

# Government Contracts BACK TO BASICS

## **AGENDA** October 26, 2017

- 08:30 am**                    **Registration and Breakfast**
- 09:00 am**                    **Welcome and Overview**
- 09:15 am**                    **Foundational Statutes, How the FAR Works, Parts of a Contract, Flow-downs**
- 10:15 am**                    **Source Selection and Bid Protests: Pre- and Post-Award Considerations**
- 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
- 11:15 am**                    **Cybersecurity for Contractors**
- Introduction to cybersecurity
  - Cyber contracting clauses and provisions
  - Information sharing arrangements
  - Responding to incidents
- 12:00 pm**                    **Break - Lunch**

**12:15 pm**

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

- Three Phases: (1) Proposal; (2) Performance and billing; and (3) Final payment
  - Proposals: Forward pricing rates, Cost Accounting Standards, Truth in Negotiations Act (TINA), and FAR Part 31 “Cost Principles”
  - Performance and billing: Progress payments based on costs (for FFP and FPI contracts); Performance based billing/milestone billing; T&M billing based on hours worked and actual costs for material; “Public vouchers” for cost-reimbursement contracting; and all bills subject to periodic audit and testing
  - Final payment: FFP contracts, cost-reimbursement contracts, FPI contract, and T&M contracts
- Post-award Price Adjustments: FAR Part 31 allowability rules; TINA; and CAS

**1:15 pm**

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

- Commercial item contracting
  - What is a “commercial item”?
  - Why does it matter?
- GSA Schedule contracts
  - Compliance risk areas
  - Audits and enforcement
  - Transactional Data Rule- the saga continues

**2:00 pm**

### **Break**

**2:15 pm**

### **The Unique World of Governmental Intellectual Property: Who Has Rights to What**

- The ABCs
  - Definitions
  - Rights allocation scheme
- Protecting your IP in contracting with the Government
- Unique Treatment of Commercial Items Due diligence

**3:00 pm**

**Special Compliance and Ethics Considerations for Contractors**

- False Claims Act and Mandatory Disclosure
- Suspension and Debarment
- Key compliance issues for contractors
- Unique labor and employment requirements

**3:45 pm**

**Break**

**4:00 pm**

**Changes, Claims and Terminations**

- Overview: Changes, Claims, Terminations
- Requests for Equitable Adjustment
- Contract Disputes Act Claims Overview
  - Differences Between CDA Claims and REAs
  - Pursuing Claims at COFC and Boards of Contract Appeals
- Sponsored Claims
- Terminations for Convenience, Terminations for Default

**5:00-6:30 pm**

**Reception**