



HUSCH BLACKWELL

Advanced Topics in U.S. Postal Service Contracting

A special one-day seminar on identifying and resolving the most difficult, yet important, issues confronting postal contractors in bidding and contract performance.

Friday, November 19, 2010 · 8:00 a.m. - 4:15 p.m.

Course Director:

David P. Hendel

Husch Blackwell LLP
750 17th Street NW, Suite 1000
Washington, D.C. 20006-4656

Location:

L'Enfant Plaza Hotel

480 L'Enfant Plaza SW
Washington, DC 20024-2253
202.484.1000

Registration:

Contact Stephanie Dorssom at rsvp-sl@huschblackwell.com, 314.345.6646 or by visiting www.regonline.com/postalseminar2.

New Seminar!

Who Should Attend:

This seminar is designed for companies that already have a Postal Service contract or subcontract, or are actively seeking one. While this seminar addresses advanced topics in Postal Service contracting, no prior background is required to understand the curriculum. Anyone who manages, administers, or is responsible for the success of your company's postal contracts will benefit from attending this seminar.

- **Experienced Postal Service contractors** will learn how their peers deal with some of the toughest issues they themselves are facing
- **Company presidents, vice presidents, financial officers, and managers** will better understand how to manage the risks and protect the rewards from their postal contracts
- **Contract administrators and project managers** will learn how to respond effectively to the most challenging issues that can arise during the course of contract and subcontract performance



Advanced Topics In U.S. Postal Service Contracting

This seminar takes on the hardest, most challenging issues you are likely to face in bidding on and performing a U.S. Postal Service contract. These issues trouble even the largest and most experienced postal contractors. How you go about dealing with them can make the difference between retaining the benefit of the bargain or taking a bath.

These mind-benders are addressed in four separate sessions. In **Contract Award**, we explore the tough issues that often arise in the submission and evaluation of proposals. Are there any binding procurement rules? Has your proposal been evaluated properly? How will the new management instruction on noncompetitive purchases impact you?

In **Contract Administration & Performance**, we scrutinize the key issues that can arise during the course of contract performance. Ever suspect that some postal personnel are favoring another contractor over you? How do you respond? When changes are made, or working conditions have changed, what's the best way to make a record without making a commotion? Which contract modifications should you never sign? How should you deal with a contract audit? The Service Contract Act (SCA) is a course in itself, so we focus our discussion on the problem areas, such as dealing with a Department of Labor audit and competing with SCA cheaters.

With postal cost-cutting at an all-time high, contractors face an increased chance that their contract could be terminated. In **Terminations**, we describe what steps you can take to forestall a termination, what actions you must take if your contract is terminated, and what costs you are entitled to recover.

Finally, we tackle the **Audit and Enforcement** issues that are becoming increasingly important on postal contracts. Do you know which of your suppliers or vendors are actually considered subcontractors? Have you properly flowed-down the mandatory and necessary clauses from your contract to your subcontractors? Learn the typical mistake that nearly all prime contractors make when they try to flow down USPS contract clauses.

We hope this doesn't happen to you, but do you know the three things you should do immediately after receiving a subpoena from the Office of Inspector General? After attending this seminar, you will.

Throughout the seminar, we explore case histories from actual Postal Service contracts. These scenarios happened in real life; we study them so you can learn from history instead of repeating it.

Course materials

In addition to receiving presentation materials specially tailored to this seminar, each attendee will receive a copy of our most recent treatise, *Making Sense of Your Postal Service Contract*. Newly published in May 2010, this treatise describes the real meaning of key Postal Service contract clauses, the obligations they impose, and the rights they confer.

COURSE DIRECTOR



David Hendel

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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 28 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 regularly litigates matters before the U.S. Court of Federal Claims, the Postal Service Board of Contract Appeals, and various United States 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 three other popular seminars on postal 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.

I. Contract Award

Contractors should expect the Postal Service to conduct more frequent competitive procurements in the wake of a recent Office of Inspector General's report examining the Postal Service's noncompetitive contracts. We explore the issues likely to arise in the next round of competitive procurements:

- Determining if the *Supplying Principles and Practices* manual is binding
- Impact of the new Management Instruction on Noncompetitive Purchases
- How best to deal with issues of risk and contingency
- Putting together a winning proposal
- How to know if your proposal has been evaluated properly
- Filing disagreements and protests

II. Contract Administration & Performance

The road to successful performance often presents obstacles. Changes, changed conditions, cost overruns, and over-reaching officials may stand in your way. We focus on the most challenging problems in this area:

- Dealing with an over-reaching official
- Good and bad contract modifications
- Recognizing and responding to changes and changed conditions
- Service Contract Act problem areas
 - Recovering mid-term wage rate adjustments
 - Pay for off-duty time
 - Competing against SCA cheaters
- Special problems presented by IDIQ contracts
- Creating a record without creating a commotion

III. Terminations

With mail volumes down and long-term prospects uncertain, the Postal Service is constantly re-thinking its operational needs and requirements. These operational changes can lead to the termination of your contract even if your performance is perfect. If that happens, you can be left with under-utilized equipment and facilities, an immediate need for replacement work, and unreimbursed costs. We show you what to do in these trying circumstances, as well as the little-known doctrine that may place limits on this highly inconvenient action. Among other things, we will consider:

- Can the Postal Service terminate your contract simply to get a better price?
- How to deal with partial and constructive terminations
- What termination costs may contractors recover?
- If you receive a show cause notice, how should you respond?

