



GOVERNMENT CONTRACTS

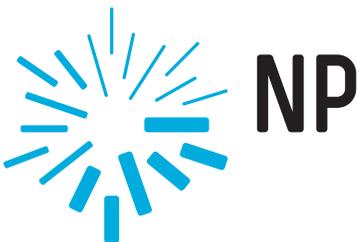
PRACTICAL AND TRUSTED SOLUTIONS FOR YOUR COMPLEX PROCUREMENT CHALLENGES

Entering a contract with a governmental entity or agency carries risks as well as rewards. The laws and regulations governing government contracts are unique and vary greatly from the laws applicable to commercial sales. Thoroughly understanding the complexities associated with contracting with the government, the differences from commercial contracting, and the risks, responsibilities, and options presented by these contracts is vital to the success of the underlying relationships.

Our Government Contracts team has the experience to help clients understand the complex issues that are unique to contracting with the government. Government contracts can have a significant impact on a client's business, either short- or long-term. We help clients see beyond the purely legal aspects of a contract to the larger business issues presented through contracting with federal, state, and local governments.

In-depth national, state, and local experience

We have substantial experience in counseling and representing clients concerning federal, state, and local procurement law. We have helped companies of all sizes understand the intricacies of dealing with government procurement. While we have handled multimillion-dollar transactions and litigation with the U.S. government, we have also helped small and mid-size companies enter the ever growing federal procurement marketplace. Our experience includes representing clients in negotiation, counseling, litigation, and other proceedings from local courts to agency boards of contract appeals, the U.S. Government Accounting Office, various federal district courts, and the U.S. Court of Federal Claims.



THE U.S. GOVERNMENT'S GROWING EMPHASIS ON DEFENSE AND HOMELAND SECURITY MAKES IT CRITICAL FOR ORGANIZATIONS TO WORK WITH LAWYERS WHO UNDERSTAND THE UNIQUE CHALLENGES INVOLVED.

The U.S. government's growing emphasis on defense and homeland security makes it critical for organizations that provide—or seek to provide—products and services in these highly sensitive areas to work with experienced lawyers who understand the unique challenges involved. We have helped companies identify and pursue business opportunities with the U.S. Departments of Defense and Homeland Security, helped them take advantage of the unique opportunities afforded by the Homeland Security and SAFETY Acts, and aided them in developing policies and procedures to ensure compliance with the U.S. Patriot Act. Our experience also includes effectively analyzing, developing, negotiating, and, if necessary, litigating claims against the government or private entities. In addition, our skills in protecting our clients' rights extend to counseling to protect their intellectual property and proprietary information.

Comprehensive services

Nixon Peabody's Government Contracts team offers a comprehensive range of legal services and counsel. Among our services are:

Dispute resolution and litigation — We represent clients in legal proceedings before courts, agency boards of contract appeals, state agencies, the GAO, and Alternative Dispute Resolution forums.

Contract formation: bid protests — We have defended and challenged contract awards before federal agencies, at the General Accounting Office, in the Court of Federal Claims, and in state agencies and courts involving a full range of protest issues, including improper sole source decisions, IDIQ evaluations, small business size determinations, and HUBZone protests.

Performance and administration — We help clients effectively address a variety of contract performance and administration issues ranging from claim identification, analysis, preparation, and presentation to contract interpretation, audit issues, and issues related to intellectual property, cost recovery, and termination of contracts.

Government investigations and enforcement — Our contract related services extend to related areas such as corporate compliance, internal investigations, qui tam and False Claims Act cases, whistle-blower claims, defective pricing, suspension, debarment and denial of participation, analysis of self-reporting requirements, and suspension and debarment.

Defense and homeland security — The Homeland Security and SAFETY Acts provide clients with unique opportunities to participate in the defense and homeland security marketplace. Understanding the intricacies of these statutes and how they can help clients sell to the government expeditiously and with limited risk is essential. Under these statutes, we help clients identify business opportunities and comply with the requirements of this new environment to grow business while decreasing risk exposure. Our broad-based experience in government contracts as well as in labor, employment, insurance, and indemnification law enables us to assist clients in reaching their goals while simultaneously helping meet the government's defense and homeland security needs.

Government Contracts Transactions and Counseling — We assist and advise our clients on issues related to the acquisition process, contract terms and conditions, negotiations and on a range of other related issues that result from doing business with the federal government while utilizing our deep breadth of experience and practical understanding to the benefit of our clients.

Recent matters

Bid protests — We prevailed in a litigated bid protest before the United States District Court for the District of Columbia relating to a contract award for the sale of prize real estate in the Ballpark District of the District of Columbia to a competitor of a firm client. We obtained a preliminary injunction enjoining the sale.

Small Business Administration — We successfully appealed an adverse decision of the Small Business Administration regarding a HUBZone protest against our client, securing our client's multi-million dollar contract award.

Qui tam / False Claims Act — We successfully obtained dismissal of a qui tam False Claims Act case against our client concerning a contract with the Army. An employee who worked on the contract asserted claims under the FCA, including under the retaliation provisions. We were able to obtain dismissal prior to any discovery in the matter.

Sales, mergers, and acquisitions — We have assisted numerous clients with due diligence and related efforts concerning sales, mergers, and acquisitions of contractors and assets of contractors. Our work has included analyzing and providing advice concerning a wide range of requirements imposed by the Federal Acquisition Regulations, export controls, and other best practices.

Voluntary disclosures — We recently assisted a client in an internal investigation and voluntary disclosure concerning a defective pricing issue. We assisted in investigating the matter and complying with the newly created self-reporting requirements in the Federal Acquisition Regulations.



Broad resources in a single firm

Nixon Peabody LLP is a full-service, international law firm and is recognized as a “Global 100” firm—one of the largest in the world. The firm’s size, diversity, and advanced technological resources enable it to offer comprehensive legal services to individuals and organizations of all sizes in local, state, national, and international matters.

Members of our Government Contracts team can readily draw on the unique experience of their colleagues in many related areas of law, from tax and employment to intellectual property and environmental law.

This not only enables us to easily assist clients in matters that reach into other areas of law, but also lets clients address a broad range of legal needs through a single firm.

About Nixon Peabody

At Nixon Peabody, we see 21st century law as a tool to help shape our clients’ futures. We are constantly thinking about what is important to our clients now and next so we can foresee obstacles and opportunities in their space and smooth the way. We work together to handle complex challenges in litigation, real estate, corporate law, intellectual property and finance anywhere in the world.

FOR MORE INFORMATION, PLEASE CONTACT:

Louis E. Dolan, Jr.
202-585-8818
ldolan@nixonpeabody.com

John C. Hayes, Jr.
202-585-8345
jhayes@nixonpeabody.com

Harry J. Kelly
202-585-8712
hkelly@nixonpeabody.com

Vincent J. Napoleon
202-585-8379
vnapoleon@nixonpeabody.com

NIXONPEABODY.COM
@NIXONPEABODYLLP