

Government Contracts

U.S. federal, state and local government contracts and assistance agreements are subject to a myriad of complex regulations where compliance is of utmost importance. Polsinelli's Government Contracts practice provides strategic counseling and services to assist domestic and international clients understand and successfully navigate the legal issues involved in contracting with federal, state and local governments.

Our attorneys are government contracts strategists who are well versed in all aspects of government contracts from bid and proposal, to contract formation, performance and contract closeout. They focus on providing clients with straightforward legal and practical advice tailored to the clients' industries and businesses. Polsinelli's national platform with a strong Midwest presence enables the Government Contracts practice to provide both large and small clients with unmatched value. Our experience includes:

Contract Bidding & Awards

- Federal, state and local contracting
- All forms of contract vehicles (including GSA & VA FSS, MACs, GWACs, Commercial, Brooks Act, R&D, SBIR/STTR)
- Grants, Cooperative Agreements, CRADAs and OTs
- Bid protests and challenges before the agency, GAO, Court of Federal Claims and state and local government entities
- Subcontract, teaming and joint venture agreements
- Construction contracts, both design bid build and design-build and A&E services under the Brooks Act
- Small business contracting, mentor protégé and set-aside programs
- Protection of intellectual property rights
- Cost and pricing disclosure and certification requirements (TINA)
- Debarment and suspension

Contract Performance

- Contract review and negotiation
- Compliance planning, training and auditing
- Change order negotiations
- Compliance with TAA, BAA, Berry Amendment, and country of origin laws and international trade restrictions
- Novation and change-of-name agreements
- Affirmative Action Plans, Service Contract Labor Standards, Davis Bacon and other labor and provisions
- Subcontracting plans - commercial or contract specific
- DCAA Audits
- Government ethics requirements, including conflict of interest, Procurement Integrity Act and post-government employment ("revolving door")
- Proposed suspension and debarment actions
- Terminations for default and convenience

- Internal investigations, mandatory disclosures and responding to agency, OIG and DOJ investigations
- Defense of False Claims Act and/or fraud and qui tam allegations
- Disputes between prime contractor/subcontractor/team members
- M&A, corporate structuring and due diligence
- Cybersecurity and privacy
- Security clearances, facilities clearances and classified information
- Domestic preference programs (e.g., Buy American Act, Trade Agreements Act and agency-specific programs)
- Department of Transportation DBE Program
- FAA Screening Information Requests (SIR) and ODRA Bid Protests
- SBA small business size standards, size protests and OHA appeals

Contract Disputes

- Preparation, litigation, negotiation and defense of requests for equitable adjustment and claims
- Appearance before the Boards of Contract Appeals, the Court of Federal Claims, as well as federal, state and local trial and appellate courts
- Arbitration and mediation proceedings
- Preparation and negotiation of pass-through claims and claim liquidation agreements
- Close-out processes

Service Industry Clients Include

- Aerospace & Defense contractors
- Emerging technology, software and AI companies
- Information technology companies
- International development contractors
- Professional and technical service providers
- Non-profit and charitable organizations
- Life sciences and health care companies
- Security and mission support contractors
- Logistics service providers
- Architect & Engineering firms
- Military housing
- Privatization contractors
- Nuclear facility contractors
- Environmental remediation companies
- Biotechnology companies
- Construction contractors

Matters

- Represented a major defense contractor in a sustained appeal at the Armed Services Board of Contract Appeals (ASBCA), including a significant financial recovery.
- Obtained a permanent injunction at the Court of Federal Claims of award under a solicitation for foreclosure-related services, following a denial of the same protest grounds at GAO.
- Successfully defended DEA \$60 million contract award to analytic linguist services company for Title III services at the Court of Federal Claims.
- Successfully represented IT services provider in multiple bid protests challenges before the FAA Office of Hearing Dispute Resolutions and Appeals.

