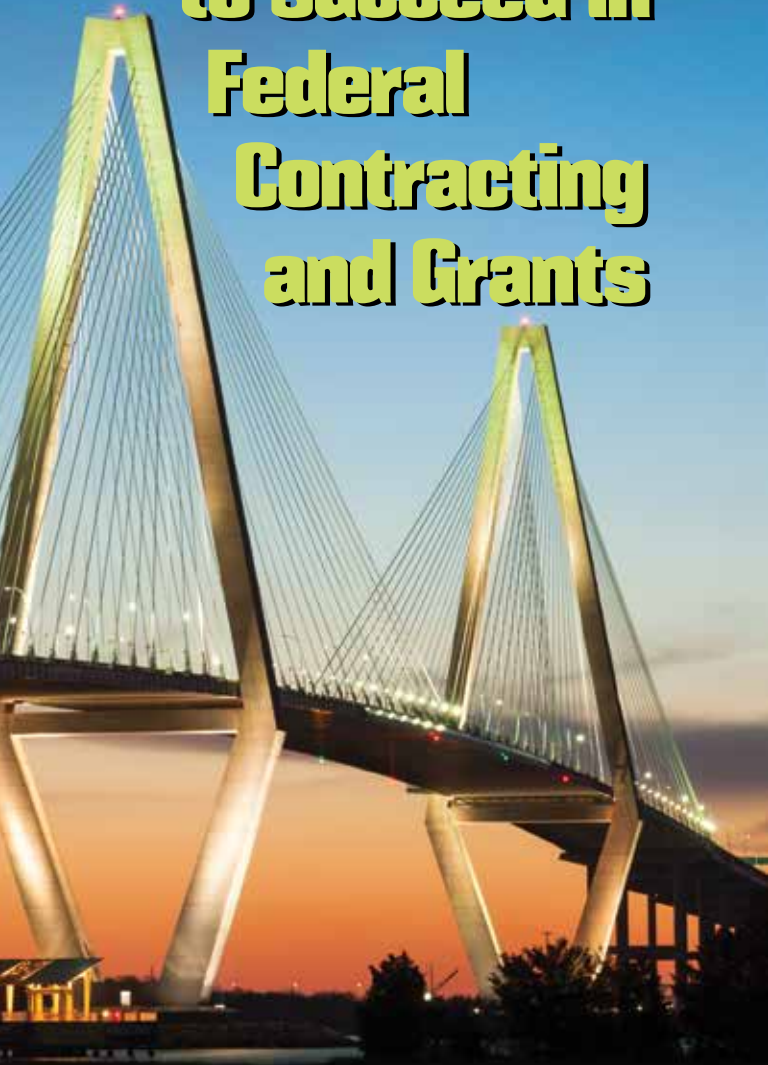




Section of
Public Contract Law

Building Bridges to Succeed in Federal Contracting and Grants



November 12-13, 2015

**Francis Marion Hotel
Charleston, South Carolina**

PROGRAM OVERVIEW

Conducting business with the Federal Government, either by way of grants or procurement contracts, has become an increasingly complex and technologically sophisticated challenge. The Government's unique sensitivities as a contracting partner are constantly changing, and these changes create a moving target for even the most experienced Government contract professional. The keys to succeeding in this environment are trust and communication. Our Fall Program will **explore** the development of bridge-building techniques **in several of the most contentious areas of partnering with the Federal Government today: new statutory and regulatory compliance requirements, cybersecurity, commercial items contracting and Government acquisition of intellectual property/data rights.** Hear subject matter experts from Government and industry examine and explain how government contracting operates in an increasingly tech-savvy world.

