

Government Contracts

Winston & Strawn's Government Contracts Practice is a nationally recognized, highly regarded group of lawyers with deep experience in handling high-value, and often contentious, government contract disputes, bid protests, and claims across a broad spectrum of industries and issues. Our team also counsels clients on significant regulatory, compliance, and transactional matters—predominantly private equity and M&A deals.

Our respected, full-service team counsels clients through all stages of the procurement cycle, including solicitation review, proposals/bids, negotiation of subcontracts and joint ventures, contract formation, contract administration, and teaming agreements. We are known for successfully litigating bid protests, disputes and claims, requests for equitable adjustment, terminations, and other contract disputes, as well as handling government and internal investigations and assisting on classified matters. Our team has helped clients of all sizes bid for, obtain, and defend contract awards and perform under many multi-million- and multi-billion-dollar procurements involving numerous and diverse federal and state agencies nationwide.

Our clients come from a wide range of industries, including aerospace, communications, construction, cybersecurity, engineering, financial services, information technology and systems, homeland security and defense, managed health care services, life sciences services and products, manufacturing, real estate services, and transportation.

Key Contacts

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Areas of Focus

Counseling on Federal Acquisition Regulation & Supplements

We help contractors navigate the Federal Acquisition Regulation (FAR) and agency supplements to ensure compliance and address potential issues before expensive investigations, litigation, and attendant reputational damage arise.

Federal & State Bid Protests

We have extensive experience prosecuting and defending bid protests at the pre- and post-award stages before various state and local entities, federal agencies, the Government Accountability Office (GAO), Federal Claims Court, and the Federal Circuit. Our creativity and attention to detail often enable us to find successful supplemental protest grounds as we review the agency's procurement record. We add value to every bid-protest representation, not only by zealously advocating the legal issues in favor of our clients, but also by understanding our clients' relationships with the relevant government agencies. This ensures our guidance will be based on our clients' business and legal goals.

Claims, Disputes & Appeals

Our attorneys are experienced in handling claims and disputes against the government, claims under the False Claims Act (FCA), and other anti-fraud statutes. We have experience in all aspects of the contract dispute process, including pre-claim counseling, claim preparation, requests for equitable adjustment (REAs), settlement discussions and negotiations, and claim litigation. We have resolved contract disputes across a range of industry sectors. We have successfully litigated Contract Disputes Act cases before the Civilian and Armed Services Boards of Contract Appeals and Federal Claims Court.

Mergers & Acquisitions Due Diligence, Novations & Post-Closing Compliance

Our team regularly collaborates with the firm's global corporate lawyers in the sale, purchase or restructuring of businesses that hold or bid on federal and state government contracts. Our breadth of experience permits us to look for and identify the unique regulatory compliance risks associated with government contractors. We have advised clients on anti-assignment prohibitions, novation requirements, backlog valuation, audits and/or investigations, claims or disputes, intellectual property rights, and the requirements for review by the Committee on Foreign Investment in the United States (CFIUS). Our team includes attorneys with top-secret clearances who can assist with classified contracts and Foreign Ownership, and Control (FOCI) documents.

Government & Internal Investigations

We regularly assist clients with both day-to-day compliance issues and internal investigations for potential compliance violations. When investigations are necessary, we have a team of experienced attorneys who conduct internal investigations, collect and review documents, interview witnesses, provide advice on voluntary disclosure of potential procurement issues, and engage in settlement negotiations for clients.

False Claim Act/Qui Tam Investigations & Defense

We have assisted numerous clients in responding to federal government investigations into alleged criminal and civil violations, including claims under the FCA, Sarbanes-Oxley, civil and criminal false statements, and anti-corruption and whistleblower claims. We have skillfully represented clients in this constantly changing area of the law, whether or not such representation included litigation and/or settlement. We have extensive experience conducting document collection, review, and production, as well as negotiating the scope and terms of government subpoenas and requests for information. We have successfully presented information and arguments to discourage government intervention, negotiated potential settlements, and litigated FCA suits against the DOJ and *qui tam* relators' counsel.

Recovering Monies Owed Under Federal Statutes & Contracts

We have recovered billions of dollars for clients owed money by the federal government under a variety of statutes. This litigation involves forums such as the U.S. Court of Federal Claims, the Civilian Board of Contract Appeals, and the Armed Services Board of Contract Appeals.

Medicaid Managed Care Procurements

We have represented Managed Care Organizations (MCOs) in state-level Medicaid Managed Care Procurements. We have defended awards and successfully challenged awards for these multi-billion-dollar procurements, which are often the largest contracts at the state level.

