

McGuireWoods

GOVERNMENT CONTRACT INVESTIGATIONS AND ENFORCEMENT



GOVERNMENT CONTRACT INVESTIGATIONS AND ENFORCEMENT



Investigations and regulatory enforcement actions in the government contracts arena raise unique challenges and considerations, along with a host of potentially costly consequences.

McGuireWoods' government contract investigations and enforcement team leverages the experience and capabilities of McGuireWoods' full-service government contracts practice to help clients — from the nation's leading defense contractors to small businesses and technology startups — navigate through each critical decision point in these challenging matters.

The firm's work ranges from representations in high-profile investigations by the Department of Justice and Department of Defense Office of Inspector General to sensitive internal reviews and mandatory disclosures. Over the past 20 years, we have built a reputation with government investigators as experienced and professional advocates and among clients for successfully resolving complex, sensitive matters with a government agencies, including the DOJ.

ABOUT OUR TEAM

The foundation of the government contract investigations and enforcement team is McGuireWoods' government contracts practice, which offers services across the entirety of the procurement process. Our team has strong defense and national security credentials, including security clearances, and significant operational and government service, including former Navy and Army officers.

The government contract investigations and enforcement team also is part of an elite [Government Investigations & White Collar Litigation Department](#) recognized as a [Law360 Practice Group of the Year](#). Our senior team is comprised of a deep bench of lawyers with decades of experience with investigations at the intersection of law and national security, including a former deputy attorney general of the United States, former U.S. attorneys, more than a dozen federal prosecutors, an associate counsel to the president of the United States and other former senior enforcement officials.

GOVERNMENT CONTRACT SERVICES

- Government contract investigations and enforcement
- False Claims Act counseling, investigations, and litigation
- M&A and private equity transactional support
- Bid protests at GAO and COFC
- Government contract claims resolution and litigation
- Procurement and compliance counseling, including assistance with the RFP process
- Cybersecurity and data privacy counseling
- Small business advising and counseling and partnership issues

GOVERNMENT CONTRACT INVESTIGATIONS AND ENFORCEMENT



HOW WE HELP

With this combination of skills, experience and proven results, McGuireWoods' government contract investigations and enforcement team helps clients develop successful strategies to move through the full scope of investigations involving government contracts and relating to allegations of procurement fraud. Where a client identifies an issue internally, we work closely with the client's team to investigate the matter and determine whether the conduct must be disclosed to the government under mandatory disclosure rules. Where the government identifies an issue, on its own or as a result of a *qui tam* action, we advocate to limit the scope of that review and investigate the matter consistent with the government's request.

We have extensive experience negotiating settlements with the DOJ and the various components of DOD and, regardless of an investigation's origin, limiting the collateral consequences of an investigation by proactively gauging the potential legal and reputational risks of the matter. The team's efforts focus on developing reasonable and appropriate remedial actions, strategizing methods to resolve all potential enforcement matters arising out of a set of conduct, and limiting ancillary government investigation, suspension or debarment action, private litigation and criminal review.

OUR INVESTIGATIVE EXPERIENCE

- False Claims Act, including *Qui Tam* Matters
- Inspectors General Investigations
- DCAA and OIG Audits
- Suspension and Debarment Actions
- Internally Generated Investigations and Self-Disclosures
- Investigation of Subcontractor Conduct
- Review of Government Official Recruitment
- Criminal Investigations and Enforcement

GOVERNMENT CONTRACT INVESTIGATIONS AND ENFORCEMENT



REPRESENTATIVE MATTERS

Department of Justice Investigations, Including False Claims Act *Qui Tam* Complaints

- Successfully defended a major government contractor in connection with parallel DOJ and OIG, civil and criminal False Claims Act investigations of alleged misconduct related to environmental remediation work on a Superfund site.
- Ongoing representation of a major telecommunications provider in connection with a False Claims Act investigation related to the alleged misuse of CARES Act funding.
- Jointly selected by two top defense contractors to defend their joint venture in a False Claims Act *qui tam* lawsuit alleging \$90 million in over-charging on national security aerospace contracts as a result of allegedly improper estimating practices, resulting in a full resolution and dismissal with prejudice from the DOJ and all relevant agencies on favorable settlement terms.
- Resolved a *qui tam* action with the DOJ relating to testing certifications on a \$250 million telecommunications system in Iraq under a U.S. Department of the Army contract including full and complete resolution with the Army Suspension and Debarment Official with no administrative commitments.
- Secured a settlement with DOJ and the General Services Administration relating to allegations in a competitor-filed *qui tam* of non-compliance with specifications in a federal supply schedule contract
- Investigated the false certification of Buy American Act compliance for products delivered to Department of Defense (DOD) customers, to include a self-disclosure and favorable settlement terms with DOJ.
- Assisted multiple federal contractors respond to DOJ criminal inquiries related to the recruitment, hiring, and work of former government officials.