- Negotiated multiple Other Transactions with the Defense Advanced Research Projects Agency on behalf of a commercial technology company, including significant revisions to 'standard' intellectual property and data rights provisions.
- Served as outside general counsel for government contracting issues to multiple public commercial and emerging technology companies.
- Represented an international development contractor in several internal investigations regarding overseas contract and grant work and coordinated the resolution of those matters with the Department of State.
- Obtained a state court injunction of a contract award for networking hardware with the nation's largest school district, resulting in our client ultimately receiving the contract.
- Negotiated a large, sole-source supply contract with the Department of Health and Human Services for medical devices critical to fighting COVID-19.
- Counseled foreign aircraft manufacturer through proposal development and compliance assessment, including substantial data rights concerns, for a major U.S. Air Force aircraft procurement.
- Assisted multiple foreign-owned companies with establishing U.S.-based operations qualified for and compliant with federal contracting requirements, including eligibility to obtain security clearance and Foreign Ownership, Control, and Influence (FOCI) mitigation.
- Successfully negotiated beneficial subcontract terms and conditions with a major defense contractor for a complex, multi-year program on behalf of a lower-tier technology subcontractor.
- Successfully challenged Department of State's award of a hand held radio contract for its overseas personnel permitting the incumbent to continue provision of the required services.
- Obtained an injunction before the Court of Federal Claims in a GAO protest of a Department of Veterans Affairs award where the awardee proposed services that were outside the scope of its GSA Schedule contract.
- Successfully challenged awardee's small business size status where the awardee was not the manufacturer of products being sold to the DLA under a small business set-aside contract.
- Successfully represented fuel transportation services contractor in debarment proceedings before the U.S. Air Force.
- Obtained an injunction at the Court of Federal Claims for an IT systems integrator protesting its exclusion from a large, multiple-award Army contract vehicle.
- Successfully represented a large logistics provider in GAO protest of \$165 million Department of State contract for global services that was protested by two competitors.
- Successfully defended information technology reseller in False Claims Act litigation alleging noncompliance with the Trade Agreements Act under the reseller's GSA Schedule contract.
- Persuaded the GSA Federal Acquisition Service to reinstate service-disabled, veteran-owned, small business's GSA Schedule contract after the GSA improperly terminated the contract for alleged insufficient sales. Prior to the improper termination, the SDVOSB had been awarded a substantial task order that it would have lost if its FSS contract had not been reinstated.
- Advised international services client on meeting and presentation in response to Department of State's proposed debarment. Department of State SDO determined that client was responsible contracting party as a result of the presentation and demonstration of current responsibility.
- Successfully obtained commercial item designation of a subcontractor's products by a major defense contractor, including concurrence by the Government, in a hotly contested program negotiation.
- Counseled multiple lower-tier subcontractors through their disclosure obligations and negotiation strategy under the Truthful Cost or Pricing Data statute (formerly the Truth in Negotiations Act, or TINA).
- Successfully counseled Seller in an M&A transaction through investigation, Buyer disclosure, and mitigation of potential False Claims Act liability risk arising in the course of diligence.
- Represented a Fortune 100 technology company with respect to a GSA investigation into potential civil fraud relating to allegations of overcharging on a GSA contract.
- Successfully defended Afghan business and its principals from allegations of fraud and the majority of the government's claims for repayment resulting from a SIGAR report on work performed under a Department of State grant for A&E services in Afghanistan.
- Advised multiple clients on the data rights clauses and the U.S. government's entitlement to certain rights in data and "subject inventions" made under U.S. government contracts and grants. The advice permitted such clients to properly identify intellectual property that was created at private expense and otherwise limit the U.S. government's rights in such intellectual property.

Publications

April 28, 2026

The New Rules of Federal Contracting: Redefining DEI Compliance

March 6, 2026

New GSA Guidance on Protecting CUI in Contractor Systems, Plus a Look Ahead at Pending FAR Changes

March 5, 2026

Executive Branch Targets Anthropic as Supply Chain Risk: Key Considerations for Federal Contractors

February 20, 2026

VA's Community Care Network Procurement Enters Proposal Phase

February 12, 2026

A New "Made in America" Push for Hospitals: CMS Seeks Input on Domestic Sourcing for PPE and Essential Medicines

January 27, 2026

FCA Recoveries Hit \$6.8 Billion as Courts Question the Future of the Qui Tam Authority

