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CLE 11* / CPE 13**

The Advanced Government Contract Administration Workshop

With Professor Ralph C. Nash, Jr.

April 15-16, 2009 • New Orleans, LA
September 15-16, 2009 • Washington, DC
October 27-28, 2009 • Boston, MA

Presented by Federal Publications Seminars www.fedpubseminars.com

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The Advanced Government Contract Administration Workshop

The foundation of Government contracting is *Contract Administration*. Without effective, solid administration, *any* type of Government contract — whether it is for a product or a service, large or small, can face enormous hurdles, problems, claims, and disputes. As participants will find, *this* Workshop takes on the substantive issues of contract administration directly and aggressively.

Each day of the Workshop will deal with specific, concrete administration problem areas. These areas will be illuminated, dissected, sharply analyzed and *resolved* — through discussions, lectures, and problem-solving exercises. Keeping with the advanced nature of this program, you will also learn proven techniques for *avoiding* disputes. Strategies to use, when disputes do arise, will also be covered.

Each attendee will receive a copy of the nationally-acclaimed text, the newly published fourth edition of *Administration of Government Contracts* for use during the program and as a desk-reference. In addition, selected copies of THE NASH & CIBINIC REPORT will be used to focus on key issues. By the end of the course, you will be able to use these tools to identify practical, legal, equitable and ethical solutions to contract administration problems.

In short, the course curriculum has been carefully selected to give you the most practical, *advanced* program on contract administration possible. We hope you will be able to participate in one of the sessions.

Course Director

Ralph C. Nash, Jr. is nationally recognized as one of the leading and most respected authorities in Government procurement. His guidance, insights and innovations have been at the forefront of the contracting profession for decades. Now a Professor Emeritus of Law at The George Washington University, Professor Nash established and became the founding Director of the Law School's Government Contracts Program. Designed to provide a solid framework for teaching, research and writing in Government procurement, the program is a leading U.S. educational resource in Government contracting today and Professor Nash continues as a vital part of the program.

In addition to an active role in consulting for Government agencies, private corporations, industrial organizations and law firms on procurement matters, Professor Nash continues to educate the contracting community through programs sponsored by educational institutions, professional societies and professional associations. He has served as a member of the Governing Council of the American Bar Association's Section of Public Contract Law and as a Judge on the Atomic Energy Commission Board of Contract Appeals. In addition, Professor Nash is a Fellow of the National Contract Management Association and serves on the NCMA's Board of Advisors.

Author of one of the most respected texts ever written on a procurement subject — *Government Contract Changes* — he has coauthored a number of the basic texts on procurement matters including *Formation of Government Contracts*, 3d ed. 1998, *Administration of Government Contracts*, 4th ed. 2006, *Cost Reimbursement Contracting*, 3d ed. 2004, and *Competitive Negotiation: The Source Selection Process*, 2d ed. 1999. Professor Nash is the author of the Federal Publications monthly publication, *The Nash & Cibinic Report*.

Professor Nash received his Bachelor of Arts degree from Princeton University and his Juris Doctor degree from The George Washington University.

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Call Mike Joseph at 651-848-8655

1. AN OVERVIEW OF CONTRACT ADMINISTRATION

- a. What Is Contract Administration?
- b. The Rules
- c. Where The Rules Originate
- d. The Govt's Authorized Agents
- e. Standards Of Conduct
- f. Liability Of Govt Employees

2. INTERPRETING CONTRACT DOCUMENTS

- a. Key Definitions
- b. The Goals Of Interpretation
- c. Contract Wording — A Detailed Review
- d. Questions / Problems Following Contract Analysis

3. CHANGES IN CONTRACTS

- a. The Changes Clause
- b. Notice Requirements
- c. Change Orders
- d. Causes
- e. Damages

4. DELAYS

- a. Excusable
- b. Compensable
- c. Standard Clauses
- d. Causes
- e. Damages

5. USING GOVT PROPERTY

- a. Overview
- b. Govt Obligations
- c. Contractor Obligations & Remedies

6. RECOGNIZING THE RISKS IN THE PROCESS

- a. Faulty Representations & Statements
- b. Nondisclosures
- c. Warranty Issues
- d. Good Faith & Fair Dealing
- e. Performance Impracticability & Mistakes
- f. Allocating The Risks Fairly

7. ACCURATELY PRICING ADJUSTMENTS

- a. Basic Computation Rules
- b. Proving The Amount
- c. Claim Preparation Costs
- d. Defective Pricing Claims By The Govt
- e. Calculating Overhead & Profit Figures
- f. Delay & Impact

8. DIFFERING SITE CONDITIONS

- a. The Standard Contract Clause
- b. Type I & Type II Conditions
- c. Contract Breach
- d. Contractor's Duty To Inspect The Site
- e. Govt Disclaimers
- f. Notice & Procedure
- g. Exculpatory Clauses

