

Legal Aspects of Government Contracting

FCEDA Procurement Academy

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BUSINESS LAW IN THE NATION'S CAPITAL

Presenters

Seth Berenzweig leaps tall buildings. He is also Managing Partner of Berenzweig Leonard, LLP, a business law firm located in McLean. In addition to managing the firm, he helps companies and executives address litigation issues, as well as issues related to obtaining, performing, administering and getting paid for government contracts work. He appears on Bloomberg, CNBC and Fox to discuss business law developments, and is also interviewed on morning drive radio stations throughout the United States to discuss business issues.

Michael Brainard fights for truth and justice. He is a member of the Government Practice Group of General Counsel, P.C. based in McLean. Mr. Brainard has over 30 years experience guiding small and large businesses through the maze of government compliance issues. He has been inside counsel for large contractors, with responsibility for all government contracts, legal, cost accounting, ethics, and internal controls functions.



Addressing Solicitations and Proposals

- What to look for and how to respond
- Recent changes on small business preferences
- Contractual arrangements to generate work – subs, teaming agreements, JVs
- Importance of using NDAs, and issues arising with teaming partners
- Carefully submitting your proposal
- What happens next – debriefings
- Whether or not to protest, and timing



Operational and Litigation Issues

- Performance issues, and working with the CO
- Getting paid for your work – Board claims
- Injunctions and leverage – GAO and the Court of Federal Claims
- Protection on white collar issues – False Claims and Statements
- How to address subpoenas and government investigations
- HR management issues and avoiding various pitfalls

Legal Business Management Issues

- Recent Ethics and Compliance Rules – codes, hotline posters, whistleblower
- Mandatory disclosure rules – crimes and overpayments
- Procurement Integrity Act – restricted contact
- Timekeeping and expense reporting
- New business systems payment withhold – the Government keeps your money



Legal Business Management Issues

- Change management – know the rules
- Key internal controls issues – estimating, billing
- Subcontracting and purchasing issues
- Government audits – please let them in
- Allowable and unallowable costs
- Suspension and debarment – sanctions are steep



Questions?