

29th Annual FEDERAL PROCUREMENT INSTITUTE

March 8–10, 2023

GRADUATE ANNAPOLIS HOTEL • ANNAPOLIS, MD

Section Council Meeting – Wednesday, March 8
Followed by two days of CLE



AMERICANBARASSOCIATION

Public Contract Law Section

Program Overview

Please join the ABA Public Contract Law Section for our signature event, the Federal Procurement Institute (FPI). From March 8–10, 2023, distinguished practitioners from government, industry, private law practice, and academia will convene at the Graduate Hotel in Annapolis, Maryland, to participate in this flagship program.

This is the 29th year that the Section has hosted FPI. This year's program will continue our time-honored tradition of presenting panels that feature lively discussion by expert panelists, covering the gamut of significant federal procurement developments. This year's panels will address:

- Government contracts cases at the U.S. Supreme Court
- The ups and downs of litigating bid protests
- Compliance issues that challenge both attorneys and clients
- Updates in construction contracting
- Insights from senior procurement lawyers from across the government
- Navigating claims in a post-pandemic world
- Responding to a hypothetical data breach impacting a government contractor
- The many facets of commercial products and services contracting
- Our ethical obligations as attorneys

These sessions offer valuable insights for practitioners specializing in every aspect of the federal procurement world.

We will start this year's FPI with our Section Council Meeting on Wednesday afternoon. The Section Council will meet in open session to discuss action and information on legislation, regulations, and other current issues important to government contracts practitioners. We are moving the Council Meeting to the start of FPI, instead of its traditional Saturday morning timeslot, to facilitate broader participation in the Council Meeting. We hope you will join us for the session.

FPI also will include multiple opportunities to gather with colleagues old and new from across the country. FPI will feature two evening receptions, our popular "No-Host" lunch and dinners, and a Section Fellows' Dinner. These formal and informal gatherings are highlights of FPI each year.

I look forward to joining you in Annapolis in March for timely, informative panels and lively gatherings at the 29th Federal Procurement Institute!

Conference Leadership

SECTION CHAIR



Annejanette H. Pickens
General Dynamics
Mission Systems
Fairfax, VA

CONFERENCE DIRECTOR



Noah Bleicher
Jenner & Block
Washington, DC

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Kristen Ittig
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Bryant Snee
Amentum
Washington, DC



Emily Theriault
Sheppard Mullin
Washington, DC

Section Leadership

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Eric Whytsell, Chair-Elect, Stinson LLP, Denver, CO

Jason N. Workmaster, Vice Chair, Miller & Chevalier, Washington, DC

Daniel Chudd, Secretary, Northrop Grumman, McLean, VA

Patricia Hale Becker, Budget/Finance Officer, Booz Allen Hamilton, Reston, VA

Stacy Hadeka, Membership Officer, Hogan Lovells, Washington, DC

SECTION DELEGATES

David Ehrhart, Lockheed Martin, Fort Worth, TX

Hon. Mary Ellen Coster Williams, U.S. Court of Federal Claims, Washington, DC

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Susan Warshaw Ebner, Stinson LLP, Washington, DC

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Harry Parent, T-Mobile, Bellevue, WA

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Judge K. Elizabeth Witwer, Armed Services Board of Contract Appeals, Falls Church, VA

Frank Windham, Northrop Grumman, McLean, VA

Howard Wolf-Rodda, Abrahams, Wolf-Rodda, LLC, Washington, DC

Robert Wu, Northrop Grumman, McLean, VA

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Sarah Burgart, Young Lawyers Division, Seyfarth Shaw LLP, Washington, DC

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Patricia Brennan, Director

Sean Dickerson, Program Specialist

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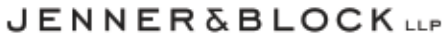
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Program at a Glance