January 21, 2026

FY2026 NDAA: A Commercial Reset for Defense Contracting

December 11, 2025

Return of the BIOSECURE Act: What Life Sciences Companies Need to Know

November 4, 2025

No Award, No Protest: COFC Narrows Post-Award Challenges in Strata-G Solutions

October 1, 2025

CMMC Is No Longer Optional: Final Rule Launches November 10

September 30, 2025

Guide to Fixed-Price Supply Subcontract Terms and Conditions, Sixth Edition
Contributor, ABA Section of Public Contract Law

September 24, 2025

Tariff Tensions Prompt VA to Rethink Contractor Pricing

September 8, 2025

Revolutionary FAR Overhaul: Part 8 Rewrite

September 5, 2025

Navigating the Grantmaking Maze: A New Federal Oversight Framework

August 29, 2025

Entering the 'Wild West'?: US Supreme Court Reshapes Litigation Over Federal Grant Termination
Quoted, The National Law Journal

August 20, 2025

Vive la revolution? The Trump Administration Begins to Roll Out its Overhauled FAR

August 19, 2025

Procurement & Government Contracting Compliance: What You Need To Know
Quoted, Financial Poise

May 27, 2025

DOJ Announces Intent to Use False Claims Act To Target Diversity and DEI Initiatives

May 15, 2025

Trump Administration Announces New Executive Order to Promote Domestic Production of Biopharmaceuticals

April 24, 2025

Drug Pricing and Payment Executive Order Shows Trump Administration's Cards

April 18, 2025

Enhancing Efficiency in Foreign Defense Sales: Key Takeaways from Recent Executive Order

April 17, 2025

Incoming Defense Contract Audit Agency Reorganization

April 15, 2025

What The Minimum Wage Shift Means For Gov't Contractors
Co-Author, Law360

March 24, 2025

New Executive Order Rescinds the \$17.75 Per Hour Federal Contractor Minimum Wage

March 3, 2025

Executive Order Implementing the President's Department of Government Efficiency Cost Efficiency Initiative – Mandatory Agency Review of Federal Contracts, Grants and Loans

November 4, 2024

CMMC 2.0: Department of Defense Publishes Final Rule to Establish its Cybersecurity Maturity Model Certification 2.0 Program

September 26, 2024

CMMC 2.0: Department of Defense Releases New Proposed DFARS Rule to Implement its Cybersecurity Maturity Model Certification 2.0 Program

April 19, 2024

Critical Infrastructure Cybersecurity – Evolving Incident Response Obligations, Integral to Effective Risk Management

January 25, 2024

US Cos. Must Guard Against Russian Diversion Of Goods
Co-Author, Law360

2024

Preventing the Noncompete Apocalypse: Why the FTC Has It Wrong

Author, Corporate and Business Law Journal 5 Corp. & Bus. L.J. (2024)

June 27, 2023

The FAR Council's Implementation of the "No TikTok on Government Devices Act" - Applicability, Limited Exceptions and the FAR Council's Expectation of Impact of the Rule

June 6, 2023

Guidance Released on Inflation Reduction Act Domestic Content Tax Credits

April 26, 2023

Solar Tariff Waiver End Looms: What You Need to Know

December 21, 2022

For OT Cybersecurity, Extra Time is Running Out

December 2, 2022

National Security Focus on Cybersecurity for Critical Infrastructure Sharpens

September 15, 2022

I Object! – OFCCP Extends Deadline to October 19 to Submit Objections to FOIA Request for All Type 2 Consolidated EEO-1 Reports

Co-Author, Government Contractor Update Blog

August 29, 2022

Going Public With It – OFCCP Publishes Notice Regarding FOIA Request for All Type 2 Consolidated EEO-1 Reports – and Sets September 19 Deadline to Object

Co-Author, Government Contractor Update Blog

August 22, 2022

OFCCP Walks Back Portions of Its Controversial Pay Equity Directive, But Contractors Must Still Focus on Proactively Ensuring Equal Pay

Author, Government Contractor Update Blog

August 3, 2022

OFCCP Reminds Contractors to Certify Affirmative Action Plan Compliance Through the Contractor Portal

Author, Government Contractor Update Blog

July 13, 2022

Deadline Not Clear for Covered Contractors to Register and Certify Affirmative Action Program Compliance in New OFCCP Contractor Portal

July 7, 2022

Empowering Women's Land Rights as a Climate Change Mitigation Strategy in Nigeria

Author, Northwestern Journal of Human Rights