

## Gov't Contracts Group Of The Year: Blank Rome

By Anne Cullen

*Law360 (February 11, 2019, 3:27 PM EST)* -- Blank Rome LLP added to its running tally of successful bid protests this past year with a major Federal Circuit win that put a tech contractor back in the running for a \$5 billion U.S. Army award, earning it a place among Law360's Government Contracts Groups of the Year.

The practice group was transplanted from the shuttered Dickstein Shapiro LLP three years ago, and since then has grown to include 21 attorneys — made up of mostly partners, in addition to three counsel and seven associates — who practice out of the firm's Washington, D.C., Philadelphia and New York offices.

Dave Nadler maintained his position at the head of the group through the transfer, and was joined at the helm last month by longtime colleague Justin Chiarodo, who told Law360 that the team has a knack for getting contractors their fair shake in a government deal. They know how to "dig in and identify a lot of defects in a procurement," he said.

Among the year's highlights is the team's big win at the Federal Circuit in October, which gave an Illinois-based tech contractor a second swing at a \$5 billion Army contract after the company's proposal didn't make the cut. The award was for computer hardware — desktop computers, tablets, laptops and printers — and Chiarodo said it was a major information technology acquisition vehicle for the military branch.

At the appeals court, Blank Rome was able to convince the appellate panel to overturn a Federal Claims Court decision that had prevented the Army from reopening bidding on the computer project, allowing its client, CDW Government LLC, to throw its hat back in the ring.

Chiarodo said this case really stands out for him, because the courts were weighing in on a process called corrective action — the way agencies voluntarily fix issues they find in their own procurements without going through a full protest process — which Chiarodo said comes up often in their line of work. And there had been some competing authority on what standards should be used when reviewing a corrective action, he said.

"[Corrective action] is a very important and integral part of the federal procurement system, so the



decision was very significant in that way, as to what legal standard should govern a court's review of that corrective action decision," Chiarodo said.

And a few months earlier, a Washington, D.C.-based tech contractor was also handed another chance at a multimillion-dollar government contract thanks to Blank Rome, as the team scored a rare sustained protest at the Government Accountability Office in its challenge of a nearly \$200 million U.S. Department of Homeland Security award.

The office found in June that the department had unevenly evaluated the bids for the tech contract, judging Blank Rome's client — 360 IT Integrated Solutions — more harshly than its competitor.

This case involved a round of complex briefings at the GAO, Chiarodo said, adding that it showed his team's ability to pull down a rare sustained challenge at the office.

"It was another nice illustration of our ability to handle a complex case, develop a case fully before GAO and fully prevail in a sustained decision, which are not common," he said.

Outside the bid protest arena, Blank Rome's government contracts practice is increasingly taking on transactional work, Chiarodo said, pointing to its role as sellers counsel in a defense industry tie-up that closed in August and was reportedly worth \$300 million. In that deal, the firm was tapped to represent engineering and cybersecurity firm MacAulay-Brown Inc. through its sale to defense contractor Alion Science and Technology Corp.

"That sale was a really nice example of our firm's growing expertise in M&A transactions involving government contractors," Chiarodo said.

The practice is able to bring on this type of work, and excel in it, due to Blank Rome's extensive background in mergers and acquisitions, Chiarodo said.

"Blank Rome has a long-established practice in the M&A arena, and being able to combine our expertise in government contracts with their long-standing track record and expertise in M&A has enabled us to take on work that we're excited to take on," he said.

Being able to get involved in bigger transactions has been "a real bright spot," he said.

The team is also pulling in more government investigations work, Chiarodo said, including procurement and fraud investigations, False Claims Act work and other matters. Though he said the less attention his team receives in that area, the better.

"We're most proud of cases we keep out of the paper," he said. "We try to resolve these things by keeping them out of the news and out of the headlines."

--Editing by Nicole Bleier.