| DATE & TIME | PROGRAM | INFO |
|---------------------------------|---|--|
| Wednesday, March 8, 2023 | | |
| 12:30 pm – 2:00 pm | Women's Networking Event | Graduate Annapolis, Stevedore's Room |
| 2:30 pm – 5:30 pm | 2023 Midyear Council Meeting | |
| 5:45 pm | Reception—Hosted by Baker Tilly | Metropolitan Kitchen & Lounge |
| Thursday, March 9, 2023 | | |
| 8:30 am – 10:00 am | Government Contracts Compliance Firedrill! What to Do When the Hotline Phone Rings... | 1.5 hours of General CLE and CPE |
| 10:15 am – 11:45 am | Procurement Integrity: How the Bid Protest Process Is Used to Ensure the Integrity of a Procurement | 1.5 hours of General CLE and CPE |
| 12:00 pm – 12:30 pm | Optional Government Construction Contracts Program Boxed Luncheon | |
| 12:30 pm – 1:30 pm | Optional Government Construction Contracts Program (60-minute CLE): Build America, Buy America: The State of Domestic Sourcing Requirements for Infrastructure Projects | 1 hour of General CLE and CPE |
| 1:45 pm – 3:15 pm | OMG a Data Breach! Preventing, Detecting and Responding to Cybersecurity Problems in a Dynamic Environment | 1.5 hours of Law Office Management CLE and CPE |
| 3:30 pm – 5:00 pm | A Year of Lessons Learned: Case Law Developments in Contract Disputes Act Claims Litigation at the Boards and Courts | 1.5 hours of General CLE and CPE |
| 5:00 pm – 6:30 pm | Section Reception | |
| 7:00 pm – 9:00 pm | No-Host Dinners/ Section Fellows Dinner | |
| Friday, March 10, 2023 | | |
| 8:30 am – 10:00 am | Add to Cart: The Future of Contracting for Commercial Products and Services | 1.5 hours of General CLE and CPE |
| 10:15 am – 11:45 am | Fireside Chat with the FAR Council | 1.5 hours of General CLE and CPE |
| 11:45 am – 1:15 pm | Networking Luncheon (limited seating) | Non-CLE |
| 1:30 pm – 3:00 pm | Latest Supreme Court Trends in Government Contracts Law | 1.5 hours of General CLE and CPE |
| 3:15 pm – 5:15 pm | Litigation Ethics – Key Issues | 2 hours of Ethics CLE and CPE |

Federal Procurement Institute Schedule

Wednesday, March 8, 2023

12:00 pm – 7:00 pm

Registration

12:30 pm – 2:00 pm

Women's Networking Event

Graduate Annapolis Hotel, Stevedore's Room

Join fellow women attendees for socializing and networking before the FPI Midyear Council Meeting.

2:30 pm – 5:30 pm

Section of Public Contract Law Midyear Council Meeting

Please join the leaders of the Section in this open session to discuss actions and information on legislation, regulations, and other current issues important to government contracts practitioners. All members and registrants of the FPI are welcome to attend the Wednesday Council Meeting.

5:45 pm

Reception – Hosted by BakerTilly

Thursday, March 9, 2023

7:30 am – 8:00 am

Registration and Continental Breakfast

8:15 am – 8:30 am

Opening Remarks and Introduction

8:30 am – 10:00 am

Government Contracts Compliance Firedrill! What to Do When the Hotline Phone Rings...

Government contractors and their compliance counsel often have to make difficult and time-sensitive judgments when faced with reports of potential misconduct or compliance shortfalls based on incomplete information. Government investigators also must consider how to effectively respond to allegations of potential fraud or misconduct involving government contracts. Using a series of hypothetical factual scenarios involving employee hotline reports and “bad news” from suppliers and government customers, this panel will explore key compliance issues facing government contractors and emerging areas of government enforcement. Among other things, the panel is anticipated to address recurring challenges involving mandatory and voluntary disclosures, attorney-client privilege issues arising from internal and

Federal Procurement Institute Schedule

government investigations, responding to Inspector General requests for information and government investigations, addressing employee misconduct, relevant Department of Justice guidance related to corporate compliance programs, as well as issues such as ethics and Organizational Conflicts of Interest, prime-subcontractor relationships, and the Buy American Act/Trade Agreements Act.

Recommended fields of study: Accounting (Governmental)

Learning objectives: At the end of this session, attendees will be able to explain new and emerging compliance challenges facing government contractors and demonstrate effective approaches for both contractors and the government to address them; differentiate between mandatory and voluntary disclosures; describe Organizational Conflicts of Interest and the Buy American Act/Trade Agreements Act, as they pertain to government contracts; employ Department of Justice guidance related to corporate compliance programs; and discuss attorney-client privilege issues arising from internal and government investigations.

