

Richard O’Keeffe Weighs in on New Rule for Homeland Security Contracts

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Richard B. O’Keeffe, Jr., of counsel in Wiley Rein’s Government Contracts Practice, was quoted extensively yesterday in a *Law360* article about a new federal rule that will place new responsibilities on companies with homeland security contracts.

The rule expands federal agencies’ authority, under the Defense Priorities and Allocation System (DPAS), to require companies to prioritize contracts related to national security and demand responses from contractors within hours for emergency work, according to the article. Contractors that refuse an order, fail to respond, or fail to complete emergency work could face injunctions, contractual remedies, referral for suspension or debarment, and, in extreme cases, civil fines and criminal penalties, Mr. O’Keeffe said.

He added that some questions remain about how the government will use its new authority and what work will be covered. “One of the things that I’ve seen over the years is the rather promiscuous use of DPAS,” he said. “It can be used in situations to create an urgency that really is not justified. It’s like if my secretary marked every message with an exclamation mark to try to get me to respond, that’s a problem.”

Practice Areas

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