Tucker Ellis LLP

Federal Government Contracting

Overview

In recent years, the federal government has significantly increased spend on goods and services, with expenditures peaking in 2020 during the height of the COVID-19 pandemic. The size and nature of this market requires practical solutions and knowledge. Tucker Ellis brings this expertise to the table, helping businesses of all sizes navigate federal procurements, best practices for compliance, and – when circumstances warrant – litigation.

Areas of Emphasis

COUNSELING

Government contracts require contractors to comply with a host of regulations, policies, and procedures. We guide government contractors to ensure their proper compliance through all phases of the contract and, in the event of a sale or merger, to employ the proper due diligence needed for government contracts. This includes advising clients on the scope of regulations governing the contract, such as the Federal Acquisition Regulation, Defense Federal Acquisition Regulation Supplement, and other regulations that are unique to government contracts in order to establish best practices and ensure that the proper policies and procedures are in place.

CLAIMS AND REQUESTS FOR EQUITABLE ADJUSTMENT

Conditions can change during the life of a contract. Out-of-scope work and other changed conditions may result in unexpected costs and expenses for a government contractor. We have experience preparing requests for equitable adjustment, certified claims under the Contract Disputes Act, settlement claims for terminations for convenience, and other relief authorized by the Contract Disputes Act.

CLAIMS LITIGATION

Contractors may face a range of issues with the government – from contract performance to the government's failure to pay. When resolution – although preferable – is not an option, we represent clients before the Civilian and Armed Service Boards of Contract Appeals, the Court of Federal Claims, and the Court of Appeals for the Federal Circuit.

We also represent both prime contractors and subcontractors in disputes that sometimes result from contracts. We use mediation, early neutral evaluation, and other alternative dispute-resolution procedures to resolve disagreements before commencing litigation before

a tribunal or in federal or state court.

BID PROTESTS

Companies pursuing government contracts may need to file a protest pre- or post-contract award. Sometimes, the solicitation includes terms and conditions that are confusing or offers an unfair advantage to a contractor. Other times, it might make sense to challenge a contract awarded to a competitor. We help determine if it makes sense to pursue a protest, and, if so, determine the appropriate forum – the Government Accountability Office or the U.S. Court of Federal Claims. With a thorough understanding of the process, we move with the speed required to file or intervene in a protest. In many cases, protests are resolved through corrective action – such as an agency's decision to reevaluate a proposal, permit revised proposals, or reinstate a proposal into a competitive range – rather than having a trial or evidentiary hearing.

JOINT VENTURES AND TEAMING AGREEMENTS

Often, contractors partner with other contractors to pool resources and share risk. We counsel clients on such issues and draft, review, and negotiate joint-venture agreements, teaming agreements, and subcontracts. We also handle disputes that may arise because of payment, performance, or dissolution of such agreements.

PREFERENCE STATUS: SMALL, DISADVANTAGES, WOMEN- AND VETERAN-OWNED, AND HUBZONE COMPANIES

We represent small, disadvantaged, women- and veteran-owned, and HUBZone companies. We assist these types of businesses in qualifying for preference status for federal contracts and ensure that government agencies provide them with contracting opportunities as mandated by statute or executive order.

Experience

- Prepared and resolved certified claims in excess of $1 million under the Contract Disputes Act for Fortune 500 companies and small businesses
- Successfully resolved federal government bid protests filed with the U.S. Government Accountability Office, federal district courts, state protest forums, and agency-level protests
- Guided an energy savings company on an energy savings performance contract
- Guided businesses through all aspects of government contracting programs under the U.S. Small Business Administration, including women-owned, 8(a), HUBZone, and veteran-owned and service-disabled veteran-owned small businesses