




## Gary S. Ward

Partner



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Gary counsels and represents government contractors on a range of legal matters. He regularly litigates disputes unique to the government contracting industry, including bid protests, Contract Disputes Act (CDA) claims, and intellectual property disputes. He also counsels and represents government contractors on a variety of issues that pose particular challenges in the government contracting industry, including cost accounting and allowability matters, intellectual property rights, cybersecurity and other information security issues, contract claims and disputes, compliance programs, and internal investigations. He supports clients offering a broad range of products and services—from cloud computing and unmanned aerial systems to base operations support and other professional services. And his work covers a variety of government customers including most defense, intelligence, and civilian agencies. Gary also serves as the Firm's Assistant Facility Security Officer where he advises both the firm and clients on a range of national security compliance issues that arise under classified contracts and the National Industrial Security Program Operating Manual (NISPOM).

In addition to his core work, Gary also maintains an active pro bono practice. A certified Legal Lean Sigma Institute (LLSI) White Belt, Gary also uses the LLSI process and project management tools to continually improve the value proposition the firm delivers to its clients.

### Representative Matters

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- Regularly litigates bid protests before the U.S. Government Accountability Office (GAO), the U.S. Court of Federal Claims (COFC), and on appeal to the U.S. Court of Appeals for the

### Practice Areas

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Government Contracts  
Cybersecurity  
Intellectual Property  
National Security

### Credentials

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#### Education

J.D., with highest honors, The George Washington University Law School;  
Raymond F. Hossfeld Dean's Scholarship  
B.A., *magna cum laude*, University of California, San Diego

#### Law Journals

Associate, *The George Washington University Law Review*

#### Bar and Court Memberships

District of Columbia Bar  
Virginia Bar  
U.S. Courts of Appeals for the Fourth and Federal Circuits  
U.S. District Court for the District of Maryland  
U.S. Court of Federal Claims

#### Certifications

Legal Lean Sigma Institute (LLSI) White Belt

Federal Circuit (CAFC). Gary has significant experience from litigating over 100 protests.

- Litigates contract disputes before the Boards of Contract Appeals and the COFC. Gary has particular experience litigating cost accounting disputes, including the following notable decisions:
  - *Ology Bioservices, Inc.*, ASBCA No. 62633 (May 20, 2021) (granting summary judgment to the contractor in an appeal of a government claim assessing penalties for expressly unallowable compensation costs).
  - *Sparton DeLeon Springs, LLC*, ASBCA No. 60416 (Dec. 28, 2016) (granting summary judgment to the contractor based on the Contract Disputes Act's statute of limitations in an appeal of a government claim demanding repayment of direct costs and rejecting the Government's argument that its right to audit under the Allowable Cost and Payment clause effectively tolls the CDA's six-year statute of limitations).
  - *Engility, LLC*, ASBCA No. 61281 (Aug 19, 2019) (rejecting government attempt to assert affirmative defenses in dispute over the reimbursement of legal costs incurred by the contractor).
- Advises clients regarding cost allowability issues and compliance with Cost Accounting Standards (CAS), including for example, executive compensation, allocation and adjustment of pension costs, home office expenses, and other indirect costs, in the course of audits by the Defense Contract Audit Agency (DCAA) and other agency Offices of Inspector General, and in litigation before the Boards of Contract Appeals.
- Conducts internal investigations relating to alleged violations of the False Claims Act, Procurement Integrity Act, and other federal and state laws, with a particular focus on issues unique to government contractors.
- Counsels contractors in complying with cybersecurity requirements and responding to incidents under the various frameworks used by federal agencies, including DFARS 252.204-7012, NIST SP 800-171, and the U.S. Department of Defense's (DoD's) forthcoming Cybersecurity Maturity Model Certification program.
- Litigates patent infringement actions involving the United States Government and government contractors at the Court of Federal Claims under 28 U.S.C. § 1498(a). Examples include a range of technologies, including unmanned aerial vehicles and surveillance systems.
- Assists clients in negotiating intellectual property rights in federal, state, and local procurements.
- Assists clients in preparing, negotiating, and litigating requests for equitable adjustments and certified claims as well as defending against affirmative government claims.
- Advises clients on a range of national security compliance issues that arise under classified contracts and the NISPOM.
- Advises government contractors in negotiation of teaming and subcontracting agreements and represents clients in prime-subcontractor disputes.
- Counsels clients in the development of government contracts ethics and corporate compliance programs, including programs to prevent or mitigate organizational conflicts of interests (OCIs) and

other contractor training.

- Conducts due diligence for government contractors to assess risks unique to companies with federal, state, and local contracts and subcontracts. Previous examples include DXC's spinoff of its U.S. Public Sector business to form an independent, publicly traded company (Perspecta).
- Counsels clients in obtaining information and protecting their own proprietary and confidential information under the Freedom of Information Act (FOIA) and other similar state public records laws.
- Advises government contractors involved in government investigations and suspension and debarment proceedings.

## Professional Experience

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- Intern, U.S. General Services Administration (GSA), Office of Governmentwide Acquisition Policy (2013)
- Judicial Intern, The Honorable Eric T. Washington, District of Columbia Court of Appeals (2012)
- Intern, The District of Columbia Office of Contracting & Procurement, Procurement Leadership Program (2011)

## Affiliations

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- American Bar Association (ABA), Section of Public Contract Law
  - Vice-Chair, Accounting, Cost, and Pricing Committee
  - Bid Protest Committee
  - Intellectual Property Committee
- Federal Circuit Bar Association
  - Co-Chair, Government Contracts Committee

## Recognitions

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- Recognized by *Law360* as a "Rising Star" in Government Contracts Law (2022)
- Included in *The Best Lawyers in America* directory of "Ones to Watch" for Government Relations (2021-2024)
- Named by *The Legal 500 US* a "recommended lawyer" in Government Contracts (2020)