

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

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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

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### 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

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### 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

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**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

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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**