

**American Bar Association
Section of Public Contract Law
2008 Annual Meeting Program
August 8 through August 11
New York, New York**

Unless otherwise noted, all sessions will be held at

**The Waldorf=Astoria
301 Park Avenue
(between 49th and 50th Streets)
New York, New York 10022
212-355-30000**

You must register for the Annual Meeting to attend any of the ticketed events or CLE programs.

Purchasing CLE at the 2008 Annual Meeting is easy. **ABA members can purchase an All-Access CLE Badge for \$450*** (Registration for Non-ABA Members is \$875.) **that covers registration and admittance to** governance meetings, non-CLE programs and **all CLE programs at the Annual Meeting, including those in the CLE Centre and at the satellite hotels.**

For those wishing to attend only a few CLE programs, the basic ABA member registration fee is \$175*, and individual CLE program tickets are \$75 each (\$35 each for government employees and judges).

Please note that ALL of the Section's CLE programs, including the Monday morning Construction program, will require either a CLE program ticket or the ABA All-Access CLE Badge.

If you register for the All-Access CLE Badge, do not purchase individual CLE program tickets, too.

Registration, housing, event and CLE program ticket information are detailed at the end of this brochure.

► Indicates **Public Contract Law** events.

All requests for tickets to Section functions will be processed through Experient and must be received by them by Tuesday, July 8, 2008.

Patricia A. Meagher, Chair
Section of Public Contract Law

Annual and Quarterly Programs Co-Chairs:

***Anne M. Donohue
Paul F. Khoury***

Annual Meeting Program Co-Chairs:

***E. Sanderson Hoe
Carol N. Park-Conroy
Aaron P. Silberman***

*** Increases by \$145 after May 30, 2008.**

FRIDAY, AUGUST 8

8:30 a.m. to 10:00 a.m.

CLE Program—How Judges Think

Primary Sponsor: Judicial Division and co-sponsored by the Section of Public Contract Law

Rendezvous Trianon, 3rd Floor, Hilton New York

Capitalizing on Jerome Groopman's best-seller, "How Doctors Think" (which analyzes rational—and irrational—factors influencing physicians' diagnoses), this interdisciplinary panel will explore the impact on *judicial* decision-making of a wide range of cognitive phenomena, which may taint even the (seemingly) most rigorous legal analysis. The "take-away"? Although judges may aspire to "the rule of law," logical fallacies and biases may result, in effect, in "the rule of man."

3:00 p.m. to 4:30 p.m.

CLE Program—What the Presidential Candidates Should be Saying About Judicial Selection

Primary Sponsor: Judicial Division and co-sponsored by the Section of Public Contract Law

Marquis Ballroom C, 9th Floor, Marriott Marquis

This program will feature New York Times Senior Correspondent Linda Greenhouse as moderator for a panel discussion about the criteria that Presidents should use to select federal judges. Confirmed panelists include Dean Erwin Chemerinsky, Professor Sherrilyn Ifill, and Dean Kenneth Starr. The program is designed to appeal to a wide audience of lawyers and judges, and is certain to raise thought-provoking issues close in time to the 2008 Presidential election.

SATURDAY, AUGUST 9

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

➤ **Council Breakfast**

Empire Room, Lobby Level

For 2007-2008 and nominees for 2008-2009

Section Officers and Council Members only

8:30 a.m. to 12:00 noon

➤ **Council Meeting**

Empire Room, Lobby Level

Open to all Section members

12:00 noon to 2:00 p.m.

➤ **Section Luncheon and Annual Alan E. Peterson Lecture**

Astor Salon, 3rd Floor



Luncheon Program:

**A Tribute to Honorable Ruth Cooper Burg
2008 Margaret Brent Awardee**

This year's Luncheon and Tribute is made possible by the following Sponsors who have contributed to help defray its expenses:

SECTION LUNCHEON SPONSORS

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Wiley Rein LLP
Womble Carlyle Sandridge & Rice

2:00 p.m. to 2:15 p.m.

➤ **Annual Section Business Meeting**
Astor Salon, 3rd Floor

Includes election of Officers and Council Members for 2008-2009 and other Section business.

Presiding:

Patricia A. Meagher
2007-2008 Section Chair
Rossi & Meagher LLP
San Francisco, CA

2:00 p.m. to 3:30 p.m.

