

State and local contract personnel and contractors have frequently faced the challenges of “range” and “pitch” while attempting to maintain the “tempo” of the procurement process. This program will help you orchestrate effective, efficient procurements. Program sessions arrange timely themes of purpose, process, substance and controversy. Our panelists represent the different voices of state and local officials, purchaser-side counsel, consultants, and contractor-side counsel.

Themes include market trends, procurement purposes and methods, key contract issues and challenges of “special purpose” contracting.

Today, many state and local governments confront unprecedented challenges of security, infrastructure investment and next generation information systems.

Thus, public contracting has an extensive cast: elected officials, agency executives and administrators, departmental officers and purchasing agents, as well as attorneys representing the public purchasers — and the contractors, their suppliers, advisors and counselors. This program is designed for all who play roles in this long-running drama.

This program will cast light into state and local procurement where risk and doubt frustrate both buyers and sellers. **It will identify “best practices” you need to achieve clearly defined requirements, an efficient and fair competitive process, mitigation of contract risks and financial pitfalls, reasonable performance obligations and effective compliance obligations.**

Specifically, the program will include:

- **Acquisition methods** including requirements definition, selection criteria and evaluation.
- Enterprise-critical contract **terms and conditions**— e.g., Limitation of Liability, IP and Warranty.
- Recognizing and mitigating **controversies**: compliance, ethics, disputes, and false claims.
- **Collaborative solutions** for “next generation” state and local procurement needs.

Panelists also will address the effects of the federal government on state and local procurement and consider federal practices that suggest approaches to recurring problems in state and local procurement.

This will be an interactive program where all are encouraged to share their views.

Join us on May 17 from 4:15 p.m. to 7:00 p.m. for an optional practicum and hosted reception. Register today and network with other procurement professionals in the wonderful city of Nashville on May 18.

PROGRAM SPONSORS

The Section gratefully acknowledges the very generous support from the following sponsors for this Second Annual State and Local Procurement Symposium:

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OTHER PLANNED EVENTS

Thursday, May 17, 2007

4:15 p.m. to 5:45 p.m.

Optional Practicum—“Are You Ready for the Curtain Call?”

- The Market for State and Local Procurement: Growth and Change
 - ◆ Market Metrics and Participants
 - ◆ Demand-side Trends
 - ◆ Areas of Opportunity
 - ◆ Barriers to Participation

Jack Gallt, *NASPO Association Director*
AMR Management Services
Lexington, KY

Chris Dixon
Manager, S&L Market Analysis
INPUT
Reston, VA

A nominal fee of \$35 will be charged to help defray additional program costs for CLE and written materials.

This optional practicum and the hosted meet and greet reception that follows will be held at the offices of Baker Donelson Bearman Caldwell & Berkowitz, PC at 211 Commerce Street. Their offices are a 10-minute walk or 5-minute cab ride from the Sheraton Nashville Downtown.

5:45 p.m. to 7:00 p.m.

Meet and Greet Reception

The Section gratefully acknowledges the generosity of the firm of Baker Donelson Bearman Caldwell & Berkowitz, PC for hosting this Reception for program speakers and meeting attendees.

Saturday, May 19, 2007

8:30 a.m. 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, May 18, 2007

7:15 a.m. to 8:00 a.m.

Registration

8:00 a.m. to 8:15 a.m.

Welcome and Introduction

Robert S. Metzger, *Program Co-Chair*
Gibson, Dunn & Crutcher LLP
Los Angeles, CA

Nancy Harrison, *Program Co-Chair*
FTI Consulting
Los Angeles, CA

Michael A. Hordell, *Chair*
Section of Public Contract Law
Pepper Hamilton LLP
Washington, DC

8:15 a.m. to 10:00 a.m.

“Hitting the High Note ” — “Best Practices” in Acquisition Practice and Procedures

- Perceived Impediments to Participating in State and Local Procurement
- “Best Value” Selection and Other Emerging Trends in Local Government Procurement
- Streamlining State Procurement: The Objectives, Benefits, and Challenges
- Cooperative Procurements In and Among the States: What’s Happening and Where It’s Headed

C. Richard Pennington, *Moderator*
McKenna Long & Aldridge LLP
Denver, CO

Arthur W. Burger
Executive Vice President
Burger, Carroll & Associates, Inc.
Santa Fe, NM

Darin Matthews, *2006-2007 NIGP President*
Procurement Division Manager, METRO
Portland, OR

Ellen Phillips, *Past NASPO President*
Operations Services Division
Commonwealth Central Procurement Office
Boston, MA

Robert Voight Shealy, *Current NASPO President*
Materials Management Officer
South Carolina Office of General Services
Columbia, SC

PROGRAM

10:00 a.m. to 10:15 a.m.

Networking Break

10:15 a.m. to 12:00 noon

“Auditions ... Making the Cut”: “Best Practices” — Terms and Conditions

- The Critical Issues
 - ◆ Limitation of Liability (and Indemnity)
 - ◆ Intellectual Property (Rights in Data)
 - ◆ Warranty
 - ◆ Contract Termination
- Recommendation and Justification of “Best Practices”

Carol Henton, *Moderator*

Vice President, State & Local

Information Technology Association of America (ITAA)
San Mateo, CA

Robert S. Metzger

Benjamin A. Winter

Staff Counsel

IBM Public Sector
Bethesda, MD

Gerard F. Amann

Accenture LLP - Legal
Reston, VA

12:00 noon to 1:30 p.m.

Program Luncheon

Presiding:

Michael A. Hordell, *Chair*

Section of Public Contract Law
Pepper Hamilton LLP
Washington, DC

Luncheon Speaker:

Not yet confirmed

1:45 p.m. to 3:15 p.m.

“Practice Makes Perfect” — Contracting for Purpose: Experience and Lessons Learned in Critical Areas of Current Contracting

- Key areas of importance
 - ◆ Representative Projects / Initiatives
 - ◆ Successes
 - ◆ Lessons Learned
 - ◆ Alternative Methods

PROGRAM

Martha L. Staley, *Moderator*

General Counsel, State of Tennessee

Department of Finance and Administration
Nashville, TN

David A. Kessler

Corporate Counsel

Symantec Corporation
Herndon, VA

Daniel J. Donohue

Akerman Senterfitt Wickwire Gavin, P.C.
Vienna, VA

3:15 p.m. to 3:30 p.m.

Networking Break

3:30 p.m. to 5:00 p.m.

“Critics, Hecklers, and Bad Press”: Current Issues in Controversy ... Ethics and Compliance, Disputes and Litigation

- Bid Protests
- State and Local False Claims
- Performance Disputes
- Ethics, Conflicts, Procurement Integrity
- “Hot Issues” that Produced Disputes

George Thomas, *Moderator*

Vice President, Construction Services

Rimkus Consulting Group, Inc.
McLean, VA

Neil H. O'Donnell

Rogers Joseph O'Donnell
San Francisco, CA

Joseph M. Goldstein

Shutts & Bowen LLP
Fort Lauderdale, FL

Robert J. Sherry

K&L Gates
Dallas, TX

Daniel R. Forman

Crowell & Moring LLP
Washington, DC

5:00 p.m. to 7:00 p.m.

Section Reception