

## GOVERNMENT CONTRACTS

Every great government contract opportunity comes with inherent risks and challenges based on the intensity, complexity and size of the market. Given the serious nature of the consequences, it is critical to retain experienced counsel that knows and understands how the U.S. Government works, in order to minimize costly mistakes.

Armstrong Teasdale's skilled Government Contracts lawyers represent clients in national and international matters from procurement and bid protests to M&A transactions and investigations, navigating the complexities of every agency.

Our clients range from some of the nation's largest Department of Defense (DoD) contractors to small businesses and startups backed by venture capital funds and beyond. These include U.S. and foreign-owned prime contractors, subcontractors, suppliers, manufacturers, grant recipients, grant sub-recipients, small businesses, R&D contractors, trade associations, and for-profit and nonprofit entities. Our deep knowledge and experience with respect to classified contracts, and familiarity with the Defense Counterintelligence and Security Agency (DCSA), distinguish us from other law firms who take a more conventional approach to government contract issues and crisis scenarios. We work closely with companies that are new to government contracting as well as established Fortune 100 companies and nongovernmental organizations, across industries including aerospace, construction, defense, intelligence, health care and pharma, energy and utilities, telecom, environmental, higher education (universities), manufacturing, professional services and information technology.

We routinely represent clients in high-stakes, business-critical government contracting matters before the U.S. Government Accountability Office (GAO), U.S. Court of Federal Claims, U.S. Court of Appeals for the Federal Circuit, Boards of Contract Appeals, Small Business Administration (SBA) and SBA Office of Hearings and Appeals (SBA OHA). Our lawyers regularly interact directly with the U.S. Government and represent clients in rulemaking proceedings and Congressional hearings. With a comprehensive knowledge of the ever-changing Federal Acquisition Regulation (FAR) and Defense Federal Acquisition Regulation Supplement (DFARS), our lawyers have earned a strong reputation with clients and even contracting officers, often going above and beyond to address complex compliance and contractual requirements.

Our deep bench includes lawyers, former government agents and retired industry professionals who work as a team to anticipate and address issues based on dozens of years of experience. Our lawyers have distinctive experience as former federal prosecutors and judges, military and retired U.S. government personnel and federal agents. Their experience lends to their ability to help clients obtain favorable results and achieve their government contracting objectives efficiently.

We believe our strengths lie in our ability to seamlessly leverage diverse experience from practitioners across the firm nationwide. We practice in numerous complementary areas of the law. Our [Industrial Security and Security Clearance](#) practice is among the best and most respected by security professionals across the country. Our clients rely on us for trusted counsel in the following areas:

- **Contract Management:** Armstrong Teasdale's lawyers engage in day-to-day contract management and oversight of internal policies and controls for small and large government contracts. We take a hands-on approach to managing some of the more administrative tasks related to ongoing contract management, including the negotiation and interpretation of terms and conditions; drafting and negotiation of subcontracts; solicitation review and interpretation; and FAR and DFARS clause interpretation and implementation. In addition to the traditional employment and labor work we perform, our lawyers advise government contractor clients on nondisclosure and confidentiality agreements, and assist with teaming agreements and structuring competitive bid teams.
- **Bid Protests and Dispute Resolution:** Our lawyers have decades of experience and a proven track record handling high-stakes, bet-the-company litigation related to bid protests, contracting disputes and related appeals. We have

represented clients before various federal and state courts, as well as government agencies, offices and review boards.

- **Transactions and Novations:** We work closely with M&A clients both purchasing and selling assets, including transactions involving government contracts, subcontracting and joint ventures. Our lawyers complete all aspects of a deal, from due diligence and disclosure to negotiation, novation and closing. With respect to novation, we help clients put business plans in place to address critical changes that may be needed with the relevant contracting officers. We also have experience handling technology transactions, as well as related contracts and agreements.
- **White-Collar Criminal Defense and Government Investigations:** Clients turn to Armstrong Teasdale lawyers when they find themselves the target of complex criminal and civil investigations or when internal investigations are necessary or the best practice. Our lawyers have led clients through investigations involving fraud and statutory violations across heavily regulated industries, as well as federal False Claims Act (FCA) and qui tam actions.
- **Regulatory:** Our regulatory practice spans a wide range of compliance matters, including national security, international trade and export controls, foreign military sales and Foreign Ownership, Control, or Influence (FOCI) mitigation with DCSA. We assist U.S. and multinational corporations in meeting their obligations under the Foreign Corrupt Practices Act (FCPA), and conduct thorough compliance reviews and audits.
- **Construction:** Armstrong Teasdale represents a wide range of clients involved in federal real estate, development and construction projects when government contracts are at issue.
- **Employment and Labor:** We advise clients on federal workforce and labor laws including the Fair Labor Standards Act (FLSA), Davis-Bacon Act and McNamara-O'Hara Service Contract Act (SCA). Further, our lawyers develop internal controls and policies to ensure compliance with contract requirements and with the Office of Federal Contract Compliance Programs (OFCCP).
- **Intellectual Property:** With more than 100 skilled intellectual property professionals firmwide, our team is well versed in contracts involving intellectual property, patents and data rights from the perspective of both protection and enforcement. Our lawyers are also knowledgeable in the different rules that apply to technical data and computer software when contracting with civilian agencies under FAR and DFARS.
- **Suspension and Debarment:** Our lawyers have counseled government contractors related to performance issues, including those threatened with suspension and debarment. We carefully evaluate each situation based on the allegations.

## EXPERIENCE

### **Advised Defense Contractor in U.S. Government Inquiry**

Successfully advised a defense contractor in connection with a U.S. Government inquiry, pre-award.

### **Information Sharing Agreement for Criminal Justice Council**

Coordinated with a multi-agency Criminal Justice Coordinating Council to draft an information-sharing agreement. Regulatory limitations on sharing certain types of protected data were balanced with the agencies' need to facilitate a free flow of information in the interest of public health and safety.

### **Defeated Bid Protest of \$320 Million Contract Award**

Successfully defeated bid protest of a national intelligence agency contract award worth more than \$320 million over 10 years. When an unsuccessful bidder brought a U.S. Small Business Administration (SBA) protest against our client's receipt



of a valuable government contract, we rapidly delivered persuasive and detailed arguments and evidence to the SBA, defeating the protest completely.

**Mitigation of FOCI Concerns for Facility Clearance Eligible Companies**

Successfully mitigated Foreign Ownership, Control or Influence (FOCI) concerns for facility clearance eligible companies related to Sweden, Germany, Canada, Japan, Norway, Finland, India, Slovakia and the United Kingdom.

**Representation for Client in Billing, False Claims Allegations**

Represented a major defense contractor in an investigation by the U.S. Attorney's Office and the Defense Criminal Investigative Service into allegations of improper billing and false claims. The matter was abandoned by the government after an extensive investigation. Presented significant, compelling evidence to demonstrate that the defense contractor had acted properly given the urgent need for the product by our warfighters.