



Federal Contracting: What You Need to Know Now

You have identified an attractive potential federal government project. Now what do you do? There are a myriad of rules and regulations, not to mention the resolution of disputes, governing these projects. Meanwhile, the federal market has changed dramatically over the last year. This series of webinars will provide a detailed overview of some of the most critical challenges both new and experienced federal contractors will need to know to successfully navigate this new landscape.

November 5, 1:30-3pm ET • Protests and Debriefings: How to Protect Yourself

Contracts for nearly all federal government construction projects are awarded on a negotiated “best value” basis. To successfully compete and perform one of these projects it is necessary to review a variety of factors, including: the scope of the project, the “best value” evaluation criteria, as well as the terms and conditions in light of very detailed and specific requirements related to the assertion of bid protests. These are issues that should be considered both before and after the agency has announced the name of the firm selected for the award. This webinar will review the practical steps needed to identify your rights and obligations if a contract is awarded to your firm; considerations to enhance a firm’s “best value” proposal in light of the stated evaluation criteria; issues that must be clarified or protested before a proposal is submitted; debriefings by the agency and bid protests to the agency, the Government Accountability Office (GAO), or the United States Court of Federal Claims.

November 12, 1:30-3pm ET • Small Business Contracting: Opportunities Gained & Challenges Identified

Congress has mandated that federal agencies strive to award nearly 25% of all prime contracts by dollar value to small business concerns. In addition, Congress has also set goals for various other programs to assist small business contractors such as: economically disadvantaged [Section 8(a)] contractors, HUBZone small business contractors, Service Disabled Veterans Owned and Women Owned small business firms. These programs are especially important to all construction contractors given the agencies approach to meeting these congressionally established goals. In addition, nearly all contracts awarded to large business contractors have potentially challenging goals for subcontracting to small business firms. This webinar will review the practical effect of these programs on contractors, large and small, strategies for managing the opportunities and risks, potential pitfalls in addressing these programs and protests related to a firm’s status as an eligible small business concern under these programs.

November 19, 1:30-3pm ET • Cost Recovery & Claims: Obtaining Fair Compensation and Avoiding Pitfalls

The concept of “cost” is central to a contractor’s entitlement under the changes, differing site conditions, and suspension of work clauses and is subject to specific rules affecting recovery under these clauses. In the era of negotiated “best value” awards, appreciation of the meaning of that term is also essential to the submission of a proposal that complies with potential requirements under the Truth in Negotiations Act, as well as part 31 of the Federal Acquisition Regulation. This webinar provides an understanding on “costs” as a term of art, treatment of special categories of costs such as bonding costs, equipment costs, and fixed general conditions. In addition, the program will address consideration of the requirements to record and prove a contractor’s costs, certifications related to contract proposals and claims, as well as pitfalls in the presentation of either a contractor’s initial proposal or Requests for Equitable Adjustments (REAs.)

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Speakers

Dirk Haire

Partner, Smith, Currie & Hancock LLP

Practice Areas

- Construction
- Government Contracts

Mr. Haire practices in the areas of construction law and government contracts, with a focus on federal construction. He represents contractors and owners in virtually all phases of both the public and private sectors. Chambers USA recently identified him as one of America's leading construction lawyers for the third year in a row. Haire currently sits on the AGC Board of Directors and serves on multiple national committees, including the AGC of America FAR Committee.

Daniel J. Donohue

Shareholder, Akerman Senterfitt Attorneys at Law

Practice Areas

- Construction, Government Contracts
- Postal Contracting, Government Contractor Fraud Defense Team

Mr. Donohue represent clients in litigation of claims and appeals, arbitration, administrative litigation, commercial litigation in federal and state courts, and Alternative Dispute Resolution. In addition, Donohue represents clients in pre-contract negotiations and controversies, bid protests, contract performance disputes, liens and payment issues, as well as commercial claims and disputes.

Thomas J. Kelleher, Jr.

Senior Partner, Smith, Currie & Hancock LLP

Practice Areas

- Construction Law
- Government Contracts
- Litigation

Mr. Kelleher has extensive government and construction contract experience on issues involving bidding, changes, differing site conditions, delays and terminations. In addition, he has represented clients in mediations, as well as arbitration proceedings. He served in the U.S. Army from 1968-1973 as the Assistant Chief and Instructor in the Procurement Law Division at the U. S. Army JAG School, Charlottesville, VA .

Carol K. Watson

Bell, Rosenberg & Hughes LLP

Practice Areas

- Construction Law

Mrs. Watson has 20 years experience in construction law with an expertise in prosecuting and defending contractor and owner-developer claims through litigation and a rbitration or resolving them through mediation or other forms of alternative dispute resolution. In the public works arena, she has arbitrated numerous claims through JAMS (Judicial Arbitration and Mediation Services), AAA (American Arbitration Association), and OAH (California's Office of Administrative Hearings), and she has prosecuted and defended breach-of-contract and payment-bond actions in state and federal court. She is part of a team of attorneys representing an international infrastructure group in arbitration, litigation, and at the appellate level.

Stephen Shapiro

Holland & Knight LLP

Practice Areas

- Construction
- Government Contracts
- Alternative Dispute Resolution

Mr. Shapiro has developed extensive legal experience in all aspects of construction procurement, administration, claims, government contract and construction litigation, proposal preparation, bid protests, contract management, regulatory compliance and subcontractor, supplier and surety relations. He also has significant experience with legal issues arising from building defects and mold.

Mr. Shapiro is a member of the Board of Directors of the Associated General Contractors of Metropolitan Washington, D.C. and has published numerous professional articles and contributed to several industry text books.

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