

**WWEMA Finance & Contract Administration Council**

**May 8-9, 2014 • Indianapolis, Indiana**



**PUTTING TOGETHER  
THE **PIECES**  
FOR SUCCESS**

**WWEMA**  
Water & Wastewater Equipment Manufacturers Association Inc.

## REACTIONS TO THE PROGRAM IN 2013:

*“This was a wonderful event. I was able to do a lot of networking and gained a great deal of insight as to some of the things that need to be addressed early in order to have a successful contract.”*

*“The negotiating skills Alan Fishel shared were excellent. I can now prepare better and know my ‘outs’ when these tactics are used against me.”*

*“Very educational. Provided a great atmosphere to exchange thoughts and questions with peers. Gave me real-life exchanges with people facing the same frustrations as me.”*

*“It was so gratifying to meet with peers at other manufacturers that face the same issues as we do—we’re not alone!”*

*“Event was very well done. Excellent choice of topics and speakers.”*

### PLANNING COMMITTEE

*Jim Brown, Degremont Technologies North America*

*Susan Button, Xylem Inc.*

*Jon Forrest, Fortech Inc.*

*Brian Harrell, Hydro International*

*Marcia Reuben, Severn Trent Services*

# 2014 Finance & Contract Administration Council

Thursday, May 8

8 - 8:45 a.m.

## Registration and Continental Breakfast

8:45 - 9 a.m.

## Welcome and Introductions

9 a.m. - 10:30 a.m.

## Bidding Contracts with Public Entities

*Scott Pickens and Will Jack*

It all starts with the bid. When dealing with municipalities and other public entities, bids can become mired in a bureaucratic tangle of rules and requirements. Attorneys Scott Pickens and Will Jack will show how to unravel the bidding process to give your company the best chance for success. Among the topics they will cover:

- **Public Bidding Process**—How do bids submitted in response to public agency solicitations differ from RFPs and quotes for commercial customers? What are the risks and potential liabilities in pursuing public sector work? What are the key process differences? For example, can you negotiate? How do you deal with inconsistent bid instructions (within the same bid)?
- **Post Award Challenges**—How do you challenge an award decision that appears to be improper or not in accordance with the RFP, or procurement laws or rules? What are the potential grounds for such a challenge?
- **Prequalification Statements**—How much detail do you need to provide in bidding prequalification statements? What is the best way to handle these?

Scott E. Pickens is a partner at Barnes & Thornburg LLP, Washington, D.C., and is a member of the firm’s Governmental Services and Finance Department and Chair of the Federal Procurement Practice Group. His government contract litigation experience includes equitable adjustment claims, defective pricing, bid protests, defective specifications, contract negotiation and protests, federal contract compliance, technical data rights, and breach of contract issues.

William Jack is an of counsel attorney at Barnes & Thornburg LLP, Washington, D.C., and is a member of the firm’s Corporate Department. His practice focuses on government contracts, internal investigations, products liability, intellectual property, compliance, and Department of Justice investigations. He has conducted internal investigations on contractor compliance with the Federal Acquisition Regulation, performed risk assessments for product liability issues associated with government-funded technologies, and counseled contractors on intellectual property issues.

10:45 a.m. - 12:15 p.m.

## Anti-Corruption and Anti-Bribery

*Pat Rowan*

Your company’s ability to do business abroad and even domestically requires an understanding of applicable anti-corruption laws and statutes. In this session, Attorney Pat Rowan will share his expertise on:

- the U.S. Foreign Corrupt Practices Act, the U.K. Bribery Act, and new statutes in Brazil, Canada, and Mexico
- domestic anti-corruption/anti-bribery acts, including regulation related to gift and hospitality issues
- compliance programs companies should have in place to prevent violations and measures to take when violations occur

J. Patrick Rowan is a partner at McGuireWoods, Washington, D.C., His practice focuses on criminal and civil enforcement proceedings and internal investigations.



He advises corporate clients on compliance with the Foreign Corrupt Practices Act, the International Trafficking in Arms Regulation, Export Administration Regulations, and Advanced Export Trade Compliance.

12:15 - 1:30 p.m.

### **Networking Lunch**

1:30 - 3 p.m.

### **Collections Processes and Procedures**

*Mike Zito*

Are your collections terms, processes, and procedures an integral part of your overall business development effort or an afterthought? Yes, collections can be time-consuming, unpleasant, and frustrating ... but they don't have to be. In this session, Attorney Mike Zito will share ways you can structure your collections process—going beyond collections agencies and expensive lawsuits—to ensure payment from the largest to the smallest accounts.