CLE Program—Blackwater and Other Private Contractors: Clearing the Muddy Waters

Primary Sponsor: Criminal Justice Section and co-sponsored by the Section of Public Contract Law
Conference Room K, Executive Conference Center, Sheraton Towers

This session will attempt to shed light on issues arising from the use of private contractors in Iraq, Afghanistan and elsewhere, especially the challenges of appropriately applying and enforcing the rule of law. Concerns to be addressed include barriers to building a case or a defense: What are the ramifications of contracting out traditionally governmental responsibilities? What are the legal, policy and practical implications of how contractors, especially those operating abroad, can be prosecuted and defended? If trials are conducted overseas, where will you find the lawyers willing to risk their lives in a war zone? Session will cover how to build a case: obtaining evidence, deposing witnesses, how CIPA will affect your ability to gather relevant documents, jurisdictional issues over crimes committed in other countries, conducting and funding an investigation in a war zone, finding a competent criminal investigator that speaks the language, and obtaining evidence from non-U.S. Citizens hired by contractors. Presenters will discuss the impact of cultural issues upon how witnesses view events or convey what they see and how gender can factor in. Other issues swirling around private contractors include obstruction of justice, civil remedies, violence, murder, interrogation techniques, and fraud.

2:30 p.m. to 4:00 p.m.

- **Accounting, Cost and Pricing Committee Meeting**
Conrad Suite, 4th Floor

2:30 p.m. to 4:00 p.m.

- **Acquisition Reform and Experimental Procurement Processes Committee Meeting**
Louis XVI Room West, 4th Floor

2:30 p.m. to 4:00 p.m.

- **IT Procurement (State and Local) Committee Meeting**
Cole Porter Suite, 4th Floor

2:30 p.m. to 4:00 p.m.

- **Strategic Alliances, Teaming and Subcontracting Committee Meeting**
Park Avenue Suite South, 4th Floor

2:30 p.m. to 4:30 p.m.

- **Long Range Planning Committee Meeting**
Carnegie Suite, 18th Floor

4:00 p.m. to 5:30 p.m.

➤ **Battle Space and Contingency Procurements Committee Meeting**

Cole Porter Suite, 4th Floor

6:30 p.m. to 8:30 p.m.

➤ **Section Reception
The University Club,
7th Floor Dining Room**

One West 54th Street (54th Street and Fifth Avenue)



Advance reservations and payment of guest tickets must have been received by Experient by July 8.

This gracious social gathering, for Section members and their guests and honoring the incoming Section Chair, is made possible through the generosity of the following Sponsors who have contributed to defray its expenses.

RECEPTION SPONSORS

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The University Club's Dress Code is strictly enforced by the Club's staff. Male guests are required to wear jackets, dress shirts and ties. Female guests are required to wear clothing meeting similar standards: tailored clothing that otherwise conforms to this rule including suits, dresses and skirts or tailored trousers with dress shirts, blouses or sweaters. Casual sportswear and footwear are not considered appropriate attire.

Cell phones and similar electronic devices must be silent and must not be used in any of the public areas of the Club.

SUNDAY, AUGUST 10

8:30 a.m. to 11:30 a.m.

➤ **CLE Program—The Business of International Public Procurement**

Astor Salon, 3rd Floor

International public procurement is a growing business that is as diverse as the world in which we live while at the same time accomplishes common goals. This program will explore the varied techniques employed in the international market place to procure public goods and services and the unique challenges faced by U.S. contractors in accounting for the costs they incur when providing goods and services abroad.

An Introduction to Public Procurement Outside the United States

Every government and many international organizations engage in significant public procurement, some within the framework of the WTO's Agreement on Government Procurement and many using indigenous techniques. This panel presents experts in the procurement systems of some of the largest markets outside the United States – such as the EU, China and India – as well as in procurement rules of major International Organizations – such as the United Nations and the World Bank. This round table discussion will address differing approaches to common public procurement issues such as:

- ◆ The tendering process – Who can participate and can they be challenged?
- ◆ Conflicts of interest and procurement integrity – How do the systems ensure transparency and fairness?
- ◆ New trends in international public procurement – Understanding Public Private Partnerships, Framework Contracts and other emerging contract vehicles
- ◆ Disputes resolution – Is there a process and fair forum to resolve performance or other disputes?