- ▲ Learn key similarities and differences between government **grants and contracts** and how to leverage both to expand strategic opportunities.
- ▲ Review case law and **regulatory developments** with experts who have extensive hands-on experience in dealing with the challenges of Government contract **compliance.**
- ▲ Hear how litigation, statutes and regulations are affecting which goods and services qualify as "commercial" and the appropriate contracting terms, conditions and techniques the Government is using to **leverage commercial item contracting.**
- ▲ Catch up on the legal/regulatory landscape governing **cybersecurity** and receive practical guidance from technical experts about how to **mitigate cyber risk.**
- ▲ Explore Government and industry perspectives on the scope of the Government's **rights in a contractor's technical data** and computer software and recent DoD and NASA initiatives changing how parties approach **intellectual property.**

Register today and heighten your awareness of the legal and business implications of these emerging Federal procurement issues while networking with other government contract professionals while enjoying the charm and hospitality of Charleston, South Carolina.

PROGRAM SPONSORS

The Section gratefully acknowledges the very generous support from the following Fall Program Sponsors:

GOLD Sponsor

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OTHER MEETING EVENTS

Thursday, November 12, 2015

4:30 pm to 6:30 pm

Optional Practicum — Federal Grant Law and Government Contracting

The session will provide an overview of the regulations governing federal government grants and cooperative agreement (also known as the “Super Circular”), the recent overhaul of grant regulations, and the essential policies and procedures necessary for organizations to build a compliance framework—including ethics, procurement, and mandatory disclosure requirements. Geared to both experienced government grants practitioners and those with a government contracts background, the panel will discuss similarities and differences between government grants and contracts, as well as strategies for practitioners to navigate the world of government grants.

Andrea Wilson, *Co-Moderator*

BDO
McLean, VA

Bridget M. Weiss, *Co-Moderator*

Arnold & Porter LLP
Washington, DC

Diana J. Esposito, Director & Assistant General Counsel

Creative Associates International
Washington, DC

6:30 pm to 8:00 pm

Reception hosted by PwC

Venue to be announced

Saturday, November 14, 2015

8:30 am to 12:00 noon

Section Council Meeting

The Council of the Section of Public Contract Law will meet in open session where a number of action and informational items will open the window on legislation, regulatory and other substantive issues of current interest and importance to government contracts practitioners. All members and registrants for the Friday program are welcome.

PROGRAM

Friday, November 13, 2015

7:30 am to 8:15 am

Registration and Continental Breakfast

8:15 am to 8:30 am

Welcome and Introduction

Caitlin K. Cloonan, *Program Co-Chair*

CGI Federal Inc,
Fairfax, VA

James J. McCullough, *Program Co-Chair*

Fried, Frank, Harris, Shriver & Jacobson LLP
Washington, DC

Tara L. Ward, *Program Co-Chair*

Wiley Rein LLP
Washington, DC

8:30 am to 10:00 am

A Bridge Too Far: The Ever-Increasing Compliance Challenges for Government Contractors

- ▲ The impact of the D.C. Court’s Barko/KBR mandamus decisions on corporate internal investigations of employee misconduct
- ▲ The ever evolving requirements imposed by DCAA and DCMA on Government contractor compliance systems
- ▲ The new Anti-Trafficking in Persons regulations and compliance plan requirements
- ▲ Department of Justice enforcement priorities in the Defense Aerospace and Healthcare industries

Deneen J. Melander, *Moderator*

Robins Russell LLP
Washington, DC

Nicholas Sanders, Consultant

General Atomics Aeronautical Systems, Inc.
San Diego, CA

Michael J. Anstett, Special Counsel

Fried Frank LLP
Washington, DC

Michal Tingle, Assistant Director, Commercial Litigation

Civil Division, U.S. Department of Justice
Washington, DC

Aaron T. Marshall, Corporate Counsel

Northrop Grumman Corporation, Enterprise Shared Services
Falls Church, VA

10:00 am to 10:15 am

Networking Break

10:15 am to 11:45 am

Bridging the Gap from Cyber Fatigued to Cyber Secure: Just the Basics

- ▲ Key regulatory updates and emerging cybersecurity initiatives
- ▲ Government, industry and citizen perspectives on security threats that drive cybersecurity solutions
- ▲ Practical, technical guidance from (non-lawyer) technology experts
- ▲ Assessing cybersecurity options when faced with evolving digital threats and imperfect information