IV. Audit & Enforcement

Aside from performing your contract, you must also comply with dozens of miscellaneous and seemingly irrelevant federal policies and obligations. And the Postal Service has its own special compliance restrictions unique to the agency. Dealing with these requirements can become either a minor annoyance or a profit-killing morass. We address the most troublesome of these issues, including:

- The 23 miscellaneous and extraneous obligations in Postal Service contracts
- Subcontract administration and flow-downs
- Postal Service compliance and ethical conduct obligations
- Responding to audits and investigations
- The specter of fraud and false claims investigations
- Closing out the contract

COURSE FACULTY



Brian Waagner

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Brian is a partner in the Government Contracts Group at Husch Blackwell. He has represented property owners leasing space to the Postal Service, construction companies building post offices and other facilities, manufacturers of equipment and supplies used by the Postal Service, logistics companies that provide air and ground transportation services, and service contractors that sort the mail.



Daniel Donohue

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Dan is a partner in the Government Contracts Group at Husch Blackwell. He represents clients with federal and state government contracts and commercial contracts for services, supplies and construction. He advises clients on contract compliance issues and litigates claims and disputes. He represents clients in contract negotiations, bid protests, contract performance disputes and payment issues concerning government and commercial contracts.



Claude Goddard

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Claude is a partner in the Government Contracts Group at Husch Blackwell. He represents clients in corporate internal fraud investigations; federal and state court actions involving false claims, subcontracts, consulting agreements and misappropriation of trade secrets; agency suspensions and debarments; government contract claims; Court of Federal Claims and Government Accountability Office (GAO) bid protests; and default terminations.

Testimonials from Past Seminar Attendees

"This is the third postal contracting seminar I've been to and it's never dull. Presentation was very informative, straight to the point, and easy to follow."

Anthony J. Veltri
Veltri Inc.

"Always informative and to the point. Everything was outstanding!"

Mike McKee
R.R. Donnelley & Sons Company

"Great speaker; he added many pertinent examples from his experience."

David Maies
Motorola

"Mr. Hendel knew all aspects of USPS – you could tell he's been through all different dealings with the Postal Service."

Attendee
May 2009 seminar

"Good communicator, interesting, humorous."

Don Spatola
JA Postal Logistics Solutions

"Presented examples that are relevant in today's market."

Attendee
October 2008 seminar

"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

"David Hendel is a very informative, fast moving, enjoyable presenter."

Bob Baker
Abbttech Staffing Services

"David makes the presentation interesting. This is my third attendance. I would strongly recommend to other contractors. The information shared among attendees, as well as the presenters, is vital to a continued relationship with USPS."

Karlyn McKnight
EnerSys, Inc.

"Fantastic! It was nice to finally get answers to my USPS questions. Covered subjects clearly and efficiently and also made it enjoyable to learn! David obviously has a wealth of knowledge about the USPS and was able to pass some of that knowledge along in a very positive manner."

Attendee
April 2008 seminar

Date

Friday, November 19, 2010

Cost

Early Bird Rate: \$395

(register by November 4, 2010)

Regular Rate: \$495

Discounts are available for three or more attending from the same company. Contact Stephanie Dorssom at 314.345.6646 or rsvp-sl@huschblackwell.com for details. Cost includes seminar materials, continental breakfast, luncheon, and break refreshments.

Registration

Register online at www.regonline.com/postalseminar2 or contact Stephanie Dorssom at rsvp-sl@huschblackwell.com or 314.345.6646.

Course Materials

All attendees will receive a comprehensive set of seminar materials, which will include the full text of all standard Postal Service solicitation provisions and contract clauses.

For More on Postal Contracting

Please visit www.huschblackwell.com/postal-service-contracting for more information on postal contracting, including a list of top postal suppliers.

Schedule

(subject to change)

8:00 - 9:00 a.m.

Registration & Continental Breakfast

9:00 a.m. - Noon

Morning Session

Noon - 1 p.m.

Luncheon

1:15 - 4:15 p.m.

Afternoon Session

Hotel Accommodations

Hotel reservations should be made directly with the L'Enfant Hotel by contacting Luvina Chambers at luvina.chambers@lenfantplazahotel.com or 202.464.1000 ext. 5011. When reserving your room, mention you are attending the Husch Blackwell Postal Seminar to receive a special room rate of \$199.00 (standard room) on Thursday, November 18. The hotel will offer this rate on Friday, November 19 and Saturday, November 20 if you wish to extend your stay. Rooms at this rate are subject to availability until November 1.

About Husch Blackwell

Husch Blackwell LLP is a full-service litigation and business law firm with more than 600 attorneys in locations across the United States and in London, serving clients with domestic, international and multinational operations.

Our Government Contracts practice, based in our Washington, D.C. office, represents domestic and international clients involved in all phases of government contracting, including bid protests, contract administration, change orders, audits, claims and disputes, and compliance programs. A special focus of this practice is providing advice to Postal Service contractors.

In-House Presentations

To request a presentation of this course at your facility, which can be specifically tailored to your needs, please contact David Hendel at 202.378.2356 or david.hendel@huschblackwell.com.