

Government Contracts

Few things are more complicated than doing business with the U.S. government. You need sound, strategic advice at each step of the public procurement lifecycle to mitigate your risk and expand opportunities.

About

Our government contracts team represents clients in all aspects of negotiating and securing contracts with the government, complying with federal procurement laws, regulations, and contract terms, as well as in disputes that arise out of those contracts. We leverage the resources of a multidisciplinary law firm—including experienced government procurement lawyers, a bipartisan government relations team, and nationally recognized international trade and litigation practices—to assist clients with the full spectrum of issues that arise from transactions involving federal spending.

Our clients include small start-ups, midsize firms, and *Fortune* 500 companies that span a variety of industries, including aerospace and defense, construction, architect and engineering, defense and national security, manufacturing, IT, biotechnology, health care, financial services, telecommunications, and environmental services.

Our attorneys provide counseling on a wide variety of government contracting matters, including:

- Bid protests, contract claims and dispute resolution
- Ethics and compliance counseling
- Internal and government investigations and audits
- Other Transaction agreements, and other vehicles associated with government-funded opportunities, including grants and cooperative agreements
- Suspension and debarment matters
- Grants, cooperative agreements, Other Transaction Authority agreements, and other vehicles associated with government-funded opportunities
- Small Business Administration programs
- Domestic preferences
- Davis-Bacon Act, Service Contract Act, and related wage and hour issues
- Government outsourcing and public private partnerships
- Federal Supply Schedule contracts
- Mergers and acquisitions, due diligence and foreign ownership counseling
- Cybersecurity, information privacy, and Freedom of Information Act

Litigation and Dispute Resolution

Our attorneys understand the intricacies of government procurement litigation and are skilled at resolving disputes through negotiation, mediation, arbitration, and litigation. We have a track record of favorable results for our clients in the venues where government contract controversies are heard, including bid protests before federal agencies, the Government Accountability Office, the U.S. Court of Federal Claims, the Boards of Contract Appeals, and the U.S. Court of Appeals for the Federal Circuit. We also negotiate, defend and pursue claims under the Contract Disputes Act.

Internal and Government Investigations

We counsel clients facing False Claims Act allegations and defend against whistleblower (*qui tam*) lawsuits brought against government contractors, subcontractors, and companies that participate in government-funded programs. We have significant experience assisting with Inspector General investigations and routinely defend contractors and other parties facing suspension and debarment from federal contracting. We are regularly called on to conduct internal investigations, to provide counsel during investigations, to prepare voluntary or mandatory self-disclosures, and to design remedial compliance and corporate governance strategies.

Compliance Counseling

Government contractors operate in a complex regulatory environment, and compliance issues can derail operations and erase profits. We help clients remain compliant with evolving regulations and statutes and to fulfill the necessary reporting requirements associated with their awards. We provide counseling on the myriad domestic sourcing restrictions that apply to federal procurements, including the Buy America Act, the Trade Agreements Act and the Berry Amendment. We counsel companies on participation in the Small Business Administration's Section 8(a) program and similar preference programs, and we routinely advise on FAR, DFARS and GSA Schedule compliance issues. We conduct due diligence reviews and regulatory clearances related to CFIUS and provide foreign ownership, control or influence (FOCI) mitigation, and counseling.

Government Reform and Oversight

In addition to understanding the current rules for government contracting, we actively participate in ongoing efforts to reform government contracting practices. Our team regularly interacts with members of Congress and their staff, including congressional leadership and those who serve on committees with jurisdiction and oversight of procurement, national security and government contracting. These committees include, but are not limited to, the Senate and House Armed Services, Appropriations, Small Business, Veterans Affairs, Homeland Security and Governmental Affairs, and Oversight and Government Reform.

Experience

Our recent representative experience includes the following:

Litigation and Dispute Resolution

- Protested the award of a \$100+ million Department of Defense (DoD) contract, including filing protest at the Government Accountability Office (GAO) and defending subsequent protests at the GAO and the U.S. Court of Federal Claims after our client won the contract award.

- Represented a commercial reference laboratory in protest of a \$52 million Department of Navy contract before the U.S. Court of Federal Claims.
- Protested the award of a \$32 million Department of Veterans Affairs contract at the U.S. Court of Federal Claims.
- Represented client in two protests before the GAO with respect to a \$7 million Department of Veterans Affairs contract.
- Represented the largest provider of translation, transcription and interpretation services in a protest of the U.S. Department of Justice, Drug Enforcement Agency's award of a \$380 million, 5-year IDIQ contract before the GAO.
- Protested the U.S. Coast Guard's award of a Brooks Act contract, including filing the protest at the GAO.
- Protested the U.S. General Services Administration's (GSA) award of a furniture contract on behalf of the U.S. Department of State.
- Protested award of a Department of Veterans Affairs set-aside contract for service-disabled, veteran-owned small business before the GAO.

Internal and Government Investigations

- Represented multiple GSA contractors against the government and *qui tam* relators in a False Claims Act investigation and subsequent lawsuits alleging noncompliance with the Trade Agreements Act.
- Conducted an internal investigation of mispricing allegations identified by a corporate employee, culminating in a voluntary disclosure to GSA and DoD that was resolved with neither FCA charges nor suspension or debarment proceedings.
- Countered Inspector General's recommendation of the proposed debarment of client resulting in the suspension and debarment official rejecting the IG's recommendation.
- Responded to Environmental Protection Agency's proposed debarment of a petroleum products service company and demonstrated to the debarment official's satisfaction that the company was compliant.

Contract Administration and Compliance Counseling

- Provide ongoing compliance counseling related to Buy America, Trade Agreements and Berry Amendment contract preferences at the federal, state and local level.
- Provide counseling on cyber incident reporting to the DoD.
- Provided advice and counsel in India related to a joint venture between U.S. and Indian defense contractors.
- Assisted domestic and foreign clients in due diligence and foreign ownership-related issues in connection with purchase of downstream public contractor.
- Advise multiple clients in the satellite television, information technology, defense, and medical

device manufacturing industries regarding Other Transaction agreement terms and conditions and differences from FAR-based procurement contracts, grants, and cooperative agreements.

- Participated in the acquisition of government contractor, including drafting of specific government contract terms in stock purchase agreement and conduct of due diligence related to target's compliance with government contracting regulations.

Related Services

Government Relations and Public Policy
False Claims Act Defense

Contacts

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