



Frank V. DiNicola

Of Counsel

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Frank has an unrivaled reputation offering clients comprehensive representation in all areas of government contracts law, including bid protests, contract disputes, and regulatory compliance. He leverages his extensive government experience as former lead IT bid protest counsel for the U.S. Department of Veterans Affairs (VA), and as a bid protest subject matter expert (SME) for the U.S. Army to advise contractors, and provide litigation or investigation support. Frank specializes in procurements involving enterprise-wide IT systems and provides unique insight into agencies' procurement practices and contract administration.

With more than 20 years of federal procurement experience, Frank's government experience includes advising presidential appointees, senior executive service-level leaders, military and civilian program managers, program executive officers, and acquisition professionals on all aspects of government contract law—from acquisition strategy to contract administration matters.

Prior to joining the firm, Frank worked for an international law firm, where he was involved in numerous Government Accountability Office (GAO) bid protests and a myriad of government contract matters. Before that, Frank worked for the VA nationwide, where he was involved in complex, multi-billion-dollar information technology procurements, and

often led high profile non-IT bid protests. As a senior attorney for the VA's Technology Acquisition Center, he was lead counsel in hundreds of GAO bid protests and assisted in dozens of bid protests at the U.S. Court of Federal Claims (COFC).

Frank also served as an attorney for the U.S. Army, where he was involved in several large-dollar, multiple-award procurements, successfully defended several high-visibility bid protests at GAO, and litigated numerous claims at the Armed Services Board of Contract Appeals. In addition to Frank's expertise in bid protest defense, his extensive pre-award acquisition experience was often relied upon during high-visibility, complex procurements. Frank's role as senior acquisition attorney and bid protest SME uniquely qualifies him to address pre- and post-award procurement issues. Frank has helped to develop widely used adjectival ratings, sample tasks, evaluation schemes, and price realism methodologies. Frank's unique internal agency insight and expertise serves clients in all phases of the procurement process.

Key Matters

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

- Led VA's representation in a US\$12.6B Transformation Twenty-One Total Technology (T4) contract (documented under B-403713)—the first VA multiple-award, ID/IQ contract focused on the acquisition of VA enterprise IT services. As part of a three-person team, successfully defended against 19 GAO protests without adverse agency action (i.e., sustains or corrective action).
- Led VA's representation in the Transformation Twenty-One Total Technology Next Generation On-Ramp (T4NG On-Ramp) contract (documented under B-418461 and COFC Nos. 21-1011C, 1014C, 1019C, 1067C)—a procurement valued at US\$11B, which sought to replenish the Service-Disabled Veteran-Owned Small Business (SDVOSB) T4NG vendor pool since many of the SDVOSBs no longer qualified. Frank organized the team, developed defense strategies for each of the 10 protests, and implemented and led a formal review process for all pleadings. All protests were denied or withdrawn without corrective action.
- Played a pivotal role in the Electronic Health Record Modernization (EHRM) contract—a US\$12B initiative documented under COFC No. 17-1115C in 2017, and one of the very few instances in federal procurement history where the public interest exception was utilized, contested, and defended. Frank was one of a handful of senior VA attorneys involved in the drafting of the Determination and Findings and the successful defense of the contract award at COFC.
- Contributed to the success of the Strategic Services Sourcing (S3) initiative, a US\$19.25B contract (documented under B-298107.2) in 2006, and one of the first large-scale MATOC, ID/IQ procurements that utilized a Sample Task as part of the technical evaluation. Frank was part of a two-person team that successfully represented the U.S. Army at a GAO hearing.
- Represented the U.S. Army in the fiercely contested Common Remotely Operated Weapon Station (CROWS) procurement—a US\$1B stand-alone weapon system contract acquired under an Operational Needs Statement (ONS) and documented under B-310436.2. Frank filed successful override pleadings at the COFC while simultaneously preparing the Agency Report at GAO. Protest was denied.

Recognitions

- Technology Acquisition Center Attorney of the Year Award, U.S. Department of Veterans Affairs, 2021
 - Secretary of Veterans Affairs Commendation, U.S. Department of Veterans Affairs, 2016
 - Litigation Team Advocacy Award, U.S. Department of Veterans Affairs, 2012
 - Army Materiel Command Attorney of the Year Award, U.S. Army, 2009
 - Superior Civilian Service Medal, 2006
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Credentials

EDUCATION

Frank earned his J.D. from Rutgers University School of Law in 2002. He received his B.A., *summa cum laude*, from Rutgers University in political science and history in 1998.

ADMISSIONS

- District of Columbia
- New Jersey

Related Insights & News

- Conducted seminars for the U.S. Army and VA on successful procurement and bid protest practices.
 - Delivered presentations to the vendor community on self-scoring procurements.
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BLOG

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

MAY 8, 2024

Capabilities

Litigation/Trials

Government Contracts