



Thomas E. Daley

Associate

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Tom Daley focuses his practice on assisting government contractors with litigation matters, regulatory counselling and compliance issues, cybersecurity matters, and investigations.

Tom has successfully litigated bid protests before the US Court of Federal Claims and US Government Accountability Office, as well as size protests before the Small Business Administration and Office of Hearings and Appeals. Tom also represents contractors in contract administration matters and with claims under the Contract Disputes Act. Additionally, Tom has assisted clients with internal investigations, investigations brought by Inspectors General, and investigations related to actions brought under the False Claims Act.

Tom is a prolific and widely published author who writes about emerging and complex issues within the government contracts field, including bid protests, the False Claims Act, and cybersecurity. Tom's works have been published in leading government contracts publications, including the *Public Contract Law Journal* and *The Procurement Lawyer*.

- Regulatory and Government Affairs
- Government Contracting

Recent representative bid protest matters include:

- Successfully challenged the award of a \$365-million Air Force contract, resulting in a contract award to our client.
- Successfully protested the award of a \$340-million Department of Veterans Affairs contract, resulting in a contract award to our client.
- Obtained a permanent injunction preventing the Department of State from proceeding with award of a contract to our client's competitor.
- Obtained a court decision vacating a determination of the Small Business Administration Office of Hearings and Appeals finding our client to not be a small business.
- Successfully requested an injunction pending an appeal before the US Court of Appeals for the Federal Circuit, which allowed our client to continue performing an incumbent contract during the pendency of an appeal.
- Successfully protested the Marine Corps' evaluation of our client's proposal as well as the award decision, which required the Marine Corps to reopen the procurement and allow our client to submit a revised proposal.

CREDENTIALS

Admissions

- District of Columbia

Prior Experience

Prior to joining DLA Piper, Tom spent two years as a judicial law clerk for the Honorable Marian Blank Horn of the United States Court of Federal Claims, assisting with bid protests, contract disputes, and other matters within the court's jurisdiction. Tom participated in numerous oral arguments and two trials involving claims brought under the Contract Disputes Act.

Throughout his third-year of law school, Tom was a law clerk with DLA Piper's Government Contracts practice. During law school, Tom also served as an intern with the United States Civilian Board of Contract Appeals, the United States District Court for the District of Columbia, the Executive Office of the President of the United States, and the United States Attorney's Office for the Eastern District of Pennsylvania.

Recognitions

The American Bar Association, Public Contract Law section, selected Tom as the winner of the 2020 Public Contract Law Journal Writing Competition, which evaluates submissions based on the technical quality of the paper, as well as the significance of the paper to the government contracts field. Tom also was awarded the National Contract Management Association's 2017 Outstanding Academic Achievement Award.

Education

- J.D., George Washington University Law School 2017
with high honors
Order of the Coif
- B.S., Business Administration, Susquehanna University 2014

Courts

- United States Court of Appeals for the Federal Circuit
- United States Court of Federal Claims

Pro Bono

Tom is a member of the Pro Bono Committee for the Washington, D.C. office. He maintains an active pro bono practice in which he counsels small businesses on a variety of issues and assists in landlord-tenant disputes. Tom also has helped Ukrainian refugees apply for Temporary Protected Status.

INSIGHTS

Publications

Timeliness at the Court of Federal Claims: Reexamining the *Blue & Gold* doctrine in light of *SCA Hygiene* and *Petrella*

3 October 2022

A protestor's failure to comply with a forum's timeliness rules may result in an otherwise meritorious protest being dismissed.

False Claims Act settlement underscores importance of government contracts-specific M&A diligence

19 July 2022

An overview of the settlement and diligence considerations when acquiring a company that performs, or has performed, government contracts set aside for small business concerns.

Cybersecurity litigation for contractors is on the rise – takeaways from recent cases

18 July 2022

Prudent contractors will understand the cybersecurity obligations in their solicitations and contracts and have a plan for demonstrating compliance.

Nonsolicitation agreements face antitrust scrutiny

16 May 2022

Some of the court's rulings in the case may be relied on by the government as it continues to focus on non-solicitation and no-poach agreements.

The Impact of *Escobar* and the Procurement Collusion Strike Force on Procurement-Related False Claims Act Settlements

2 May 2022

Read the full article from *The Procurement Lawyer* [here](#).

District Court confirms that noncompliance with cybersecurity requirements may lead to False Claims Act liability

16 February 2022

Key details and implications for contractors.

Court of Federal Claims judge splits from precedent regarding the availability of key personnel

14 February 2022

The decision departs from US Government Accountability Office decisions providing that offerors have a "duty" to advise the procuring agency of changes in proposed key personnel after proposal submission but prior to award.

With Civil Cyber-Fraud Initiative, government sharpens focus on cybersecurity obligations for government contractors

13 December 2021

Deploying the False Claims Act to pursue cybersecurity-related fraud.

With Civil Cyber-Fraud Initiative, government sharpens focus on cybersecurity obligations for government contractors

1 November 2021

Acting Assistant Attorney General Brian Boynton recently discussed how the Civil Cyber-Fraud Initiative would use the False Claims Act to pursue cybersecurity-related fraud.

Cybersecurity obligations for government contractors – focus on them before the government focuses on you

22 September 2021

Liability under the False Claims Act can be financially debilitating, particularly for small and mid-size contractors.

What does the cybersecurity executive order mean for federal government contractors and their supply chains?

19 May 2021

Key sections of the EO that are likely to impact federal contractors and the practical effects of those requirements.

Corporate transaction invalidates small business award

25 January 2021

Under the COFC's interpretation, an offeror was required to recertify its size status *during* a procurement, and the agency's failure to enforce this requirement invalidated the award.

- Co-Author, The Impact of Escobar and the Procurement Collusion Strike Force on Procurement-Related False Claims Act Settlements, *Procurement Law*. (Spring 2022)
- Author, Reassessing the Role of the Reilly's Wholesale Factors in Override Protests Following the Federal Circuit's Decision in Safeguard Base Operations, 50 *Pub. Cont. L.J.* 497 (2021)
- Co-Author, "Government Contractor Mergers & Acquisitions: What To Do With Pending Proposals?," 20-4 *Briefing Papers* 1 (March 2020)
- Author, Note, Calculating Intangibles: Assessing the Argument for Actual Damages Equal to the Contract's Total Value, 46 *Pub. Cont. L.J.* 385 (2017)

NEWS

DLA Piper associate Tom Daley wins ABA 2020 *Public Contract Law Journal* Writing Competition award

19 February 2021

Tom Daley has been named the first place winner in Division II of the American Bar Association's 2020 *Public Contract Law Journal* Writing Competition.
