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What contractors
must know about
Schedule compliance
and audits

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CLE 11* / CPE 13**

Advanced Issues in Multiple Award Schedule Contracting: Compliance, Audits and Risk Avoidance

March 4-5, 2009 • Las Vegas, NV
June 16-17, 2009 • Washington, DC
September 22-23, 2009 • Huntsville, AL

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Advanced Issues in Multiple Award Schedule Contracting: Compliance, Audits and Risk Avoidance

This advanced course is designed to cover the primary “high risk areas” of Schedule Contracting, with a special focus on compliance, audits, and risk avoidance. Detailed discussions of the Price Reductions Clause, the Industrial Funding Fee, and the Trade Agreements Act will serve as the vehicles to examine all three subject areas. The course will provide practical advice on how to recognize the benefits of contracting with the Federal Government while minimizing the risks by:

- Making a reasonable and rational “bid/no-bid” decision at the outset
- Negotiating a realistic and flexible contract as the primary means of ensuring future compliance and minimizing future risk
- Implementing a functioning internal compliance program
- Dealing with compliance issues as they arise during contract performance, especially in the context of the Price Reductions Clause as it relates to pricing and discounting to commercial customers.

The GSA Multi Award Schedule may be the most used—yet least understood—Government procurement vehicle available. While many billions of dollars are spent on Schedule purchases annually—little guidance exists that explains and simplifies the world of Schedule contracting.

The course will benefit newcomers and veterans; as well as contract holders, participating dealers, and manufacturers alike.

The course includes a special presentation by former GSA FSS Assistant Commissioner for Acquisition, Carolyn Alston. Additionally, the Washington, D.C., session of this course will feature special presentations by one or more of the following professionals: John W. Chierichella, Anne B. Perry, Louis Victorino, and Larry Allen.

Additionally, the new edition of the popular book, *Multiple Award Schedule Contracting*, by John W. Chierichella and Jonathan S. Aronie (Xlibris 2006), will serve as the text for the course and will be provided to all participants. Attorneys Chierichella and Aronie practice law in the Washington, D.C. offices of Sheppard, Mullin, Richter & Hampton LLP.

Course Faculty

Jonathan S. Aronie is a partner in Sheppard Mullin’s Government Contracts practice group, focusing on litigation, internal investigations, and Government Contracts. Jonathan is the co-author of *Multiple Award Schedule Contracting* (Xlibris 2002), and has extensive experience representing MAS vendors. He writes a monthly procurement column for *Federal Computer Week* and is a regular speaker at national procurement conferences, including the NCMA World Congress, GSA Expo, and the Coalition for Government Procurement’s annual procurement meeting. Jonathan frequently represents clients in matters relating to national security.

Carolyn Alston is the General Counsel of Washington Management Group, one of the nation’s leading GSA Schedule consulting firms. Carolyn provides legal counsel to WMG’s federal acquisition consulting operations. She has extensive and varied experience in the development, implementation and application of commercial acquisition laws and policies. As former Assistant Commissioner for Acquisition at GSA’s Federal Supply Service and Multiple Award Schedule Program Coordinator, she managed the agency’s successful GSA Schedules program and was substantially responsible for writing current Multiple Award Schedule policies. Carolyn also worked for many years as a senior attorney in GSA’s Office of General Counsel.

Larry Allen is the President of Coalition for Government Procurement. Larry manages and directs the operations of the Coalition for Government Procurement and brings a strong background in government relations. Previous positions include Assistant Director of Government Affairs for the National Association of State Universities and Land-Grant Colleges as well as Legislative Assistant to Congressman Alex McMillan of North Carolina, where he covered the Government Operations, Armed Services and Foreign Affairs Committees. Larry received his B.A. in Political Science from Emory University and has done post-graduate work at American University.

Advanced Issues in MAS Contracting Course Curriculum

1. Overview

- a. Multiple Award Schedule Program Overview
- b. Commercial Contracting vs. Government Contracting

2. To Bid Or Not To Bid: The MAS Program is Not for Everyone

3. Proposals and Negotiations

- a. GSA Goal vs. Contractor Goal
- b. Representations and Certifications
- c. Commercial Sales Practices Format (CSPF)
- d. Selection of Basis of Award/Most Favored Customer
- e. Selection and Negotiation of GSA/Basis of Award Pricing Relationship
- f. Negotiation and Documentation

4. Contract Performance: High Risk Areas

- a. Price Adjustment Clause
- b. Price Reductions Clause
- c. Trade Agreements Act
- d. Changes to Commercial Practices
- e. Scope of Contract
- f. Schedule vs. Open Market Sales
- g. Teaming
- h. Subcontracting Plans
- i. Special Issues When Selling Services

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5. Audits and Investigations

- a. GSA Administrative Reviews
- b. GSA Office of Inspector General Audits
- c. Other Federal Audits
- d. DOJ Investigations

6. Adverse Actions

- a. Administrative Actions
- b. Cancellations and Terminations
- c. Suspensions and Debarments
- d. False Claims Act Allegations
- e. Other Adverse Actions

7. Internal Compliance Programs

- a. Components
- b. Implementation

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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DATES AND LOCATION • 2009

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June 16-17, 2009

AMA Executive Conference Center, 2345 Crystal Drive, Arlington, VA 22202 • 571-481-2200 • www.amanet.org/exec_conf_cntr/washington

September 22-23, 2009

The Four Points Sheraton Huntsville, 1000 Glenn Hearn Boulevard
P.O. Box 20068, Huntsville, Alabama 35824 • 256-772-9661
www.starwoodhotels.com/fourpoints

DAILY SCHEDULE

Registration: 8:45 am on the First Day,

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

Conclusion: 4:00 pm on the Last Day

To Register:

- **Registration Fee \$995.** The Registration fee of \$995 includes the price of a course manual which is valued at \$235 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 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.

****CPE: Continuing Professional Education** — This course is eligible for 13 CPE credit hours. West Legalworks is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors, 150 Fourth Avenue North, Suite 700, Nashville, Tennessee 37219-2417 or by visiting the web site: www.nasba.org. NASBA program Level: Basic, NASBA Program Prerequisites: None, NASBA Advance Preparation: None. For more information about administrative policies such as complaints and refunds, please call our offices at 1-800-308-1700.

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