Alan W.H. Gourley, *Moderator*
Crowell & Moring LLP
Washington, DC

Ciara Kennedy-Loest
Lovells
Brussels, Belgium

Yaqin Song
Visiting Scholar, George Washington University
Ph.D candidate, Tsinghua University
Beijing, China

Mark J. Riedy
Andrews Kurth LLP
Washington, DC

Henry Nardi
Mediator - Consultant
Formerly Assistant Director, UNOPS
St. Petersburg, FL

Jean-Jacques Verdeaux
Senior Counsel, Procurement
World Bank
Washington, DC

The Costs of Procurement Business Abroad

Government contractors perform work abroad in a multitude of ways. Among them are making direct

commercial sales (DSC) to a foreign government and foreign military sales (FMS), performing U.S. government contracts in a foreign country, and acting as a subcontractor to a foreign prime. In doing so, contractors encounter costs that do not surface in the domestic arena. Worse still, contractors often discover that they must incur unexpected expenses once contracts are already in place and pricing has been set. This accomplished panel will take us on a journey around the world, identifying costs unique to government contracting abroad.

- ◆ What are the challenges facing government contractors and other businesses that provide goods and services in developing countries?
- ◆ What type of regulatory and investigative due diligence is required before entering a foreign country to conduct business? What are the due diligence concerns?
- ◆ How should contractors resolve the costs associated with the employment, labor and benefits of foreign nationals? What are the unique requirements?
- ◆ Is it possible to identify and accomplish offset projects required under contracts with foreign governments? How does a contractor go about accomplishing offsets?
- ◆ What are the tax implications of doing business abroad when there is no Status of Forces Agreement (SOFA) in place? What are the other implications of tax treaties or the lack thereof?
- ◆ What are the principal cost allowability issues in contracting abroad?

Paul E. Pompeo, *Moderator*

Arnold & Porter LLP
Washington, DC

Donald C. Dowling, Jr.

International Employment Counsel
White & Case LLP
New York, NY

Thomas Fuller

International Tax Advisor
Deloitte Consulting
Washington, DC

Andrew S. Levetown

Managing Director
Forensic and Litigation Consulting
FTI Consulting
Washington, DC

Diane A. Perone

Senior Counsel
U.S. Agency for International Development
Washington, DC

Kathleen E. Troy
Senior Counsel
Raytheon International, Inc.
Arlington, VA

11:30 a.m. to 1:30 a.m.

**18th Annual Margaret Brent Women Lawyers
of Achievement Awards Luncheon**

*Metropolitan Ballroom, Sheraton
New York Hotel and Towers*



**Honorable Ruth Cooper Burg
will be among the 2008 Award Honorees**

2:00 p.m. to 5:00 p.m.

➤ **CLE Program—Renewable Energy and Transportation:
An Afternoon at the Intersection of Law,
Finance, Politics and Public Necessity**

Astor Salon, 3rd Floor

This program will take an in-depth look at a growing area of interest to practitioners and policy-makers – the delivery of critical goods and services in an era of shrinking government budgets and declining interest in more public debt. From the financial capital of the world, New York City, two panels will examine how the private capital markets interface with the legal and political worlds to provide the public with new and innovative goods and services during challenging economic times.

The Promise of Renewable Energy

With the huge growth in interest in renewable energy and energy efficiency in the commercial markets over the last year has come a tremendous growth in interest by state and federal governments. Whether to smooth out volatile energy prices, cut a growing cost, or put idle resources to work, state and federal governments have been pursuing energy projects at a record pace.

- ◆ How do public entities purchase renewable energy?
- ◆ What are the available mechanisms for the purchase of renewable energy generated on site?
- ◆ How important are the tax benefits to making a project work?
- ◆ How do Federal entities do it?
- ◆ Can state and local entities take advantage of power purchase agreements?
- ◆ Who bears pricing risk?

Christopher J. Lord, Moderator
Senior Vice President and General Counsel
Hannon Armstrong Capital LLC
Annapolis, MD

John Dotson

Vice President and General Counsel
Chevron Energy Solutions LP
San Francisco, CA

James F. Duffy

Nixon Peabody LLP
Boston, MA

Scott Provinse

Associate General Counsel
SunEdison LLC
Beltsville, MD

Kathryn Halvorson, SES, DAF

Director
Air Force Real Property Agency
Arlington, VA

The Promise of Enlightened Transportation

Jurisdictions across the United States have been exploring light rail solutions to alleviate their urban congestion problems. Many creative solutions have been looking at the convenience of at-grade surface light rail. This allows urban planners to integrate the rail system into an urban community framework. One such project that has been considered for decades is a light rail system moving east-west along 42nd Street in New York City, commonly known as vision42.

