



Ounce of Prevention Seminar (OOPS) 2021

Navigating Government Contracts Through 2021: New Administration, Policy Changes, Shifting Enforcement, and the Ongoing Pandemic

May 10-14, 2021

Day 1: Monday, May 10, 2021

1:00-1:50

Conversation with Ellen Lord, former Under Secretary of Defense for Acquisition and Sustainment

2:00-2:50

New Administration, New Priorities: Regulatory and Enforcement Priorities of the Biden Administration

- New administration's use of executive orders
- Modernizing regulatory review
- Supply chain and systemic risk
- All government approach to environmental justice
- Signals regarding enforcement priorities

3:00-3:50

Cybersecurity & Privacy

- Preparing for DIBCAC, SPRS, and CMMC
- Transitioning to the cloud
- Responding to increasing incidents
- Watching expanding privacy requirements

Day 2: Tuesday, May 11, 2021

1:00-1:50

Bid Protests: What to Watch for in a Shifting Landscape

- New and expanded waiver traps to avoid
- Evolving corrective action law
- New developments in key personnel protests
- Potential for CMMC protests on the horizon

2:00-2:50

Risk Management in Teaming and Joint Ventures with Small Businesses

- Mentor-Protégé Program risks and rewards
- Fraud and enforcement continued spotlight on small business
- Structuring and managing compliant contracting relationships in the context of regulatory changes

3:00-3:50

Roundtable Discussion: The Current State of the Transactional Marketplace

Timothy Garnett (Managing Director, Avascent), Chris Rogers (Managing Director, Harris Williams)

Day 3: Wednesday, May 12, 2021

1:00-1:50

Accounting, Costs & Pricing: Update & Recent Developments

- The panel will address recent cases and regulatory/legislative developments related to contractor accounting, cost and pricing, including:
 - Key cases related to cost allowability and the Cost Accounting Standards
 - DCAA audit guidance
 - Truth in Negotiations Act & DCMA Pricing Pilot Program

2:00-2:50

FOIA for Government Contractors

- FOIA and why you should care about it
- Defensive FOIA – protecting your information in response to a FOIA request
- FOIA on offense – when to consider an affirmative FOIA request

3:00-3:50

Labor & Employment /Whistleblower

- DOL update: SCA, OFCCP, and Pay Equity developments
- Diversity, inclusion and equity – compliance and transparency considerations
- COVID 15 months later – key employer concerns regarding vaccination, travel for non-essential employees, “Take Home” lawsuits

- Investigations and whistleblower actions – latest from the front lines

Day 4: Thursday, May 13, 2021

1:00-1:50

National Security: Strengthening Alliances and Global Engagement with Continued Focus on Foreign Adversaries and Emerging Technologies

- Foreign investment and cross-border transactions: updates on national security reviews by CFIUS and Team Telecom
- Supply chain security developments (e.g., Section 889 implementation, Commerce rule on information and communications technology and services (ICTS) supply chain)
- Developments in export control regimes and economic and trade sanctions programs
- Achieving and maintaining dominance in emerging technologies: countering economic espionage and insider threats

2:00-2:50

New Case Developments in the World of Claims

- This panel will discuss recent case developments, including:
 - Issues related to claim and appeal form
 - Substantive issues
 - Updates from the Federal Circuit

3:00-3:50

Procurement Fraud/FCA/Investigations

- Enforcement statistics, trends, and priorities in a pandemic
- Non-traditional defendants, industries, and the FCA
- FCA case law developments
- Investigations and crisis management toolkit

Day 5: Friday, May 14, 2021

1:00-1:50

Intellectual Property for Government Contractors: Continued Efforts by the U.S. Government to Obtain Broader Rights

- New rules and requirements to reckon with – statutory and regulatory update

- But what is happening in the real world – case law developments
- Protecting and preserving trade secrets

2:00-2:50

Opening the State and Local Door: Identifying Pathways, Partnership, and (Possible) Pitfalls Under the Biden Administration

- Priority state and local spend areas, including infrastructure, electric vehicles, and health care information technology
- Application of best practices across state and local jurisdictions when evaluating opportunities
- Increased state attorneys general investigations and litigation and its potential impact on contractors