

## GOVERNMENT CONTRACTS



Husch Blackwell's team of government contract attorneys works hand in hand with clients on every phase of federal government procurement, from pre-award strategy considerations to contract administration, audits, investigations, and litigation. We partner with clients to navigate the complex statutory, regulatory, and contractual requirements to manage risks and drive outstanding results.

We have unique experience representing clients on contracts involving construction, healthcare services, engineering and information technology services, renewable energy, and manufacturing. Our clients deliver products and services to numerous Defense Department Agencies, including the Army, the Air Force, and the Navy, as well as to the Department of Veterans Affairs, the Department of Labor, the United States Postal Service, the General Services Administration, the Department of Energy, the Department of Health and Human Services, and the National Aeronautics and Space Administration. We also advise clients on issues arising under state and local procurement law.

Our team members are veteran attorneys known for their experience and results. We hold nationwide rankings for government contracts from Chambers USA and the Legal 500.

Among the areas of government contracts law for which our team's substantial experience is highly regarded include:

Bid Protests

*Ninety percent of the work that we do is for the U.S. government, and we needed boots on the ground in D.C. to help us out. [Husch Blackwell professionals] in the D.C. office are making the contacts and helping us develop relationships. They have opened so many doors. The outcomes have been tremendous.*

— Reachel Beichley,  
General Counsel &  
Corporate Secretary,  
MRIGlobal —

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Claims and Requests for Equitable Adjustment  
Commercial Item Contracts  
Cost Accounting and Cost Allowability  
Cybersecurity  
Domestic Preference Requirements  
False Claims Act  
Federal Grants and Cooperative Agreements  
Mergers and Acquisitions for Government Contracts  
Patent and Data Rights  
Prevailing Wages and Other Related Employment and Labor Issues  
OFCCP Compliance  
Other Transactions Authority  
Small Business Contracting and Preference Issues  
Subcontracting and Teaming Agreements  
Suspension and Debarment  
State and Local Procurement Law

## Representative Experience

Represented a design-builder in a GAO bid protest and a latent subsurface conditions claim on a privatization project for military family housing at Elmendorf Air Force Base in Alaska under the Military Housing Privatization Initiative. The GAO protest was favorably settled with the client

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receiving the award of the project, and the latent subsurface condition claim was resolved with the client recovering 90 percent of the claimed amount.

Secured a \$60 million contract for Securus Technologies Inc. to provide phone service to the Missouri Department of Corrections. A competitor challenged the award, but Securus prevailed at trial in a Missouri circuit court.

Represented a multinational 3D software design company protesting a request for proposal (RFP) put forth by the Missouri Department of Transportation for a 10-year contract to provide highway and bridge design software. The RFP favoring our client's competitor was challenged by Husch Blackwell in a pre-bid conference, and our team petitioned the state to withdraw the RFP. On the day bids were to be submitted, the Department of Transportation withdrew the RFP. We accomplished the client's objective for less than \$12,000.

Represented a national construction engineering firm in protesting the award of a construction contract by a Virginia university.

Advised a national real estate developer on contract administration, compliance, and audit issues in a Corps of Engineers design-build construction contract for a \$1 billion Defense Department facility in Alexandria, Virginia.

Represented Department of Defense logistics contractor in reverse-FOIA litigation seeking to prevent disclosure of unit-pricing and other proprietary information reflected in successful proposal.

Represented a major American defense contractor in defending action by an Israeli contractor seeking to collect commissions due in connection with military contracts awarded by the governments of Australia, South Korea, and Israel.

Counseled information technology service contractor in protesting the award of a software support services contract issued by the Defense Health Information Management Service.

Represented construction contractor protesting the award of a Corps of Engineers contract for the installation of tiebacks at Bluestone Dam in Hinton, West Virginia.

Advised air transportation contractor in preparing and presenting claims for additional compensation arising from government-initiated changes on a multibillion contract with the U.S. Postal Service.

Represented a military software development contractor in defending a \$10 million action for breach of contract, civil conspiracy and copyright infringement initiated by a software developer. The case was resolved by summary judgment.

Represented a Nebraska-based technology company in the preparation and submission of a convenience termination settlement proposal, relating to an Air Force space operations integration and engineering contract.

Represent the prime contractor in a dispute with the U.S. Department of Energy concerning the de facto termination

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for convenience of a \$2.6 billion contract.