- ◆ Why should a project like this be supported in New York City?
- ◆ What are the federal, state and local agency programs that can be accessed for funding transit capital projects?
- ◆ What are the benefits and limitations to these programs?
- ◆ Can a complex urban transit project such as vision42 use traditional sources of funding?
- ◆ What are the other options for funding such a transit project?
- ◆ Are public-private partnerships an option to making a project like this a reality?

Sotiris Pagdadis, Ph.D, Moderator

Managing Director
McKenna Long & Aldridge LLP
New York, NY

Roxanne Warren, AIA

Chair
vision42
New York, NY

George Haikalis, ASCE

President
Institute for Rational Urban Mobility, Inc.
New York, NY

Regina Armstrong

Principal
Urbanomics, Inc.
New York, NY

Daniel Biederman

President
Bryant Park Restoration Corporation
New York, NY

MONDAY, AUGUST 11

7:00 a.m. to 7:30 a.m.

➤ **Construction Program Continental Breakfast**

Astor Salon, 3rd Floor

This continental breakfast is included in the ABA All-Access CLE Badge or CLE program ticket used for the program that follows.

7:30 a.m. to 9:00 a.m.

➤ **CLE Program—Contract Terminations:
The Death Penalty**

Astor Salon, 3rd Floor

This 90-minute CLE program and 7:00 – 7:30 a.m. continental breakfast are made possible by Smith Pachter McWhorter, PLC, Gold Sponsor, and Smith, Currie & Hancock, LLP, Silver Sponsor, whose contributions have helped to defray its expenses.

Termination for default of a contractor's right to proceed with work under a federal contract can be devastating. It can result in loss of a surety bond line and an unsatisfactory performance rating. A termination for convenience of the government results in a loss of anticipated profit and leaves a contractor scrambling to cover a gap in its anticipated workload. This experienced panel will discuss the process and offer some suggestions for dealing with both forms of termination.

Hubert J. Bell, Jr., Moderator

Smith, Currie & Hancock LLP
Atlanta, GA

- ◆ Termination for Default and Termination for Convenience

Christine M. McAnney

General Counsel
Balfour Beatty USA
Atlanta, GA

- ◆ Damages and Convenience Termination Settlements

Stephen J. Kiraly

Litcon Group
Alexandria, VA

- ◆ A View from the Bench

Steven L. Reed

Former Board of Contract Appeals Judge
Smith, Currie & Hancock LLP
Washington, DC

9:00 a.m. to 12:00 noon

- ▶ **CLE Program— Moving Fast: Up-to-the-Minute Developments in the False Claims Act and Nimble Negotiation of Subcontracts Under Federal Services Contracts**

Jade Room, 3rd Floor

This summer, the United States Supreme Court will be interpreting several key aspects of the False Claims Act in the *Allison Engine* case. Meanwhile, the Congress is debating the False Claims Act Correction Act, which could significantly overhaul the Act. Practical issues raised by these developments will be addressed by the first panel. During the second part of the program, panelists will conduct a mock negotiation of services subcontracts under a system integrator prime contract. They will highlight hot button issues related to commercial and non-commercial flowdown obligations and focus on the clauses that put prime contractors between a rock (the Federal government) and a hard place (service subcontractors).

Trying to Fix the False Claims Act: Allison Engine, the FCA Correction Act, and Their Practical Impact on Qui Tam Litigation

This year has seen two landmark attempts to improve the practical operation of the False Claims Act: (1) the United States Supreme Court's review of the presentment requirement in *Allison Engine Co. v. United States ex rel. Sanders*; and (2) the United States Congress's first serious try to overhaul of the False Claims Act in over 20 years in the False Claims Act Correction Act. These efforts by the Supreme Court and Congress could significantly alter the basic shape of False Claims Act litigation generally, and *qui tam* litigation in particular. Panelists from the Justice Department, the defense bar, the relator's bar, and the academic community will address practical issues raised by these developments, including:

- ◆ How did the Supreme Court decision in *Allison Engine* impact the litigation strategies of the Justice Department, relators, and defendants?
- ◆ What is the current status of the proposed reforms in the False Claims Act Correction Act?
- ◆ How have the Supreme Court and Congress impacted tactics and strategies employed by *qui tam* relators?

