**BCABA ANNUAL PROGRAM - AGENDA AND MATERIALS**

**October 15, 2014**

**8:15 - 8:50 Registration, Breakfast and Networking**

**8:50 - 9:00 Welcoming Remarks: Judge Gary E. Shapiro**, PSBCA; President, BCABA  **Kristen E. Ittig**, Arnold & Porter LLP;Vice-President and Program Chair, BCABA

**9:00 - 10:15 COURT OF FEDERAL CLAIMS AND FEDERAL CIRCUIT DECISIONS: RECENT DEVELOPMENTS**

Panelists will discuss significant contract decisions from the Court of Federal Claims and the Federal Circuit in the past year.

**Moderator: Judge Carol Park-Conroy (ASBCA, Ret.) JAMS**

**Panelists:** **Stan Johnson**, Crowell & Moring LLP; **Ralph Nash**, George Washington University School of Law; **Neil O’Donnell**, Rogers Joseph O’Donnell, PC; **Bryant Snee**, United States Department of Justice, Civil Division

**10:15 - 10:30 NETWORKING COFFEE BREAK**

**10:30 - 11:30 REGULATORY UPDATE: WHAT YOU NEED TO KNOW ABOUT THE EVER-CHANGING REGULATORY LANDSCAPE**The panel will discuss the recent regulatory updates of which government contracts practitioners should be aware.

**Panelists: Kara Sacilotto, Wiley Rein LLP; Craig Smith*,* Wiley Rein LLP**

**11:30-12:30 THE CIVIL FALSE CLAIMS ACT**

This panel will address investigations and settlement in cases where the alleged misconduct is both a breach of contract and a violation of the civil False Claims Act.

**Moderator: Richard O. Duvall**, Holland & Knight LLP

**Panelists: Colette Matzzie**, Phillips & Cohen; **Brian Miller**, Navigant;**Jennifer Short**, U.S. Attorney’s Office for the District of Columbia

**12:30 - 1:30 LUNCHEON**

**Keynote Speaker**: **The Honorable** **Anne Rung**, Administrator for Federal Procurement Policy

**1:30 - 2:30 ETHICS IN GOVERNMENT CONTRACTS**

**Panelists: Ron Schechter**, Arnold & Porter LLP; **David Weber**, Arnold & Porter LLP

**2:30 - 2:45 NETWORKING COFFEE BREAK**

**2:45 - 3:45 KEY BCA DECISIONS: THE YEAR IN REVIEW**

**Panelists: Lucas Hanback**, Rogers Joseph O’Donnell, PC; **Heidi Osterhout**, United States Department of Justice, Commercial Litigation Branch; **Skye Mathieson**, Crowell & Moring LLP; **Tara Ward**, Wiley Rein LLP

**3:45 - 4:45 BCA Judges Panel**

**Moderator: Chief Judge Marc Loud, DC CAB**

**Panelists**: **Judge Marie Collins**, FAA ODRA; **Judge** **Maxine McBean**, DC CAB; **Judge Elizabeth W. Newsom**; ASBCA; **Judge Peter Pontzer**, PSBCA; **Judge Jonathan Zischkau,** CBCA

**4:45 - 5:15 BCABA, INC. ANNUAL BUSINESS MEETING**

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Administrator for Federal Procurement Policy *(invited but not confirmed)*

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**Tab 2**

**BCABA Leadership and Past Award Recipients**

**Officers**

**President:**

Hon. Gary Shapiro  
PSBCA  
2101 Wilson Boulevard, Ste. 600  
Arlington, VA  
(w):  703-812-1900  
(f):  703-812-1901

**Secretary:**  
Hon. Marc Loud   
DC Contract Appeals Board  
441 4th Street, NW, Suite 350N  
Washington, DC 20001

(w):  202-727-6597

(f):  202-727-3993

**Treasurer:**  
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Kristen Ittig   
Arnold & Porter LLP  
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(f):  202-942-5999

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Senior Counsel, Fluor Corporation  
100 Fluor Daniel Drive (HP03D)  
Greenville, SC 29607-2770  
(w):  864-281-5084  
(m):  864-593-3056

**BOard of Governors**

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Cohen Mohr LLP

1055 Thomas Jefferson Street, NW

Washington, DC 20005

**Katherine A. Allen (2011-2014)**

**Office of the Chief Counsel**

**U.S. Department of the Treasury**

**Bureau of Engraving and Printing**

**14th and C Streets, SW, Room 419-A**

**Washington, DC 20228**

Hon. Anthony N. Palladino (2011-2014)