Inspectors General and DCAA Investigations and Audits and SDO Actions

- Defended a top defense contractor in a high-visibility, congressionally requested DOD OIG inquiry of alleged improprieties in Air Force space launch competitions with no findings of wrongdoing.
- Represented a medical services contractor in connection with parallel DOJ OIG investigations of Federal Bureau of Prisons billings and subcontractor charging practices.
- Represented a medical services contractor in connection with parallel DOJ OIG investigations of Federal Bureau of Prisons billings and subcontractor charging practices.
- Represented an FBOP contractor in a DOJ OIG audit of contract compliance and performance under a services contract.
- Assisted a large construction contractor on an Special Inspector General for Afghanistan Reconstruction (SIGAR) inquiry involving alleged bribery and anti-kickback violations by a subcontractor.
- Led an internal investigation involving the treatment of health insurance premium costs under the Cost Accounting Standards for a large government contractor, including a mandatory disclosure and discussions with DCAA and contracting officials related to remedial actions.
- Advised a DOD and NASA subcontractor in responding to a DOD OIG audit related to a commercial item determination and commercial pricing negotiations for propellant used in national security applications, including discussions with senior DOD OIG personnel regarding audit conclusions.
- Defended a major supplier in Afghanistan in a DOD OIG inquiry regarding alleged bribery and other misconduct in theater.
- Successfully advised a federal contractor on presentations to SDO personnel following the conviction and debarment of a senior corporate executive, avoiding SDO action against the corporation.

Internal Investigations and Disclosures

- Successfully represented a major telecommunications provider in a mandatory disclosure to GSA OIG related to cybersecurity concerns within an information system that is accredited at the Federal Information Security Management Act (FISMA) High impact level. Conducted an internal investigation regarding procurement integrity matters associated with competitor pricing data, including engagement with government customers, development of firewalls, and remedial actions.
- Conducted an internal investigation and development of mandatory disclosure regarding falsified expense documentation at the subcontractor level.
- Assisted a GSA schedule information technology contractor with an internal investigation of various pricing issues.
- Conducted internal investigations of alleged bribes and improper gifts and gratuities involving international subsidiaries of U.S.-based contractors.

Criminal Inquiries

- Assisted multiple federal contractors respond to DOJ criminal inquiries related to the recruitment, hiring, and work of former government officials.
- Successfully defended a major government contractor in connection with parallel DOJ and OIG, civil and criminal False Claims Act investigations of alleged misconduct related to environmental remediation work on a Superfund site.
- Successfully represented an individual that was subject to grand jury investigations for representations made related to an application for a Facility Security Clearance (FCL).

Suspension and Debarment Office Actions

- Successfully advised a federal contractor on presentations to Suspension and Debarment officials following the conviction and debarment of a senior corporate executive, avoiding SDO action against the corporation.



GOVERNMENT CONTRACT INVESTIGATIONS AND ENFORCEMENT



KEY CONTACTS



TODD R. STEGGERDA
PARTNER
+1 202 857 2477
tsteggerda@mcguirewoods.com
Government Investigations & White Collar Litigation



JACK L. WHITE
PARTNER
+1 703 712 5474
jwhite@mcguirewoods.com
Government Investigations & White Collar Litigation



EDWIN O. CHILDS JR.
PARTNER
+1 202 857 1723
echilds@mcguirewoods.com
Government Contract Investigations and Enforcement Chair



LAURA COLOMBELL MARSHALL
PARTNER
+1 804 775 4311
lmarshall@mcguirewoods.com
Government Investigations & White Collar Litigation



MICHAEL J. PODBERESKY
PARTNER
+1 202 857 1753
mpodberesky@mcguirewoods.com
Government Contract Investigations and Litigation



JASON M. VESPOLI
ASSOCIATE
+1 202 828 2835
jvespoli@mcguirewoods.com
Government Investigations & White Collar Litigation

ABOUT OUR GOVERNMENT INVESTIGATIONS & WHITE COLLAR LITIGATION DEPARTMENT

The Government Investigations & White Collar Litigation Department at McGuireWoods is a nationally recognized team of more than 80 attorneys representing Fortune 100 and other companies and individuals in the full range of civil and criminal investigations and enforcement matters at both the federal and state level. Our senior team is comprised of a deep bench of former federal officials, including a former Deputy Attorney General of the United States, former U.S. Attorneys, more than a dozen federal prosecutors, and an Associate Counsel to the President of the United States. Strategically centered in Washington, our Government Investigations & White Collar Litigation is proud to be recognized as an elite practice, most recently honored by Chambers USA with a highly regarded nationwide ranking for Corporate Crime & Investigations, honored twice as White Collar Practice Group of the Year by Law360, and consistently ranked among the world's leading investigations firms on the Global Investigations Review 100 guide to top cross-border investigations practices. The Legal 500 United States, a premier list of the country's best law firms, also commended McGuireWoods for the "exceptional quality" of our powerhouse white collar litigation practice.