- ◆ How have the Supreme Court and Congress changed the way the Justice Department evaluates and processes *qui tam* suits?
- ◆ How have the Supreme Court and Congress affected defense strategy when a company learns of the potential for False Claims Act *qui tam* claims?

David F. Innis, *Moderator*

Rogers Joseph O'Donnell
San Francisco, CA

Professor Pamela Bucy

University of Alabama School of Law
Tuscaloosa, AL

Gordon A. Jones

Senior Trial Counsel, Civil Division
U.S. Department of Justice
Washington, DC

Robert L. Vogel

Vogel, Slade & Goldstein
Washington, DC

Robert S. Salcido

Akin Gump Strauss Hauer & Feld, LLP
Washington, DC

Negotiating the Serviceable Subcontract: The Flow of Government Policies/Requirements Versus Prime Contractor & Subcontractor Interests

The panel's presentation will include a mock negotiation of commercial and noncommercial services subcontracts under a system integrator prime contract, with focus on special issues that arise in flowing down FAR and DFARS clauses and provisions in services subcontracts, such as the DFARS clauses on intellectual property rights, the termination for default, termination for convenience and changes clauses. The panel will explore how the FAR clauses are flowed to services subcontractors, and when it is advisable to flow a clause or provision, even if flow-down is not mandatory.

- ◆ "If it's not a required flowdown, why is it advisable?"
- ◆ Issues unique to services subcontracting
- ◆ Key differences between non-commercial and commercial-item subcontract terms
- ◆ Losing one's shirt: options, terminations and dispute resolution
- ◆ Intangible assets in service subcontracts—rights in software and technical data and the procedural quirks in the FAR and DFARS

Aileen (Ally) Heim, Moderator
Accenture
Reston, VA

Alan Dickson
Holland & Knight LLP
Los Angeles, CA

David H. Stoughton
Counsel
Raytheon Company
Riverdale, MD

Kimberly C. Welch
Meridian Law Group
San Francisco, CA

12:00 noon to 2:00 p.m.

➤ **6th Annual Ruth C. Burg Luncheon for Women in Public Contract Law**

*Nino's Positano Restaurant,
890 Second Avenue
(between 47th & 48th Streets)*



This year's Luncheon is made possible through the generosity of the following Sponsors who have contributed to defray its expenses:

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COMING ATTRACTIONS

NOVEMBER 14 – 15, 2008

**Fall Educational Program and
Open Council Meeting**

Embassy Suites Hotel Napa Valley, Napa, CA

MARCH 5 - 7, 2009

**15th Annual Federal Procurement Institute and
Open Midyear Council Meeting**

Loews Annapolis Hotel, Annapolis, MD

MAY 15 - 16, 2009

**4th Annual State and Local Procurement
Symposium and Open Spring Council Meeting**

Hotel InterContinental, New Orleans, LA

JULY 31 - AUGUST 3, 2009

**Annual Educational Programs
and Open Council Meeting**

InterContinental Chicago, Chicago, IL

NOVEMBER 13 – 14, 2009

**Fall Educational Program and
Open Council Meeting**

Disney's Contemporary Resort, Lake Buena Vista, FL

MARCH 4 - 6, 2010

**16th Annual Federal Procurement Institute
and Open Midyear Council Meeting**

Loews Annapolis Hotel, Annapolis, MD

MAY 14 - 15, 2010

**5th Annual State and Local Procurement
Symposium and Open Spring Council Meeting**

Renaissance Seattle Hotel, Seattle, WA

AUGUST 6 - 9, 2010

**Annual Educational Programs
and Open Council Meeting**

Hotel not yet assigned, San Francisco, CA

IMPORTANT MEETING INFORMATION

Room Reservations and Registration

Room reservations and registration for the Annual Meeting must be processed through the ABA Official Registrar, Experient (formerly International Travel Service (ITS)). For more information on registration and housing, visit the ABA website at www.abanet.org/annual/2008 or call Experient directly at 800-421-0450.

You may also register online for the meeting, order event and CLE program tickets, and request hotel accommodations at: <https://reg.itsmeetings.com/lts/0808abany/choices.asp>

CLE Pricing Options

You must register for the Annual Meeting to attend any of the CLE programs. Purchasing CLE at the 2008 Annual Meeting is easy. Attendees can purchase an All-Access CLE Badge for **\$450*** that will gain them admission to non-CLE programs and ALL CLE programs at the Annual Meeting, including those in the Presidential CLE Centre and at the satellite hotels.

