

Government Contracts & Grants

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Contract Information

From small start-ups to Fortune 500 healthcare and defense companies to international construction companies, national nonprofit organizations, and local housing and redevelopment authorities, we help our clients negotiate contracts and grants with myriad federal and state agencies, including the departments of Defense, Veterans Affairs, Transportation, General Services Administration, Energy, Health and Human Services, Centers for Medicare & Medicaid Services and Housing and Urban Development.

We represent contractors under supply contracts for commercial goods, contracts for development of noncommercial items, service contracts, federal supply schedule contracts, contracts for the purchase and sale of real estate, and construction contracts. Our grants experience includes advising awardees under a variety of grants and cooperative agreements.

We also aid clients in mergers and acquisitions of government contractors.

Compliance Counseling

Recognizing that government contractors and grantees must comply with complex and ever-changing regulations, we offer comprehensive compliance guidance for our clients.

We evaluate client compliance systems, recommend changes and prepare policies and procedures. We also conduct training for in-house counsel, executives and other employees. We have particular expertise in the following regulations unique to government awards: domestic preference requirements, affirmative action, wage and hour, intellectual property, small and disadvantaged business preference, cost and pricing, cost accounting and audits.

Contract Disputes

Our Government Contracts & Grants Group defends clients facing enforcement actions, including contract termination, suspension and debarment, and civil and criminal liability arising from allegations of noncompliance.

On behalf of our clients, we challenge audit results, pursue and defend bid protests, defend size protests, and pursue requests for equitable adjustments and related contract modifications.

We assist our clients in challenging state or federal procurement practices where they are an unsuccessful bidder on a government contract. We represent companies across the country in federal, state and local procurement decisions, assisting our clients in receiving appropriate due process and overturning invalid procurement practices.

Additionally, we help client who are successful federal or state bidders protect their contract win by defending the state's procurement practices where contracting agencies are unable to marshal the necessary resources to defend the procurement process, thus allowing our clients to retain the benefits of successful government procurement.

In addition to our significant experience representing clients in all facets of the procurement process and related litigation, our Government Contracts & Grants Group is nationally known for its skill defending clients who find themselves subject to a federal or state government contract termination, suspension and debarment arising from allegations of noncompliance. Skilled at navigating the substantive and procedural issues these claims present, our government contract team has made a reputation for successfully presents our client's defense to such allegations, whether in an administrative action or in state or federal court.

Experience

Representative Cases

- Provided comprehensive federal contract compliance guidance and related training for clients performing under contracts regulated by the FAR, Defense Federal Acquisition Regulations (DFARS) and other agency-specific regulations including the VAAR and GSARS. Clients included companies such as architecture and engineering firm under contracts with VA and Department of Defense (DOD), medical device company holding a Federal Supply Schedule (FSS) with VA, lighting company under General Services Administration (GSA) FSS contract and blanket purchase agreements (BPAs) with United States Coast Guard.
- Defended Managed Care Organization (MCO) in administrative dispute facing allegations of noncompliance with state contract requirements.
- Represented provider of data automation systems in dispute with higher-tier contractors under Army Corps of Engineers construction agreement for high-tech automated data facility. Pursued request for equitable adjustment and defended against liquidated damages and related retainage.
- Represented construction company in administrative dispute with regional government agency alleging violations of federal and state requirements to subcontract with Disadvantaged Business Entities (DBEs) under engineering contract for wastewater treatment plant. Advised same client with DBE compliance efforts under subsequent publicly funded construction projects.
- Helped international medical device company pursue, negotiate and comply with awards under the Defense Advanced Research Projects Agency (DARPA) that

were regulated by the Defense Grant and Agreement Regulations (DoDGARS). Developed internal compliance programs, including financial systems policies and procedures. Advised client during audits from the Defense Contract Audit Agency (DCAA) and Defense Contract Management Agency (DCMA). Negotiated awards, contracts, and cooperative agreements with DARPA and universities, with particular attention to intellectual property terms subject federal requirements for computer software, technical data and patents under the Bayh-Dole Act.

- Represented health care company in acquisition of government contractor with dozens of contracts with local, state and federal prisons and correctional institutions, including contracts with the Federal Court System and the Department of Justice (DOJ) Federal Bureau of Prisons.
- Helped construction company resolve Buy American Act (BAA) country of origin violations under federal contract for redevelopment of high-tech research laboratory that was jointly funded by state university and an American Recovery and Reinvestment Act (ARRA) grant administered by the National Science Foundation (NSF).
- Provided comprehensive compliance advice to national housing nonprofit with funding from several Housing and Urban Development (HUD) programs, including from the Office of Public and Indian Housing and Community Planning and Economic Development, and USDA economic development programs. Advised housing organization and other federal grantees on compliance with Office of Management and Budget's new OMB Super Circular.
- Represented road construction company in dispute with Minnesota Department of Transportation (MNDOT) and the St. Paul Department of Human Rights & Equal Economic Opportunity for alleged wage and hour violations under state and city prevailing wage laws.