

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

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DATED MATTER

**Make your hotel reservations now.
The Omni Austin Hotel Downtown
will release our room block on Thursday,
April 10, 2008, at 5:00 p.m. CST.**



*American Bar Association
Section of Public Contract Law*



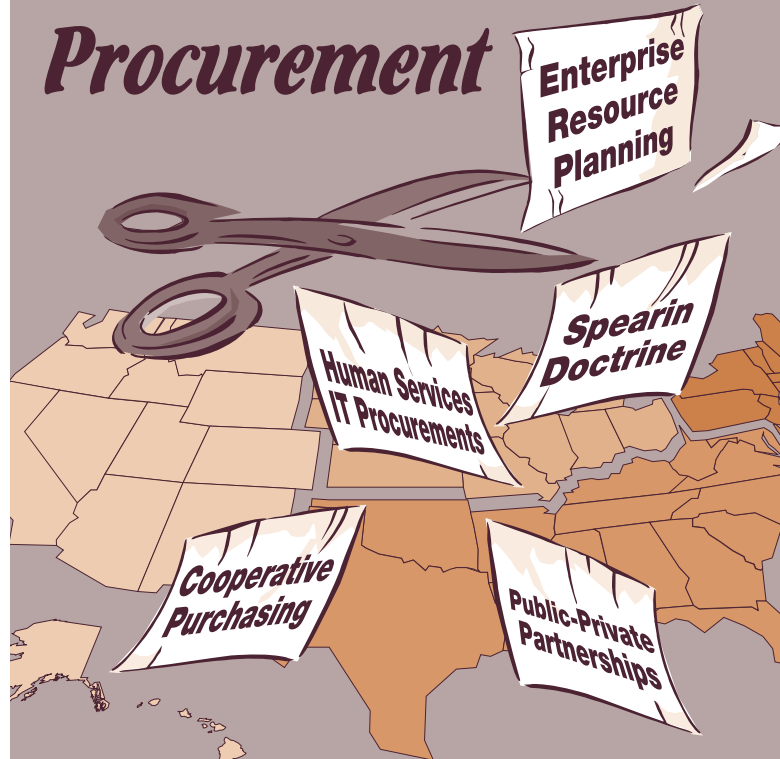
*National Association of
State Procurement Officials*

*National Institute of
Governmental Purchasing, Inc.*



*Information Technology
Association of America*

3rd Annual State and Local Procurement Symposium *Cutting-Edge Issues in State and Local Procurement*



May 1-2, 2008

**Omni Austin Hotel Downtown
Austin, Texas**

Austin, Texas is a place that values creativity and maverick thinking. It is only fitting that Austin is the site of the 3rd Annual State and Local Procurement Symposium which will explore **cutting edge issues in state and local procurement throughout the United States.**

Economic and practical considerations are forcing state and local governments to become more creative and to try **new approaches to purchasing.** The world of state and local procurement is a rapidly changing world. In this dynamic environment, anyone involved in state and local procurement should be aware of the **latest trends and issues,** whether you are in private practice, work for the government, or are with a company that contracts with government.

This interactive program will present an overview of cutting edge issues and **emerging state and local procurement trends** in four regions of the country. Each presentation will begin with a brief overview of the **cutting edge issues in a particular region or industry followed by a panel discussion of one of those “hot topics.”** There will also be a special panel presentation hosted by the Information Technology Association of America that will examine the **latest issues in IT contract negotiations.** Through this program, you will learn about:

- ✂ How governments are making the most of **Enterprise Resource Planning**
- ✂ The manner in which the *Spearin doctrine* is changing **construction procurements** and specific challenges this doctrine presents in situations such as the recent **Minnesota I-35W bridge collapse**
- ✂ Unique contract **negotiation issues in Human Services IT Procurements,** and efforts to find “middle ground” between the public and the private sectors
- ✂ The Texas approach to **purchasing simpler, smarter and faster**
- ✂ New methods of cooperative purchasing, including **multi-state cooperative purchasing of services**
- ✂ The latest trends and developments in **public-private partnerships**

The program will kick-off with an **ethics practicum on the afternoon of May 1, 2008 during which the latest issues in ethical legal conflicts** will be discussed, followed by a welcome reception. Please join us in Austin for what promises to be an unparalleled program that will explore the creative and eclectic nature of state and local procurement. This program, just like Austin, will stand apart from the rest.