Jeffery M. Chiow, *Moderator*
Rogers Joseph O'Donnell
Washington, DC

Rob Ross, Ph.D.
National Institute of Standards and Technology
Washington, DC

Patrick Viscuso, Ph.D., Associate Director
National Archives and Records Administration
Washington, DC

Dan Law, Ph.D., Senior Vice President, Chief Scientist
Altamira Technologies
McLean, VA

Mischel Kwon, President
Mischel Kwon & Associates LLC
Fairfax, VA

Peter Adler, Deputy General Counsel & Chief Privacy Officer
SRA International
Fairfax, VA

12:00 noon to 1:30 pm

Program Luncheon

Presiding:

David G. Ehrhart, *Chair*, Section of Public Contract Law
Lockheed Martin Corporation
Fort Worth, TX

Keynote Speaker:

Honorable Dennis W. Shedd
U.S. Court of Appeals for the Fourth Circuit
Columbia, SC

1:45 pm to 3:15 pm

A Bridge Over Troubled Waters: Hot Topics in Commercial Item Contracting

- ▲ The Federal Court's decision in *CGI Federal v. United States*: where do we go from here?
- ▲ DOD's elusive quest for "fair and reasonable" pricing in commercial items contracts
- ▲ The proposed changes to the GSA Federal Supply Schedule Program
- ▲ The impact of the National Defense Authorization Act for FY 2016 on commercial items determinations
- ▲ The evolving rules for commercial items subcontracting

Jonathan S. Aronie, *Moderator*
Sheppard Mullin LLP
Washington, DC

Michael J. Schaengold, Partner
Greenburg Traurig LLP
Washington, DC

Erin L. Toomey, Partner
Foley Lardner LLP
Detroit, MI

Roger Waldron, President
Coalition for Government Procurement
Washington, DC

Zohra Tejani, Senior Attorney
Microsoft
Washington, DC

Aleksandra Doran, Attorney-Advisor,
General Services Administration Inspector General
Washington, DC

3:15 pm to 3:30 pm

Networking Break

3:30 pm to 5:00 pm

Intellectual Property & Data Rights: If You Think It's Easy, There's a Bridge I'd Like to Sell 'Ya

- ▲ Government and industry perspectives on the scope of the Government's rights in a contractor's technical data and computer software, particularly in light of the Government's increased focus on open systems architecture, maximizing competition, and continued budget pressures
- ▲ Recent Government initiatives that directly affect how the parties approach intellectual property
- ▲ Practical guidance for Government and contractor practitioners to consider during their negotiations

Nicole J. Owren-Wiest, *Moderator*
Wiley Rein LLP
Washington, DC

Courtney Bailey, Associate General Counsel
NASA
Washington, DC

Adriana Luedke, Associate General Counsel, Intellectual
Property and Technology Law, Lockheed Martin Corporation
Bethesda, MD

Steffen Jacobsen, Corporate Counsel
Amazon Web Services
Reston, VA

Richard M. Gray, Associate General Counsel
Department of Defense Office of the General Counsel
Washington, DC

5:00 pm to 7:00 pm

Section Reception

Sponsoring firms to be announced.

REGISTRATION FEE INFORMATION

The attendee registration fee includes access to the Friday CLE program and the downloadable materials prior to the program. Additionally, the fee covers the Thursday reception, the Friday continental breakfast, lunch, and reception. The optional Practicum has a separate \$40 registration fee.

The registration fees above provide for reduced registration fees for government employees, academics, public interest lawyers employed with non-profit organizations, and lawyers admitted to practice less than five years. The Section of Public Contract Law's Scholarship Program provides a total of three Scholarships every two years for lawyers in need of financial assistance wishing to attend Section programs. No other full-tuition waivers are currently available.

