

# Government Contracting Services

Krieg DeVault's Government Contracts team assists private and public sector clients with all aspects of federal, state and local government contracting. Our government contracting professionals are able to offer strategic counsel on a broad range of procurement issues, using their experience at all levels of government to help clients achieve business objectives as providers of goods and services to government. We understand how government works at the executive and legislative levels, and have the kind of access to decision makers that enables us to advocate effectively for the business solutions our clients need, whether through convincing arguments to change administrative policy or through skillful advocacy of their position. With this capability, we are effective procurement advocates for our clients before many state and local government agencies, boards, commissions and administrative bodies.

## **Procurement Counseling**

Our team advises clients in the full range of procurement concerns. We help structure their responses to bids, monitor the bid submission process (including all aspects of diversity certifications for their own companies, or vendors and partners), advise on contract negotiation and handle bid protests and related litigation, if necessary. The government contract clients we represent encompass prime contractors, subcontractors, suppliers, professional service providers, consultants and any other businesses that meet the requirements of public sector customers. These clients rely on us to offer a complete and effective package of services to any company or organization needing help to resolve a contract dispute, handle a bid protest, or seeking guidance on the best ways to establish or expand business with government clients.

Clients rely on Krieg DeVault to provide legal counsel in developing bids and proposals that are responsive to government requests for proposals and statements of qualifications but do not unnecessarily exceed applicable requirements. We represent prime contractors and subcontractors in teaming and joint venture arrangements, and in formation and performance of subcontracts. We draft and negotiate subcontract provisions, including those required by government laws and regulations. A major aspect of our counseling activities is the interpretation of new and existing procurement laws and regulations. Because we constantly monitor legislative and regulatory initiatives, we are able to advise clients on changes in contract requirements involving pricing, organizational conflicts of interest, technical data rights, accounting systems, and industrial security requirements. We also advise clients on legal and contracting aspects of such business issues as public-private partnerships, outsourcing, prospective bidding opportunities and business development resources.

## **Ethics, Investigations and Debarment**

Government contracting involves unique ethical and regulatory requirements, and our team fully understands and advises on such complex issues as:

- Compliance with federal, state and local campaign finance and lobbying laws
- Disclosure of lobbying relationships and related expenditures
- Development of internal compliance and training programs to ensure adherence to proper ethical standards
- Review of company governance and ownership to make sure they meet all MBE/WBE/DBE certification requirements

- Conducting internal investigations related to potential fraud or ethics violations
- Structuring of compliance programs to proactively identify and avoid ethics concerns before they become procurement problems.

When necessary we represent clients suspended from government contracting or proposed for debarment. This may involve an independent investigation of the facts giving rise to the suspension or proposed debarment, representation of the client before the agency's suspension and debarment authority, and working with the client to reverse the significant effect of such government actions on the company's business operations. Because debarment actions often are initiated by the Office of Federal Contract Compliance Programs (OFCCP) for alleged violations of wage-and-hour laws or labor and employment statutes, the knowledge and capabilities of Krieg DeVault's employment law attorneys are a significant resource for our clients as we respond to such allegations.

### **Bid Protests**

A major area of our government contract practice involves protests over the award of contracts. We represent clients in bid protests challenging a contract award, and those seeking to retain awarded contracts. We appear before all of the tribunals that hear protests, including federal agency-level protest proceedings; we also regularly deal with the protest standards followed by many states, counties and municipalities. Because effective bid protests often must be undertaken within a matter of days or even hours after a purchasing decision is made, we excel at quickly assembling the information and filing the proper procedural motions that are necessary to an effective protest. In addition, we regularly defend protests brought against contract awards to our clients. We never lose sight of the fact that our client's ultimate objective is to secure government business, either through a successful current challenge or by establishing the foundation for favorable future consideration by the purchasing agency.

### **Representative Experience**

Given the depth of our capabilities, Krieg DeVault has handled diverse matters for numerous government contracting clients. Representative examples include:

- Served as lead compliance counsel to a Fortune 500 company for issues involving proposal requests and M/W/DBE certifications
- Represented large concession companies in the preparation of their proposals to the City of Chicago and the negotiation of multi-million dollar contracts at Chicago's O'Hare International Airport and Chicago Midway Airport
- Helped a client obtain a \$50 million contract after the awarding agency threatened to reject the client's bid over M/W/DBE issues
- Filed a protest to halt a contract award process and negotiated resolution over concerns about a client's bid, resulting in reversal of the initial bid rejection
- Represented a client in litigation arising out of a agency's refusal to award a services contract, even though our client was the lowest responsible bidder
- Helped numerous clients form strategic relationships to meet contract requirements

Krieg DeVault's government contracts team can put this experience to work for any company or organization wishing to pursue business opportunities with government. We welcome inquiries on how we can best be of service.