PROGRAM SPONSORS

The Section gratefully acknowledges the very generous support from the following sponsors for this 3rd Annual State and Local Procurement Symposium:

GOLD

KROLL

SILVER



OTHER PLANNED EVENTS

Thursday, May 1, 2008

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

Ethics Practicum—Running With Scissors: Cutting Edge Issues in Ethical Legal Conflicts

- ✂ Within law firms
- ✂ Within corporate legal offices
- ✂ Within government legal offices
- ✂ When attorneys move between law firms, corporations, and the government

Jennifer L. Dauer, *Co-Moderator*

Diepenbroek Harrison LLP
Sacramento, CA

David F. Innis, *Co-Moderator*

Rogers Joseph O'Donnell
San Francisco, CA

Timothy M. Connelly

Eckland & Blando LLP
Minneapolis, MN

Cheryl Burtzel

McGinnis, Lochridge & Kilgore
Austin, TX

5:30 p.m. to 7:30 p.m.

Meet and Greet Reception hosted by Gardere Wynne Sewell LLP at the Headliners Club

The Section gratefully acknowledges the generosity of the firm for hosting this Reception for program speakers and meeting attendees. It will be held at the **Headliners Club, 21st Floor, 221 West 6th Street, about 5 blocks from the hotel.**

Saturday, May 3, 2008

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 2, 2008

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

Registration

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

Welcome and Introduction

Melissa J. Copeland, *Program Co-Chair*

Williams Mullen
Raleigh, NC

Karen D. Walker, *Program Co-Chair*

Holland & Knight LLP
Tallahassee, FL

8:15 a.m. to 9:30 a.m.

Trends and Issues in Enterprise Resource Planning and Multi-State System Projects

- ✂ Overview of standard Enterprise Resource Planning (“ERP”) agreements
- ✂ Current trends for pricing, testing, ownership, liabilities, remedies and damages limitation terms
- ✂ Differences between federal and state and local ERP transactions
- ✂ Lessons learned from ERP project successes and failures
- ✂ Anatomy of a multi-state cooperative procurement of an information technology system under a federal program

Richard S. Wyde, *Co-Moderator*

Garvey Schubert Barer
Seattle, WA

Richard C. Pennington, *Co-Moderator*

McKenna Long & Aldridge LLP
Denver, CO

Steve Aragón

Chief Counsel
Texas Health & Human Services Commission
Austin, TX

Joseph C. Figini

Vice President & General Counsel
CGI Technologies and Solutions Inc.
Fairfax, VA

9:30 a.m. to 10:45 a.m.

Government Contractor Liability and the Spearin Doctrine: Stakeholder Responses to the I-35W Bridge Collapse

- ✂ How state government policies have been impacted by the disaster
- ✂ The *Spearin* Doctrine: Origins, development and current application in federal and state courts
- ✂ Summary of claims made by the I-35W plaintiffs
- ✂ Defenses available to potential defendants and how to assert them

PROGRAM

Jeff H. Eckland, *Moderator*

Eckland & Blando LLP
Minneapolis, MN

Chris A. Messerly

Robins, Kaplan, Miller & Ciresi L.L.P.
Minneapolis, MN

Betsy Hayes

State Program Administration Manager Senior
Minnesota Department of Administration
Minneapolis, MN

Kyle E. Hart

Fabyanske, Westra, Hart & Thomson, P.A.
Minneapolis, MN

10:45 a.m. to 11:00 a.m.

Networking Break

11:00 a.m. to 12:15 a.m.

