



## #24 - Decoding a Revolution: Demystifying the Major "Overhaul" to the FAR

## Summary

You've heard of the Revolutionary FAR Overhaul — but do you know what it means for your OCONUS construction and A/E contracts? Sweeping changes have been made to the regulatory framework, and continued success will require contractors to understand these changes and adapt quickly. This session helps you do just that.

### Full Description

If you do business with the U.S. Government, chances are you've heard of the "Revolutionary FAR Overhaul". But do you know what changes could be in store for YOU, and how they might impact your international Federal construction or A/E contracts or contracting opportunities? The new (proposed) regulations include critical changes that are certain to send shockwaves through the industry, including (but not limited to) changes to commercial contracting (FAR Part 12), contracting by negotiation (FAR Part 15), small business contracting (FAR Part 19), and Construction and A/E Contracts (FAR Part 36).

In this session, experienced Government Contracts attorney Maria Panichelli will provide an explanation of the most important changes that might impact construction, A/E and infrastructure contractors, and those changes that might impact OCONUS work. Maria will start with a primer on what the RFO is, what legal basis exists for the RFO, as well as how it works and how it relates to agency-specific deviations and/or (depending on timing) final rules/FAR changes.

Maria will touch briefly on the overhaul to FAR 12, with a focus on how the revisions are meant to streamline the commercial acquisition requirements. With regard to FAR 15, Maria will explain the substantive changes regarding discussions (now “negotiations”) and agency discretion to conduct clarifications. The session will also delve into the introduction of new and innovative FAR 15 procurement methods and their impact on “best value,” the use of oral presentations, and “phased acquisition.” Debriefings will also be addressed, as will

the likely collective impact of these changes on the bid protest process. Critical changes for small businesses under FAR 19 will also be discussed. With regard to FAR 36, Maria will cover the biggest changes impacting construction and A/E contracts. Finally, Maria will discuss concerns that may be particular to contractors operating OCONUS.

### *Learning Objectives*

- Explain the revamped procedures for acquisition of commercial products and services
- Understand how the proposed changes to FAR 15 may impact evaluation of offerors and award process (and basis)
- Learn to identify the most important changes to FAR 36
- Understand changes that might impact small business contractors (and those working with them), and OCONUS projects, in particular

### **Speakers**

Maria Panichelli's, Esq., practice includes: Bid protests (asserting and intervening); contract interpretation and performance counseling; the preparation and negotiation of REAs and CDA claims, as well as related litigation before the Boards of Contract Appeals, the Court of Federal Claims, and the Federal Circuit; statutory and regulatory compliance counseling; federal subcontracting (including FAR-compliant subcontracts, liquidating agreements, and the litigation of pass-through claims, Miller Act claims, and sub/prime disputes); contract terminations; and suspension and debarment. Having acquired substantial experience with the government's small business programs, Maria provides effective assistance to 8(a), HUBZone, VOSB/SDVOSB and WOSB/EDWOSB clients seeking to obtain or maintain small business eligibility. She routinely assists clients with size/status protests and has considerable experience drafting teaming and joint venture agreements, and with the SBA Mentor-protégé program. Maria also has substantial experience with issues particular to infrastructure and construction contracts, such as defective designs and specifications, express and constructive changes, differing site conditions, delays and disruption; suspensions; and liquidated damages. Maria's clients enjoy practical and shrewd advice, as well as zealous advocacy in bid protest litigation, claims prosecution, and False Claims Act (FCA) defense.

Maria is active in a number of industry-related professional associations is a frequent

