

**Updated
for 2014**

POSTAL SERVICE CONTRACTING: WHAT EVERY COMPANY SHOULD KNOW

November 6, 2014 – Washington, D.C.

register online at
www.huschblackwell.com/PostalSeminar

- **Dealing with USPS: do's and don'ts**
- **Understanding USPS source selection and purchasing rules**
- **Avoiding the most common contract administration problems**
- **Identifying and responding to contract changes**
- **Negotiating with USPS**
- **Managing claims, terminations and audits**



Newly updated for 2014, this seminar brings to light the unique environment of Postal Service contracting and provides a foundation for contractors to succeed. Experienced and novice contractors alike will gain actionable knowledge of their contractual rights and learn how to avoid common pitfalls.

Who Should Attend

- Experienced Postal Service contractors will refresh their understanding and learn about the most current developments.
- Company presidents, vice presidents, officers, and managers will better understand the risks and opportunities under Postal Service contracts, and gain strategies on how to manage them.
- Contract administrators and project managers will learn the fundamental rules and policies that apply to Postal Service procurements and contract administration.

About the Course

Doing business with the U.S. Postal Service differs from contracting with other federal agencies and commercial entities. As an independent agency, the Postal Service is exempt from most federal procurement laws and regulations. Neither the Federal Acquisition Regulation (FAR), nor the Competition in Contracting Act (CICA), applies to the Postal Service. Instead, the Postal Service has its own special purchasing rules called the Supplying Principles and Practices manual. This seminar summarizes the key aspects of those rules and how they impact suppliers.

Declining mail volumes and multi-billion dollar deficits are no longer unwelcome surprises but now the current paradigm. Since procurement spending is one of the few areas where USPS has a free hand, contractors face aggressive USPS cost-cutting schemes. Simply holding on to the benefits you bargained for is now a major accomplishment. We examine the strategies employed by the Postal Service to reduce its procurement spending and how contractors can best deal with them.

Proper contract administration is vital to your success. When changes occur or changed conditions are encountered, performance costs can escalate quickly. To remain whole, you must promptly identify and notify the Postal Service about these changes without inadvertently defeating your right to be compensated. You must also know your rights if the Postal Service terminates your contract. This seminar will describe your contractual rights and show you how to respond to changes.

Claim avoidance is always a desirable goal and we describe the best ways of doing so. But claims cannot always be prevented, and sometimes claims can be asserted against you. We show you how to bring and resolve claims through the disputes process.

Course Details

November 6, 2014

The Westin Tysons Corner
7801 Leesburg Pike, Falls Church, VA 22043
(Washington, D. C. metropolitan area)

8:00 a.m. – 9:00 a.m.	Registration & Continental Breakfast
9:00 a.m. – 12:00 p.m.	Morning Session
12:00 p.m. – 1:00 p.m.	Luncheon
1:15 p.m. – 4:15 p.m.	Afternoon Session

Accommodations

Discounted seminar rates are available at The Westin Tysons Corner. Hotel reservations should be made directly with The Westin Tysons Corner by calling reservations at 1-888-627-8970.

When reserving your room, mention the Husch Blackwell Postal Service Seminar to receive a discounted room rate of \$219.00 (traditional king room) for Wednesday November 5 and/or Thursday November 6.

Reservations must be received on or before Thursday, October 14, 2014, to receive the discounted rate. The hotel will offer this rate three days pre- and post-event, based on room and rate availability at the time of the reservation.

Seminar cost

\$395 | \$295 each additional registrant from the same company (Full-day program, continental breakfast and luncheon provided)

Registration

Learn more and register online at www.huschblackwell.com/PostalSeminar

Course Outline

The Basics of Postal Service Contracting

We start with the basics: vital information on the Postal Service that every contractor should know. This section will bring you up to date on the most current information and latest trends impacting postal contractors, including:

- Background on USPS
- Do's and don'ts when interacting with the Postal Service
- Key procurement rules and policies
- Differences between USPS and other federal agency procurement practices
- Impact of USPS's financial crisis

Procurement Rules and Source Selection

The Postal Service has placed a renewed emphasis on obtaining competition in contracting. This means that contractors need to understand the rules that apply to competitive and noncompetitive purchases, and what you can do if problems arise. We discuss:

- Prequalification
- Evaluation criteria
- Responding to solicitations
- Reverse auctions
- Discussions and negotiations
- Noncompetitive contracting
- Green purchasing
- Special USPS contract clauses
- Protests and disagreements

Contract Administration Problem Areas

We explore "best practice" contract administration techniques and the most frequently encountered contract administration problems that arise in performing under a Postal Service contract. These areas include:

- Contract authority
- Ambiguous terms
- Payments and withholdings
- Modification gotchas
- Subcontractors and flow-down requirements
- Terminations
- Negotiating with USPS
- Investigations

Changes and Claims

Nobody wants them, but they are a reality. This section of the seminar examines your rights and responsibilities when your contract is changed. We identify the most common types of changes, how to respond to them, and how to avoid taking self-defeating actions. We then describe the process employed for bringing and resolving contractor and Postal Service claims.

- Identifying changes and changed conditions
- Responding to changes
- Claims avoidance
- Types of claims
- Claim preparation
- Pricing techniques
- Audits
- Dispute resolution forums



What Attendees Say:

"The seminar was really great. David demonstrated clear understanding of USPS contract principles and applications of them. He provided thoughtful examples and answered questions clearly."

Brian Porter
Accenture

"This presentation answered all the questions I needed answers for without my having to ask them."

Peter Graefe, President
Apolan International

"A real eye opener into the USPS contracting process and possible pitfalls."

Eugene Hejing
Pallet Wrapz, Inc.

"David Hendel is very knowledgeable and passionate about the topic. Explained complicated processes simply."

Charla Sydnor
Matheson, Inc.

"Excellent! Very good information for contractors who deal with the USPS."

Peter Dreifus, Chief Operating Officer
Escher Group

About the Course Director

David Hendel is Chair of the firm's Postal Service Contracting group and a partner in the Government Contracts group. David has focused his practice on Postal Service contracting matters for the past 30 years and has represented hundreds of postal contractors on a variety of issues. He has extensive experience in solicitation review, bid protests, contract administration, changes, claims preparation and litigation, terminations, and procurement fraud investigations. He writes a monthly column on postal contracting for the National Star Route Mail Contractors Association. David also litigates matters before the U.S. Court of Federal Claims, the Postal Service Board of Contract Appeals, and various U.S. district courts.

David commenced his legal practice in 1982 as an Honors Attorney for the U.S. Postal Service General Counsel in the Office of Contracts and Property Law. He advised senior officials on procurement matters, litigated contract claims, and handled agency protests, receiving a special commendation for meritorious service from the Postal Service's top procurement official.

After entering private practice, David realized how vastly the Postal Service's procurement environment differed from those of other agencies. To help contractors understand and succeed within this environment, he created other popular seminars on postal contracting: Advanced Topics in U.S. Postal Service Contracting; Doing Business with the U.S. Postal Service; Changes, Modifications and Claims under U.S. Postal Service Contracts; and Making Sense of Your Postal Service Contract. Since 2001, he has annually compiled and published the list of the Postal Service's top suppliers. David received his B.A., magna cum laude, with high honors from Brandeis University and his J.D. from New York University.

About Brian Waagner

Brian's practice focuses on the litigation and arbitration of contract disputes. Brian has experience with the full range of controversies that arise during contract performance, as well as on post-completion problems such as allegations of defective work and false claims. Additionally, Brian represents service contractors and suppliers on compliance issues and disputes during the performance of federal contracts. He has particular expertise in the scope and application of the Trade Secrets Act and the Freedom of Information Act (FOIA) as they relate to the protection of contractor trade secrets and proprietary information.

About Husch Blackwell

Husch Blackwell is an industry-focused, full-service litigation and business law firm with locations in 15 U.S. cities and in London. National and global leaders are represented in major industries that include energy and natural resources; financial services; food and agribusiness; health care, life sciences and pharmaceuticals; technology, manufacturing and transportation; and real estate, development and construction.

www.huschblackwell.com

register online at
www.huschblackwell.com/PostalSeminar



Contact Information



David P. Hendel, Partner
Husch Blackwell LLP
750 17th Street, NW, Suite 900
Washington, DC 20006-4656
202.378.2356
david.hendel@huschblackwell.com



Brian P. Waagner, Partner
Husch Blackwell LLP
750 17th Street, NW, Suite 900
Washington, DC 20006-4656
202.378.2355
brian.waagner@huschblackwell.com