Emerging Issues in Human Services IT Procurements: Finding the Middle Ground on Contract Terms and Conditions

- ✂ Overview of the issues, practices, and conflicts in state and local government human services IT systems and services acquisitions
- ✂ Recent developments in these procurements
- ✂ Recommendations to increase the chances for successful procurements and project outcomes
- ✂ Update on Congressional and federal oversight roles

Carol Henton, *Moderator*

Vice President, State & Local
Information Technology Association of America
San Mateo, CA

Rebecca Breitbard

Associate Group Counsel, Public Services
BearingPoint Management & Technology Consultants
Sacramento, CA

Heidi Robbins Brown

Deputy Assistant Secretary
Health and Recovery Services Administration
Washington Department of Social and Health Services
Olympia, WA

12:15 a.m. to 1:45 p.m.

Program Luncheon

Presiding:

Patricia A. Meagher, *Chair*

Section of Public Contract Law
Rossi & Meagher LLP
San Francisco, CA

Luncheon Speaker:

The Honorable Susan Combs

Texas Comptroller of Public Accounts
Austin, TX

Simplified & Streamlined: TPASS Focuses on Strategic Sourcing

PROGRAM

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

The Forefront of Cooperative Purchasing

- ✂ Coordinating multi-state assessment tests—from specs to source selection
- ✂ Acquisition and administration lessons learned from complex developmental projects

Gary Campbell, *Moderator*

McCarter & English LLP
Boston, MA

Kent Allin

Director, Materials Management Division
Minnesota Department of Administration
St. Paul, MN

Mark D. Colley

Arnold & Porter LLP
Washington, DC

Tracy Feanny

Counsel, Public
Dell, Inc.
Round Rock, TX

Dana L. King

GSP State Procurement Analyst
Ohio Department of Administrative Services
Columbus, OH

3:30 p.m. to 3:45 p.m.

Networking Break

3:45 p.m. to 5:00 p.m.

Public-Private Partnerships—Managing Risks, Unlocking Rewards

- ✂ Understanding stakeholders and their perspectives
- ✂ Identifying and allocating risks
- ✂ Value beyond capital contribution
- ✂ Future trends

Frederick J. Springer, *Moderator*

Bryant Miller Olive
Tallahassee, FL

Dana C. Nifosi

Venable LLP
Vienna, VA

Amanda Wallace

Senior Vice President
Macquarie Securities (USA) Inc.
New York, NY

Patrick D. Harder

Nossaman Guthner Knox & Elliott LLP
Los Angeles, CA

5:30 p.m. to 7:30 p.m.

Section Reception

RECEPTION SPONSORS

We gratefully acknowledge the contributions from the following firms to help defray the costs of all the Section's Quarterly Receptions this year:

Akerman Senterfitt Wickwire Gavin
Arent Fox LLP
Arnold & Porter LLP
Beers + Cutler PLLC
The Boeing Company
Cooley Godward Kronish LLP
Crowell & Moring LLP
Dickstein Shapiro LLP
Diepenbrock Harrison LLP
DLA Piper US LLP
Doyle & Bachman LLP
Fried, Frank, Harris, Shriver & Jacobson LLP
FTI Consulting
Gibson, Dunn & Crutcher LLP
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Thompson Coburn LLP
Venable LLP
Vinson & Elkins LLP
Watt, Tieder, Hoffar & Fitzgerald, L.L.P.
Wiley Rein LLP
Womble Carlyle Sandridge & Rice

HOTEL INFORMATION

The Omni Austin Hotel Downtown, at 700 San Jacinto at 8th Street, is centrally located inside historic downtown. Nearby sites and attractions include the State Capitol; theatre district; 6th Street Entertainment District and 4th Street Warehouse District—noted for their wide variety of restaurants, bars and clubs.

Inside this AAA four-diamond hotel are Texas-sized guest rooms with plush robes, in-room coffee makers and complimentary coffee, and other amenities. The complimentary fitness center features cross trainers, treadmills, StairMasters, recumbent bikes, free weights with adjustable bench, dry sauna as well as a rooftop heating swimming pool and heated whirlpool.

Austin Bergstrom International Airport is 11-miles and about 20 minutes, from the hotel. Super Shuttle Austin provides 24-hour transportation to and from the airport for approximately \$10 one way, and \$18 round trip. At the airport, this shuttle is available in the baggage claim area. The hotel concierge can schedule your requested pick-up time with Super Shuttle. Cab fare between the airport and hotel will range between \$20-\$25, plus tip.

