

Conferences and Meetings

Recently at the Army Research Laboratory, confusion of the requirements for obtaining conference approvals resulted in an IG complaint and scores of extra hours of work for both conference sponsors and reviewing attorneys. Although well below usual review thresholds, legal review of conference approvals is required by AMC-R 1-12, para 6b. As we shall see, the issues involved are complex enough to justify this.

What is a conference? Change 2 of the regulation defines conferences in the following manner:

...the term conference is defined as any formally constituted gathering to conduct, discuss, or exchanged opinion/ideas on a particular subject. This includes all symposiums, colloquia, meetings, workshops, seminars, and training conferences for which a program of instruction or a DD Form 1556 has been prepared. It does not include informally constituted gatherings to conduct, discuss, or changes opinions/ideas on a particular subject when the cost of per diem and travel of all participants is less than \$3000.

There are some several points of interest about this definition which should be considered.

- 1) What is meant by “formally constituted?” The regulation does not say. As a practical matter, I define it in terms of the program of instruction or DD Form 1556.
- 2) An informal meeting costing \$3000 or more would be covered.
- 3) Many of my clients, when dealing with costs, automatically think of contract costs. That is not the case here. We are dealing with per diem and travel. For the purposes of the definition, any contract costs are irrelevant.
- 4) Note that it is the per diem and travel of all participants, not just those of the sponsoring organization.

How to plan a conference. Most problems with conferences arise when the sponsor attempts to ram through an approval at the last minute. Para 5d of the regulation states that “No later than 1 September, activities will submit to the conference manager a schedule of all planned conferences for the next fiscal year. Individual justification statements will also be provided at that time.” Para 5c notes that approval may be requested for more than one conference at a time.

How to hold a conference. Change 1 to the regulation requires that use of the VENUS system always “be the first consideration when planning any conference.” If VENUS cannot be used, “the conference sponsor will provide (a) Justification for non-use of the VENUS...Network...[and] Conference attendees with the reason(s)...VENUS...is not being used for inclusion in block 16 of the attendees” travel orders.

Where to hold a conference. The regulation requires that the Conference Site Selection Model (CSSM) be used “for choosing the most cost-effective conference site...” the Army Research Laboratory has had this requirement waived as part of LabDemo. You will want to check your own guidance on this and other issues to determine what exactly applies to your command. Of course, even if you do not utilize the CSSM, you must demonstrate that the price you are paying for the conference is reasonable under the usual FAR standards.

Mention of the FAR brings up another issue. FAR 19.502-2 provides that all acquisitions between \$2500 and \$100,000 are reserved for small business unless the contracting officer is unable to obtain offers from two or more small business concerns

competitive with market prices and with regard to the quality and delivery of the goods and services being purchased.

This can be tricky in practice. You might think that most hotels would fit the definition of a small business. Most of those which meet our requirements, however, tend to be owned by large-business parents. If owned by franchise holders, a given hotel may yet be a small business. The point is that one must be aware of the requirement and document the disposition.

Coordination. In addition to the Legal Office, coordination is required with public affairs and security/intelligence staff elements (C2, para 4). I have noted a tendency for sponsors who are pressed for time to get the conference approved first, and then to do the coordination. This should be strongly discouraged. When changes are required to the package, it wastes time and puts the approving official in the embarrassing position of having approved an unsatisfactory package.

The regulation further deals with issues such as mementoes, social activities, guest speakers and registration fees. You should study both the AMC regulation and you own local implementation to fully understand your coordination and approval procedures. The perception, whether by an IG or the Washington Post, of government waste is always a cause for concern. By fully understanding the relevant regulations and educating your clients concerning them, you may be able to save them severe embarrassment.