CANCELLATION POLICY

Requests for refund must be made in writing and received in the Section of Public Contract Law's office on or before November 5, 2015. **Refund requests received after November 2 will be reduced by a \$25.00 administrative fee.** Substitutions may be made at any time. **No refunds will be made after November 5, 2015.**

A registration submitted online or by mail to the ABA office is considered a firm commitment. If you do not cancel by the designated deadline date for refund, you will be expected to pay the registration fee even if circumstances prevent you from attending the program.

DIETARY RESTRICTIONS

If you have any dietary restrictions, please indicate so by contacting Ernestine Leibas at 312.988.5699 or Ernestine.Leibas@americanbar.org.

AMERICANS WITH DISABILITIES ACT

We encourage participation by all individuals. If you are a person with a disability, please give us advance notice of any special arrangements you may need so we can best accommodate you. Please call or email Ernestine Leibas at 312.988.5699 or Ernestine.Leibas@americanbar.org by October 29, 2015.

CLE PROGRAM MATERIALS

Prior to the program, all advance registrants will receive an email with a link to the CLE materials. No printed materials will be available on-site. You are encouraged to bring a laptop, notebook, or tablet to view the materials onsite. Complimentary Wi-Fi access will be available.

CLE CREDIT

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NM, NV, NY, NC, ND, OH, OK, OR, PA, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV.

These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 6.0 CLE credit hours in 60-minute states, and 7.2 credit hours in 50-minute states. If the registrant also attends the November 11 Practicum, the course is expected to qualify for 8.0 CLE credit hours in 60-minute states, and 9.6 credit hours in 50-minute states. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states.

Certificates of attendance will be available at the program for both attendees and speakers. If you have questions about the number of CLE credit hours granted by each state, you may call Ernestine Leibas at 312-988-5699 starting 2 weeks before the program.

ONLINE EVENT REGISTRATION RELEASE

In order to promote, share and archive American Bar Association ("ABA") programs, meetings and events ("Events"), photographs, videos and/or recordings may be taken at such Events. By registering for and attending the Events, I consent to be included in the photographs, videos and/or recordings. I hereby irrevocably consent to and grant ABA and its agents, representatives and licensees, all rights to use and publish for promotional and internal purposes in all media, now known or hereafter developed, my name, statements, quotes, biographical data provided by me to ABA, image, likeness or voice, in whole or in part, and to copyright any materials created. I hereby waive any right to inspect, approve, or be compensated for use of any materials incorporating such images and information obtained during the Events. I release ABA and its agents, representatives and licensees from all liabilities arising out of any use of my likeness and information as provided above. I understand and agree that any and all negatives, digital images, and recordings of my likeness, regardless of form, are and shall remain property of ABA.

FUTURE MEETINGS

MARCH 9–12, 2016

22nd Annual Federal Procurement Institute and Open Midyear Council Meeting

Loews Annapolis Hotel, Annapolis, MD

APRIL 7–8, 2016

11th Annual State and Local Procurement Symposium

InterContinental, San Juan, PR

AUGUST 4–6, 2016

Annual Educational Programs and Open Council Meeting

Hotel not yet Assigned, San Francisco, CA

OCTOBER 6–8, 2016

Fall Educational Program and Open Council Meeting

Westin Harborview Hotel, Portland, ME

HOTEL INFORMATION

The historic Francis Marion, located at 387 King Street, rises 12 stories above Charleston's Historic District offering spectacular views of Charleston's church steeples, antebellum mansions and famous harbor. Its location is a few blocks from the Visitor Center, Aquarium, restaurants, boutiques, galleries, museums, and antique shops. Built in 1924, its long tradition of gracious service and elegant accommodations remain a landmark in the heart of downtown.

