

Government Contracts Law

Overview

Attorneys in Taft's Government Contracts practice use their depth and breadth of knowledge and experience with the government contract procurement process (at the local, state, federal, and international levels) to provide a full-service practice to Fortune 100 companies as well as entrepreneurial, privately-held, small businesses, non-profit and governmental clients. We represent clients in a variety of industries including aerospace, defense, information technology, health care, professional services, construction, and research and development.

We represent clients in all aspects of government contracting and the procurement process, including contract formation, performance and administration, bid protests, claims and dispute resolution. Taft has extensive experience in handling mandatory disclosures of all types of issues, including cost issues, and the related internal investigation to determine if disclosure is warranted; defending civil/criminal allegations of False Claims or whistleblower suits; and representation of contractors in suspension and debarment proceedings.

Other areas of strength include: technical data rights and intellectual property issues, terminations, commercial items, country of origin determinations, Buy American Act, Trade Agreements Act and Berry Amendment issues, Federal Supply Schedule issues, and conducting procurement compliance audits.

Specifically, our Government Contracts practice offers a variety of services, including:

- providing a risk analysis of terms and conditions of government contracts, grants, cooperative agreements and other types of Federal agreements;
- handling pre-award administrative and court actions to challenge a contract award to another bidder, e.g., protests or bid protest mediations before the Government Accountability Office (formerly the General Accounting Office or



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GAO), the Court of Federal Claims, within state agencies or state courts;

- preparing and negotiating teaming agreements, data rights agreements, confidentiality or non-disclosure agreements, licenses, and subcontracts;
- counseling clients in the application of the various laws affecting the federal procurement process, such as socioeconomic compliance requirements, small and minority business issues, e.g., HUB Zone and SDVOB, and Freedom of Information Act requests;
- responding to breach of contract claims and resolving disputes between prime and subcontractors under government contracts;
- assisting clients in developing and maintaining effective compliance programs and in demonstrating their corporate responsibility to Government procurement officials;
- counseling clients in Berry Amendment fabric and specialty metals compliance issues;
- resolving termination disputes and preparation of termination for convenience settlement proposals;
- analyzing, preparing, and resolving contract issues or claims, including defective pricing claims under the Truth in Negotiations Act, before the contracting officer or subsequently litigating them before the Court of Federal Claims or the applicable Boards of Contract Appeal; and
- representing clients during government civil and criminal investigations related to the False Claims Act, False Statement Act, etc., whether initiated by the government or qui tam relator, such as internal corporate investigations, assessments as to whether "credible evidence" of a fraud mandates disclosure, and voluntary disclosures, as well as the related issue of suspension and debarment.

In addition, attorneys in Taft's Government Contracts practice have in-depth problem-solving skills in the complex areas of technical data rights, government investigations, construction claims work, and matters involving international or cross-cultural concerns, e.g., USAID, ACOE, and other OCONUS procurements.

Attorneys in Taft's Government Contracts practice group are both counselors and litigators. We continuously advise our clients on the range of issues related to or resulting from doing business with the government. We routinely provide e-



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Bulletins about recent developments in the area of government contracts to existing clients and friends of the firm.

Our attorneys litigate, when necessary, to assist clients in defending contract awards, challenging contract awards before agencies, the Court of Federal Claims, the Government Accountability Office (GAO), and in state court. We also represent clients in contract performance disputes in the courts and before the various boards of contract appeal where we have prepared, negotiated and successfully resolved high dollar claims.

To view examples of contracting matters handled by attorneys in Taft's Government Contracts practice, please [click here](#).