Director and Administrative Judge

FAA Office for Dispute Resolution for Acquisition

800 Independence Ave., SW, Room 323

Washington, DC 20591

C. Scott Maravilla

FAA Office of Dispute Resolution for Acquisition

800 Independence Avenue, SW

Washington, DC 20591

**Jonathan A. DeMella (2011-2014)**

**Oles Morrison Rinker Baker LLP**

**701 Pike Street, Suite 1700**

**Seattle, WA 98101**

Ita Snyder (2013-2015)

General Electric Aviation

1299 Pennsylvania Avenue, NW

Washington, DC 20004

William A. Wozniak (2013-2015)

Williams Mullen LLP

8300 Greensboro Drive, Ste. 1100

Tysons Corner, VA 22102

Erin Sheppard (2011-2014)

McKenna, Long & Aldridge, LLP

1900 K Street, NW

Washington, DC 20006

David Edelstein (2013-2015)

Asmar, Schor & McKenna, PLLC

5335 Wisconsin Avenue, NW, Ste. 400

Washington, DC 20015

**BCABA, INC. PAST PRESIDENTS**

FY 1990 – Marshall Doke

FY 1991 – Hon. Ron Kienlen

FY 1992 – Frank Carr

FY 1993 – Marcia Madsen

FY 1994 – Robert Schaefer

FY 1995 – COL Steven Porter

FY 1996 – Laura Kennedy

FY 1997 – James Nagle

FY 1998 – Hon. Cheryl Rome

FY 1999 – David Metzger

FY 2000 – Barbara Bonfiglio

FY 2001 – James McAleese

FY 2002 – Peter McDonald

FY 2003 – Richard Gallivan

FY 2004 – Elaine Eder

FY 2005 – Joseph McDade

FY 2006 – Michele Mintz Brown

FY 2007 – Michael Littlejohn

FY 2008 – Hon. Richard Walters

FY 2009 – David Nadler

FY 2010 – Susan Warshaw Ebner

FY 2011 – David Black

FY 2012 – Francis E. “Chip” Purcell

FY 2013 – Don Yenovkian

**Life Service Award Recipients**

**BCABA, Inc. Life Service Award recipients:**

* 2013 – **Michele Brown**, Leidos
* 2012 – **Thomas H. Gourlay**, Army Corps of Engineers
* 2011 – **Hon. Carol Park-Conroy**, JAMS
* 2010 – **Susan Warshaw Ebner**, Buchanan, Ingersoll & Rooney
* 2009 – **James J. McCullough**, Fried, Frank, Harris, Shriver & Jacobson
* 2008 – **Hon. Richard Walters**, CBCA
* 2007 – **No selection**
* 2006 – **Clarence D. Long**, USAFLSA/JACN
* 2005 – **James F. Nagle**, Oles, Morrison, Rinker & Baker
* 2004 – **Hon. Stephen Daniels**, CBCA
* 2003 - **Hon. Paul Williams**, ASBCA
* 2002 – **David Metzger**, Arnold & Porter
* 2001 – **Peter A. McDonald**, Navigant
* 2000 – **Hon. Ronald A. Kienlen**, ASBCA

**PRESIDENT'S Award Recipients**

**BCABA, Inc. President's Award recipients:**

2012 - Daniel J. Strouse, Cohen Mohr LLP

2011 - Ryan E. Roberts, Sheppard Mullin Richter & Hampton

2010 - Thomas H. Gourlay, Army Corps of Engineers

2009 - Peter A. McDonald, Navigant

2008 - Shelley Ewald, Watt Tieder Hoffar & Fitzgerald;