MODERATOR: **Jessica Tillipman**, Assistant Dean for Government Procurement Law Studies, George Washington Law School, Washington, DC

PANELISTS:

Courtney Edmonds, Senior Vice President Chief Ethics & Compliance Officer, Deputy General Counsel, Leidos, Reston, VA

Kimberly Hicks, Assistant General Counsel, Defense, Rolls-Royce North America, Reston, VA

Paul Sternal, Assistant Inspector General for Investigations, Office of the Inspector General, U.S. Department of Defense, Alexandria, VA

Angela Styles, Partner, Akin Gump Strauss Hauer & Feld LLP, Washington, DC

10:00 am – 10:15 am

Networking Break

10:15 am – 11:45 am

Procurement Integrity: How the Bid Protest Process Is Used to Ensure the Integrity of a Procurement

Procurement integrity is a cornerstone of the acquisition framework. Increasingly, the bid protest forums find themselves confronting protest allegations that an agency failed to protect the integrity of the procurement process. These allegations run the gambit from organizational and personal conflicts of interest, Procurement Integrity Act violations, bias on the part of government evaluators, “revolving door” concerns involving former government officials, improper disclosure of procurement-sensitive information, and generalized failures of the government to adhere to the impartiality standards of FAR 3.101. A panel of experienced GAO, agency, in-house, and private practice attorneys will discuss these trends in protest practice and explore recent key protest decisions, as well as offer practical tips for agencies and contractors to ensure that the integrity of an acquisition is not compromised.

Recommended fields of study: Specialized Knowledge

Learning objectives: At the end of this session, attendees will be able to explain relevant regulatory safeguards to protect the integrity of a procurement; compare and contrast how different protest forums resolve challenges to the integrity of a procurement competition; discuss best practices – for agency and offerors—to mitigate risks and avoid pitfalls.

MODERATOR: **Andrew Smith**, Chief, Bid Protests, U.S. Army Services Agency, Fort Belvoir, VA

PANELISTS:

Sean Bamford, Associate General Counsel and Chief Privacy Officer, Lockheed Martin, Washington, DC

Elizabeth Jochum, Partner, Blank Rome, Washington, DC

John Sorrenti, Assistant General Counsel, U.S. Government Accountability Office, Washington, DC

Jade Totman, Senior Counsel, Boeing, Arlington, VA

Federal Procurement Institute Schedule

11:45 am – 12:15 pm

Optional Government Construction Contracts Program Boxed Lunch

TICKETED EVENT: \$40

12:15 pm – 1:15 pm

Optional Government Construction Contracts Program

Build America, Buy America: The State of Domestic Sourcing Requirements for Infrastructure Projects

The bipartisan Infrastructure Investment and Jobs Act (IIJA) will pump more than \$1 trillion into the American economy to modernize our roads, bridges, airports, railways, and other infrastructure. This historic piece of legislation incorporates new Build America, Buy America (BABA) Act domestic sourcing requirements that apply to infrastructure projects funded with federal dollars. This panel will discuss the BABA and ongoing efforts by the Office of Management and Budget (OMB) and federal agencies to implement its requirements.

Recommended fields of study: Accounting (Governmental)

Learning objectives: At the end of this session, attendees will be able to describe the BABA and its domestic sourcing requirements for iron, steel, manufactured products, and construction materials that apply to Federal financial assistance programs for infrastructure; Identify the process for federal agencies to waive BABA requirements pursuant to OMB guidance; Discuss the current state of waivers issued by key federal agencies including the Department of Transportation.

MODERATOR: Stephen Bacon, Shareholder, Rogers Joseph O'Donnell PC, Washington, DC

PANELISTS:

Daniel Rounds, Counsel, Haynes and Boone, LLP, Washington, DC

Jean Heilman Grier, Trade Principal, Djaghe, LLC, Washington, DC

Scott Sheffler, Partner, Feldesman Tucker Leifer Fidell LLP, Washington, DC

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1:45 pm – 3:15 pm

Law Office Management CLE: OMG a Data Breach! Preventing, Detecting and Responding to Cybersecurity Problems in a Dynamic Environment