For more information about the breadth of the capabilities of the Government Investigations & White Collar Litigation Department, please contact department chair Jason H. Cowley at jcowley@mcguirewoods.com or at +1 704 343 2030.

ABOUT MCGUIREWOODS

McGuireWoods has 1,100 lawyers in 21 offices across the United States and other countries. Over its 187-year history, we have earned the loyalty of our many longstanding clients with deep understanding of their businesses and broad skills in complex regulatory and compliance matters, high-stakes disputes, and transactional matters. For more than a decade, McGuireWoods has been ranked on BTI Consulting Group's "Client Service 30" list of law firms serving Fortune 1,000 companies — elite firms singled out for client service excellence based on unprompted feedback from corporate counsel. Its full-service public affairs arm, McGuireWoods Consulting LLC, offers infrastructure and economic development, strategic communications and grassroots advocacy, and government relations solutions. For more information, visit www.mcguirewoods.com.

GOVERNMENT CONTRACT INVESTIGATIONS AND ENFORCEMENT TEAM



SAMUEL M. ADELMANN
ASSOCIATE

+1 703 712 5060
sadelmann@mcguirewoods.com
Tysons



FRANCES J. AUL
ASSOCIATE

+1 202 857 1713
faul@mcguirewoods.com
Washington, DC



R. ANDREW AUSTRIA
ASSOCIATE

+1 202 857 2485
raustria@mcguirewoods.com
Washington, DC



AYANA D. BROWN
ASSOCIATE

+1 202 857 1757
abrown@mcguirewoods.com
Washington, DC



EDWIN O. CHILDS JR.
PARTNER

+1 202 857 1723
echilds@mcguirewoods.com
Washington, DC



MICHAEL C. ELLIOTT
PARTNER

+1 469 372 3933
melliott@mcguirewoods.com
Richmond



BENJAMIN L. HATCH
PARTNER

+1 757 640 3727
bhatch@mcguirewoods.com
Norfolk



JORDAN M. LAPOINTE
ASSOCIATE

+1 804 775 7871
jlapointe@mcguirewoods.com
Richmond



GAREN S. MARSHALL
COUNSEL

+1 704 373 4630
gmarshall@mcguirewoods.com
Charlotte



**LAURA COLOMBELL
MARSHALL**
PARTNER

+1 804 775 4311
lmarshall@mcguirewoods.com
Richmond

GOVERNMENT CONTRACT INVESTIGATIONS AND ENFORCEMENT TEAM



JESSICA LEIGH NEJGERGER
ASSOCIATE

+1 202 857 2424
jneberger@mcguirewoods.com
Washington, DC



ABRAM J. PAFFORD
PARTNER

+1 202 857 1725
apafford@mcguirewoods.com
Washington, DC



MICHAEL J. PODBERESKY
PARTNER

+1 202 857 1753
mpodberesky@mcguirewoods.com
Washington, DC



CHRISTOPHER P. QUINLAN
COUNSEL

+1 469 372 3903
cquinlan@mcguirewoods.com
Dallas



J. PATRICK ROWAN
PARTNER

+1 202 857 1758
prowan@mcguirewoods.com
Washington, DC



MINDY M. SAUTER
PARTNER

+1 469 372 3916
msauter@mcguirewoods.com
Dallas



TODD R. STEGGERDA
PARTNER

+1 202 857 2477
tsteggerda@mcguirewoods.com
Washington, DC



JOHN L. SULLIVAN
ASSOCIATE

+1 703 712 5369
jsullivan@mcguirewoods.com
Tysons



JASON VESPOLI
ASSOCIATE

+1 202 828 2835
jvespoli@mcguirewoods.com
Washington, DC



JACK WHITE
PARTNER

+1 703 712 5474
jwhite@mcguirewoods.com
Washington, DC

Named to the “Client Service A-Team”



Ranked among the world’s top 100 firms for four consecutive years for our “heavyweight team of white-collar investigators that bring decades of high-stakes work experience”



Nationwide ranking for corporate investigations and white collar criminal defense



Multiple partners recognized among the world’s top government investigations lawyers, *Who’s Who Legal: Investigations*



Named a Practice Group of the Year



Multiple partners named “White Collar, Regulatory & Compliance Trailblazers”



Multiple government investigations partners named “Lawyers of the Year”



One of the “Most Recommended Law Firms” 17 years in a row, a distinction shared with only 9 other firms



McGuireWoods

1,100 lawyers | 21 offices | www.mcguirewoods.com

Atlanta • Austin • Baltimore • Charlotte • Charlottesville • Chicago • Dallas • Jacksonville • Houston • London • Los Angeles - Century City • Los Angeles - Downtown • New York • Norfolk • Pittsburgh • Raleigh • Richmond • San Francisco • Shanghai • Tysons • Washington, D.C.