



CAPABILITIES / GOVERNMENT CONTRACTING

Federal Subcontracting

We help to ensure that relationships between prime contractors and subcontractors on Federal jobs run as smoothly as possible, and that any disputes are handled as efficiently and effectively as possible.

OVERVIEW

“The most important thing we do for a client is craft a subcontract that is compliant as well as workable for the parties involved; the more you plan ahead to deal with potential disputes, pass through claims, and performance issues, the easier it is to avoid costly litigation and conflict.”

— Maria L. Panichelli

A successful subcontracting relationship on a federal project requires the parties to consider not only their own interests, but also the interests of the government. This legal balancing act requires attention to detail, strategic problem solving, and an informed understanding of the bigger picture and all its moving pieces. Obermayer’s Government Contracting team provides just that. Having represented both primes and subs, we integrate multiple points of view into our analysis, effectively exploring and implementing solutions that minimize risk and maximize recovery for our clients.

We assist our clients with every aspect of the prime contractor/subcontractor relationship as it relates to performance of federal government projects. We have extensive experience drafting subcontracts with the necessary flow-down clauses and risk-shifting provisions. We regularly assist clients in preparing, sponsoring, and litigating pass-through claims, and also draft the liquidating agreements governing the litigation of these claims. Finally, we resolve prime/subcontractor disputes, always keeping the ultimate customer – the federal government – in mind.

Our Value

The Obermayer team understands how the interdependent relationships between the federal government, prime contractor, and subcontractor really work. Thanks to years of experience representing both primes and subs, we are familiar with each party’s needs and concerns. We know that a prime contractor’s greatest fear is being caught in the middle, simultaneously litigating against its subcontractor and the government, and that a subcontractor’s primary concern is being left without a remedy for problems that arose during performance. We know how to reconcile and plan around these concerns. We utilize our expertise to anticipate issues, plan for contingencies, and arrive at effective resolutions.

Our Clients

Our clients seek effective representation in establishing prime/subcontractor relationships, negotiating the terms of those relationships, and resolving any disputes that arise out of those relationships. We assist our clients in all of these areas, helping to ensure that the relationships between prime contractors and subcontractors on federal jobs run as smoothly as possible, and that any disputes are handled as efficiently and effectively as possible.

EXPERIENCE

- Assists clients in drafting and negotiating subcontracts with mandatory and suggested FAR flow-down clauses, and appropriate risk-shifting provisions.
- Advises clients in preparing, sponsoring, or litigating pass-through claims, including counseling regarding certification and related FCA issues.
- Drafts, negotiates and implements liquidating agreements.
- Counsels clients through any prime/subcontractor disputes that arise, finding solutions that resolve active disputes and minimize the risk of future adverse consequences from the government.
- Effectuates settlements that simultaneously resolve prime/subcontractor and prime/owner litigation.

ATTORNEYS

Key Contacts

Maria L. Panichelli

PARTNER

215.665.3017

maria.panichelli@obermayer.com

Michael A. Richard

ASSOCIATE

215.665.3298

michael.richard@obermayer.com

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