

# Government Contracting

## *Enabling Success in a Complex Marketplace*

**Offit | Kurman**<sup>®</sup>  
Attorneys At Law

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### GOVERNMENT CONTRACTING ATTORNEYS

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Given that the Federal Government is the largest consumer of goods and services in the world, spending approximately \$500 billion annually through contracts and grants, Offit Kurman is perfectly positioned in both geography - near Washington, DC, in the middle of the largest concentration of government contractors in the country - and experience to help government contractors succeed in the face of government-unique challenges, which are different in many ways from those facing other businesses. Our attorneys' expertise ensures that clients have the tools they need to grow in this complex marketplace.

The attorneys in our Government Contracting Practice Group educate our clients on steps to take and pitfalls to avoid when entering into, performing, and/or closing out prime contracts and subcontracts in the government contracting environment. Using the collective knowledge of Offit Kurman and our years of experience, we offer counsel to help contractors thrive in this heavily regulated industry and avoid costly trips to the courthouse. When, however, litigation is necessary or unavoidable, we have the experience and resources to represent our clients aggressively.

### BID PROTESTS

We represent clients involved as protesters, or interested parties in protests, in all local federal and state forums. From the GAO and SBA, to the United States Court of Federal Claims and their state equivalents, we have the experience and know-how to help our clients maneuver through these arenas.

### CONTRACT CLAIMS

We represent clients in the prosecution of all forms of claims, ranging from equitable adjustment and termination claims to acceleration, breach-of-contract, changes, impossibility, superior knowledge, delays, and pricing and scheduling claims, from submission to the Contracting Officer, to litigating disputes in the Court of Federal Claims, Boards of Contract Appeals, or applicable State or local adjudicative bodies.

### COMPLIANCE

The government contracting world has countless unique compliance requirements, and our attorneys assist clients in all aspects of the client's business necessary to grow their businesses and comply with the myriad laws applicable to government contractors, including the creation of compliance programs and training and monitoring of such programs.

### DATA RIGHTS

We counsel clients regarding intellectual property rights when inventions, technical data and computer software are used, created and/or modified under a government contract. We recommend measures to protect proprietary technology developed by our clients and develop appropriate non-disclosure agreements, licenses and similar contracts.

### LITIGATION AND ARBITRATION

We have extensive background in both keeping our clients out of the courtrooms and arbitrations, and representing them successfully in these dispute resolution forums. We practice in Federal and state courts throughout the country, and engage in arbitrations both domestically and internationally.



## RELATED SERVICES

Bid Protests

Mergers And Acquisitions

## CONSTRUCTION CLAIMS

Our Construction Group practices in the interrelated areas of construction, surety and government contracts law, including:

- Drafting and negotiating construction contracts
- Advising clients throughout construction projects
- Arbitrating, mediating or litigating disputes which arise during the performance of the project
- Mechanic's liens
- Miller Act and Little Miller Act claims
- Bid dispute issues

## SMALL BUSINESSES PREFERENCES

We assist small, veteran-owned, minority-owned, and women-owned and HUBZone businesses in identifying, applying for and capitalizing on the programs and preferences available through Federal and state agencies and in establishing subcontracting opportunities presented to them. We also represent them in size protests and challenges to set-asides and NAICS code designations.

## MERGERS AND ACQUISITIONS

As part of assisting clients in their growth and expansion, the Government Contracting group has assisted numerous government contractors in navigating the maze of successfully purchasing other contractors wishing to expand on their success. Similarly, we have positioned many of our clients to be sold profitably, while assisting them through the sale process and scrutiny of an experienced purchaser. We also assist in obtaining the government's consent to certain transactions through novation, and help our clients manage the complications of the security clearance requirements which impact these types of transactions.

## HEALTH CARE CONTRACTING

The Firm represents several clients with contracts with the Centers for Medicare and Medicaid (CMS), the National Institutes of Health (NIH) and the Federal Drug Administration (FDA), and advises them on various aspects of health-care contracting, including HIPAA compliance. The Firm also has considerable experience in health-care fraud cases under the False Claims Act.

## INTERNATIONAL CONTRACTING

We advise our domestic clients on a variety of international contracting issues, ranging from navigating safely through the inherently complex rules governing U.S. export controls -- the International Traffic in Arms Regulations (ITAR), Export Administration Regulations (EAR), and Office of Foreign Assets Control (OFAC) regulations -- to complying with the prohibitions of the Foreign Corrupt Practices Act (FCPA). We also advise clients on other international contracting issues such as the Buy American Act, Trade Agreements Act, and Berry Amendment.

## SECURITY CLEARANCE MATTERS AND CLASSIFIED CONTRACTS

Cybersecurity is one of the few sectors in government contracting that will continue to grow for the foreseeable future, and the Firm, with several offices in close proximity to Ft. Meade, which houses the NSA and CyberCommand, is well-positioned to help clients comply with both Facility (FCL) and Personnel (PCL) security clearances at all levels. From counseling our clients on NISPOM compliance to representing them in DISCO and DOHA matters, we have many years of experience which we bring to bear to resolve these matters successfully. In addition, the Firm has a growing M&A practice in this area, helping deals get done while ensuring compliance with the NISPOM and other classified contracts issues.