Members whose primary focus at the Annual Meeting is governance, and who may only be able to attend a few CLE programs, can register for the Annual Meeting for the **\$175*** fee that includes admittance to all governance and non-CLE programs, and purchase individual CLE program tickets for \$75 each. Discounted CLE program tickets will be available to registered government lawyers and judges for only \$35 each. Admittance to each CLE program will require one individual program ticket OR the All-Access CLE Badge.

Please note that ALL of the Section's CLE programs, including the Monday morning Construction program, will require either a CLE program ticket or the ABA All-Access CLE Badge.

To purchase your individual CLE program tickets, complete the Advance Event/CLE Program Ticket Order Form on the last panel of this brochure and return it directly to Experient with your payment. Financial scholarship applications are available for the Section's New York CLE programs. To request an application or receive additional information, contact: Marilyn Neforas at 312-988-5596 or neforasm@staff.abanet.org.

If you register for the All-Access CLE Badge, do not purchase individual CLE program tickets, too.

For admittance to any CLE program, registrants must wear their ABA 2008 Annual Meeting badge and present to the staff at the door either their one individual CLE program ticket OR the All-Access CLE Badge. So, don't leave any of these items in your hotel room!

*** Increases by \$145 after May 30, 2008.**

RECENT PUBLICATIONS

Guide to Service Subcontract Terms and Conditions

This is THE indispensable guide for anyone drafting federal service subcontracts. The result of ongoing efforts since June 2006, this first edition of the "Guide" includes model mandatory and advisable FAR provisions; a section on certifications and representations; sections specific to Commercial Clauses and DFARS Clauses; and a matrix of mandatory, advisable and negotiable clauses. The User's Guide provides a reference on relevant FAR clauses for drafting and negotiating subcontracts for services.

PC # 539-0259 — paperback — 375 pages — 2008

Section Members: \$50.00—Non Members: \$60.00

2007 Model Code for Public Infrastructure Procurement

The 2007 Model Code for Public Infrastructure Procurement ("2007 MC PIP") is a condensation of the ABA 2000 Model Procurement Code for State and Local Governments ("2000 MPC"). The 2007 MC PIP is intended to guide state and local jurisdictions wishing to use new methods of public and private collaboration in infrastructure development to do so safely and efficiently. It provides a mechanism for these subunits of state and local government to benefit from use of the 2000 MPC's best practices for risk allocation, competition, public oversight, disputes, and other basic principles of good public procurement, without limiting their ability to use the best of innovative new methods for infrastructure design, finance, construction, and maintenance. Includes both the print version and a CD on the inside back cover of the Word and pdf versions of the 2007 MC PIP.

PC # 539-0260 — paperback — 104 pages — 2008

Section Members: \$24.95—Non Members: \$29.95

Government Contract Law:

The Deskbook for Procurement Professionals, 3rd Edition

Since publication of the Second Edition, America has transitioned from peace to war; a war where contractors are filling unprecedented roles. At home, the Federal Government is relying on contractor services to perform critical government functions. These two changes have prompted a completely updated and revised edition of this popular Deskbook. The Third Edition is a comprehensive, step-by-step guide through all aspects of federal government contracting and incorporates numerous significant changes in procurement since the Second Edition was published.

Some of the changes reflected in this new edition include:

- ◆ Lessons learned by contract attorneys deployed in support of the global war on terrorism
- ◆ Legal and regulatory regime faced by contractors performing services in a war zone
- ◆ Up-to-the-minute guidance on competitive sourcing and privatization and how a defense agency decides what services to acquire by contract and which to perform in-house, and how to compete a public workforce against the private sector.

...while still helping you to:

- ◆ Understand the purpose and content of the laws and regulations governing federal contracting—and how they apply to YOUR situation

- ◆ Know the process and the procedural requirements
- ◆ Anticipate the issues you will encounter at every step
- ◆ Avoid the many pitfalls — from minor time-wasters to potentially devastating oversights.

Based on the Contract Attorney's course of The Judge Advocate General's Law Center and School, this valuable deskbook is designed to help you safely navigate the entire federal contracting process—from pre-bidding through award, and on to protest and litigation—with the least risk to your client or company.

