



# GOVERNMENT CONTRACTS 101

## Government Contracts Basics

October 18 – 22, 2021 (Virtual)

### Day 1: Monday, October 18, 2021

1:00-1:50

#### **The 101 of 101: The Foundation of Government Contracting**

*Craig Barrett, Lorraine Campos, Gabrielle Trujillo, Payal Nanavati*

- Foundational concepts and statutes
- The big procurement picture: organization of the FAR
- Standard parts/sections of government contracts
- The importance of flow-downs for both primes and subs

2:00-2:50

#### **Cost and Pricing: No Contract is Really Final**

*Erin Rankin, Nicole Owren-Wiest, Charles Baek*

- FAR Part 31: Cost Principles
- Cost Accounting Standards (CAS)
- Defective Pricing/Truthful Cost or Pricing Data
- Working with DCAA

3:00-3:50

#### **Small Businesses in Federal Government Contracting**

*Olivia Lynch, Steve Byers, Zach Schroeder*

- Framework for thinking about size and status in federal contracting
- Understanding the impact of small business regulations on large contractors

## Day 2: Tuesday, October 19, 2021

1:00-1:50

### **Changes, Claims, and Terminations During the COVID-19 Pandemic**

*Michelle Coleman, Steve McBrady, John Nakoneczny, Skye Mathieson, Eric Herendeen*

- Changes, Claims, Terminations with a COVID flair
  - Overview: Changes, Claims, Terminations
  - Requests for Equitable Adjustment
  - Contract Disputes Act Claims Overview
  - Sponsored Claims
  - Terminations for Convenience
  - Terminations for Default

2:00-2:50

### **Common Compliance Issues**

*Monica Sterling, Nkechi Kanu, Bridget Carr*

- Pitfalls and solutions related to compliance challenges in the following areas:
  - Contract Management
  - Operations
  - Legal
  - Procurement
  - Human Resources

3:00-3:50

### **State and Local Government: Contracting Risks and Opportunities**

*Lyndsay Gorton, Laura Baker, Alex Barbee-Garrett*

- Opportunity reviews
- Contract negotiation with state and local stakeholders
- State bid protests
- State and local performance disputes and claims
- Pandemic funding to states and localities

## Day 3: Wednesday, October 20, 2021

1:00-1:50

### **Intellectual Property Rights When Contracting with the U.S. Government**

*Chris Garcia, Jon Baker, John McCarthy, Yuan Zhou*

- Overview (Data v. Patent Rights)
- Rights allocation – who owns what and who gets a license to technical data and computer software
- Unique treatment of commercial items
- How to fight for your rights – Government IP disputes
- Inventions and patents

2:00-2:50

### **Labor & Employment for Federal Contractors and Subcontractors**

*Kris Meade, Rebecca Springer, Trina Fairley Barlow*

- Affirmative action – EO 11246 and the Office of Federal Contract Compliance Programs
  - AAP requirements and content
  - Enforcement
  - Pay equity
- Service Contract Act (SCA) – coverage and requirements
  - Basic coverage and requirements
  - Recent trends and risks
- Other Executive Orders – COVID-related

3:00-3:50

### **FOIA for Government Contractors**

*Anuj Vohra, Dan Wolff, Monica Sterling, Abi Stokes*

- What is FOIA, and why should you be thinking about it?
- How to defend against FOIA
- How to use FOIA on offense

## Day 4: Thursday, October 21, 2021

1:00-1:50

### **The Basics of Commercial Item Contracting and the GSA FSS Contract**

*Addie Cliffe, Chris Haile, Rina Gashaw, Liam O'Reilly*

- Understanding “commercial item” contracting
  - What is a “commercial item”?
  - Why does it matter?
- GSA Schedule contracts
  - Overview of FSS contracts
  - Compliance risk areas
  - New developments

2:00-2:50

### **False Claims Act**

*Tully McLaughlin, Gail Zirkelbach, Preston Pugh, Matt Vicinanza*

- Liability and damages framework
- The Qui Tam provisions
- Investigations and Litigation
- Retaliation

3:00-3:50

### **Government Contracts M&A**

*Christian Curran, Peter Eyre, Addie Cliffe, Michael Samuels, Allison Skager*

- Overview of government contracts transactional legal work: due diligence, purchase agreements, and disclosure schedules
- Potential “red flag” areas in government contracts diligence including intellectual property, cost accounting issues, cybersecurity, small business and socio-economic issues and much more
- Contract review – what to look out for in reviewing both prime and subcontracts including consent and notification requirements, indemnities, and compliance obligations
- Rep & Warranty Insurance – what is it and what are the implications for government contracts diligence?

## Day 5: Friday, October 22, 2021

1:00-1:50

### **Source Selection and Bid Protests: Pre- and Post-Award Considerations**

*Rob Sneckenberg, Amy O'Sullivan, Anuj Vohra, Dan Forman, Cherie Owen*

- CICA's Fundamental Requirement of Competition
- Understanding the Key Steps in the Procurement Process
- Pre-award Protests: Preserving Your Rights to a Fair Competitive Process
- Post-Award Protests: Available Options and Avoiding Procedural Pitfalls

2:00-2:50

### **Information Risk Management & Security**

*Kate Growley, Evan Wolff, Michael Gruden, Chris Hebdon*

- Cybersecurity requirements for unclassified information
- Cloud security requirements generally
- Security requirements for classified contracts
- Privacy requirements for government contractors