9. INSPECTION, ACCEPTANCE & WARRANTIES

- a. Govt Rights
- b. Inspection Procedures
- c. Rejection & Correction
- d. Acceptance
- e. Express & Implied Warranties

10. PAYMENT

- a. Discharge
- b. Contract Payments
- c. Standard Clauses
- d. Prompt Payment Act
- e. Debt Collection Procedures
- f. Remedies & Setoffs

11. TERMINATIONS FOR CONVENIENCE

- a. Govt's Rights
- b. Procedures
- c. Constructive Termination
- d. Contractor Recovery
- e. Settlement Principles & Procedures
- f. Partial Terminations

12. TERMINATION FOR DEFAULT

- a. Bases For Termination
- b. The Decision
- c. Contractor Defenses
- d. Govt Remedies
- e. Procedures
- f. Damages
- g. Liquidated Damages
- h. Contesting The Termination

13. THE DISPUTES PROCESS & ADMINISTRATION

- a. The Process
- b. The Disputes Path
- c. Asserting Contractor Claims
- d. The C.O.'s & The Administrator's Roles
- e. Remedies
- f. Overview Of The Contract Disputes Act

The Government Contract Compliance Handbook, 4th

by Seyfarth Shaw, LLP

This comprehensive handbook is an essential guide for apprising government contractors of the latest compliance issues. It contains case studies, examples, and recommendations, plus current information on:



- *Offenses and penalties*
- *Ethics and conflicts of interest*
- *Domestic preferences and compliance programs*

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Please provide offer code 550595 when ordering

Register online at: www.fedpubseminars.com

Advanced Government Contract Administration Workshop

Federal Publications Seminars

195 Broadway, 9th Floor

New York, NY 10007

or detach and mail to the exact address stated above

REGISTRATION APPLICATION

Enclosed is my check for the \$995 registration fee which includes applicable taxes. (Please make check payable to West.)

- April 15-16, 2009
New Orleans, LA • Royal Sonesta Hotel
- September 15-16, 2009
Washington, DC • Marvin/Cafritz Conference Center
- October 27-28, 2009
Boston, MA • TBD

I understand that (a) an acknowledgement of this registration will be sent to me, and (b) this registration may not be cancelled later than two weeks before the session begins (but I may name a substitute registrant at any time).

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DATES AND LOCATIONS • 2009

April 15-16, 2009

Royal Sonesta Hotel New Orleans, 300 Bourbon Street, New Orleans, LA 70130 800-766-3782 • www.royalsonesta-neworleans.com/

September 15-16, 2009

Marvin/Cafritz Conference Center • The George Washington University, 800 21st Street, NW • Washington, DC 20052 • 202/994-7470
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October 27-28, 2009

Boston, MA • TBD

Please visit www.fedpubseminars.com for updated information.

DAILY SCHEDULE

Registration: 8:45 am on Day 1

Meetings: 9:00 am – 12:00 pm and 1:00 pm – 4:00 pm

To Register:

- **Registration Fee \$995.** The Registration fee of \$995 includes the price of a course book which is valued at \$100 plus applicable taxes. Applicable taxes include sales, use, gross receipts, excise, value added tax (VAT) or equivalent, *ad valorem* and other taxes.
- **Register online at www.fedpubseminars.com**
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FOR FURTHER INFORMATION:

Telephone: (888) 494.3696

COURSE MANUAL — An extensive *Manual* of original materials (available from no other source) has been specially prepared for distribution to attendees at this program. Its purpose: to relieve you of the burden of taking voluminous notes and to provide you with a source book of continuing value.

TEAM DISCOUNT — A discount is available for three or more registrations from the same organization for this seminar. The discount – a \$200 per person reduction in the seminar fee – can be taken when three (or more) registrations are sent together. The discount cannot be transferred to other sessions of this program or to other seminars. To receive the team discount, please phone, fax or mail your registration.

***CLE: Continuing Education Credit** — This course is eligible for 11.0 continuing education credit hours. States have widely varying regulations regarding CLE Credit. Please contact us with inquiries about the availability of CLE credit in your state. West Legalworks is an approved CLE provider in New York, California and Illinois. Financial assistance is available for hardship. Call 1-800-308-1700 for details.

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HOTELS — The course registration fee does not include hotel accommodations. For hotel information please go to our website www.fedpubseminars.com.

Delegates will need to call the Royal Sonesta Hotel New Orleans Reservations at: 504-586-0300 and let the reservation agent know that they are with Federal Publications Seminars. 10 rooms at the rate of \$140.00 per night. Must book by March 24, 2009

Sound recordings are prohibited. Please note that registrations may not be cancelled later than two weeks before the session starts, but a substitute registrant may be named at any time.