Room rates at the Omni Austin Hotel Downtown are \$165, single or double, plus 15% tax per room per night. A limited number of rooms are available to government employees at \$85. Proof of employment by a federal, state, or local government agency will be required at check-in to be entitled to this \$85 room rate. Self-parking for meeting attendees is \$7 per day. For hotel guests, the daily rate is \$15 for self-parking and \$20 for valet.

You may reserve your accommodations by calling the hotel directly at 800-843-6664, identifying the **ABA Public Contract Law 2008 Spring Meeting** room block, and guaranteeing your reservation by credit card or deposit check. Rooms will be available for check-in no later than 3:00 p.m. 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 72 hours prior to the scheduled day of arrival to avoid a one-night cancellation charge.**

Make your reservations NOW. The hotel will release the room block on Thursday, April 10, 2008.

SPECIAL AIRLINE DISCOUNTS

Airfare discounts are available through ABA Online Travel or directly from the airline. To access ABA Online Travel, go to www.abanet.org/travel and click on the Online Travel link at the top of the page. If you are calling American Airlines directly at 800-433-1790, please reference Discount Code 18395.

CANCELLATION POLICY

Requests for refund must be made in writing and received in the Section of Public Contract Law's office on or before April 25, 2008. **Refund requests received after April 15 will be reduced by a \$25.00 administrative fee.** Substitutions may be made at any time.

A registration submitted online or by mail, fax, or PDF to the Section 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.

NO REFUNDS WILL BE MADE AFTER APRIL 25, 2008.

CLE CREDIT

Accreditation has been requested for this program from every state (including CA and PA) with mandatory continuing legal education (MCLE) requirements for lawyers. Please be aware that each state has its own rules and regulations, including its own definition of "CLE". Attorneys seeking to obtain credit in Pennsylvania must pay fees directly to the PACLE. Please be prepared to remit payment to the PACLE (\$2 per credit hour or any portion thereof) after the program. Certificates of attendance will be available at the conclusion of 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 800-285-2221 starting 2 to 3 weeks before the program.

COMING ATTRACTIONS

AUGUST 8–11, 2008

Annual Educational Programs and Open Council Meeting

THE WALDORF=ASTORIA, NEW YORK, NY

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

REGISTRATION APPLICATION

Send directly to:

Marilyn M. Neforas

American Bar Association

321 North Clark Street, M/S 19.1

Chicago, Illinois 60610

312-988-5596— Fax: 312-988-6033

neforasm@staff.abanet.org

Register online at: <http://www.abanet.org/contract/admin/programs/2008spring.html>

Please register the following person for the *Public Contract Law (PCL) Section 3rd Annual State and Local Procurement Symposium—Cutting Edge Issues in State and Local Procurement* on Friday, May 2, 2008, at the Omni Austin Hotel Downtown, Austin, Texas.

1 Registration Fee:

- \$240 Member *PCL* Section, NASPO, NIGP, ITAA
- \$195 Government Employee of *PCL*, NASPO, NIGP, ITAA
- \$215 Other Government Employee
- \$295 ABA Member, *PCL* Non-Member
- \$350 Non-ABA Member
- \$40 Law Student

2 Please indicate which events below you will attend:

- \$35 Thursday, May 1, Ethics Practicum
- Free Thursday, May 1, Meet and Greet Reception
- Free Friday, May 2, Cocktail Reception
- Free Saturday, May 3, Council Meeting

For reservations postmarked or faxed after April 25, 2008, and for walk-in registrants, add \$25 to each fee category.

3 Name _____

(please print or type)

ABA Member No. _____

Firm/Agency/Company _____

Address _____

City, State, Zip _____

Telephone Number _____

Fax Number _____

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4 Enclosed is my check, made payable to the **American Bar Association/PCL**, for \$_____.

Government purchase/training order enclosed.

Charge \$_____ to my Credit Card:

AmEx MasterCard Visa

Card Number: _____

Exp. Date: _____

Signature: _____

5 Please send me information on becoming a member or associate of the:

American Bar Association

Public Contract Law Section

I am an attorney

I am not an attorney