Jennifer Zucker, Patton Boggs

2007 - James J. McCullough, Fried, Frank, Harris, Shriver & Jacobson

2006 - Michele Brown, Leidos

**gold medal firms**

**The following firms have a 100% BCABA membership rate among their government contracts practice:**

Arnold & Porter LLP

Asmar, Schor & McKenna PLLC

Bradley Arant Boult Cummings LLP

Construction Risk Counsel, PLLC

Cooley LLP

Crowell & Moring LLP

Dickstein Shapiro LLP

Dulske Gluys, PC

Fried, Frank, Harris, Shriver & Jacobson LLP

Gibson, Dunn & Crutcher

Hogan Lovells

Holland & Knight LLP

Husch Blackwell LLP

McKenna Long & Aldridge LLP

Morrison & Foerster LLP

Oles Morrison Rinker Baker LLP

Perkins Coie LLP

Smith Pachter McWhorter PLC

Watt Tieder Hoffar & Fitzgerald LLP

Wiley Rein LLP

Williams Mullen

**Tab 3**

**Speaker Biographies - Index**

**Judge Marie Collins**, FAA ODRA

**Richard O. Duvall**, Holland & Knight LLP

**Lucas Hanback**, Rogers Joseph O’Donnell, PC

**Kristen Ittig**, Arnold & Porter LLP

**Stan Johnson**, Crowell & Moring LLP

**Chief Judge Marc Loud, DC CAB**

**Skye Mathieson**, Crowell & Moring LLP

**Colette Matzzie**, Phillips & Cohen

**Judge** **Maxine McBean**, DC CAB

**Brian Miller**, Navigant

**Ralph Nash**, George Washington University School of Law

**Judge Elizabeth W. Newsom**, ASBCA

**Neil O’Donnell**, Rogers Joseph O’Donnell, PC

**Heidi Osterhout**, BCABA Case Digest Editor

**Judge Carol Park-Conroy, (ASBCA, Ret.) JAMS**

**Judge Peter Pontzer**, PSBCA

**The Honorable** **Anne Rung**, Administrator for Federal Procurement Policy

**Kara Sacilotto, Wiley Rein LLP**

**Ron Schechter**, Arnold & Porter LLP

**Judge Gary Shapiro**, PSBCA

**Jennifer Short**, U.S. Attorney’s Office for the District of Columbia

**Bryant Snee**, United States Department of Justice, Civil Division

**Craig Smith*,* Wiley Rein LLP**

**Tara Ward**, Wiley Rein LLP

**David Weber**, Arnold & Porter LLP

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**Speaker Biographies**

**Judge Marie Collins**, FAA ODRA



**Richard O. Duvall**, Holland & Knight LLP



**Lucas Hanback**, Rogers Joseph O’Donnell, PC



**Kristen Ittig**, Arnold & Porter LLP



**Stan Johnson**, Crowell & Moring LLP



**Chief Judge Marc Loud, DC CAB**



**Skye Mathieson**, Crowell & Moring LLP



**Colette Matzzie**, Phillips & Cohen



**Judge** **Maxine McBean**, DC CAB



**Brian Miller**, Navigant



**Ralph Nash**, George Washington University School of Law



**Judge Elizabeth W. Newsom**; ASBCA



**Neil O’Donnell**, Rogers Joseph O’Donnell, PC



**Heidi Osterhout**, BCABA Case Digest Editor



**Judge Carol Park-Conroy (ASBCA, Ret.) JAMS**



**Judge Peter Pontzer**, PSBCA



**The Honorable** **Anne Rung**, Administrator for Federal Procurement Policy



**Kara Sacilotto, Wiley Rein LLP**



**Ron Schechter**, Arnold & Porter LLP



**Judge Gary Shapiro**, PSBCA



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**Craig Smith*,* Wiley Rein LLP**



**Bryant Snee**, United States Department of Justice, Civil Division



**Tara Ward**, Wiley Rein LLP



**David Weber**, Arnold & Porter LLP



**Judge Jonathan Zischkau,** CBCA



**Tab 4**

**Panel No. 1 (9:00 - 10:15)**

**FEDERAL CIRCUIT DECISIONS: RECENT DEVELOPMENTS**

**Moderator: Judge Carol Park-Conroy (ASBCA, Ret.) JAMS**

**Panelists:** **Stan Johnson**, Crowell & Moring LLP; **Ralph Nash**, George Washington University School of Law; **Neil O’Donnell**, Rogers Joseph O’Donnell, PC; **Bryant Snee**, United States Department of Justice, Civil Division

The Panelists will discuss the following significant contract decisions from the Federal Circuit in the past year:

### *CMS Contract Management Services, et al. v. United States* (The HUD Cases)

745 F.3d 1379 (Fed. Cir. Mar. 25, 2014), *reh’g denied* Aug. 8, 2014 - O’Donnell



* *Metcalf Construction Co. v. United States*, 742 F.3d 984 (Fed. Cir. 2014) - Nash



* *Shell Oil Company et el v. United States*, 751 F.3d 1282 (Fed. Cir 2014)- Johnson



* *SUFI Network Services, Inc. v. United States*, 755 F.3d 1305 (Fed. Cir. 2014) - Snee



**Tab 5**

**Panel No. 2 (10:30 -11:30)**

**REGULATORY UPDATE: WHAT YOU NEED TO KNOW ABOUT THE EVER-CHANGING REGULATORY LANDSCAPE**

**Panelists: Kara Sacilotto, Wiley Rein LLP; Craig Smith*,* Wiley Rein LLP**

The panel will discuss the recent regulatory updates of which government contracts practitioners should be aware.



