

OUNCE OF PREVENTION SEMINAR (OOPS) XXXI

White House v. Congress: Government Contractors Bracing for the Showdown in Washington

Renaissance Washington DC Downtown
May 5-6, 2015

AGENDA

Day 1: Tuesday, May 5, 2015

7:30-8:15 CONTINENTAL BREAKFAST & REGISTRATION

8:20-8:30 WELCOME

Dan Forman

8:30-9:30 **KEYNOTE WITH PROFESSOR STEVEN SCHOONER: A DECADE OF ETHICS SCANDALS**

9:30-10:15 **THE CHANGING LANDSCAPE OF INTERNAL INVESTIGATIONS**

- Impact of *Barko* on the Conduct of Investigations
- Investigations Conducted for Business Purposes vs. for Obtaining Legal Advice
- How to Preserve the Attorney-Client Privilege Without Overreaching

Gail Zirkelbach – Moderator

Justin Murphy

Preetha Chakrabarti

Jason Lynch

10:15-10:30 BREAK

10:30-11:15 **BID PROTESTS: AVOIDING COMMON PROCUREMENT PITFALLS**

- Navigating the Revolving Door of Hiring Former Government Officials
- Risks of Relying on Incumbent Employee Capture as a Staffing Strategy
- Contracting During Times of Corporate Change or Restructuring

Dan Forman – Moderator

Tom Humphrey

James Peyster

Rob Sneckenberg

11:15-12:00 **CONTRACT DISPUTES**

- Developments Affecting Contractor Claims and Buyer Terminations
- Government Claims and Abusing Defective Pricing Law

Chris Haile – Moderator

David Bodenheimer

Agustin Orozco

12:00-1:00 LUNCH

1:00-1:45 **FAIR PAY E.O. DISCUSSION: WHAT WILL COME TO PASS, AND WHEN?**

- Key Provisions
- Status: FAR Council Rule, Guidance of LCAs, Congressional Activity
- Practicalities
- Potential Legal Challenges – When and What

Kris Meade – Moderator

Rebecca Springer

Jason Crawford

1:45-2:30 **FALSE CLAIMS ACT: DOES THE ROAD (TO LIABILITY) GO ON FOREVER?**

- Fraud on Tap at the High Court: The Implications of the Supreme Court’s “Pending” Decision in the *Carter* Case on the First-to-File Bar and Wartime Suspension of Limitations Act
- Liability and Enforcement Trends
- Case Law Development – The Courts’ Continuing Struggles in Calculating Damages

Tully McLaughlin – Moderator

Andy Liu

Mark Troy

Mana Lombardo

2:30-3:15 **COMMERCIAL CONTRACTING IN A GLOBAL PUBLIC PROCUREMENT MARKET**

- Compliance Export Controls & Sanctions in a Changing World
- Managing Global Compliance Risk in GSA Schedule Contracting
- Managing Global Supply Chain Security

Addie Cliffe – Moderator

Alan Gourley

Jana del-Cerro

3:15-3:30 BREAK

3:30-4:15 **SMALL BUSINESS REGULATORY SHAKE-UP**

- Expansion of and Changes to SBA and Other Agency Mentor-Protégé Programs
- Revamp of Calculations for Limitations on Subcontracting
- Implementation Challenges and Opportunities for Large and Small Businesses

Amy O’Sullivan – Moderator

Olivia Lynch

Gordon Griffin

4:15-5:00 **GENERAL COUNSEL PANEL**

Angela Styles - Moderator
James Gildea, Vice President and Chief Counsel, Newport News Shipbuilding
Scott MacKay, Vice President & General Counsel, Lockheed Martin Information Systems & Global Solutions
Christopher McDavid, Vice President & Counsel, Pratt & Whitney, Military Engines
Catherine Ronis, Associate General Counsel, Litigation and Legal Affairs, BAE Systems

5:00-6:30 RECEPTION

Day 2: Wednesday, May 6, 2015

8:00-8:30 CONTINENTAL BREAKFAST & WELCOME

8:30-9:15 **PROTECTING YOUR INTELLECTUAL PROPERTY FROM THE GOVERNMENT'S ASSAULT**

- Recent Developments
- Be Sure to Read the Fine Print – Government IP Provisions that Will Keep You Up at Night
- What to Do When the Government Comes Knocking – Preventing and Responding to Data Rights Challenges

John McCarthy – Moderator
Jon Baker
Joelle Sires

9:15-10:00 **HEALTH CARE**

- Regulatory Trends Facing Health Care Contractors
- Enhanced Focus on Information/Data Security
- Compliance Challenges in the Era of Increased Enforcement

David Ginsberg – Moderator
David Hammond
Troy Barsky
Jim Flood

10:00-10:15 BREAK

10:15-10:50 **FOR SALE BY OWNER: SEIZING OPPORTUNITIES IN A SELLER'S MARKET**

- Current Trends and Predictions for 2015
- What is a Seller's Market?
- What Do Buyers Need to Know?
- Bridging the Gap – Using Representation and Warranty Insurance Effectively
- Successful Integration of the Acquired Company

Karen Hermann – Moderator

Bryan Brewer

Peter Eyre

10:50-11:30 **COSTS**

- Stealth Regulation on Uncompensated Overtime
- Update on Audit Delays and Statute of Limitations Issues
- DCAA Guidance on “Expressly Unallowable Costs” – A Trip Through the Looking Glass
- IR&D Reporting Requirements

Terry Albertson – Moderator

Steve McBrady

Skye Mathieson

11:30-12:15 **CYBERSECURITY RISK MANAGEMENT: THE VIEW FROM WASHINGTON AND BEYOND**

- E.O. 13691, Promoting Sector Cybersecurity Information Sharing
- Legislative and Agency Updates, Including NDAA, NIST, and SEC
- Critical Infrastructure
- Internet of Things

Peter Miller – Moderator

Evan Wolff

Maida Lerner

Kate Growley

12:15 ADJOURN