

# BLANKROME

**Scott Arnold | Partner**  
Government Contracts

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Scott Arnold concentrates his practice in all areas of government contracts law, including litigation and counseling matters. In his over 30 years helping government contractors succeed in their dealings with government customers, Scott has gained extensive experience in:

- bid protests at the Government Accountability Office ("GAO") and U.S. Court of Federal Claims
- claims and disputes
- procurement fraud, internal investigations, and False Claims Act litigation
- development and presentation of compliance programs and training
- foreign military sales, and export controls

## **Bid Protests**

Scott has represented clients in hundreds of protests during the last 32 years and has extensive experience not only in litigating protests, but also in accompanying clients to debriefings in order to assist in the formulation of strategy regarding whether and how to protest.

Before entering private practice in 1985, Scott was the Assistant Counsel for Procurement at the Naval Facilities Engineering Command ("NAVFAC"), within the Navy's General Counsel's office. In that capacity, Scott defended all GAO protests filed against NAVFAC procurements and contract awards. Since then, he has represented dozens of government contractors, both in pursuing and in defending against protests filed by their competitors. He has successfully litigated numerous bid protests involving government contract awards in excess of \$100 million, and several in excess of one billion dollars.

## **Claims and Disputes**

Scott has assisted numerous government contractors in the investigation and preparation of requests for equitable adjustment and claims, and has litigated claims at several agency boards of contract appeals, the U.S. Court of Federal Claims, and the U.S. Court of Appeals for the Federal Circuit. He also has represented government contractors in the defense of claims filed by the government, including defective pricing claims brought under the Truth in Negotiations Act.

Scott's claim experience has entailed contracts for highly complex supplies, services, and construction, and he has worked extensively on critical path issues. He has also worked extensively on data rights disputes, which are becoming more prevalent in recent years as the government more frequently and aggressively challenges contractor data rights assertions. In addition, he has unique experience in the negotiation and litigation of claims for pension cost adjustments brought under the Cost Accounting Standards in connection with sales of government contracting businesses.

## **Procurement Fraud, Internal Investigations & False Claims Act Litigation**

Scott regularly represents clients in connection with procurement fraud matters, including proposals for suspension or debarment from government contracting, False Claims Act suits brought directly by the government and by *qui tam* plaintiffs, and internal investigations regarding alleged wrongdoing in government contracting.

## **Counseling, Compliance Programs, and Training**

Over the years, Scott has counseled clients on virtually every aspect of government contracting, including how to bid for government work, protection of contractor data and intellectual property, utilization of small business and related socioeconomic programs, negotiation of teaming agreements, claims avoidance, contract performance issues, and dealing with government audits. In addition, he has designed and developed several corporate government contract compliance programs, and has conducted numerous training sessions to assist clients' employees in their efforts to meet company-specific requirements imposed in such programs. These compliance programs and training efforts cover a broad spectrum of government contract topics, and he has extensive experience in compliance programs and training in the Procurement Integrity Act, government employee conflicts of interest and the related "revolving door" rules, organizational conflicts of interest, labor charging, and proposal preparation and compliance with the Truth in Negotiations Act.

Scott also has developed compliance programs and conducted training in international areas of relevance to many government contractors. These areas include Foreign Military Sales, the special rules associated with U.S. Government funding of direct commercial military sales to foreign customers, export controls, and the Foreign Corrupt Practices Act.

Scott began his career in 1982, as a law clerk to the administrative judges of the Department of Transportation Board of Contract Appeals, where he served until 1984. From 1984 to 1985, he served in the Office of General Counsel of the Navy as Assistant Counsel, Procurement, Naval Facilities Engineering Command. From 1985 to 1991, he was an associate in a Washington, D.C., law firm, where he later served as a partner from 1992 to 2001. Before joining Blank Rome, he was a partner at a D.C.-based Am Law 200 firm and a shareholder in the Tysons Corner, Virginia, office of an Am Law 100 law firm from 2001 to 2003.

## Outside The Firm

Scott serves on the Board of Directors of Adat Shalom Reconstructionist Congregation in Bethesda, Maryland. He loves spending time with his family and listening to live music—his eclectic taste covers late 60s and 70s rock, French impressionism, and straight-ahead jazz, among other genres.

## Select Engagements

- Led the successful defense of a \$6.7 billion contract award to Oshkosh Defense for the production phase of the Army's Joint Light Tactical Vehicle Program in proceedings before GAO and the Court of Federal Claims.
- Led the successful GAO protest on behalf of a leading specialized engineering, scientific and technical services company against a \$1.7 billion NASA contract award. The sustained protest was precedent-setting regarding requirements for considering corporate transactions when evaluating proposals, and ultimately resulted in a contract award to our client.
- Led the successful defense of GAO and Court of Federal Claims protests against the Department of Interior award of a \$100 million contract to a leading apparel manufacturer.
- Litigated an Armed Services Board of Contract Appeals case establishing that the government may not use a contract clause to deprive a board of contract appeals of jurisdiction under the Contract Disputes Act.
- Litigated successful appeals in the Court of Federal Claims of Contracting Officer Final Decisions asserting government claims based on corporate transactions constituting "segment closings" under Cost Accounting Standards governing pension cost adjustments, saving our client approximately \$100 million.

## Admissions

- Supreme Court of the United States
- District of Columbia
- U.S. District Court - District of Columbia
- United States Court of Appeals for the District of Columbia Circuit
- United States Court of Appeals for the Federal Circuit
- United States Court of Appeals for the Seventh Circuit

- United States Court of Appeals for the Sixth Circuit
- United States Court of Federal Claims

## Education

- State University of New York at Albany, BA
- George Washington University Law School, JD

## Recognitions

- 2019, “Leading Lawyer,” listed in *The Legal 500’s Guide to Outstanding Lawyers Nationwide*
- 2017–2019, listed in *Legal 500*
- 2015 and 2018, Capital Pro Bono Honor Roll
- 2014, “Commended Attorney” by the *Financial Times North America Innovative Law Firms*
- 2014, “Government Contracts MVP” by *Law360*

## Professional Activities

Scott actively supports the Firm’s pro bono efforts, including the representation of asylum seekers in partnership with Human Rights First and other nonprofit organizations, and has also represented veterans seeking benefits based on their service-related disabilities.

He is a member of the Litigation and Public Contract Sections of the American Bar Association.