Rapid technology advances coupled with increasingly-sophisticated adversaries have combined to create a challenging environment for the Government and the public contract community. In response, the security requirements are tightening for everyone. This panel of cybersecurity professionals will take us through some of the challenges and possible solutions. Along the way, they will provide an update to the evolving Cybersecurity Maturity Model Certification standards, explain and clarify the requirements in Defense FAR Supplement FAR 252.204-7012 and the National Institute of Standards and Technology Cybersecurity framework. Using real-life examples, the panel will illustrate and explain best practices for better data protection

Recommended fields of study: Information Technology

Learning objectives: At the end of this session, attendees will be able to discuss updates to the Cybersecurity Maturity Model Certification (CMMC) standards; describe updates and requirements in Defense FAR Supplement FAR 252.204-7012; and employ practices and policies for preventing, detecting, and responding to cybersecurity threats in the government contracting arena.

MODERATOR: Sarah Maguire, Deputy Chief Counsel, Intel and Security Sector, BAE Systems, McLean, VA

PANELISTS:

Sam Chi, Senior Counsel, Cybersecurity and Infrastructure Security Agency, Department of Homeland Security, Arlington, VA

Aaron Cooper, Partner, Jenner & Block, Washington, DC

Kristin Grimes, Assistant General Counsel, National Security and Cyber Law Branch, Federal Bureau of Investigations, Washington, DC

Michael Keller, Supervisory Special Agent, Federal Bureau of Investigations, Washington Field Office

3:15 pm– 3:30 pm

Networking Break

3:30 pm- 5:00 pm

A Year of Lessons Learned: Case Law Developments in Contract Disputes Act Claims Litigation at the Boards and Courts

Navigating the seemingly endless series of jurisdictional, procedural, and strategic prerequisites for successful claims litigation, as well as how those prerequisites evolve with Board and Court precedent, can overwhelm even the most experienced practitioner. This panel will distill cases from the Boards of Contract Appeals, Court of Federal Claims, and Federal Circuit from the past year into important lessons learned that anyone in the industry would be wise to note. What distinguishes an REA from a claim, and why does that matter? What procedural defects can doom a claim before it even gets off

Federal Procurement Institute Schedule

the ground? Once litigation is ongoing, what evidentiary principles govern whether a claimant meets their burden? Offering insights from the Department of Justice, in-house counsel, and the bench, our panelists will guide the audience through these and other practice tips that this past year of case law has to offer. The session will end with a “lightning round” of interesting holdings from the Boards and Courts in 2022.

Recommended fields of study: Specialized Knowledge

Learning objectives: At the end of the session, attendees will be able to explain important Contract Disputes Act (CDA) case law developments; distinguish a request for equitable adjustment from a claim and why the distinction matters; identify potential procedural claim defects; and determine the evidentiary principles needed to meet the claimant’s burden.

MODERATOR: **Amanda Sherwood**, Senior Associate, Arnold & Porter, Washington, DC

PANELISTS:

Patricia McCarthy, Director, Commercial Litigation Branch, Civil Division, U.S. Department of Justice, Washington, DC

Laura Semple, Assistant General Counsel, Amentum, Washington, DC

Honorable K. Elizabeth Witwer, Judge, Armed Services Board of Contract Appeals, Arlington, VA

5:00 pm – 6:30 pm

Section Reception

The Section of Public Contract Law acknowledges the generous support of our sponsors for their contributions to the Section’s educational conferences.

7:00 pm – 9:00 pm

No Host Dinners (Dine Arounds) see page 16 for details

7:00 pm - 9:00 pm

PCL Section Fellows Dinner see page 16 for details

TICKETED EVENT: \$75

Federal Procurement Institute Schedule

Friday, March 10, 2023

8:00 am – 8:30 am

Registration and Continental Breakfast

8:15 am – 8:30 am

Opening Remarks and Introductions

8:30 am – 10:00 am

Add to Cart: The Future of Contracting for Commercial Products and Services

The Federal Government continues its push to streamline acquisitions and buy commercial products and commercial services when available. While the Government limits required clauses in its quest to purchase somewhat-akin to a private customer, commercial contractors remain subject to a host of Government-specific terms and conditions (like that pesky termination for convenience clause...). Moreover, commercial products and services contracts include provisions reflecting geopolitical and national security issues (the Huawei and Kaspersky bans as well as the new ban on Chinese semiconductors), in addition to clauses addressing unique Government priorities, such as cybersecurity, supply chain integrity, country of origin requirements, and environmental standards. This panel will discuss current hot topics in commercial product and service contracting, touching on the issues of the day with the perspective of both a distributor and a leading software-as-a-service provider. Also, we'll be joined by a representative from the General Services Administration—whose Schedules program is responsible for more than \$30 billion in commercial products and services contractors annually—who will weigh in on the future of commercial products and services contracting, including the Section 846 pilot program.

