

Government Contracts & Grants

Sullivan & Worcester LLP's Government Contracts & Grants Group attorneys advise and represent regional, national and international entities, including non-profits and educational institutions, in a full range of federal, state, and local government contract and grant matters. Our attorneys have extensive experience in government procurement law, ranging from contract negotiations, to protests and claims, and running through compliance, intellectual property, cost accounting, mergers and acquisitions, and the myriad of matters that arise in doing business with the government.

We work with clients doing business with all of the federal agencies-including the Defense Department, the General Services Administration, the Department of Homeland Security, the Veterans Administration, and the intelligence communities-through state and local governments. We advise both defense and civilian agency contractors and grantees across virtually every industry segment. We also assist in structuring government-oriented subcontract, joint venture, and distribution arrangements.

Contract Negotiation and Award

We advise companies on every aspect of competing for government contracts, including:

- The interrelationship between government and commercial operations
- Standards of conduct and other compliance matters
- Past performance reviews
- Commercial item acquisition (including the General Services Administration and other agency Schedule contracts)
- Teaming agreements, joint ventures, subcontracts, and other arrangements
- Competition and sole-source requirements
- Socio-economic requirements, including small business, affirmative action, and Section 8(a) issues

Transactions Involving Government Contractors

There are unique issues involved in buying, selling, and investing in government contractors and grantees. We can help with targeted due diligence, with the transfer of contracts, and with the management of the special problems faced by foreign interests that invest in or purchase government contractors. We assist borrowers and lenders when loan transactions are secured by government contracts. We also assist with the special

representations, warranties, and revenue streams associated with government contracts.

Intellectual Property Issues

Companies face special concerns in protecting their intellectual property when working under government contracts, subcontracts, and grants. We assist any company or institution that receives government money, protecting their intellectual property rights to the fullest extent possible. We have experience with protection of technical data and computer software, trade secrets, and the licensing of patent rights. We have represented firms on both sides of disputes involving the Freedom of Information Act, and regularly deal with issues of confidentiality under government contracts. Because we think like business people, we can assist you in the commercial aspects of intellectual property contracting, such as marketing agreements, software licensing, source code escrow agreements, and information system lease and service agreements.

Our extensive patent practice can assist you with all facets of patent protection, enforcement and use, including the development of worldwide, strategic patent plans, the registration of patents in the U.S. and abroad, and, when necessary, the defense of patents through litigation.

GSA Schedule Contracts

GSA Schedule contracting is the government contracting method of choice for most vendors of Commercial Off the Shelf products and services. We are experienced in helping both service and product providers gain a place on the GSA schedule and comply with the specific requirements of such contracts. We advise clients on pricing terms and price reduction clause issues, and we assist clients without previous federal experience in navigating through the various compliance issues raised by government regulations.

Bid Protests and Injunctions

Our attorneys have successfully prosecuted and defended bid protest actions before the contracting agencies, the U.S. Court of Federal Claims, the General Accounting Office, and the U.S. district courts, and state and local government entities, including protests of very large, multi-year contract awards.

Contractor Claims and Litigation

Our attorneys have settled and litigated claims for contractors doing business with state and local governments and federal agencies. When government

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delays, defective specifications, change orders or other modification occur, we assist clients in obtaining relief.

Government Claims and Investigations

We vigorously defend companies when they are investigated. Our white collar criminal and civil litigation attorneys work closely with our government contracts attorneys to effectively represent clients in grand jury investigations, criminal proceedings, audits, and agency initiatives to debar or suspend companies or their officers.

International Government Contracting

Government contracting is increasingly international in scope, and we counsel clients with respect to procurement issues of particular interest to foreign companies doing business in the United States or to domestic companies doing business overseas. Our attorneys represent clients on issues relating to the Foreign Corrupt Practices Act of 1977 (including compliance audits, enforcement actions, and the development of compliance programs), the Trade Agreements Act of 1979, export and munitions controls under the three major U.S. export-controls regimes (and several minor regimes), Foreign Military Sales, procurements by the United Kingdom Ministry of Defence and member states of the European Community, and international bid protests.

Small and Small Disadvantaged Business Representation

We assist clients in securing certification under the Small Business Administration's Section 8(a) Program, advise clients on participation in small and disadvantaged business programs, represent clients in securing set-aside contract awards, and in filing or defending size protests and disadvantaged status protests and appeals. We also help large firms structure legally appropriate business relationships with 8(a) and other "set-aside" contractors.

Industries

Our clients span the United States and international economies. We have deep, government-specific business experience in many industries, including:

- **Construction companies**, land developers, and landlords
- **Financial institution** including banks, finance companies, factors, and other sources of capital to government contracts
- **Advertising agencies**
- A variety of **dealers, distributors, and resellers** of various products and services

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For further information about our Government Contracts & Grants practice group, please visit our website at www.sandw.com