

President's Message

Hope you are all having a great summer—cruising the Bahamas, snorkeling the Great Barrier Reef, surfing the waves of Waimea Bay or just relaxing at home, now that Carmageddon is over. Right now, as I sip iced tea and look out across the LA Harbor, I am thinking about our upcoming activities and gearing up for the fall.



We have some exciting events planned, including our annual Charity Golf Tournament in Industry Hills at the Pacific Palms Hotel and Conference Center on Wednesday, September 21. Be sure to buy your foursomes now as the second course is nearly sold out! This is a terrific opportunity to raise funds for our Chapter Foundation to award scholarships to well-deserving students attending local colleges.

I am also looking forward to our Annual Meeting on Friday, September 29, to vote on our 2011/2012 Board. Stay tuned for more details. And please encourage your staff and colleagues to take advantage of the upcoming CCM Application seminar on Thursday, August 11, to help them become certified. More and more Owners are listing CCM as a requirement for managing their projects in their RFQs and RFPs.

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Pulling Back the Curtain...Again: New FAR Rule Gives Public Access to Contractors' Ethics and Performance Information

Contractors with any meaningful amount of federal contracts have always had to deal with the increased administrative burdens (and costs) involved when the United States Government (USG) is the client. During the last three years, however, those burdens have increased. This article outlines the most recent changes to the Federal Acquisition Regulation (FAR) aimed at ferreting out waste and fraud and promoting transparency in public procurement. Among them, contractors in many circumstances must now develop a code of business ethics and conduct and report the total compensation paid to top-level executives.

In March, 2010, another change to the FAR was made with the implementation of the Federal Awardee Performance and Integrity Information System or "FAPIIS." FAPIIS' stated purpose was to enhance significantly the USG's ability to evaluate a prospective contractor's ethics and integrity prior to award of a federal contract by providing – in one place – certain contractor information reported in various government databases, including the Central Contractor Registration (CCR), Excluded Parties List System (EPLS), Past Performance Information Retrieval System (PPIRS) and Contractor Performance Assessment Reporting System (CPARS). The rules implementing FAPIIS also added to contractors' existing reporting obligations by creating four new categories of mandatory disclosures:

1. Criminal Convictions – contractors must report whether they or any of their principals have, within the last five years, been convicted of a crime involving the award or performance of a federal contract or grant. Any



reportable information must be disclosed in a written narrative.

2. Civil Liability – contractors must report whether they or any of their principals have, within the last five years, been involved in a civil proceeding involving the award or performance of a federal contract or grant and found liable or at fault and required to pay any reimbursement, restitution, penalty, fine or damages in excess of \$5,000. Any reportable information must be disclosed in a written narrative.
3. Administrative Proceeding – contractors must report whether they or any of their principals have, within the last five years, been involved in any "administrative proceeding" involving the award or performance of a federal contract or grant and found liable or at fault and required and required to pay any monetary fine or penalty of \$5,000

or more, or the payment of any reimbursement, restitution or damages in excess of \$100,000. The rules define an "administrative proceeding" as a "non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability," and includes the Securities and Exchange Commission and the Armed Services and Civilian Boards of Contract Appeals.

4. Settlements – contractors must report instances within the last five years where a criminal, civil or administrative proceeding involving the award or performance of a federal contract or grant was terminated by settlement with an acknowledgment of fault or liability by the contractor, where the proceeding could have resulted in any of the reportable events described above.

On January 24, 2011, the FAR Council issued new, interim rules that make all information posted in FAPIIS, excluding past performance reviews, publicly accessible as of

April 15, 2011. A new FAR clause, 52.209-9, entitled Updates of Publicly Available Information Regarding Responsibility Matters, has been included in all solicitations since January 24, 2011, where the resulting contract is expected to exceed \$500,000. Contracting Officers were required to bilaterally modify existing contracts to include this clause (and implement the reporting requirements) before the April 15th deadline.

Contractors performing or seeking federal contracts should already have measures in place to ensure timely and truthful disclosure of the information required by the new FAPIIS rules. As this information is now available to any person with internet access, contractors also must vigilantly monitor and respond to any inadvertent disclosure of inaccurate information.

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Volunteers needed for April 2012 USC CMAA Symposium

The USC Construction Management Symposium will be renamed the USC CMAA Symposium, and organized by the CMAA student chapter at USC. The 18th Annual Symposium takes place in April, 2012, at the J.W. Marriot at L.A. Live. The Symposium includes a networking reception, gourmet dinner, and an enlightening presentation. In order to make the event an unprecedented success, we need volunteer support.

The Symposium attracts the “best of the best” from the AEC industry. It brings together owners, developers, construction managers, architects, contractors, and engineers to explore timely topics. It also provides excellent opportunities for networking with high-ranking government officials, corporate leaders and business owners and for recruiting graduating students eager to enter our industry. This year, the topic is infrastructure, the fourth topic in a five-part series on megacities.



If you are interested in supporting the USC CMAA Symposium, you don't have to wait until April, you can get involved now as a volunteer. Help the CMAA Student Chapter by volunteering your time and talent to make the 18th Annual Symposium a huge success. Please contact Farrah Farzaneh at farrah.usc@gmail.com to get involved today.

Farrah Farzaneh
Farrah.usc@gmail.com

Certified Construction Manager (CCM) Application Workshop

If you have decided to pursue your Construction Manager Certification (CCM), looked at the application process and found it complicated, then this Workshop is for you. If you have already started drafting your application and need guidance to complete it, then this workshop is for you as well. This is your opportunity to meet CCMs who, as members of our CMAA Southern California Chapter's CCM Committee, have mentored CCM candidates and provided assistance to many current CCMs.

This *complimentary* workshop will include an overview and discussion of the application, requirements, the entire certification process, final exam, and a Q & A session. Following the workshop, your CCM committee mentor will follow-up to review a draft of your application to ensure completeness and mentor you through the final exam.



Date: **Thursday, August 11, 2011**

Time: **3:00 PM to 6:00 PM**

Cost: **FREE**

Location: **Marriott Los Angeles Downtown**

333. S. Figueroa Street

Los Angeles, CA 90071

Parking: at the Marriott, valet parking is \$13/car with validation. Self-parking is across the street @ the World Trade Center (NO Parking Validation)

Please RSVP to: teo.sierra@swinerton.com by **Friday, August 5, 2011**. *When you RSVP, please send your complete contact information.*

The CCM packet, including application, information, and questions and answers is available at: http://www.cmaasc.org/pdfs/ccm_applicant_packet.pdf

For additional information please go to: <http://cmaanet.org/cmci>

If you have any questions about requirements or qualifications and need answers before you attend the workshop, please contact: teo.sierra@swinerton.com

Teo Sierra
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Want to hit that tee shot like a pro?

Here's a chance to boost your golf game and help a great cause, too. At the upcoming Charity Golf Tournament on September 21, at the Pacific Palms Hotel and Conference Center in Industry Hills, you'll have the opportunity to hire a pro to hit your tee shot.

This year, we have invited 4 golf pros to assist with your game. In addition, we will be raffling off free golf lessons, golf training aids invented by one of our pros, as well as free foursomes at the various Clubs of our participating golf professionals.

Plan for a day of fun in the sun, enjoy golf with our pros, and let the eagles fly!

To sign up your foursome today go to: <http://www.cmaasc.org/pdfs/092111golfentry.pdf>