Recommended fields of study: Accounting (Governmental)

Learning objectives: At the end of this session, attendees will be able to discuss new developments in FAR Part 12, Acquisition of Commercial Items; describe the unique aspects of commercial contracting by the federal government including the unique aspects of commercial contracting by the federal government like end-user-license agreements for software-as-a-service contracting; evaluate the roles of channel partners, resellers, and distributors of commercial items; and recognize and explain issues surrounding software-as-a-service contracting.

MODERATOR: Ryan Roberts, Partner, Sheppard Mullin, Washington, DC

PANELISTS:

Stephen Carroll, Senior Procurement Policy Analyst, General Services Administration, Fort Worth, TX

Hollie Kapos, Legal Counsel Director, Arrow Electronics, Inc, McLean, VA

Karen Yankosky, Senior Director & Associate General Counsel, DocuSign, Arlington, VA

10:00 am – 10:15 am

Networking Break

Federal Procurement Institute Schedule

10:15 am – 11:45 am

Fireside Chat with the FAR Council

The Federal Acquisition Regulatory Council assists in the direction and coordination of Government-wide procurement policy and regulatory activities. In accordance with the Office of Federal Procurement Policy Act, the FAR Council consists of the Administrator of Federal Procurement Policy and the Secretary of Defense, Administrator of NASA, and Administrator of General Services. This program features a rare conversation with the DoD, NASA, and GSA representatives to the Council, who coordinate and issue changes to the Federal Acquisition Regulation, which regulations apply to procurements conducted by Executive branch agencies across the Federal Government. The discussion will cover a range of topics, including the Council's current regulatory priorities, FAR changes that are on the horizon, the internal operations of the Council itself, and reflections on how the federal procurement process has evolved. Additionally, as these Council members are senior procurement executives for their respective agencies, they will address the pressing procurement challenges facing DOD, NASA, & GSA.

Recommended fields of study: Accounting (Governmental)

Learning objectives: At the end of this session, attendees will be able to explain the process used to update the Federal Acquisition Regulations; discuss the pressing regulatory revisions facing the FAR Council; describe the inner workings of the FAR Council; compare and contrast the near-term priorities for the major US Government contracting agencies.

MODERATOR: Alan Chvotkin, Partner, Nichols Liu, Washington, DC

PANELISTS:

John M. Tenaglia, Principal Director, Defense Pricing and Contracting, Office of the Secretary of Defense, U.S. Department of Defense, Washington, DC

Karla S. Jackson, Assistant Administrator for Procurement, National Aeronautics and Space Administration, Washington, DC

Jeffrey A. Koses, Senior Procurement Executive, General Services Administration, Washington, DC

11:45 am – 1:15 pm

Networking Luncheon (Limited Seating)

TICKETED EVENT: \$50

1:30 pm – 3:30 pm

Latest Supreme Court Trends in Government Contracts Law

Join us for a fascinating glimpse into the world of Supreme Court and appellate practice. A panel of top Supreme Court practitioners will discuss recent Supreme Court and emerging appellate decisions impacting public contracts law. The panel will cover recent and pending False Claims Act cases including *Schutte*, which has major implications for the FCA scienter requirement; the *Ciminelli* case and its impact on the right-to-control theory of fraud; *Kingdomware Technologies* progeny; recent decisions that promise to shape the “major questions” doctrine; and the Mallory case dealing with state laws expanding personal jurisdiction over businesses. After a deep dive into legal trends and

Federal Procurement Institute Schedule

developments, the panel will discuss what it's like to argue at the Supreme Court, how the current Court may shape the law, and what we can expect as the newly-appointed justices flex their muscles. This promises to be a riveting discussion.

