SpencerFane®

Government Contracts

We know government contracting – and the challenges that come with it.

From opportunity pursuit to contract closeout, government contractors face complex legal, regulatory, and business challenges that demand strategic counsel and decisive action.

Overview

Helping clients navigate the public procurement marketplace with precision, speed, and practical business judgment

Government contracting is one of the most highly regulated and strategically important sectors of the global economy. Federal, state, local, and international governments collectively spend hundreds of billions of dollars each year on infrastructure, technology defense, health care, construction, professional services, and mission-critical operations. Companies competing in that market face increasingly complex rules and regulations, heightened enforcement activity, evolving cybersecurity mandates, supply chain restrictions, and growing regulatory scrutiny.

Full procurement life cycle support. We represent government contractors, subcontractors, investors, and emerging companies across the full life cycle – from opportunity pursuit and contract formation through contract performance, as well as any investigations, disputes, and litigation that may arise. Our clients range from large defense and technology companies, construction firms, architecture and engineering firms, key trade contractors, and small businesses operating in highly regulated industries.

Proven government contracts experience. Our team regularly appears before the U.S. Government Accountability Office (GAO), the U.S. Court of Federal Claims, the Boards of Contract Appeals, federal district and appellate courts, and administrative agencies throughout the federal procurement system.

Industry-focused perspective. Our team represents clients across a broad range of industries, including:

- Federal construction
- Architectural and engineering services
- Defense and national security
- Information technology and cybersecurity
- Aerospace and space systems
- Energy and environmental services
- Transportation and logistics
- Facilities management and base operations support
- Professional and technical services

Cross-disciplinary strength. Our Government Contracts team works seamlessly with attorneys across the Spencer Fane national platform – including M&A, cybersecurity, white-collar defense, labor and employment, international trade,

intellectual property, and construction to deliver integrated solutions for complex business and regulatory challenges.

That collaborative, business-oriented approach reflects the broader Spencer Fane model: sophisticated national counsel delivered through lean teams, direct partner engagement, and highly responsive client service.

Areas of Focus

Bid Protests

Bid protests move quickly and carry substantial business consequences. Contractors need counsel capable of making immediate strategic decisions under compressed timelines.

The Spencer Fane Government Contracts team represents protesters and intervenors in:

- Agency-level protests
- Task Order ombudsman protests
- U.S. Small Business Administration's Office of Hearing and Appeals
- GAO protests
- U.S. Court of Federal Claims litigation
- Federal Circuit appeals

We advise clients on protest strategies before a filing occurs, including debriefing analysis, corrective action considerations, automatic stay implications under CICA, and forum selection between GAO and the Court of Federal Claims.

Our team also includes attorneys with substantial federal procurement litigation experience and deep familiarity with evolving protest jurisprudence and agency evaluation methodologies.

Claims, Disputes, and Litigation

Government contract disputes can threaten far more than a single project. They can disrupt agency relationships, impair cash flow, damage past performance ratings, and jeopardize future award opportunities.

Our Government Contracts attorneys help contractors identify, preserve, and prosecute claims arising from contract performance, including requests for equitable adjustment, Contract Disputes Act claims, and related federal court actions. Our team litigates complex disputes involving:

- Constructive and directed changes
- Delay and disruption claims
- Defective specifications
- Cost allowability and CAS disputes
- TINA defective pricing allegations
- Default and convenience terminations
- Breach of contract and bad-faith government conduct

We regularly represent contractors before the Boards of Contract Appeals and the U.S. Court of Federal Claims in disputes involving significant operational and financial exposure, including matters with enterprise-level business risk.

We also handle disputes between private parties arising from government projects, including:

- Teaming agreement disputes
- Prime-subcontractor conflicts
- Pass-through claims
- Miller Act claims
- Payment disputes
- Joint venture and performance disputes

When appropriate, we pursue efficient resolution through mediation, arbitration, and other forms of alternative dispute resolution.

International Procurement and Export Controls

Government contracting increasingly operates across borders and under overlapping regulatory frameworks. We advise U.S. and international contractors on:

- Export controls under International Traffic in Arms Regulations and Export Administration Regulations
- Foreign Military Sales
- Offset arrangements
- Trade Agreements Act compliance
- Buy American Act requirements
- Anti-corruption compliance
- Cross-border procurement disputes
- International defense trade matters

Our team helps clients navigate the intersection of federal procurement, national security regulation, and international business operations.

Investigations, Enforcement, and False Claims Act Defense

Government investigations can escalate rapidly and create significant legal, operational, and reputational exposure.

Our Government Contracts attorneys represent contractors in:

- FCA investigations and litigation
- Retaliation and contractor employer whistleblower rights
- *Qui tam* relator matters
- Procurement fraud investigations
- Inspector General inquiries
- Suspension and debarment proceedings
- Mandatory disclosures
- Congressional and agency investigations
- Civil and criminal enforcement actions

Our approach is practical and business focused. We work to contain risk early, preserve critical agency relationships, and position clients for long-term operational stability.

We also advise contractors performing in overseas and contingency environments on compliance obligations involving:

- Combating Trafficking in Persons
- Supply chain oversight
- Foreign labor compliance
- OCONUS risk management
- Anti-corruption obligations
- MEJA exposure
- High-risk subcontractor monitoring

These matters require more than technical compliance knowledge. They demand real-world understanding of how enforcement decisions are made and how government agencies respond under operational pressure.

Procurement Counseling and Regulatory Compliance

Our Government Contracts team advises contractors throughout the procurement process – from capture strategy and proposal preparation through contract negotiation, performance, and close-out.

We cover the full spectrum of federal procurement regulations, including:

- FAR and DFARS compliance
- Cost accounting and cost allowability
- Domestic preference sourcing and supply chain restrictions
- Organizational conflicts of interest
- False Claims Act (FCA) mandatory disclosure obligations
- Contractor Codes of Business Ethics and Conduct
- Small business subcontracting requirements
- Intellectual property and data rights
- Government cybersecurity mandates

We help clients build practical, scalable compliance programs designed to withstand regulatory scrutiny while still emphasizing business growth and operational efficiency.

Our team also guides contractors through internal investigations, disclosures, and responses to agency oversight inquiries involving the Defense Contract Audit Agency and Defense Contract Management Agency, inspectors general, and suspension and debarment officials.

Small Business and Socioeconomic Programs

Federal socioeconomic programs create substantial growth opportunities – but also carry strict eligibility and compliance requirements.

Our Government Contracts attorneys advise clients on:

- SBA size protests and appeals
- NAICS code disputes

- SBA Mentor Protégé Program
- Joint venture compliance
- 8(a), service-disabled veteran-owned small business, HUBZone, and women-owned small business eligibility
- Teaming and subcontracting arrangements
- Small business subcontracting plans
- ISR and SSR reporting compliance

We also counsel contractors and investors on how mergers, acquisitions, recapitalizations, and affiliation issues affect size and socioeconomic eligibility.

Teaming, Subcontracting, and Strategic Alliances

Successful government contracting often depends on building the right relationships before a solicitation is issued.

Our Government Contracts attorneys negotiate and structure:

- Teaming agreements
- Joint venture agreements
- Contractor teaming arrangements
- Subcontracts
- Mentor-protégé arrangements
- Strategic alliance agreements

We also litigate disputes arising from failed teaming relationships, subcontract performance conflicts, and competitive procurement breakdowns.