



## Government Contracting

Our clients who provide products and services to governments must contend with ever-changing procurement rules and regulations. Many opportunities are open to them but they are accompanied by legal consequences for everyone involved.

The global financial crisis has placed intense pressure on governments to tackle major budget deficits and debt burdens. As a result, competition for contracts is fierce, bid costs are high and the financial terms imposed on contractors are demanding. International procurement regimes bring their own challenges for non-compliance for both contractors and government customers.

To help our clients meet these challenges, our government contracting practice has grown to become one of the largest of its kind in the world. Unlike many others, we act for both governments and global contractors on their contracting and procurement requirements.

We provide tailored advice and legal services on virtually every aspect of government contracting and public procurement, from bid strategy through to potential challenge. These services include: preparation of strategic alliance agreements and teaming arrangements; bid protests and challenges; and contract administration and claims. Our lawyers also litigate contract disputes and claims involving contractors.

- IT procurement: The UK government turned to us for advice on the world's largest civil information technology procurement
- IP: When two federal contractors went to court in a dispute between them, we were called by the defense to testify as an expert witness on its intellectual property. The US jury found in favor of the defense on all nine counts, including all government contract IP issues.
- Data protection: We advised a global aviation company on the data security and protection survey of data protection requirements in public contracts covering 40 countries
- PPP: We advised a global defense company on a public-private partnership with the UK's Ministry of Defense to modernize their search and rescue helicopter program
- Procurement: A Canadian pharmaceuticals company needed help dealing with various aspects of European Union procurement law. We helped it prepare and submit a vaccines tender to the UK Purchasing and Supply Authority.
- Defense: We advised the Australian Defense Force on the US\$3 billion Amphibious Ships Project
- FCPA: Our lawyers represented a global defense contractor facing an FCPA subpoena concerning allegations of improper payments in Africa over six years. The US government dropped all charges.

### KEY CONTACTS

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- Corporate
  - Employment
  - Finance
  - Intellectual Property and Technology
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  - Projects, Energy and Infrastructure
  - Real Estate
  - Restructuring
  - Tax
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- Technology
  - Healthcare
  - Energy and Natural Resources

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## Publications

### Employment law in 5: 5 developments to read for June in less than 5 minutes

8 June 2022

5 developments to read for June in less than 5 minutes.

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### 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.

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### Employment law in 5: 5 developments to read for May in less than 5 minutes

5 May 2022

5 developments to read for May in less than 5 minutes.

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

16 February 2022

Key details and implications for contractors.

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### 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.

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### Medicare audit? CMS expands ability to revoke for non-compliant billing

14 February 2022

These broad revisions provide CMS with greater revocation authority.

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### 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.

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### Increased contractor discretion in COVID-19 Executive Order 14042

8 November 2021

Details of updated guidance and its implications for employers.

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### **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.

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### **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.

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### **Seventh Circuit adopts objective reasonableness standard for False Claims Act liability**

1 September 2021

Key details and takeaways.

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### **Whatever your sector, ransomware attacks are changing how to think about platform security risk: Action steps**

14 June 2021

In an increasingly digitized economy, creating awareness of platform security risks is critical.

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### **Supreme Court significantly limits the scope of the Computer Fraud and Abuse Act**

4 June 2021

The decision will largely gut the CFAA as a tool for addressing insider data theft.

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### **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.

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### **President Biden issues broad-ranging Executive Order on cybersecurity**

13 May 2021

The EO sets forth new requirements for federal agencies and government service providers.

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### **New minimum wage requirements for federal contractors: Key takeaways**

4 May 2021

The EO requires that all employees working “on or in connection with” a federal government contract be paid a minimum of \$15 per hour.

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## **Boardroom Brexit: What the deal means for funding and procurement**

31 December 2020

### **BOARDROOM BREXIT**

The TCA provides last-minute clarity for UK companies and organisations that participate in EU funded projects, or receive funding and investment through EU programmes, such as Horizon Europe.

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## **Landmark artificial intelligence legislation advances toward becoming law**

16 December 2020

### **AI OUTLOOK**

An overview of the key AI initiatives and funding set out in the defense bill.

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## **Navigating risk and compliance in government contracts M&A**

14 December 2020

Webinar now available: government contracts and pre-closing diligence.

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## **Practical Compliance**

8 December 2020

### **PRACTICAL COMPLIANCE**

Q4 2020: Spotlight on real estate COVID-19 compliance.

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## **CMS, OIG finalize Stark and AKS overhaul – paving the way for value-based care**

25 November 2020

We highlight some of the most important ways in which HHS followed through on its ideas from 2019, as well as the instances where they pivoted in reaction to public comments.

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## **Contracting for the climate: The Climate Contract Playbook is a trove of climate clauses**

11 November 2020

Contracts have become an essential vehicle for companies seek to mitigate their environmental risks and limit their carbon footprints.

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## **New Executive Order "Combating Race and Sex Stereotyping" – what federal contractors need to know**

7 October 2020

The EO prohibits federal contractors, subcontractors and certain grant recipients from using "any workplace training that inculcates in its employees any form of race or sex stereotyping or any form of race or sex scapegoating."

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## **Into the unknown: DoD's long-awaited cybersecurity rule leaves critical questions unanswered**

5 October 2020

The rule leaves open a number of critical questions.

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## **SBA creates administrative process for appealing PPP loan decisions**

2 September 2020

Under the process, a borrower may challenge written decisions by the SBA regarding ineligibility and loan forgiveness.

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## **Australia makes changes in defense and procurement strategy**

13 August 2020

Australia is implementing changes in its defense strategy and procurement rules that are important to international contractors.

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## ***Universal Health Services: contractors take note – Supreme Court approves implied certification theory of False Claims Act liability***

22 JUN 2016

The Court's recognition of "implied certification" theory resolves a circuit split in favor of a more expansive view of the Act.

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## **Should I file a bid protest? A checklist of essential questions and considerations**

18 SEP 2014

What are the questions a thoughtful CEO or General Counsel should ask when deciding whether to file a bid protest?

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## ***The Cybersecurity Framework: Administration, Congress move to incentivize private-sector cooperation, strengthen federal acquisition process***

12 SEP 2013

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## **EVENTS**

### **Previous**

### **Planning for an Uncertain World**

16 November 2020

## TECHLAW EVENT SERIES

Webinar

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### TechLaw

31 July 2020

## TECHLAW EVENT SERIES

Webinar

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## NEWS

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### **DLA Piper advises Orbis Operations in its acquisition by McNally Capital**

12 April 2021

DLA Piper represented Orbis Operations in its recent acquisition by McNally Capital.

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### **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.

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### **DLA Piper advises Digital Force Technologies in strategic partnership with DC Capital Partners**

29 September 2020

DLA Piper represented Digital Force Technologies (DFT) in its formation of a strategic partnership with DC Capital Partners.

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