

GOVERNMENT CONTRACTS

The federal government is the largest consumer of goods and services in the world and with the demands of state and local governments for goods and services growing rapidly, an increasing number of the Firm's clients either currently have, or are seeking, public contracts.

Shulman Rogers has a growing Government Contracts practice group. The Firm's attorneys have experience in representing defense contractors, ranging from large contractors, *e.g.*, General Dynamics' Electric Boat and Raytheon's E-Systems to medium-size companies such as Techno-Sciences, Inc., to small ones such as PE Systems, civilian contractors, ranging from PeopleSoft and Hexagon Metrology to Camber Corp. and GlobalNet Services, Inc., and foreign contractors, including Hexagon AB, Pacom Systems, CAE, MacGregor (FIN) Oy, Israel Aerospace Industries, Israel Military Industries, El-Op, Elbit and Rafael.

The Government contracts practice group often counsels both lenders and borrowers alike in financing government receivables. Moreover, Shulman Rogers attorneys are experienced litigators who have appeared in every legal forum that resolves federal government contracts issues, including the U.S. Court of Federal Claims (CoFC), the U.S. Court of Appeals for the Federal Circuit, Boards of Contract Appeals (ASBCA and CBCA), the Government Accountability Office (GAO), the SBA and its Office of Hearings and Appeals, and various state and federal courts.

The Firm offers a full range of legal services to its government contracts clients, including:

PRACTICE CHAIR

Ira E. Hoffman

ATTORNEYS

Matthew S. Bergman

Glenn C. Etelson

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Martin P. Schaffer

GOVERNMENT CONTRACTS (Continued)

- Bid protests: Shulman Rogers' attorneys recently won three bid protests, and prosecute protests against flawed solicitations and improper contract awards. We intervene to defend clients' contract awards at the GAO, CoFC and the FAA's Office of Dispute Resolution for Acquisition.
- Claims: We prepare requests for equitable adjustment (REAs) and seek to resolve denials of REAs and other claims at the Contracting Officer level first. If that fails, we then prepare and litigate claims at the CoFC and Boards of Contract Appeals. We also defend contractors against government claims, and advise them in the event of terminations for convenience or default.
- Compliance: The Firm advises clients on compliance with the multitude of government contracts regulations, including the recent Code of Ethics and mandatory fraud disclosure rules. Among the strategies we employ to help our clients avoid suspension and debarment, white-collar criminal charges, or False Claims Act liability are establishing and monitoring compliance programs for cost allowability, procurement integrity, organizational conflicts of interest (OCI), Lobbying Disclosure Act (LDA), Byrd Amendment, socioeconomic/reporting requirements and facility and personnel security clearances. We also plan and implement ethics programs and internal investigations, and conduct white-collar criminal defense.
- Government Contracts Counseling: We advise companies on how to conduct business with governments at all levels -- federal, state and local. We counsel clients on how to safely navigate the shoals of procurement regulations, including the Federal Acquisition Regulation (FAR), agency FAR supplements, state and local rules and regulations, and OMB Circulars, such as A-76. We also assist clients seeking to obtain, or performing, government-unique contract vehicles, such as Federal Supply Schedules (FSS), Multiple Award Schedule (MAS), Indefinite-Delivery/Indefinite Quantity (IDIQ) contracts, Government-Wide Acquisition Contracts (GWAC), sealed bids, "best value" negotiated procurements, and cost-reimbursement contracts and security clearance issues.
- Intellectual Property: Together with the Firm's Intellectual Property (IP) practice group, we advise clients on the FAR and Defense FAR Supplement (DFARS), data rights and computer software clauses, and help them protect their IP assets, whether in the form of trade secrets, copyrighted materials, trade or service marks or patents, through negotiation and licensing agreements.
- International Issues: In conjunction with the Firm's International Practice Group, we regularly advise clients on export control issues, compliance with the Buy American Act, Trade Agreements Act, Foreign Corrupt Practices Act, Foreign Ownership, Control and Influence (FOCI), Office of Foreign Assets Control (OFAC) and Exon-Florio/CFIUS issues. We also provide advice on Foreign Military Sales, Foreign Military Financing and Direct Commercial Contracts.

GOVERNMENT CONTRACTS (Continued)

- **Mergers and Acquisitions/Teaming Agreements and Joint Ventures:** The Firm's Corporate Department routinely advises large and small clients on mergers and acquisitions, teaming agreements and joint ventures. When one of the parties, the team or JV is a government contractor, we assist the Corporate Department to provide advice on government contracts-unique rules, such as novations and assignment of claims, to provide the full range of services for the client.
- **Service Contract Act:** The Service Contract Act imposes intricate wage-and-benefits requirements on service providers, and imposes severe penalties on non-complying contractors. We assist our clients in complying with the Act.
- **Small Business Programs:** We advise small businesses on a wide range of special government small business programs, such as set-asides for small businesses and Section 8(a) firms, size standards, price evaluation preferences for small disadvantaged businesses (SDB's), women-owned small businesses (WOSB's), HUB Zones and Service-Disabled Veteran-Owned Small Businesses (SDVO's).
- **Subcontracting:** Depending on the solicitation or contract, we typically advise prime contractors and subcontractors on flow down clauses and small business subcontracting plans, and represent prime contractors in disputes with their subcontractors, and subcontractors in disputes with their primes.

PUBLICATIONS

An Inside-Out Perspective: Conducting Construction Overseas

Succeeding as a Government Contractor in a Challenging Economy

New Fraud Disclosure Rule

NEWS

Iran Sales Sink Allot as Lawmaker to Seek Investigation: Israel Overnight

Jerry Miles published in the ABA journal: An "Inside-Out" Manual: Conducting Construction Overseas

Ira Hoffman authors "Recent Trends and Future Challenges for Government Contractors," in the book Inside the Minds: The Impact of Recent Changes in Government Contracts

Shulman Rogers Attorney Wins GAO Bid Protest

Ira Hoffman edits The Annotated Export Administration Regulations Desk Reference

GOVERNMENT CONTRACTS (Continued)

Ira Hoffman Gets the Air Force to Award a Contract to a Firm Client

Air Force Stands Down

EVENTS

Government Contracting Fundamentals

Critical Strategies in Government Contracting

U.S. Export Control Reforms: An Update

A Course in Recent Government Contracting Issues

Ethics and Mandatory Disclosures in Government Contracting

International Government Procurement Webinar

International Government Procurement

CASE STUDIES

Citizens Bank of Pennsylvania and RBS Citizens