

K&C University

The Defense Industry Group of Kaufman & Canoles has developed a series of training courses designed to provide up-to-date information on critical issues for government contractors. These courses can be provided on-site or at our training facility in Norfolk, Virginia and customized to meet your training needs. Topics currently available include:

Contract Administration: Effective administration of Government contracts not only saves money, but also increases the likelihood of future awards based on successful past performance. The course will address different contract types and their effect on contract administration; managing changes and requests for equitable adjustments; contract modifications and a review of key clauses including inspection, acceptance and payment; management of subcontracts through flowdown provisions; and contract closeout and termination issues. Key Federal Acquisition Regulation (“FAR”) provisions will be discussed to provide attendees with effective contract management tools.

Teaming Agreements: Government contracts depend on teamwork. Whether you are a prime or a subcontractor, a smart and well-planned teaming agreement can define a smooth working relationship — and prove imperative to success. Learn how to negotiate a teaming agreement no matter which side of the table you are on.

Joint Ventures: Learn the latest techniques, approaches and regulations governing successful joint venture agreements. A review of applicable regulations under the Small Business Administration’s 8(a), HUBZone, service-disabled veteran-owned, women-owned, and small business programs will be addressed along with a discussion of joint ventures with disadvantaged business enterprises (“DBE’s”) for transportation projects.

Subcontracts: Successful performance on a Government contract requires negotiation of a sound subcontract whether from the prime or subcontractor perspective. Witness a mock negotiation of key subcontract provisions for federal projects addressing the most commonly negotiated clauses to hopefully avoid future disputes.

Changes and Claims: Changes and claims are a part of doing business with the Government. We will cover how to manage contract changes and prevent claims and, if claims are necessary, how to maximize recovery, and prosecute claims at the boards of contract appeal and in court.

Ethics and Compliance: Federal contractors are now required to implement compliance plans and regular ethics training for employees. We have helped clients meet these requirements long before they became mandatory. We tailor the compliance plan and employee training specifically to your business to avoid creating unnecessary internal “red tape” or employee confusion. The course will cover employee timesheet requirements, responding to DCAA audits and how to handle internal investigations and compliance issues.

Bid Protests: Sequestration and declining budgets make the bid protest of increasingly scarce Government contracts more common. We will address different types of protests to the agency, Government Accountability Office and the United States Court of Federal Claims on behalf of protestors as well as the role of awardees in protecting contract awards.

Acquisitions: Acquiring, joint venturing or merging with a Government contractor entails a layer of professional knowledge and acronym mastery beyond the typical M&A deal, including attention to industry-specific issues such as “FOCI” mitigation; “CFIUS” review; ITAR and EAR compliance; maintenance of facility security clearances; mitigation of organizational conflicts of interest (OCI); novation of Government contracts; compliance with small-business and set-aside requirements; and due diligence concerning past-performance evaluations (CPARs) as well as TINA, CAS and other Government accounting rules. We will provide a roadmap through this thicket for your business development/acquisition team.

Employee Benefits: Government contracts allow the costs of certain “bona fide” fringe benefits, such as health insurance, ESOPs, 401k plans and/or executive stock and deferred compensation programs to be passed on as “allowable indirect costs,” to be recovered under cost-disclosure contracts. This session examines the elements of bona fide fringe benefits under the FAR, together with the process and requirements for passing these costs along to the government on appropriate contract vehicles.

Labor Issues in Government Contracts (Service Contract Act, Davis-Bacon Act, Walsh Healey): The employment aspects of performing under a federal contract provide an important, additional complexity to the already challenging array of employment laws. Our attorneys provide critical training on compliance and the practical applications of dealing with wage determinations under the Service Contract Act, Davis-Bacon Act and other federal programs. We also provide insight on both avoiding and handling common problems and avoidance of liability in the event of a random or complaint-driven audit by the Department of Labor.

ITAR/Export Issues: Export regulations do not apply only to weapon systems and sensitive technology but now govern virtually all sales, transfers and disclosures of technology to all foreign nationals or countries. Sales, transfers or disclosures of covered products or technologies to foreign nationals in the U.S. can be a “deemed” export that must meet the same licensing requirements that apply to sales, transfers and disclosures outside the U.S. We can guide you through the process of obtaining the required export licenses or the formal exemptions to the license requirement. We can also train your employees on how to avoid violations of export requirements which can consist of merely traveling abroad with covered information on a laptop.

Please contact Nicole Naidyhorski at (757) 624.3295, njnaidyhorski@kaufcan.com for further information or to schedule a training session.