PC # 539-0252 — paperback — 700 pages — 2007

Section Members: \$94.95 — Non-Members: \$99.95

Contractor Team Arrangements—Competitive Solution or Legal Liability: The Deskbook for Drafting Teaming Agreements

Competition for major federal programs today generally is team versus team, and not company versus company. This monograph seeks to provide an understanding of the reasons for team formation, including the risks inherent in the team formation process, while offering a framework to facilitate successful team arrangements. It is the first deskbook written to provide a resource in the team formation process and should be considered a "must have" addition to any library.

PC # 539-0242 — paperback — 170 pages — 2006

Section Members: \$40 — Non-Members: \$50

Alternative Dispute Resolution: A Practical Guide for Resolving Government Contract Controversies, Second Edition

Provides an updated, detailed exploration of the ADR methodologies available for resolving contract controversies that may arise in the formation and/or administration of federal government contracts.

Includes a new section on agency-level bid protest ADR and updated materials on bid protest ADR at the Government Accountability Office. Expands considerably on the coverage of ADR at the Boards of Contract Appeals and U.S. Court of Federal Claims. Appendices include recent policy guidance documents. Provides sound, up-to-date, practical advice for the experienced ADR practitioner and will be a valuable tool for those unfamiliar with ADR in resolving contract controversies.

PC # 539-0232 — paperback — 350 pages — 2005

Section Members: \$45 — Non-Members: \$55

Guide to Fixed-Price Supply Subcontract Terms and Conditions, Fourth Edition

The Fourth Edition of the "Guide" includes revised general (non-FAR) provisions, a section on certifications and representations, and model clauses based on the FAR and DFARS into July 2004 (both short-form and full-text versions), and a revised "Best Practices" section. The User's Guide provides a road map for drafting and negotiating subcontracts based on the model terms and conditions. This is THE indispensable guide and form book for drafters of federal supply subcontracts.

PC # 539-0233 — paperback — 240 pages — 2005

Section Members: \$40 — Non-Members: \$50

Call the ABA Service Center at 800-285-2221 to order by phone.

PUBLIC CONTRACT LAW SECTION CLE PROGRAMS NOW AVAILABLE ONLINE AND ON CD

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- ◆ Inventions In and Around a Government Project: What Invention Rights Does the Government Really Need?
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2007 ABA Annual Meeting

- ◆ Addressing Organizational Conflicts of Interest and the New Wave of Government Oversight
- ◆ New Rules and New Issues in Biodefense and Contingency Support
- ◆ Protecting Privacy and Security: Issues for the Government and Its Contractors

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- ◆ Best Practices in Acquisition Practice and Procedures
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- ◆ Contracting for Purpose – Experience and Lessons Learned in Critical Areas of Current Contracting
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Visit www.abanet.org/contract/admin/cle.html and click on the program links for more details about these and other Public Contract Law Section West LegalEdcenter online CLE programs. For technical help or assistance with enrolling in a program, please call West’s toll-free technical support line at 1-800-495-9378. Technical support is available 24 hours a day, 7 days a week, 365 days a year.

ABA-CLE Public Contract Law Teleconference CDs

A number of highly-successful 90-minute teleconferences have been held during the past 18 months on a variety of topics related to public contract law. If you couldn't participate in person, you can still benefit from the speakers' presentations and materials.

As a Section member, you'll be able to purchase the CDs of these teleconferences at a reduced rate. Full descriptions of these 90-minute sessions are available by visiting the following link on the Section's website: <http://www.abanet.org/contract/programs.shtml#tele> and clicking on "View More Course Materials" under "Past Section Teleconferences."

- ◆ Contractor Teaming Arrangements: Competitive Solution or Legal Liability?
- ◆ False Claims Act Update: Insider's View on Liability
- ◆ Government Contract Claims: The Expanding Litigation Battlefield
- ◆ Hot Topics in Federal Government Acquisition of Software
- ◆ How to Defend Patent Rights When Uncle Sam Is Your Partner
- ◆ Legislative Developments in Offshoring: Opportunity or Potential Peril?
- ◆ Liability Allocation in Government Information Technology Contracts
- ◆ Organizational Conflicts of Interest: Practical Considerations in the Face of Developing Law
- ◆ *Atlantic Research*: The Impact of the Supreme Court's Decision on Allocation of Environmental Costs between Contractors and the Government
- ◆ India - The Lay of the Land (Part One)
- ◆ The Wild West of Indian Procurement (Part Two)
- ◆ The Indian Summer of Indian Defense Contracts (Part Three)
- ◆ The Most Important Government Contracts Related Decisions of 2007

