

OUNCE OF PREVENTION SEMINAR (OOPS) XXXII

Government Contractors Under the Magnifying Glass

Renaissance Washington DC Downtown
May 25-26, 2016

AGENDA

Day 1: Wednesday, May 25, 2016

7:30-8:20 CONTINENTAL BREAKFAST & REGISTRATION

8:20-8:30 **WELCOME**

Dan Forman
Amy O'Sullivan

8:30-9:15 **Driving Change in Today's Contracting Environment**

Angela Styles – Moderator
Rob Burton
Roger Waldron, The Coalition for Government Procurement

9:15-10:00 **“Oh, and Do This, Too” – Executive Actions Impose Ever-Expanding Labor-Related Burdens on Contractors**

- EO on Fair Pay and Safe Workplaces
 - Ready for Day One Compliance?
 - Final Rule, Final Guidance, and Likely Litigation
- EO on Paid Sick Leave
 - Notice of Proposed Rule-Making

- Obligations
- EEO-1 Reporting Revisions and Equal Pay Report
- Annual Submission of W-2 Wages and Hours
- OFCCP Enforcement Update

Kris Meade – Moderator

Trina Fairley Barlow

Rebecca Springer

Jason Crawford

10:00-10:15 BREAK

10:15-11:00 **Thinking Strategically About Bid Protests: Frequently Overlooked Considerations**

- Before the Protest: Stepping Stones and Stumbling Blocks
- After the Protest: Corrective Action, Follow-on Protests, and the Impact of Acquisitions, Novations, and Restructurings

Amy O'Sullivan – Moderator

Tom Humphrey

James Peyster

Olivia Lynch

Rob Sneckenberg

11:00-11:45 **Regulating Information: Cybersecurity, Internet of Things, & Exploding Rules**

- Navigating the DFARS Cybersecurity Requirements and Uncertainties
- Preparing for 25 Billion Internet of Things Devices and the Regulatory Surge
- Balancing Information Sharing, Cyber Compliance, Supply Chain Demands, and Regulatory Oversight

David Bodenheimer – Moderator

Evan Wolff

Kate Growley

11:45-12:45 False Claims Act: Trends and Emerging Issues

- Stats & Trends: Relators Go It Alone/Stiffer Penalties on Horizon
- A Sample of What's to Come with Extrapolation
- Increased Activity in Cases Involving Ambiguous Terms
- Supreme Court's Implied Certification Case

Bob Rhoad – Moderator

Tully McLaughlin

Mana Lombardo

Judy Choi

Agustin Orozco

12:45-1:45 NETWORKING LUNCH**1:45-2:30 Investigations – Part I: Figuring out the Facts**

- Requirements of an Internal Investigation, Government Expectations, and Best Practices
- How Big Is the Problem– *e.g.*, Business Issue, Error, Policy Violation, Breach of Contract, or Violation of Law?
- Practical Impact of the Yates memorandum on investigations
- Conducting a Root Cause Analysis and Implementing a Suitable Corrective Action Plan

Peter Eyre – Moderator

David Ginsberg

Phil Inglima

Gail Zirkelbach

Jacinta Alves

2:30-3:30 Investigations – Part II: Interacting with Regulators

- Communicating When the Government is Unaware of the Misconduct (Different Views of Disclosures, Preview Discussions, Policies/Procedures)
- Communicating When You Think the Government is Aware of Some,

but not All, Misconduct

- Communicating after the Inception of a Formal Enforcement Action
- Role of Ethics and Compliance in Mitigation and Prevention.

David Robbins – Moderator

Kelly Currie

David Hammond

*Brian Persico, Senior Counsel for Investigations, Special Inspector General for
Afghanistan Reconstruction*

Maria Swaby, Suspending and Debaring Official, GSA

3:30-3:45 BREAK

3:45-4:30 **International Issues in Government Contracting**

- Government Contracting and the Global Supply Chain
- International Considerations for M&A in the Government Sector
- Update on Revisions to U.S. Sanctions Programs and What it Means for Government Contractors

Addie Cliffe – Moderator

Carlton Greene

Yuan Zhou

4:30-5:15 **Perspectives from In-House Counsel**

Dan Forman – Moderator

Greg Huffman, Vice President, Group Counsel, DRS Technologies, Inc.

Sarah Lynn, Senior Counsel, ES Public Sector, Hewlett Packard Enterprise

*Michele St. Mary, Vice President & Associate General Counsel, Harris
Corporation*

Zachary Stewart, Assistant General Counsel, Serco, Inc.

5:15-6:30 RECEPTION

Day 2: Thursday, May 26, 2016

8:00-8:30 CONTINENTAL BREAKFAST & WELCOME

8:30-9:15 **The Changing Landscape of Government Intellectual Property**

- Recent OMB Policies
- Legislative Initiatives
- Recent Developments in Case Law
- IP Strategy in Government Procurements

John McCarthy – Moderator

Jon Baker

Joelle Sires

9:15-10:00 **The Challenges of Commercial Item Contracting**

- Changing Legislative and Regulatory Burdens for Commercial-Item Contracts
- Sweeping Reforms to the Federal Supply Schedule Program
- Enforcement Focus and Trends

Lorraine Campos – Moderator

Chris Haile

Leslie Monahan

Nkechi Kanu

10:00-10:15 BREAK

10:15-11:00 **Contracting in the Dark World: Special Considerations for Classified Contracting**

- Handling Classified Protests and Claims: Lessons Learned and Practical Tips
- Addressing and Preventing “Insider Threats”
- Engaging a Globalized Defense Base: Foreign Ownership, Control & Influence (FOCI) Issues and Mitigation
- Navigating Diligence of Classified Contracts or Programs

Karen Hermann – Moderator

Mark Ries

Michelle Sutphin, VP Security, BAE Systems



GOVERNMENT
CONTRACTORS
UNDER THE
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#cm2016oops

11:00-12:00 **Cost and Accounting – Items at the Top of the Ledger**

- Application of the Statute of Limitations to Cost Accounting Disputes
 - Incurred Cost Claims
 - CAS Issues
- Growing Restrictions on Allowability of Independent Research and Development Costs
- The *Raytheon* Decision and Offsets Among Multiple Simultaneous Changes in Cost Accounting Practice
- NDAA Provisions Affecting DCAA
 - DCAA Audit of Non-DOD Contracts Restricted
 - Required Identification of Materiality Standards Used by DCAA

Terry Albertson – Moderator

Rob Burton

Steve McBrady

Skye Mathieson

12:00 ADJOURN