**Tab 6**

**Panel No. 3 (11:30 - 12:30)**

**THE CIVIL FALSE CLAIMS ACT**

**Moderator: Richard O. Duvall**, Holland & Knight LLP

**Panelists: Colette Matzzie**, Phillips & Cohen; **Brian Miller**, Navigant;**Jennifer Short**, U.S. Attorney’s Office for the District of Columbia

This panel will address investigations and settlement in cases where the alleged misconduct is both a breach of contract and a violation of the civil False Claims Act.









**Tab 7:**

**Lunch Key Note Speaker: The Honorable Anne Rung**

Administrator for Federal Procurement Policy

**Tab 8**

**Panel No. 4 (1:30 - 2:30)**

**ETHICS IN GOVERNMENT CONTRACTS**

**Panelists: Ron Schechter**, Arnold & Porter LLP; **David Weber**, Arnold & Porter LLP







**Tab 9**

**Panel No. 5 (2:45 - 3:45)**

**KEY BCA DECISIONS: THE YEAR IN REVIEW**

**Panelists: Lucas Hanback**, Rogers Joseph O’Donnell, PC; **Heidi Osterhout**, BCABA Case Digest Editor; **Skye Mathieson**, Crowell & Moring LLP; **Tara Ward**, Wiley Rein LLP

The Panelists will discuss the following significant contract decisions from the various Boards of Contract Appeals in the past year:

* **American General Trading & Contracting,** WLL ASBCA No. 56758
* **Appeal of Marilyn Laney,** PSBCA No. 6487
* **Eyak Services, LLC (ESL),**  ASBCA Nos. 58556 and 58557

and

**Eyak Technology, LLC (EyakTek),** ASBCA Nos. 58552, 58553, 58554, and 58555,

* **Muse Business Services, LLC**, CBCA No. 3537
* **Kellogg Brown & Root Services, Inc***.,* ASBCA Nos. 56358 et al
* **Temple Contract Station LC**, PSBCA Nos. 6430, 6488
* **Brookwood Research Center, LLC**, CBCA No. 3783
* **Classic Site Solutions, Inc**., ASBCA Nos. 58376, 58573
* **Tele-Consultants, Inc**., ASBCA No. 58129



**Tab 10**

**Panel No. 6 (3:45 - 4:45)**

**BCA Judges Panel**

**Moderator: Chief Judge Marc Loud, DC CAB**

**Panelists**: **Judge Marie Collins**, FAA ODRA; **Judge** **Maxine McBean**, DC CAB; **Judge Elizabeth W. Newsom**; ASBCA; **Judge Peter Pontzer**, PSBCA; **Judge Jonathan Zischkau,** CBCA



**Tab 11**

**PROGRAM FEEDBACK FORM**

**BCABA, INC. 2014 ANNUAL PROGRAM**

**FEEDBACK FORM**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **Excellent** | **Very**  **Good** | **Satisfactory** | **Below**  **Average** | **Unsatisfactory** | **COMMENTS** |
| **Facilities and Service (including food)?** |  |  |  |  |  |  |
| **Were the Speakers Audible**  **(Sound Quality)?** |  |  |  |  |  |  |
| **Visual Materials Clear?** |  |  |  |  |  |  |
| **Seating Acceptable?** |  |  |  |  |  |  |
| **Written Materials?** |  |  |  |  |  |  |
| **Format and Length of Program?** |  |  |  |  |  |  |
| **First Panel: Court of Federal Claims and Federal Circuit Decisions: Recent Developments** |  |  |  |  |  |  |
| **Second Panel:** **Regulatory Update: What You Need to Know About the Ever-Changing Regulatory Landscape** |  |  |  |  |  |  |
| **Third Panel: The Civil False Claims Act** |  |  |  |  |  |  |
| **Lunch Program** |  |  |  |  |  |  |
| **Fourth Panel: Ethics in Government Contracts** |  |  |  |  |  |  |
| **Fifth Panel:**  **Key BCA Decisions: The Year in Review** |  |  |  |  |  |  |
| **Sixth Panel:** **BCA Judges Panel** |  |  |  |  |  |  |
| **OVERALL PROGRAM RATING:** |  |  |  |  |  |  |

**Thank you for participating.**

**We hope to see you again next year.**