Please watch your e-mails for news about the following Teleconference Educational Programs that are being planned:

- ◆ What Makes Federal Supply Schedule Protests Different?:
Moderated by Gerard Doyle of Doyle & Bachman LLP
- ◆ State and Local Construction and Federal Grants:
Organized by Mark Hanson of Smith Pachter McWhorter, PLC
- ◆ New Rules on Government Contractor Ethics and Compliance:
Moderated by Alison Doyle of McKenna Long & Aldridge LLP

**An Invitation to All Members of the
Section of Public Contract Law
to the
2008 Annual Cocktail Reception—New York
on
Saturday, August 9
6:30 p.m. to 8:30 p.m.
The University Club, One West 54th Street**

WHO MAY RECEIVE TICKETS

Each Section member **registered** for the ABA Annual Meeting **may order ONE free ticket for the Reception**. You **MUST ORDER** your free ticket. It is **NOT AUTOMATICALLY INCLUDED** as part of your registration. Additional tickets may be purchased for **\$50.00 each for adult guests and \$25.00 each for guests under 18**.

WHERE TO SEND TICKET REQUESTS

All requests for Reception tickets must be received by July 8. A form for ordering tickets is **on the last panel**. Please complete this ticket order form without delay and return it to: **ABA/Experient Group, 108 Wilmot Road, P.O. Box 825, Deerfield, IL 60015-0825, or by fax to: 800-521-6017 for credit card orders only**.

Do not send your ticket order to any address other than Experient, or it will not be processed.

**WHERE TO PICK UP EVENT
AND CLE PROGRAM TICKETS**

All **pre-ordered** All-Access CLE Badges or CLE program tickets and tickets to the Reception and other Section events **will be in your pre-registration packet at the ABA Registration Desk in the Rhinelander Room, 2nd Floor, at the Hilton New York**.

Registration hours are 8:00 a.m. to 6:00 p.m. from Thursday, August 7, through Saturday, August 9, and 8:00 a.m. to 5:00 p.m. from Sunday, August 10, through Tuesday, August 12. **You must be registered for the Annual Meeting to order CLE program tickets or tickets to any Section events**.

TICKETS ARE ABSOLUTELY REQUIRED

No requests for Reception tickets can be honored by Experient after July 8, and payment for tickets must be received by that date. Admittance to the Reception will be by ticket only.

**ABA Section of Public Contract Law
2008 Annual Meeting
Advance Event/CLE Program Ticket Order Form**

Date	Code	Event	Qty	Price	Ext.
8/9	SDP1	Council Meeting and Agenda Book	_____	n/c	_____
	CLE1	CLE Program Ticket	_____	\$ 75	_____
	CLE1	CLE Program Ticket for Judges and Government Employees	_____	\$ 35	_____
8/9	SDP2	Annual Section Luncheon	_____	\$ 60	_____
8/9	SDP3	Reception (Limit 1 for registered Section member) Admittance by ticket only. Ticket MUST BE ORDERED in advance.	_____	n/c	_____
8/9	SDP4	Reception (Adult Guest)	_____	\$ 50	_____
8/9	SDP5	Reception (Guest under 18)	_____	\$ 25	_____
8/11	SDP6	Ruth C. Burg Luncheon for Women in Public Contract Law	_____	\$ 40	_____

Total Event and CLE Program Ticket Order \$ _____

Deadline for Receipt of Ticket Order: July 8, 2008

Payment: Check AmEx MasterCard Visa

Credit Card # _____

Exp. Date: _____

Signature: _____

No refunds within 72 hours preceding the function or after it has taken place.

All checks should be made payable to **ABA/Experient Group**.

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Email: _____

Section of Public Contract Law
321 North Clark Street
Chicago, Illinois 60610



DATED MATTER

Register by May 30, 2008 to qualify for the ABA Early Bird Registration discount. After May 30, fee increases by \$145!

See reverse side of this panel to order tickets for the Saturday, August 9, Section Reception at The University Club of New York, other Section ticketed events, and CLE programs. Act now!

Deadline for receipt of all ticket orders by Experient is Tuesday, July 8.

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