

ALL-NEW SEMINAR!

Now that the monumental **Infrastructure Investment and Jobs Act (IIJA)** has become law, America will begin a building spree larger than what happened during the New Deal. This means that local, state and federal agencies will have the enormous responsibility to implement the law by shoring up new programs and finding safe ways to quickly get funds into the hands of contractors that will ultimately perform the work. This seminar will cover **foundational government contracts concepts** and emerging **hot topics** and is geared towards newcomers and experienced practitioners alike. Join us to get a functional understanding of the **risks and obligations** inherent in government contracting and explore best practices for **mitigating those risks**. You will learn to successfully navigate some of the issues you'll encounter in government contracting such as **procurement integrity, bid protests** and the **implications of standard government contract clauses**.

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DATED MATERIAL - PLEASE EXPEDITE!



Government Contract Law: Fundamentals and Hot Topics

LIVE ONLINE ONLY
Thursday, January 20, 2022



Minnesota Continuing Legal Education
Your Success Is Our Goal

Government Contract Law: Fundamentals and Hot Topics

Geared towards newcomers and experienced practitioners alike, this course will cover the **nuts and bolts of government contracting** and emerging **hot topics**.



Our expert faculty will explain:

- **Doing Business with the Government – Opportunities and Pitfalls**
- **Challenging a Government Contract Award** and Unraveling the Bid Protest Process
- **Analyzing Standard Government Contract Clauses** and Their Implications as Contract Building Blocks
- **Suing the Government – Claims and Disputes in Government Contracts**
- **Navigating the False Claims Act:** Protecting Your Client's Business, Whistleblowers, and Tax Dollars
- **And much more!**

LIVE ONLINE ONLY
Thursday, January 20, 2022

In-Person Passholders – You may use your Pass to register for the online seminar at no charge.

Register today at www.minncle.org

SCHEDULE

8:30 – 9:00 a.m. JOIN ONLINE

9:00 – 9:10 a.m.

Welcome & Overview

– *Thomas J. Radio*
Course Chair

9:10 – 9:55 a.m.

Doing Business with the Government: Opportunities and Pitfalls

Pursuing government contracting may not be the right decision for every business. But the opportunities can be significant. Is the business willing to learn and follow the rules relating to acquisitions? Is it willing to do ongoing, detailed research to find procurement opportunities and take the time to prepare and present offers? Can the business financially support the performance of a government contract that may involve significant start-up costs? Is the business willing to be a subcontractor to companies that are prime contractors? What are some tips for marketing the business to government purchasers? This session will explore these questions and more!

– *Robert T. Dube Jr.*
Jared M. Reams

9:55 – 10:00 a.m. BREAK

10:00 – 11:00 a.m.

Challenging a Government Contract Award and Unraveling the Bid Protest Process

A bid protest is a remedy that allows contractors to challenge a government contract award. This panel discussion will unravel the bid protest process and provide helpful tips for prevailing in these matters. Topics include:

- Types and timeframes involved for filing a bid protest
- What to expect in terms of protest procedures, written submissions, and hearings
- Protective orders
- Common protest arguments and how to use them to your advantage
- The standard required to prevail in protests

– *James R. Cownie*
Betsy B. Hayes
Alexander P. Hontos
Robert J. Huber
Thomas J. Radio (Moderator)

11:00 – 11:15 a.m. BREAK

11:15 a.m. – 12:15 p.m.

Analyzing Standard Government Contract Clauses and Their Implications as Contract Building Blocks

Unlike commercial contracting – where the buyers and sellers have a great deal of flexibility in developing terms and conditions – in state and federal government contracting, there are clauses mandated by statutes and regulations that neither the contracting officer, nor the contractor has the flexibility to omit or change. Many times, these clauses are incorporated by reference only, rather than spelled out. This session will provide an overview of the major standard state and federal government contract terms and conditions. Learn what these standard clauses say, what they mean, their effect, and what you can do to minimize risks for your clients.

– *Nena M. Lenz*

12:15 – 12:45 p.m. LUNCH BREAK

12:45 – 1:15 p.m.

Strategies for Reducing Conflicts in the Administration of State Government Contracts

Successful government contract administration ensures that both parties fulfill their contractual obligations, as well as adapt to changing circumstances. No matter which side of the contract you're on – government official or vendor – a firm grasp of contract procedures and legal requirements is essential for sound contract management. This session will provide guidance on all phases of the contract administration process. Topics include:

- Interpreting contract terms accurately
- Managing differing site conditions
- Renegotiating terms to reflect changes
- Making price adjustments
- Resolving disputes without litigation
- Ensuring prompt, full payment
- Terminating contracts

– *Rachel L. Dougherty*
Elizabeth M. Randa

1:15 – 1:20 p.m. BREAK

1:20 – 2:05 p.m.