Defended a service-disabled, veteran-owned small business in a Small Business Administration size protest and in protests challenging the contractor's service-disabled status.

Represented a postal contractor in connection with claims seeking compensation for changes and for breach of contract damages.

Advised a multiple award schedule contractor regarding cost and pricing issues.

Represented earthwork contractors and subcontractors in connection with disputes with prime contractors on Corps of Engineers projects in Georgia, Florida, and Mississippi.

Prepared and litigated a claim on behalf of the general contractor for the renovation of the Harry S. Truman "Old State" Building against the General Services Administration (GSA). The claim arose from the GSA's deletion of certain unit-priced restoration work. On cross-motions for summary judgment, the Civilian Board of Contract Appeals found that the GSA breached the contract and abused its termination for convenience rights, entitling the contractor to anticipatory lost profits.

Defended the award of the Privatization of Army Lodging (Group A) Project against two separate Government Accountability Office (GAO) bid protests. The project involved the privatization of 3,225 transient housing units at 12 military installations under the Military Housing Privatization Initiative.

Prepared and litigated a claim involving a deductive modification on a U.S. Army Corps of Engineers contract for the construction of military family housing at Fort Wainwright, Alaska. The matter settled at full claim value inclusive of statutory interest following the submission of motion for summary judgment at the Armed Services Board of Contract Appeals.

Represented an electrical subcontractor in a Miller Act lawsuit against Prime Construction Management and its surety arising out of a Department of Homeland Security renovation project in downtown Chicago. Developed and presented a complex labor inefficiency claim and defeated efforts to stay the federal court proceedings. Negotiated a favorable pass-through agreement.

Represented a tiered-subcontractor against a subcontractor and prime contractor in federal court litigation relating to the construction of a periphyton-based storm water treatment area in Palm Beach County, Florida. The matter was favorably settled after six days of trial.

Defended a prime contractor's default termination of a subcontractor on a telecommunications upgrade project at Fort Rucker, Alabama, before the U.S. District Court for the Eastern District of Virginia. The court found the default termination to be proper following a five-day trial.

Represented a design-builder in a GAO bid protest and a latent subsurface conditions claim on a privatization project for military family housing at Elmendorf Air Force Base in Alaska under the Military Housing Privatization Initiative.

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The GAO protest was favorably settled with the client receiving the award of the project, and the latent subsurface condition claim was resolved with the client recovering 90 percent of the claimed amount.

Represented a contractor before the General Services Board of Contract Appeals and in mediation on a build-to-lease project for the National Oceanic and Atmospheric Administration's headquarters campus on extra work claims relating to cyclical maintenance and improvement requirements. The matter was favorably resolved following mediation.

Represented technical professional services firm in bid protest challenging the Federal Aviation Administration's award of a \$1.7 billion ten-year IDIQ services contract known as the national Airspace System Integration Support Contract (NISC IV). At the conclusion, the FAA announced that it would be taking voluntary corrective action to address the issues in the protest, re-evaluating proposals, and making a new award decision.

Advised technical professional services firm on its approach to identifying, disclosing and mitigating organizational and personal conflicts of interest arising under its NASA contracts.

Defended technical professional services firm in its award of a \$385-million IDIQ contract for base operations support services at Kings Bay Naval Submarine Base in Kings Bay, Georgia, awarded by the Naval Facilities Engineering Command in Jacksonville, Florida.

Advised construction firm on a variety of issues, including negotiation and drafting of the subcontract, organizational conflicts of interest issues, and cost reimbursement, arising from its role as a key subcontractor to Northrop Grumman on the Air Force's Ground-Based Strategic Deterrent program.

Represented healthcare provider in defending against a GAO bid protest challenging the Federal Bureau of Prisons' award of a contract to the client for substance use and mental health treatment services.

Represented design-builder in a GAO bid protest regarding the award of an \$800 million multiple award contract for the Department of the Army's Total Engineering and Integration Services IV Program.

Assisted client in preparing a Contract Disputes Act claim involving the Defense Logistics Agency (DLA)'s alleged improper cancellation of an incentive agreement. The claim settled during alternative dispute resolution with DLA agreeing to reimburse client for lost profits.

Represented NEIE Medical Waste Services in successful pre-award and post-award GAO protests of solicitations issued and awards made by the Veterans Administration with respect to regulated medical waste pick up, removal, and transportation contracts for various VA healthcare facilities throughout the U.S.