

Justin A. Chiarodo | Partner
Government Contracts

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CO-CHAIR, GOVERNMENT CONTRACTS PRACTICE GROUP

Justin Chiarodo focuses his practice on all aspects of federal, state, and local procurement law. He has spent his entire career helping leading and emerging government contractors successfully navigate high-stakes litigation, compliance, and regulatory matters. Recent engagements include the successful defense of a \$6.7 billion award in a major tactical wheeled vehicle procurement, managing the government contracts aspects of a \$250 million acquisition of a leading digital services provider, and defeating a \$10 million False Claims Act suit based on the public disclosure bar.

Justin's experience extends to the full range of issues contractors encounter in the public sector marketplace, including bid protests, government investigations, contract claims and disputes, cost accounting and audit matters, regulatory compliance, mergers and acquisitions, suspension and debarment, and the False Claims Act.

Chambers USA notes that Justin is “[c]alled ‘an emergent presence in the government procurement law space.’” *Chambers* also states that sources say he “is a fantastic lawyer who is very responsive and understands how to resolve complex issues in a timely manner” and that he “is highly skilled and knowledgeable, with the ability to oversee a complex process with agility.”

Bid Protests

Justin has represented contractors in more than 50 bid protests before all major protest forums, including procuring agencies, the Government Accountability Office

“GAO”), and the Court of Federal Claims, as well as in protests at the state and local level. In addition to defending contract awards, he has a proven track record of obtaining injunctive relief, corrective action, favorable merits decisions, and significant settlements on behalf of clients. With more than 20 published decisions, Justin’s significant protest wins include *Lockheed Martin Corp. v. United States*, 124 Fed. Cl. 709 (2016) (successfully defeating preliminary injunction alleging range of protest allegations involving administrative record exceeding 300,000 pages in major defense procurement); *AllWorld Language Consultants, Inc.*, 2012 (2016 CPD ¶ 12) (sustained protest of GSA Schedule contract award where putative awardee’s FSS contract did not meet solicitation requirements); and *Wyle Laboratories, Inc.*, (2014 CPD ¶ 16) (precedent-setting sustained decision regarding the impact of corporate transaction on proposal evaluations).

False Claims Act Investigations and Defense

Justin maintains a nationwide False Claims Act (“FCA”) defense practice focused on counseling, government investigations, and litigation. Justin has represented clients in False Claims Act investigations and litigation in the Eastern District of Virginia, District for the District of Columbia, Northern and Southern Districts of Illinois, Northern District of California, Eastern District of Arkansas, and Western District of Washington. This extends to the defense of both companies and individuals in *qui tam* litigation. He has successfully resolved False Claims Act matters implicating hundreds of millions of dollars in exposure. Among other issues, Justin has handled False Claims Act matters and investigations involving logistics contracts in Iraq and Afghanistan, technology alliances, export control issues, defective pricing, Trade Agreements Act compliance, and the General Services Administration (“GSA”) Schedule.

Ethics, Compliance, and Contractor Responsibility

Complementing his False Claims Act and investigations work, Justin has helped clients develop and strengthen ethics, compliance, and training programs, and has worked to ensure (or reinstate) contractor eligibility for federal programs. Justin has represented contractors before a wide range of federal agencies in responsibility matters, including the Army, Air Force, Environmental Protection Agency, Department of Interior, Department of Energy, Defense Logistics Agency, and Small Business Administration. He has represented contractors in suspension and debarment matters arising from civil and criminal investigations, and works closely with members of the Firm’s white collar criminal defense and investigations practice in criminal investigations involving government contracts.

In 2018, Justin co-authored the chapter “History and Development of Suspension and Debarment” in *The Practitioner’s Guide to Suspension and Debarment, Fourth Edition* (ABA Book Publishing, 2018).

Claims and Disputes

Justin seeks creative and early resolutions wherever possible in government

contracts disputes. Where litigation is necessary, he brings experience representing government contractors at the trial and appellate levels in a broad range of contentious civil matters, from termination claims to breaches of contract to federal takings actions. He has served as lead counsel in government contracts disputes in both state and federal courts, and before arbitral forums. Justin has appeared before the Civilian and Armed Services Boards of Contract Appeals, Court of Federal Claims, and Federal Circuit, and has considerable experience litigating government contracts disputes in the Eastern District of Virginia and Virginia State Courts.

Mergers & Acquisitions and Transactions

Justin assists government contractors and their investors in evaluating and structuring mergers, acquisitions, and investments involving government contractors and government contracts. His experience extends to the fully panoply of issues arising in connection with investments and transactions involving government contracts, including small business program eligibility, due diligence, facility and personnel security issues, the mitigation of foreign ownership, control, and influence, and Anti-Assignment Act and novation matters.

Counseling and Regulatory Matters

Justin counsels clients on a wide range of government contract and regulatory issues, including disclosure obligations under the Mandatory Disclosure Rule, unsolicited proposals, cybersecurity, mergers and acquisitions, domestic preference provisions under the Buy American and Trade Agreements Acts, export control issues, conflict of interest issues and “revolving door” restrictions, small business and socio-economic programs, cost accounting, government audits, the Foreign Corrupt Practices Act, procurement integrity issues, and the GSA Schedule.

Outside The Firm

Justin is the proud father of three and among other things is a huge fan of Britpop, Madchester, and the new wave, and frequenting (when able) Washington, D.C.'s outstanding live music venues.

