



Boards of Contract Appeals Bar Association Annual Program

The Ever-Changing Procurement Landscape: Audit, Compliance, Claims, and New Administration Initiatives

Renaissance M Street Hotel, Washington, DC

October 22, 2009

8:30-9:00 am

Registration*

Welcoming Remarks:

David M. Nadler, BCABA President

Susan Warshaw Ebner, Vice-President and Program Chair

9:00 - 10:00 am **KNOCK, KNOCK - IT'S TIME FOR YOUR AUDIT**

Government audits play an important role in contract administration and claims resolution. Along with the increased scrutiny of contractors and contractor claims, DCAA has recently issued additional policies for audits that put new pressures on contractors. These policies raise issues about access to employees, review of ethics and disclosure policies, timely cooperation in audits, and scrutiny of particular types of costs. This panel will discuss the procedures, expectations, and hot issues in DCAA audits and how they impact contract administration, alternative dispute resolution, and claims at the BCAs.

Panelists: Nicole J. Owren Wiest, Partner, Wiley Rein, Darrell J. Oyer, CPA, Darrell J. Oyer & Company,
John H. Russell, Senior Counsel, Northrop Grumman Corporation

Moderator: Michael Littlejohn, Akerman Senterfitt

10:00 - 11:00 am **HOW NOT TO GET SPUN UP IN THE REVOLVING DOOR AND OTHER CURRENT CONFLICTS OF INTEREST ISSUES**

The panelists will discuss ethical issues concerning personal conflicts of interest, the revolving door between Government and private industry, and an examination of the current ABA screening rules as they apply to Government and Non-Government attorneys working in the field of Government Contracts. The discussion will include an update on revolving door issues relating to the Administration's Ethics Pledge and an update on pending changes to regulations focusing on personal conflicts of interest of contractor employees.

Panelists: Stephen Epstein, Government Ethics & Compliance Leader, PricewaterhouseCoopers, LLP and
Wallace "Gene" Shipp, Jr., Bar Counsel, DC Office of Bar Counsel

11:15-12:00 pm **SOCIO-ECONOMIC REQUIREMENTS UNDER THE OBAMA ADMINISTRATION**

The Recovery Act, with its myriad special requirements, launched procurement reform in the Obama Administration with enormous momentum. This panel will review requirements under the Recovery Act, and some of the Administration's many other important initiatives to reform procurement law.

Panelists: Angela Styles, Crowell & Moring, and Mathew Blum, Office of Federal Procurement Policy Moderator:
Christopher R. Yukins, Professor, George Washington University

12:00 - 1:00 pm **LUNCHEON:** Speaker: RADM Kathleen Dussault, Director, Supply, Ordnance and Logistics Operations, N41, Office of the Chief of Naval Operations, Department of the Navy.

1:15 - 2:30 pm **THE CONTINUING EVOLUTION OF CONTRACTORS ON THE BATTLEFIELD: IRAQ/AFGHANISTAN AND BEYOND?**

This panel will explore contracting issues confronting contractors accompanying a force in the battlefield including contracting for inherently governmental functions, Joint Contracting Command Iraq/Afghanistan special contract provisions, DOD regulation of private security contractors operating in contingency operations, implementation of the US-Iraq Security Agreement/Status of Forces Agreement, and other emerging issues.

Panelists: Marcia Bachman, Associate General Counsel (Acquisition) USAF, Michael K. Love, Assistant General Counsel, Computer Services Corp., Peter Levine, Counsel, Senate Armed Services Committee,
Doug Brooks, President, International Peace Operations Association

Moderator: Jim McCullough, Fried Frank

3:00 - 4:00 pm **BCA JUDGES PANEL**

This panel will include a lively discussion about practice before the Boards, with an emphasis on practical issues and procedures not expressly addressed by the rules of procedure. Topics include "do's" and "don'ts" regarding pre-trial case management, preservation of documents and electronic data, discovery disputes, dispositive motions practice, ADR, and hearing practice. Judges will also discuss recent developments, trends, and hot issues in Board practice.

Panelists: Judge Sharon Larkin, Government Accountability Office Board of Contract Appeals; Judge Gary K. Shapiro, Postal Service Board of Contract Appeals; Judge Jeri Somers, Vice Chair, CBCA; Judge Eunice Whitney Thomas, Vice Chair, ASBCA; Judge Jonathan Zischkau, Chair, DC CAB

Moderator: David Black, Holland & Knight

4:00 - 4:30 pm **BCABA ANNUAL MEETING**

* The BCABA will request 5 1/2 hours of VA CLE credit (including 1.0 hour of Ethics) for this program.



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Name: _____

Title: _____

Company/Agency: _____

Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

To Register for the Program RSVP by *October 14, 2009*. Mail your check payable to BCABA together with this completed form to: BCABA c/o Shelley Butler, Buchanan Ingersoll & Rooney PC, 1700 K Street, NW, Suite 300, Washington, DC 20006.

Questions? Call Shelley Butler at 202-452-7904.

Educational Program Tuition

Non-Members:	\$200
BCABA Members:	\$185
Attendees from Gold Medal Member Firms:*	\$175
Government Employees:	\$150

BONUS!! – For an additional \$10 added to tuition price, attendees will receive BCABA membership for 2009-2010. *(Regular membership for those not attending program is \$45 for private practice attorneys and \$30 for government employees.)*

NOTE: Credit Cards. If you would like to use a credit card *in lieu of paying by check*, please complete the enclosed Credit Card Information Form and forward it along with this Registration Form.

*A Gold Medal Member Firm is a law firm or organization in which all of its government contracts lawyers are members of the BCABA. Gold Medal Firms as of 2008-2009 or those signing up all attorneys for the 2009-2010 year will be eligible for this discount. We appreciate the support of our Gold Medal Firms!



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If you wish to pay for the Boards of Contract Appeals Annual Program registration fee(s) and/or membership due(s) by credit card (VISA or Master Card only) *in lieu of check*, please provide the following information:

(1) Name(s) of Registrant(s): _____

[Please attach a separate list, if necessary.]

(2) Name on the Credit Card: _____

(3) Type of Credit Card (VISA/Master Card): _____

(4) Name of your Firm or Agency: _____

(5) Total Dollar Amount to be charged – breakdown:

a. For Annual Program Registration Fee(s) \$ _____

b. For Membership Dues* \$ _____

(6) Credit Card Number: _____

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(9) USPS Zip Code for the location to which your card is billed: _____

* Please fill out a separate Membership Registration Form for each individual.