Suing the Government – Claims and Disputes in Government Contracts

This session will provide a roadmap for navigating the complicated process of pursuing contract claims against both the Federal Government and the State of Minnesota. We begin with an overview of the core concepts underlying all litigation against government entities, followed by a detailed discussion of the procedures governing claims against the Federal Government under the Contract Disputes Act. We will also address the process for bringing contract claims against the State and we will conclude by discussing the possibilities for negotiation and settlement of government contract disputes. Learn best practices and helpful tips regarding how to start a claim, how to avoid roadblocks, and how best to reach a successful resolution of your dispute.

– *Mark J. Blando*

2:05 – 2:10 p.m. BREAK

2:10 – 2:40 p.m.

Promoting Equity and Inclusion in the State Contract Procurement Process

Explore how the State of Minnesota is working to promote equity and inclusion in its contracting practices. Learn the legal considerations as well as an overview of the tools, techniques and statutory authorities the State utilizes to remove traditional barriers for businesses that experience underutilization.

– *Igbal O. Mohammed*

2:40 – 2:55 p.m. BREAK

2:55 – 3:25 p.m.

Breaking Down the Labor & Employment Issues Facing Government Contractors

State and federal government contractors and subcontractors face unique legal and business challenges. Government contractors must not only operate within the constraints of standard employment statutes, but also follow the law under an additional layer of scrutiny. This session will discuss some of the federal and state labor and employment laws and regulations and data responsibilities that should be considered when pricing and performing a government contract. Learn how to advise your clients on minimizing risks and uncertainty and maintaining compliance with regulations specific to winning and keeping government contracts.

– *Scott M. Lepak*

3:25 – 3:30 p.m. BREAK

3:30 – 4:00 p.m.

Navigating the False Claims Act: Protecting Your Client's Business, Whistleblowers, and Tax Dollars

Fraud against the Government is still a pervasive problem and extends widely across industries. Government contractors are vulnerable to fraud claims against them and may be in a position to identify competitors whose fraud hurts their own business. Thus, understanding the ins and outs of the State and Federal False Claims Acts (FCA) and their qui tam and retaliation provisions enhances your ability to advise clients about their options. This session will explore the latest trends in FCA enforcement actions and associated litigation and will provide best practices for advising your government contract clients on how to avoid FCA liability.

– *Susan M. Coler*

4:00 – 4:05 p.m. BREAK

4:05 – 4:35 p.m.

Intellectual Property in Government Contracts – A Survivor's Guide for Small Business Clients

Intellectual property is often a company's most valuable asset. When developed and/or used as part of a government contract, IP rights generally are determined by standard government contract clauses imposed by regulation. However, successfully navigating those regulations is no easy task, and missteps or lack of preparation can result in disclosure of IP to the government and rival government contractors. This session will address common intellectual property issues with respect to government contracts and the interaction between subcontractors and prime contractors. This session will cover how making the right decisions early is critical to preserve a company's IP when the government is a customer.

– *Chad G. Clark*

COURSE INFORMATION

ONLINE PROGRAM

Thursday, January 20, 2022
View online at www.minncle.org

Registration for online program must be made online at www.minncle.org

IN-PERSON PASSHOLDERS

You may use your Pass to register for the online program at no charge.

COURSE MATERIALS

All course materials will be provided electronically.

CREDITS

Minnesota CLE is applying to the Minnesota State Board of CLE for **6.0 standard CLE credits**. The maximum number of total credits attendees may claim is 6.0 credits.

SCHOLARSHIPS AVAILABLE

Minnesota CLE maintains a scholarship program for those with a financial need. Contact Grant at gdavies@minncle.org or **651-254-2111** for further details or to obtain an application.

ACCOMMODATION

If you have a disability and need an accommodation in order to attend this seminar, please contact Minnesota CLE as soon as possible at 2550 University Avenue West, Suite 160-S, Saint Paul, MN 55114 or call us at 800-759-8840.

CANCELLATION POLICY / NO-SHOW POLICY

Paid registrants who cancel before the seminar will receive a full credit on their account, or refund upon request. Paid registrants who do not cancel and are unable to attend will retain access to the seminar materials through their website account. Passholders may purchase the materials at 50% of the full retail price.

QUESTIONS?

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ATTEND ONLINE

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THURSDAY, JANUARY 20, 2022

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\$245 paralegal

\$295 standard rate

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