Suspensions & Debarments

We have experience successfully responding to concerns raised by agency suspension and debarment officials. We have assisted clients in preparing, submitting, and presenting written information and argument in opposition to show cause notices relating to possible debarment or suspension. Our team has been successful in either demonstrating the current responsibility of our clients or negotiating with government officials to facilitate agreements for our clients to avoid debarment or suspension.

Requests for Equitable Adjustment (REAS)

We help clients in drafting REAs to recover monies owed for government changes to contracts. We have experience resolving the REAs with the government before initiating the Contract Disputes Act claims process.

Proposal & Contract Review

We are experienced in performing contract reviews at both the contract-formation and contract-administration stages of government acquisitions. During the contract-formation stage, we provide expert review of government solicitations. In the contract-administration stage, we focus on interpreting government contracts and providing clients with advice that fosters compliance or raises issues of potential claims or disputes against the government. Additionally, our attorneys assist clients in drafting, negotiating, and interpreting government subcontracting agreements.

Negotiation of Contracts, Subcontracts, Teaming Agreements & Joint Ventures

Our attorneys assist clients in drafting, negotiating, and interpreting subcontracts, teaming agreements, and joint ventures. We also handle litigation related to these agreements.

Terminations

We represent our client in both types of terminations relevant to government contracting—terminations for default and terminations for convenience. We have successfully convinced government agencies to convert terminations for default into no-cost terminations for convenience, and we have assisted with drafting termination for convenience settlement proposals and litigating resultant claims, as necessary, to receive compensation for our clients for the termination-sparked economic harm.

Counseling on Federal Grants & Cooperative Agreements

We have advised private-sector, for-profit, and non-profit clients on application requirements and compliance obligations pertinent to federal grants and loans related to, among others, various DOE “green” manufacturing programs and research laboratories of the DOD, HHS, VA, and other agencies.

Ethics & Compliance Planning, Training & Audits

We regularly assist clients with both day-to-day compliance issues and internal investigations for potential compliance violations. We assist clients in understanding the scope and content of federal regulations to which they are subject.

Intellectual Property Protection/Data Rights

We advise clients on ownership of intellectual property created using federal funds and compliance with the Bayh-Dole Act, as well as Buy America requirements imposed on various funding programs. We also work closely with other firm attorneys to meet the specialized cybersecurity and data-protection needs of defense, aerospace, health care, maritime, and technology companies globally that do business with the federal government at all points in the supply chain.

Domestic Preference Requirements, Including Buy American, Build America, Buy America & Trade Agreements Act Compliance & Disputes

We advise clients on ownership of intellectual property created using federal funds and compliance with the Bayh-Dole Act, as well as Buy America requirements imposed on various funding programs.

Small Business Administration (SBA) Programs & Size Appeals

Our attorneys regularly counsel funds seeking Small Business Investment Company (SBIC) licenses through the entire licensing process and advise them on SBIC regulatory compliance matters throughout their life cycles. Our SBIC attorneys are known as the “go to” attorneys in the SBIC regulatory world. We have extensive experience working with SBICs and serve our clients in all stages of a fund’s life—from inception through liquidation. We also handle size appeals at the Small Business Administration Office of Hearings and Appeals, including all issues related to affiliation and small business size, HUBZone, and 8(a) status.

Related Capabilities

Antitrust/Competition

Antitrust Transactions

Bankruptcy Litigation & Investigations

Capital Markets

Government Investigations, Enforcement & Compliance

Government Program Fraud, False Claims Act & Qui Tam Litigation

Mergers & Acquisitions

International Trade

Private Equity

Financial Services Litigation

Financial Services Transactions & Regulatory

Litigation/Trials

Privacy & Data Security

Health Care

Resources

[Government Program Fraud, False Claims Act & Qui Tam Litigation Playbook](#)

[Investigations, Enforcement, & Compliance Alerts](#)

Related Insights & News

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Final Rule Issued for Government Contractors' Requirement to Hire Incumbent Contractor Service Employees

DECEMBER 27, 2023

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New Construction at the Department of Labor: DOL's Recent Renovations for the Davis-Bacon Act

DECEMBER 14, 2023

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NOVEMBER 2, 2023

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New DOJ Safe-Harbor Policy Incentivizes M&A Due Diligence on Government Contractors

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Contractors

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Government Contractors: Advice for the Imminent Government Shutdown

SEPTEMBER 29, 2023

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JUNE 26, 2023

IN THE MEDIA

Government Contracts Trio Joins Winston & Strawn in Washington, D.C.

MAY 8, 2023