Room rates at the Francis Marion are \$194, single or double, plus 13.5% tax per room per night. A limited number of rooms are available to **government employees only** for \$171 plus 13.5% tax per room per night. **Proof of current employment by a government agency will be required at check-in to be entitled to this \$171 room rate.**

You may reserve your accommodations by calling the Francis Marion directly at 843-722-0600 or 877-756-2121, identifying the **ABA Public Contract Law Fall Program and Council Meeting**, and guaranteeing your reservation by credit card or deposit check. Rooms will be available for check-in not later than 4:00 pm with a check-out time of 12:00 noon. Early arrivals or late departures will be booked on an availability basis. **Individuals with guaranteed reservations must cancel their reservations by 72 hours of their scheduled day of arrival to avoid a one-night cancellation charge.**

Make your reservations NOW. The hotel will release the room block on Tuesday, October 20, 2015, at 5:00 pm CDT.

SPECIAL AIRLINE DISCOUNTS

Take Advantage of ABA-negotiated discounts on American*,United, and Delta Airlines! If you are an ABA member, you may do so automatically by using ABA Orbitz for Business, either offline at 877.222.4185 or online at www.americanbar.org/travel (click on "Travel!" and then the Orbitz for Business logo). If you are not an ABA member, or you prefer to book directly through the carrier, the following discount codes can be used: **American Airlines:** *ABA Discount only available through ABA Orbitz for Business. **United Airlines:** Call 800.426.1122, Agreement Code: **414489** Z Code: **ZSZU** or visit www.united.com, Online Code: **ZSZU414489**. **Delta Airlines:** Call 800.328.1111 or visit www.delta.com, and use Meeting Event Code: **NMKEJ (Domestic)** or Meeting Event Code: **NMJHL (International)**.

REGISTRATION APPLICATION

ABA Section of Public Contract Law (PCL)
Building Bridges to Succeed in Federal Contracting & Grants
Francis Marion Hotel, Charleston, SC • November 12, 2015
Hotel Deadline: October 20, 2015
Registration Deadline: October 23, 2015

Register online at:
www.ambar.org/PubConFall15

Payment must accompany registration. Confirmations will be sent to all registrants.

Online Registration:
www.ambar.org/PubConFall15 (credit card only)

Fax Registration:
Via Secure Fax: 312-988-5850 (credit card only)

Mail Registration: American Bar Association,
Attn: Meeting/Event Registrations Dept. LG1504,
321 N. Clark Street, 16th Fl., Chicago, IL 60654

Registration Fee:

- \$260 PCL Section Member or Associate
- \$215 Government Employee, Academic, or Lawyer Admitted to Practice Less than 5 Years, PCL Section
- \$235 Other Government Employee, Academic, or Lawyer Admitted to Practice Less than 5 Years
- \$315 ABA Member, PCL Non-Member
- \$370 Non-ABA Member
- \$40 Law Student, ABA Member

Other Events:

- \$40 Thursday, November 12, Practicum
- Free Thursday, November 12, Reception hosted by PwC
- Free Friday, November 13, Cocktail Reception
- Free Saturday, November 14, Council Meeting

For reservations postmarked or faxed after October 23, 2015, and for walk-in registrants, add \$25 to each fee category.

- First Time PCL Meeting Attendee

Name _____
(please print legibly or type)

ABA Member No. _____

Affiliation _____

Address _____

City, State, Zip _____

Telephone Number _____

Fax Number _____

Email _____

Name of guest _____

Payment Method:

- Enclosed is my check, made payable to the **American Bar Association/PCL**, for \$ _____.
- Government purchase/training order enclosed.
- Credit Card payments accepted online only at www.ambar.org/PubConFall15

American Bar Association
Section of Public Contract Law, MS 19.1
321 North Clark Street
Chicago, Illinois 60654

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Section of
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DATED MATTER

**Make your hotel reservations now.
The Francis Marion Hotel reservation deadline
is Tuesday, October 20, 2015, at 5:00 pm CDT**