Michael A. Zito is a partner at Shook, Hardy & Bacon LLP, Washington, D.C. He manages the firm's commercial receivables and litigation practice, which provides clients with a fully integrated and centralized management system for financial recoveries and related litigation. He was named a "Client Service All-Star" in the 2014 BTI Client Service All-Star Team for Law Firms.

3:15 - 4:45 p.m.

### **Payments and Warranties: Are Your Terms Costing You Money?**

*Moderator: Charles Surasky*

WWEMA member and Attorney Charles Surasky will lead a highly interactive discussion on payment terms and warranty terms and how to configure those to ensure minimal risk and maximum profit. Come prepared to share your experiences and your questions related to:

#### **Payment Terms**

- pay-when/if-paid
- retainage vs. milestones that occur after delivery
- no guaranteed end date for final payment
- ability to set off/withhold

#### **Warranty Terms**

- hard end dates (i.e., number of months after shipment)
- evergreen warranties and extended warranties after repairs/replacement
- exclusions to warranty (i.e., improper installation, etc., wear and tear, removal and reinstallation costs, implied warranties, etc.)
- warranty response times and ability for client to make repairs on their own

Charles Surasky is a Partner with Smith, Currie & Hancock LLP, Atlanta, Georgia. He specializes in the trial and arbitration of complex construction disputes

involving both private and government contracts. His wide range of trial experience includes actions in state and federal courts, arbitrations, and hearings before the federal boards of contract appeals.

6 - 8 p.m.

### **Dinner at Lorenzo's**

## **Friday, May 9**

8:45 - 9:45 a.m.

### **Internal Governance:**

#### **Avoiding Social Media and Technology Pitfalls**

*Brian McGinnis*

Join Attorney Brian McGinnis for a discussion of the role of social media and technology in business today and the potential pitfalls of its use. Among the topics to be covered:

- policies governing use of personal devices
- policies regarding use of social media
- what should and should not be included in emails and what can come back to bite you
- best practices regarding tracking communications, e-mail "promises," etc.
- making sure e-communications get circulated to the proper people
- what is the legal standing of e-communications

Brian J. McGinnis is an attorney with Barnes & Thornburg LLP, Indianapolis, Indiana, and is a member of the firm's Intellectual Property Department and Internet and Technology Law Group. He advises clients from startups to multinational corporations on a broad range of legal matters, including intellectual property development, protection, and enforcement; Internet, social media, and domain name issues; infringement and anti-counterfeiting actions; contracts; licensing; copyright; media; right of publicity; and unfair competition matters.

10 a.m. - 12 noon

### **Successful Negotiations**

*Alan Fishel*

Attorney and negotiations trainer Alan Fishel was the top-rated speaker at the 2013 F&CA Council event. This year, he will offer expertise on negotiating terms specific to the water and wastewater industry and will conduct a role-playing exercise to allow you to put those negotiation tactics to work.

Alan Fishel is a Partner at Arent Fox, Washington, D.C. He practices regularly in front of the Federal Communications Commission and is nationally recognized for his advocacy and transactional skills. He also provides seminars to in-house counsel, including for a chapter of the American Association of Corporate Counsel, regarding how to most effectively negotiate agreements.

# 2014 Finance & Contract Administration Council Registration

## Registration

Please complete and return this form along with the registration fee by **April 25, 2014**. Space for this event is limited and available on a first-come, first-served basis. (Please note that registration also is available online at [www.wwema.org](http://www.wwema.org).) WWEMA members are eligible for a discounted registration fee of \$295. The fee for non-members is \$475. Your fee includes all meeting materials as well as a continental breakfast, lunch, and dinner at Lorenzo's on Thursday.

WWEMA Member (\$295)     Non-member (\$475)

Name (as you would like it to appear on your badge): \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/ZIP: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

## Payment

Check (payable to WWEMA)     Visa     MasterCard     AmericanExpress

Card Number: \_\_\_\_\_

Expires: \_\_\_\_\_ Security ID#: \_\_\_\_\_

Billing address for card (req'd): \_\_\_\_\_

## Accommodations

Our program will be held at the law offices of Barnes & Thornburg, located in the historic Merchant Bank Building at 11 S. Meridian St., Indianapolis, IN 46204. Our host hotel is the Hampton Inn Downtown Indianapolis at 105 S. Meridian Street, a half-block walk from the meeting site. A discounted room rate of \$139 per night is available until **April 4, 2014**. Requests for accommodations after that date will be accepted on a space-available basis. To make reservations, call 317.261.1200 and identify yourself as part of the WWEMA block (Group Code WWE). Reservations also can be made online using WWEMA's dedicated site via [www.wwema.org](http://www.wwema.org).

## Cancellation Policy

Registration cancellations received by April 25, 2014, will receive a full refund, less a \$35 processing fee. Cancellations received after April 25 cannot be refunded due to commitments to service providers.



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