



GOVERNMENT CONTRACTS

Since 1978, Peckar & Abramson has provided comprehensive counsel to federal, state, and local government contractors. From our extensive experience serving government contractors in connection with construction and infrastructure projects, we have gained invaluable insight into government contracting, which allows us to support contractors in various industries in all aspects of government contracting.

We counsel and represent government contractors, from bid preparation, to claims, to compliance, to trials and hearings before a wide array of applicable tribunals — all with our unwavering Results First® mindset squarely in focus.

Business Success

Government contracts can be profitable and successful — as long as contractors understand and appreciate the applicable regulations. Our team has counseled government contractors on virtually every aspect of the Federal Acquisition Regulations (FAR) as well as state-specific rules.

We apply special focus to the cost principles in invoicing, change orders and claims. This helps clients establish procurement, accounting and record-keeping procedures that demonstrate reasonable incurred costs in a manner acceptable to the government.

Demonstrated Authority

Peckar & Abramson's government contracts attorneys have authored books and articles on numerous aspects of federal government contracting, including bid protests, claim preparation and litigation, corporate compliance and ethics programs, government contract accounting and the practical aspects of defending against ethics complaints brought by the government.

Practice Skillset

Peckar & Abramson's Government Contracts Group helps clients:

- Pursue and obtain contracts
- Understand and comply with the unique requirements for contracting with federal, state, and local agencies
- Prosecute and defend against bid protests and small business size protests to maximize opportunities for obtaining government contracts
- Achieve profitable performance through effective and efficient contract administration assistance
- Successfully prepare and prosecute requests for equitable adjustment and claims
- Establish programs and procedures to navigate the ever-changing ethics and compliance laws and regulations
- Apply regulations that govern cost and pricing strategies such as the FAR Cost Principles and the Cost Accounting Standards
- Establish, price and properly disclose insurance and self-insurance programs
- Develop programs and procedures for federal, state and city programs related to the employment of small, local and disadvantaged business including MBE/WBE/DBE compliance

Contracting

We support government contractors of all sizes in all aspects of government contracting. We:

- Assist with prequalification for small business assistance and minority programs
- Review compliance programs and systems for record keeping, reporting and cost accounting
- Assist with joint-venture and teaming agreement formations
- Review solicitation packages, evaluate contract language and advise on FAR provisions and flow-down clauses
- Review performance requirements and implement risk analyses
- Defend against civil, regulatory and criminal accusations
- Attend agency debriefings with a disappointed bidder
- Prosecute and defend against bid protests
- Prosecute and defend against size protests before the Small Business Administration
- Prepare, review and negotiate subcontracts and supply agreements
- Assist with contract performance and administration
- Review contract schedules along with notice and reporting requirements
- Identify government lines of authority for better communication
- Resolve issues surrounding contract performance, compliance and compensation
- Prepare and litigate claims against owners and design professionals and defend against subcontractor claims

Dispute Management

In most cases, resolving disputes before the client sets foot in court is the best course of action for their business. We have an exceptional record of successfully negotiating and mediating issues worth hundreds of millions of dollars. We avoid and minimize litigation and liability by:

- Providing in-house compliance training and seminars for key contract administrators.
- Assisting with contract performance and administration to avoid or mitigate claims and disputes before they become a distraction to the successful completion of the project. Our attorneys have provided these services on some of the largest and highest profile projects of the last decade.
- Helping with responses to government audits. In one instance, we successfully guided a major construction contractor regarding a high-profile, fast-track, cost-plus contract involving the installation of explosion detection devices in 434 airports following the 9/11 terrorist attacks. At the successful conclusion of the project, government auditors complimented the contractor on the effectiveness of the compliance program.

However, when litigation is necessary, our attorneys are experienced and trial-ready. They have a record of achieving favorable results before a number of courts and agencies, on the local, state, and federal levels, including:

- U.S. Court of Federal Claims
- U.S. Court of Appeals for the Federal Circuit
- Armed Services Board of Contract Appeals
- Civilian Board of Contract Appeals
- Government Accountability Office
- Corps of Engineers
- Department of Homeland Security
- General Services Administration (GSA)
- Department of Veterans Affairs
- Department of Health and Human Services
- Department of Education
- Department of Agriculture

- Postal Service
- Federal Aviation Administration
- Department of Energy
- Local governmental agencies
- State courts

Integrity and Compliance

The regulatory environment has evolved to become a minefield of exposure. Our Corporate Integrity and Compliance Group works with our Government Contracts Group to help clients identify problem areas that could flag regulators and achieve full compliance. We assist clients in developing strong compliance programs and internal controls, aligning internal processes and conducting independent investigations and risk assessments.

A Multidisciplinary, Comprehensive Approach

Government contract work must be approached comprehensively and with the resources of a full service firm. Consider the following hypothetical:

Most federal supply and construction projects are governed by domestic preference requirements such as the Buy American Act, which require that materials be manufactured in the United States of America. A contractor accused of failing to comply faces challenges beyond government contract questions. Is the compliance program working? Should a compliance audit be conducted? Are internal controls adequate? Is there exposure under the False Claims Act, the False Statements Act or other federal laws?

Our government contract team is well versed in compliance and, when needed, white-collar matters that may emanate from compliance concerns.

Whistleblower/Corruption Defense

Lawsuits under the False Claims Act are rampant. Numerous reputable companies have paid hefty prices as a result of False Claims Act prosecutions. Our attorneys have extensive experience representing government contractors who find themselves the target of allegations of false claims, corruption and the violation of other federal laws.

Broad Clientele

We counsel Fortune 500 companies as well as small/midsize companies that work in a number of industries, including:

- Defense
- Aerospace
- Green energy
- Oil and gas
- Construction
- Engineering
- Information technology
- Systems integration
- Transportation and logistics
- GSA schedule contracts
- Federal energy regulations and contracts

Comprehensive Service

We offer a comprehensive catalog of services including:

- Project development and financing
- Navigation of the procurement process
- Solicitation reviews and risk analyses
- Contract negotiation and administration
- Claim preparation
- Litigation of claims and disputes

- Development and implementation of corporate ethics and compliance programs, including risk assessments and program evaluation
- Internal investigations of potential ethics and compliance violations
- Representation in suspension and debarment proceedings

Recent Successes

- Obtained decision from the Civilian Board of Contract Appeals allowing the contractor to stop work on a high profile construction project.
- Obtained a dismissal on motion of a major claim under the Anti-Kickback Act.
- Obtained summary judgment on liability with respect to claims in excess of \$60 million
- Won dismissals on motion of significant False Claims Act cases against a home healthcare provider, major defense contractor and major information technology company.
- Ensured vigorous enforcement of rules designed to safeguard defendants against spurious charges of immoral and fraudulent behavior, protecting against damage to professional reputations and deterring the use of complaints as a pretext for “fishing expeditions” or to compel *in terrorem* settlements.