Recommended fields of study: Specialized Knowledge

Learning objectives: At the end of this session, attendees will be able to discuss recent trends and developments in recent FCA case law at the Supreme Court; explain the changes in state laws that expand personal jurisdiction over businesses, and how it could be affected by the Mallory case; and describe rules, procedures, and tips for arguing at the Supreme Court.

MODERATOR/PANELIST: Joseph Palmore, Partner, Morrison & Foerster LLP, Washington, DC

PANELISTS:

Elaine J. Goldenberg, Partner, Munger, Tolles & Olson LLP, Washington, DC

Michael Huston, Partner, Perkins Coie, Washington, DC

Tejinder Singh, Partner, Sparacino PLLC, Washington, DC

3:00 pm – 3:15 pm

Networking Break

3:15 pm – 5:15 pm

Ethics CLE: Litigation Ethics—Key Issues

This interactive program uses hypotheticals to explore topics of interest to litigators (and transactional lawyers whose clients might face litigation)—including such issues as: (1) lawyers' communications (including talking to the press about cases and criticizing judges) *ABA Model Rule 3.6 (entitled "Trial Publicity")*; (2) deceptive discovery tactics (including tape recording telephone calls, and use of admittedly deceptive tactics in public interest investigations such as housing discrimination tests, and in purely commercial investigations) *ABA Model Rule 8.4 (entitled "Misconduct")*; (3) dealing with fact witnesses (including the permissibility of paying fact witnesses for their time, and preparing them for testimony) *ABA Model Rule 3.4 (entitled "Fairness to Opposing Party and Counsel")*; (4) claims (including "ghostwriting" pleadings, and filing knowingly time-barred claims) *ABA Model Rule 3.3 (entitled "Candor toward the Tribunal")*; (5) settlements (including acceptable levels of deception during settlement negotiations, silence about the law and facts, and the enforceability of settlement agreements) *ABA Model Rule 4.1 (entitled "Truthfulness in Statements to Others")*; (6) dealing with courts (including the duty to disclose unfavorable facts and law) *ABA Model Rule 3.3 (entitled "Candor toward the Tribunal")*.

Recommended fields of study: Behavioral Ethics

Learning objectives: At the end of this session, attendees will be able to distinguish between the acceptable levels of deception during settlement negotiations; demonstrate how to use and prepare fact witnesses for testimony; and discern between ethical and unethical conduct when talking to the press or criticizing judges.

PRESENTER: Thomas Spahn, Counsel, McGuireWoods, Tysons, VA

Networking Events and Governance Meetings

Wednesday, March 8, 2023

12:30 pm – 2:00 pm

Women's Networking Event

Join fellow women attendees for socializing and networking before the FPI Midyear Council Meeting.

2:30 pm – 5:30 pm

Section of Public Contract Law Midyear Council Meeting

Please join the leaders of the Section in this open session to discuss actions and information on legislation, regulations, and other current issues important to government contracts practitioners. All members and registrants of the FPI are welcome to attend the Wednesday Council Meeting.

5:45 pm

Reception – Hosted by Baker Tilly



Thursday, March 9, 2023

5:00 pm – 6:30 pm

Section Reception

The Section of Public Contract Law acknowledges the generous support of our sponsors for their contributions to the Section's conference receptions.

7:00 pm – 9:00 pm

No-Host (Dine Arouds) Dinners

Join your colleagues of all levels of experience for conversation over dinner as part of this organized dining event in Annapolis. Indicate your intent to participate and check the "No Host Dine Out" box on the online registration form. Restaurant sign-ups will take place on-site at the FPI Registration Desk. Each dinner will be led by a Section Leader. Dinners are No Host – cash only.

7:00 pm – 9:00 pm

Fellows' Dinner

(PCL Section Fellows Members Only)

Ticketed Event – \$75

The Fellows of the Section of Public Contract Law will convene for food, drink, and conversation at Carroll's Creek Restaurant located at 410 Severn Avenue.

Friday, March 10, 2023

11:45 am – 12:15 pm

Networking Luncheon

Ticketed Event – \$55

Conference Registration Information

HOW TO REGISTER

We encourage you to register online at ambar.org/fpi23. All attendees must be preregistered for this conference to participate.

