PENDER & COWARD
ATTORNEYS AND COUNSELLORS AT LAW

PRACTICE AREA

GOVERNMENT CONTRACTS AND PUBLIC PROCUREMENT

Pender & Coward's Government Contracts and Public Procurement practice attorneys represent large, small, minority and woman-owned businesses that contract with federal, state and local governments in procurement of goods and services, including construction.

Our lawyers are experienced in advising clients on the formation of public contracts, and the certification, recertification, and administration of government and public contracts. We provide the legal advice and representation frequently needed by contractors during the performance of contracts with federal, state and local government agencies, and routinely work with clients to handle and provide legal representation with respect to:

- Bid Protests
- Small business, minority and woman-owned business issues
- Assistance in the preparation of requests and claims for contract adjustments for changes, defective specifications, differing site conditions, and delays and time extensions
- Miller Act and Little Miller Act bond claims
- Inspection, acceptance and warranty matters
- Termination of contracts for default
- Termination of contracts for the convenience of the government
- David Bacon Act, Service Contract Act and Walsh Healy Public Contract Act claims and DOL Audits
- Cost accounting and pricing issues
- DCAA audits

VIRGINIA BEACH
222 Central Park Ave. Suite 400
Virginia Beach, VA 23462

CHESAPEAKE
709 Greenbrier Parkway
Chesapeake, VA 23320

SUFFOLK
117 Market Street
Suffolk, VA 23434

- False Claims Act, Anti-Kickback Act, debarment, and other ethical issues

- Litigation of claims before the Armed Services, and other Agency Boards of Contract Appeals, the United States Court of Federal Claims and the United States Court of Appeals for the Federal Circuit

Our lawyers are experienced in dealing with contracts and subcontracts having standard terms and conditions unique to government contracts and which are subject to many socio-economic policies and obligations, ethical standards, and cost accounting standards. We are experienced in handling claims and disputes with the federal government under the Contract Disputes Act of 1978, which prescribes strict procedures for resolving disputes. We are also knowledgeable in contracting with agencies of the Commonwealth of Virginia and local public agencies subject to statutory rules and legal principles not applicable to normal commercial contracts.

REPRESENTATIVE CASES AND TRANSACTIONS

- Successful litigation and negotiation of a $4.3 million settlement of contractor's claim for added costs due to differing site conditions, delays and design defects of federal office building.

- Successful argument of cases before United States Supreme Court, Circuit Court's of Appeal and U.S. District Courts involving the proper interpretation of the Miller Act as well as successful prosecution and defense of many Miller Act cases.

- Successful litigation of claims on highway project for delays, breach of implied warranty of access to jobsite, differing site conditions, and payment for owned equipment costs in lower courts and Virginia Supreme Court.

- Representation of city in successful negotiation and settlement of claim of contractor against city for delays, extra work, claim of city against contractor for billing irregularities, and other breaches of contract that resulted in recovery by city of approximately $1.9 million from contractor.

- Representation of a city in successful mediation of claim against contractor for defective construction of a bridge involving approximately $3.5 million to reconstruct bridge.

- Representation of a subcontractor in mediation of third party complaint by prime contractor which resulted in a settlement in suit brought by public university against contractor for cost of $1.2 million to remove and replace defective precast stairs in new dormitory.

- Successful litigation of numerous cases before the General Services Board of Contract Appeals (now the Civilian Board of Contract Appeals) and the Armed Services Board of Contract Appeals as well as cases before the United States Court of Federal Claims.

- Submission of a number of successful bid protests to the Government Accountability Office (GAO) and to other state and local governmental agencies on behalf of defense and other contractors bidding upon or submitting offers for the award of government contracts.

- Defense of Service Contract Act and Davis Bacon Act wage claims on behalf of government contractors.

- Successful equitable adjustment and contract claims representation of contractors negotiating resolution of claims against federal, state and local governmental agencies without the need for full litigation.

Made claims, litigated and settle claims exceeding $500,000 for constructive change order claims on behalf of a steel fabricator located in Chesapeake, Virginia against the contractor of a coal-fired cogeneration facility in Portsmouth, Virignia which was built to provide steam and electricity.

Successfully arbitrated claims in Seattle, Washington under American Arbitration Association Construction Rules on behalf of a general contractor against the performance bond surety of a subcontractor for defective work and failure to complete work involving concrete rehabilitation and restoration of the Pudget Sound Naval Shipyard Drydock #6, resulting in an arbitration award and recovery of over $450,000, including all attorney's fees and costs incurred.

Litigated claims in the US District Court for the Eastern District of Tennessee, and settled claims exceeding $400,000 for constructive change order work and delay and disruption claims on behalf of a subcontractor for cleaning and re-coating of above ground diesel fuel storage talks owned by the Tennessee Valley Authority.

PENDER & COWARD
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Practicing Attorneys

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