



William T. Kirkwood

Of Counsel

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William is a creative, entrepreneurial, and results-driven attorney with a wealth of hands-on experience in all aspects of government contracting. He has a strong corporate background and has advised leading defense contractors on federal, state, and international contracts and programs.

William has substantial and diverse experience with government contracts and grants. He frequently litigates bid protests, claims, size protests, and debarments and provides counsel on a wide range of topics including on compliance with US federal and state public procurement and grant regulations, data rights and IP matters, national security, cybersecurity regulations, foreign military sales, domestic preferences, labor regulations, M&A transactions, and more.

William provides creative and practical solutions to his clients that are born out of his considerable background as an executive with leading defense contractors. William has developed and led large teams of professionals delivering end-to-end government contracting expertise, including managing multi-billion-dollar domestic and international contracts; supporting high-stakes capture efforts; leading federal subcontracting, procurement, strategic sourcing, small business and mentor-protégé programs; and overhauling processes to effectively integrate seamlessly with business teams while achieving compliance with business system audits. He provides clients uniquely valuable insights aimed at improving the effectiveness of their efforts in capturing and performing federal contracts and grants. In addition, his broad experience with complex, high-value federal, state, and international programs has helped him to develop exceptional negotiation skills which he uses to deliver win-win solutions for his

clients. Throughout his experience, he has built strong relationships with many industry executives as well as U.S. and international government agencies. He holds an active top secret security clearance.

William is an accomplished writer and his writings on comparative international procurement laws have been published in global peer-reviewed public procurement journals including the American Bar Association's *Public Contract Law Journal*, the *Public Procurement Law Review*, the *European Procurement & Public Private Partnerships Law Review*, and in Stockholm University's *Procurement Law Journal*.

Key Matters

Some of the experience represented below may have been handled at a previous firm.

- Counseled recipient of DOE grant for construction of a battery materials processing and manufacturing facility to develop and implement compliance program
- Advised recipient of DOE loan for construction of a lithium battery recycling plan facility to develop a Davis-Bacon Act compliance program, including managing flow-down requirements to general contractor and subcontractors
- Assisted multiple non-profit state and federal grant recipients with developing subrecipient and subcontractor template agreements, including regulatory and contractual flow-down requirements
- Advise semiconductor manufacturing company on compliance with potential requirements under a grant awarded through the CHIPS Act
- Advised large telecom trade association on compliance with Build America Buy America Act requirements under the Bipartisan Infrastructure Law
- Advised global engineering company on compliance with US federal grant regulations
- Advised global energy company on compliance with US federal grant regulations, development of policies and compliance training for a DOE grant
- Assisted global manufacturer of data network management software with the negotiation of favorable subcontracting and licensing terms
- Provided counsel to multiple clients on the requirements of the NISPOM, DCSA procedures, and requirements for obtaining facility and personnel security clearances
- Litigated various high-dollar matters at the ASBCA and CBCA
- Provided assistance relating to a mandatory disclosure and subsequent resolution of a Department of Defense Office of Inspector General and U.S. Department of Justice investigation
- Represented large managed care organization (MCO) in successful bid protest and defended against multiple bid protests at the District of Columbia Contract Appeals Board (DC CAB) allowing MCO to obtain a 5-year contract award worth US\$8.83B
- Defended MCO in multiple proceedings at the Superior Court for the District of Columbia, resulting in the denial of request for preliminary injunction and expedited hearings
- Obtained post-award corrective action by civilian agency resulting from GAO bid protest for a contract valued over US\$300M
- Represented a software company in a US\$800M merger
- Successfully challenged the Federal Bureau of Investigation's failure to properly evaluate actual risks posed by a software company's competitor in a solicitation valued at well over US\$100M
- Obtained a complete victory for a software company, helping company retain a US\$115M government contract

- Successfully submitted a post-award bid protest on behalf of a software company arguing that the Agency performed an unreasonable cost-realism analysis
- Secured opportunity to compete for a US\$300M Air Force contract for an American private military contractor
- Successfully protested the award of a Department of Health and Human Services contract after a business management consulting company was not selected for award of the contract
- Successfully protested unreasonable solicitation requirements related to national security for a multi-billion-dollar opportunity.
- Numerous successful pre-and post-award bid protests on behalf of government contractors before the GAO
- Numerous successful bid protests before D.C. Contract Appeals Board against the Office of Contracting and Procurement (OCP)
- Prevailed in multiple, successive pre- and post-award bid protests before the DC Contract Appeals Board on behalf of a District of Columbia Managed Care Organization Insurer awarded the District's Managed Care Medicaid Contract valued at more than US\$8B over a five-year period
- Prosecution of state-level bid protests of Pennsylvania health care services Medicaid contract valued at more than US\$800M
- Led and remediated compliance issues for a broad array of clients, including Silicon Valley firms, and a variety of multi-billion-dollar firms

Recognitions

Recognized in *The Legal 500 US* for Government Contracts (2020–2021)

Activities

- Public Contract Law Section's International Procurement Committee, Vice-Chair
 - NCMA NOVA Chapter, Executive Committee Advisor
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Credentials

EDUCATION

William received his J.D. from Touro University Jacob D. Fuchsberg Law Center in 1998, and LL.M. with highest honors from The George Washington University Law School in 2019. He received his B.A. in Economics from the University of Connecticut in 1988.