ATTENTION ABA MEMBERS!

If you are an ABA member but not a member of the Section of Public Contract Law, your conference registration fee now includes Section members, a \$45 value? You will automatically be enrolled in the Section. ABA membership is a prerequisite of Section membership. If you are not already an ABA member, please call (800) 285-2221. Free membership only applies to individuals who have not been a member of the Section during the past two years.

CANCELLATION POLICY

Registrants who are unable to attend the conference will receive a refund less a \$50 administrative fee if written notice of cancellation is received by February 22, 2023. No refunds will be granted after this date. Cancellations may be completed via the conference registration page ambar.org/fpi23. Registration fees are not transferable to other section of ABA programs.

Substitute attendees for the conference are acceptable. Substitutions are not permitted once a registrant has registered on-site or after the conference has occurred. Please submit a request on firm/agency letterhead to transfer the registration to another person. Only the substitute will be eligible for CLE credit. The substitute and original registrant must work out the payment between themselves.

The ABA reserves the right to cancel any program and assumes no responsibility for personal expense.

TUITION ASSISTANCE

A limited number of registration fee reductions may be available for government employees, public interest lawyers employed with nonprofit organizations, and academics. For programs with tuition costs over \$500, qualifying lawyers will receive at least a 50 percent reduction in the course fee(s). The fee-reductions will be determined on a one-time only, case-by-case, basis. To apply, please contact PCL Section Director Patty Brennan by February 17, 2023.

COVID-19 MEETING POLICY

The ABA takes the health and safety of our members, guests, and staff seriously. We know that the decision whether to attend a meeting is based upon a variety of personal and business considerations. We will continue to monitor a variety of sources, including the U.S. Centers for Disease Control and Prevention (CDC) and U.S. state and local health authorities for the latest public health updates, as well as applicable restrictions on events and gatherings. The ABA plans to hold this meeting in person but reserves the right to cancel or reschedule this event or convert it to a virtual event if health and safety restrictions require it. We will update the registrants and the website should the plans for this event change.

As part of the registration process to hold this ABA meeting in person, every attendee is required to affirm his/her commitment to comply with the in-person meeting guidelines. Please review the requirements carefully prior to registering for the meeting. You will be asked to accept the ABA's COVID-19 affirmations during the registration process. **To view the ABA's COVID-19 affirmations, visit the health and safety page for more information regarding the ABA's COVID-19 In Person Meeting Policy at ambar.org/fpi23.**

CLE CONFERENCE MATERIALS

Prior to the program, all advance registrants will receive an email with a link to the CLE materials. No printed materials will be available on-site. You are encouraged to bring a laptop, notebook or tablet to view the materials onsite. Complimentary Wi-Fi access will be available.

CLE CREDIT

The ABA will seek 13.5 hours of CLE credit in 60-minute states, and 16.2 hours of CLE credit for this program in 50-minute states including 2 hours of Ethics CLE specialty credit in 60-minute states and 2.4 hours of Ethics CLE specialty credit in 50-minute states as needed. Credit hours are estimated and are subject to each state's approval and credit rounding rules. Please visit americanbar.org/mcle for general information on CLE at the ABA.

For more information about CLE accreditation in your state, contact please contact Sean Dickerson at sean.dickerson@americanbar.org

Conference Registration Information

CPE INFORMATION

The American Bar Association is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit.

Complaints regarding registered sponsors may be submitted to the National Registry of CPE Sponsors through its website: www.learningmarket.org.

Recommended CPE Credits and Fields of Study: Accounting (Governmental), Information Technology, Specialized Knowledge, and Behavioral Ethics.

Program attendees can earn up to 16 hours of CPE credit.

Prerequisites: There are no prerequisites;

Advanced Preparation: None; Program Level: Basic;

Delivery Method: Group-Live

How to request CPE credit:

To request CPE credit for your participation (and obtain a certificate of completion), you will need to complete an ABA Attendance Affidavit. Attendance Affidavits are available at the end of the entire conference, after we have verified your attendance. To receive CPE credit, please click "+ Add Accrediting Agency" and select NASBA (National Association of State Boards of Accountancy).

NOTE: All attendees seeking CPE credit must sign in and sign out. You may only claim credit for sessions within the period between your sign-in and sign-out: credit will be adjusted or modified accordingly.