Select Engagements

eGovHoldings, Inc. (d/b/a Aquilent)

- Represented eGov Holdings, Inc. in the government contracts aspects of its sale to Booz Allen Hamilton (\$250 million).

Oshkosh Defense

- Successfully defended the award of a \$6.7 billion production contract to Oshkosh Defense in the Army's Joint Light Tactical Vehicle Program, the

largest tactical wheeled vehicle procurement in Army history. Our win followed extensive proceedings before both the GAO and Court of Federal Claims.

Wyle Laboratories, Inc.

- Represented a leading specialized engineering, scientific and technical services company in successful sustained protest on a \$1.7 billion, 10-year NASA program.

SRA International, Inc.

- Led protest team that secured contract award for \$1.6 billion dollar information technology contractor following corrective action in \$5.6 billion dollar intelligence analysis support services procurement by Defense Intelligence Agency.
- Secured the dismissal of a False Claim Act lawsuit seeking over \$10 million in damages and penalties against a former member of Congress under the False Claims Act's public disclosure bar, along with sanctions award against the relator and his counsel.
- Successfully resolved False Claims Act case on behalf of one of the largest systems integrators in the world in multiyear litigation related to technology alliances—part of a series of cases involving one of the largest procurement-related FCA cases in the last decade.
- Successfully resolved False Claims Act matter on behalf of the largest container shipping company in the world in an FCA suit related to detention charges for cargo shipped to Iraq and Afghanistan.

Boston Edison Company

- Served as trial counsel for the former owner of a nuclear power plant in a 13-day trial securing a \$40 million judgment against the United States for its failure to dispose of nuclear waste as required by the Nuclear Waste Policy Act of 1982 ("NWPA"). It was the first such case addressing damages related to the post-NWPA sale of a nuclear power plant.
- Secured reinstatement of federal program eligibility for security services contractor despite conviction of several former senior executives for government contracting fraud (including former CEO and owner); helped design and implement enhanced compliance program as part of successful transition to new ownership.
- Represented a specialized professional services provider in a dispute involving \$12 million in self-insurance costs; our analysis led the Government to withdraw the entire claim without litigation and retroactively approve all questioned self-insurance costs.
- Represented a publicly-traded manufacturer of defense articles in successfully contesting several significant deficiencies identified during an Accounting System audit performed pursuant to DFARS 252.242-7005; advocacy led the Government to rescind its deficiency findings without any

payment withholdings.

Apptis, Inc.

- Represented Apptis, Inc. in a successful bid protest before the Court of Federal Claims related to the \$50 billion GSA Alliant GWAC program. After the court enjoined the GSA's award decision in a 42-page opinion (in a case involving eight protestors and five intervenors), the client was awarded an Alliant contract.

VT Griffin Services, Inc.

- Represented VT Griffin Services, Inc. in a dispute arising from the Army's failure to pay millions of dollars for work at the second largest Army installation in the United States. Secured payment from the Army and favorably resolved a subcontractor's related lawsuit in the Eastern District of Virginia through motions practice and mediation.

TKC Communications, LLC

- Served as lead counsel on behalf of TKC Communications, LLC in a breach-of-lease action in Virginia state court that involved a parallel federal takings action resulting from the government's holdover tenancy. Successfully argued against the lessor's efforts to obtain hundreds of thousands of dollars in damages from his client in the state action and helped negotiate a favorable settlement involving his client, the United States, and the lessor in the federal action.
- Represented one of the largest privately owned real estate developers in the United States in a successful lawsuit related to the development of CityCenterDC, securing a favorable settlement with the District of Columbia and awardee on the eve of trial.

Admissions

- District of Columbia
- U.S. District Court - Eastern District of Virginia
- U.S. District Court - Northern District of Illinois
- United States Court of Appeals for the Federal Circuit
- United States Court of Appeals for the Fourth Circuit
- United States Court of Federal Claims
- Virginia

Memberships

- American Bar Association
- National Defense Industrial Association
- Professional Services Council

Education

- Virginia Polytechnic Institute and State University, BA
- University of Virginia School of Law, JD

Recognitions

- 2015–2016, 2019, Government Contracts Law, listed in *Chambers USA*
- 2017–2019, Washington, D.C. “Super Lawyer” in Government Contracts, listed in *Super Lawyers*
- 2017–2019, “Next Generation Lawyer,” listed in *Legal 500’s Guide to Up-and-Coming Lawyers Nationwide*
- 2016–2019, listed in *Legal 500*
- 2013–2014 and 2017, “Rising Star,” listed in *Law360*
- 2015, “D.C. Rising Star,” listed in the *National Law Journal*

Professional Activities

Justin supports pro bono efforts at the firm in partnership with the Veterans Consortium Pro Bono Program, including the representation of veterans in proceedings at the U.S. Court of Veterans Claims and in discharge upgrade matters.

Justin is a member of the Litigation and Public Contract Sections of the American Bar Association. He has spoken and written frequently on topics of interest to government contractors, with a particular focus on cybersecurity, cost accounting, the False Claims Act, and compliance matters. Justin has appeared in leading media outlets and publications covering the government contracts industry, including BloombergBNA, *Law360*, *GovExec*, *Federal Computer Week*, the *Procurement Lawyer*, *The Government Contractor*, Federal News Radio, and *Government Contracting Weekly*.