ADMISSIONS

- District of Columbia
- Connecticut
- New York

Related Insights & News

SPEAKING ENGAGEMENTS

- Government Contracts in M&A Transactions CLE, Co-Panelist, February 1, 2024
- Financial Services Symposium: Government Contracting & the Financial Services Industry, Co-Panelist, January 24, 2024
- Government Contracting Essentials, Co-panelist, December 2023
- “The Tok is Ticking: A Survey of the TikTok Ban and Other Recent Cybersecurity Requirements for Government Contractors,” W&S CLE program, Co-panelist, Sept. 19, 2023
- NCMA Tyson’s Chapter: Small Business Symposium: Mentor Protégé Program Co-panelist, February 23, 2023

PUBLICATIONS

- “Enforceability of EULAs in Government Contracts: A Tale of Two Cases,” W&S Investigations, Enforcement, & Compliance Alerts, Co-author, Feb. 8, 2024
- “Final Rule Issued for Government Contractors’ Requirement to Hire Incumbent Contractor Service Employees,” W&S Investigations, Enforcement, & Compliance Alerts, Co-author, Dec. 27, 2023
- “New Construction at the Department of Labor: DOL’s Recent Renovations for the Davis-Bacon Act,” W&S Investigations, Enforcement, & Compliance Alerts, Co-author, Dec. 14, 2023
- “Biden Climate Push Expands With Contractor GHG Focus,” Law360, Co-author, Nov. 8, 2023
- “New Actions to Reduce Greenhouse Gas Emissions May Cost Contractors,” W&S Investigations, Enforcement, & Compliance Alerts, Co-author, Nov. 2, 2023
- “New DOJ Safe-Harbor Policy Incentivizes M&A Due Diligence on Government Contractors,” W&S Investigations, Enforcement, & Compliance Alerts, Co-author, Nov. 1, 2023
- “‘Safe, Secure and Trustworthy Artificial Intelligence’: What the Biden Administration’s Latest Executive Order Could Mean for Government Contractors,” W&S Investigations, Enforcement, & Compliance Alerts, Co-author, Oct. 31, 2023
- “Coming Soon: NIST Revision 3 Requirements for Defense Contractor Protection Of Controlled Unclassified Information,” W&S Investigations, Enforcement, & Compliance Alerts, Co-author, Oct. 10, 2023
- “Government Contractors: Advice for the Imminent Government Shutdown,” W&S Investigations, Enforcement, & Compliance Alerts, Co-author, Sept. 29, 2023
- “New Federal Ban Prohibits TikTok on Devices Used on Government Contracts,” W&S Investigations, Enforcement, & Compliance Alerts, Co-author, Jun. 26, 2023
- “S. Supreme Court Clarifies Subjective Knowledge Requirement for False Claims Act Violations,” W&S client alert, Co-author, Jun. 5, 2023
- “Government Contractors Can File Breach of Implied-in-Fact Contract Claims Against Agencies in the Procurement Context,” *Pratt’s Government Contracting Law Report Vol. 7, No. 7*, July 2021
- “Protecting Controlled Unclassified Information: An Evaluation of Approaches to Protecting Sensitive Information in Public Procurement in the EU and the US,” *Public Procurement Law Review*, June 2019
- “Barriers to Small Business Preference Programs under EU Law - A Comparative Evaluation EU and U.S. Law, Size Standards, and Policy,” *Procurement Law Journal*, Jan. 2016
- “The Evolution of Small Business Preferences in the United States and Selected Lessons Learned for the European Union,” *Lexxion*, Jan. 2016
- “Inherently Governmental Functions, Organizational Conflicts of Interest, and the Outsourcing of the United Kingdom’s MoD Defense Acquisition Function; Lessons Learned from the U.S. Experience,” *Public Contract Law*

BLOG

Proposed FAR Rule Would Ban Federal-Government Procurement of Semiconductor Products and Services from Foreign Countries of Concern

MAY 8, 2024

BLOG

Enforceability of EULAs in Government Contracts: A Tale of Two Cases

FEBRUARY 8, 2024

SEMINAR/CLE

Winston Hosts 2024 Financial Services Symposium in Charlotte

JANUARY 24, 2024

BLOG

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

DECEMBER 27, 2023

BLOG

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

DECEMBER 14, 2023

BLOG

New Actions to Reduce Greenhouse Gas Emissions May Cost Contractors

NOVEMBER 2, 2023

BLOG

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

NOVEMBER 1, 2023

BLOG

"Safe, Secure and Trustworthy Artificial Intelligence:" What the Biden Administration's Latest Executive Order Could Mean for Government Contractors

OCTOBER 31, 2023

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Be Prepared for CMMC Changes

OCTOBER 16, 2023

BLOG

Coming Soon: NIST Revision 3 Requirements for Defense Contractor Protection Of Controlled Unclassified Information

OCTOBER 10, 2023

BLOG

Government Contractors: Advice for the Imminent Government Shutdown

SEPTEMBER 29, 2023

BLOG

New Federal Ban Prohibits TikTok on Devices Used on Government Contracts

JUNE 26, 2023

Capabilities

Labor & Employment

Trademark Litigation, Prosecution & Brand Protection

Commercial Litigation & Disputes

Antitrust/Competition

Compliance Programs

Corporate Governance

Government Program Fraud, False Claims Act & Qui Tam Litigation

International Trade

IP Licensing & Due Diligence

Antitrust Transactions

Mergers & Acquisitions

Privacy & Data Security

Private Equity

Government Investigations, Enforcement & Compliance

Technology, Media & Telecommunications

Health Care

Maritime & Admiralty

Government Contracts