



CAPABILITIES / GOVERNMENT CONTRACTING

Compliance & Performance Counseling

We advise contractors on how to comply with federal statutes and regulations, as well as how to handle issues that arise during contract performance, so as to minimize risk to the contractor and avoid conflict with the government.

OVERVIEW

“What most impresses me about my colleagues is their extensive knowledge of the specific regulations and the legal decisions implementing those regulations. Often we don’t have to do research to answer a client’s questions, we already know the answer right off the bat.”

— Maria L. Panichelli

Federal government contractors are subject to immensely complex legal requirements that govern how a company must perform its contract, how it must deal with issues that arise during performance, and how it may resolve a dispute or seek compensation. The laws also impose a host of other obligations on contractors, many of which involve severe penalties for noncompliance.

Obermayer’s attorneys guide clients through this maze of regulations, counseling them on how to successfully perform challenging contracts, all while preserving their claim rights, remaining compliant with confusing regulations, and maintaining good relations with the government. We can anticipate and avoid potential problems because, as experienced litigators, we know how disputes arise, and how they ultimately get resolved. Our experience has given us extensive knowledge about the structure, function and application of the FAR and various agencies’ supplementary acquisition regulations, as well as related federal statutes including the False Claims Act, the Buy American Act, the Competition in Contracting Act, and the Foreign Military Sales Act.

Our Value

Given the government’s increasing reliance on fraud and forfeiture statutes – both as a defense to contractors’ meritorious claims, and as an affirmative tool to knock contractors out of the competition – contractors are justifiably focused on compliance. We alleviate clients’ concerns by advising them on how to stay compliant with the complex and ever-changing legal requirements governing the competition for, and performance of, federal government contracts.

Our Clients

Our team represents and advises large and small federal prime and subcontractors, performing contracts both in the United States and abroad. Our clients are active across various industries, and perform

contracts for many different government agencies. Whether our client is a SDVOSB client performing a VA construction project, a small contractor performing a USACE dredging project, an 8(a) client performing an IDIQ IT contract administered by the GSA, or a large contractor competing for an information systems task order under a GWAC, we provide comprehensive representation. We help clients navigate the applicable legal requirements to ensure compliance, minimize risk, avoid conflict, and maximize recovery.

EXPERIENCE

- We help our clients to remain compliant with various fraud statutes, ensuring they can avoid the hefty fines and severe penalties associated with noncompliance.
- When problems such as changes, defective specifications, differing site conditions, or delays arise during performance, we counsel our clients on how to preserve their claim rights under the FAR (and applicable supplemental agency regulations) while avoiding conflict with the government.
- We advise small business clients, and large business clients seeking to partner with small businesses, on how to comply with SBA and VA regulations.
- We assist clients going through the termination for convenience process, ensuring they receive proper compensation.
- We counsel clients concerning their obligations under DCAA audit, and in order to preserve contractual claim rights.
- We counsel prime contractor clients submitting pass-through claims on behalf of their subcontractors about the False Claims Act and the risks relating to false certifications.
- We advise clients on compliance with FAR provisions in their contracts, and/or cited by agency officials.
- We advise clients on performance in accordance with FAR deviations incorporated into their contracts.

ATTORNEYS

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