You will receive a personalized link to submit your Attendance Affidavit via email within 7 business days of the last day of the conference. If you do not receive this email by then, please contact Sean Dickerson at sean.dickerson@americanbar.org.

For more information about administrative and registration policies such as refunds and cancellations, please visit the conference webpage (<https://web.cvent.com/event/358c81df-78e9-4d06-b84c-38ae5140ecd5/summary>) for other information about CPE credit and to resolve complaints, contact Sean Dickerson at sean.dickerson@americanbar.org.

SERVICES FOR PERSONS WITH DISABILITIES

We encourage participation by all individuals. If you are a person with a disability, please provide us advance

notice of any special arrangements you may need so we can best accommodate you. Please email Patty Brennan at patty.brennan@americanbar.org with your request.

MEMBERSHIP

To join the Public Contract Law Section for \$45 go to ambar.org/pubcon.

HOTEL INFORMATION

The Graduate Annapolis Hotel (formerly the Loews Annapolis Hotel) is located at 126 West Street in the historic seaport of Annapolis, Maryland, and an easy drive from both Baltimore and Washington, DC, and only 18 miles from Baltimore-Washington International Airport (BWI). ABA guests will receive complimentary internet access in guest rooms.

The section's room block will be available until Friday, February 10, 2023, at 5:00 pm CST or whenever the room block fills, whichever comes first. Rooms are available for check-in after 4:00 pm and check-out time is 12:00 noon.

Individuals with guaranteed reservations must cancel their reservations 24 hours prior to the scheduled day of arrival to avoid a one night's cancellation charge.

Parking available: Self \$28 | Dailey Valet \$16 for the first 4 hours, \$20 for any additional hours | Valet Overnight \$32.

To book our contracted rate of \$199.00 per night, call the hotel directly at 407-263-7777 and mention the **ABA, Section of Public Contract Law – 29th Annual Federal Procurement Institute**, or [register online](#). **Registrants will receive a confirmation from the hotel within five (5) days of their reservation.**

GOVERNMENT HOTEL RATE

A limited number of rooms are also available at a government rate for government employees. **To book at the government rate, please contact Patty Brennan at patty.brennan@americanbar.org.** Please provide her with your planned arrival and departure dates.

TRAVEL

Airfare and car rental discounts for ABA meetings are available through Egencia and Hertz. Please visit ambar.org/fpi23 for more information.

Registration

29TH ANNUAL FEDERAL PROCUREMENT INSTITUTE AND MIDYEAR COUNCIL MEETING

March 8–10, 2023 • Graduate Annapolis Hotel, Annapolis, MD

Register online: ambar.org/fpi23

Onsite Registration will not be available.

| Registration Rates | |
|---|----------|
| General Attendee (Non ABA Member) | \$725 |
| General Attendee (Non ABA Member) Govt/Academic/Young Lawyer* | \$650 |
| ABA Member | \$625 |
| ABA Member Govt/Academic/Young Lawyer* | \$550 |
| ABA Law Student | \$250 |
| PCL Section Member | \$500 |
| PCL Section Member Govt/Academic/Young Lawyers | \$450 |
| Optional Programs | |
| Wednesday Council Meeting | No Fee |
| Optional CLE Construction Program Lunch (Thurs) | \$40 |
| PCL Section Fellows Dinner/Meeting (Section Fellows Members Only) | \$75 |
| Friday Networking Luncheon (Limited Seating) | \$55 |
| Networking Events | |
| Wednesday Women's Networking Event | Included |
| Wednesday Reception | Included |
| Thursday Reception | Included |
| Thursday No Host Dinners | No Host |

*Qualifying young lawyers are under 36 years old or admitted to practice for five years or less.

Enroll me as a member of the ABA Public Contract Law Section to take advantage of the section member rate above.

The conference registration fee includes tuition and online course materials developed for this conference. In addition, your fee covers the continental breakfasts, breaks, and receptions. The **Optional Construction Lunch Program, Fellows Dinner, and Networking Luncheon** each have a separate registration fee. Payment must accompany registration. Confirmations will be sent to all registrants.

HOW TO REGISTER

We encourage you to register online at ambar.org/fpi23

All attendees must be preregistered for this conference to participate.