



Craig Smith

Partner



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Craig counsels and represents government contractors and subcontractors on a broad range of government contracting issues, including bid protests, contract claims and disputes, suspension and debarment matters, as well as government and internal audits and investigations. Craig has significant client experience involving the federal Service Contract Act (SCA) and Contractor Purchasing System Reviews (CPSRs). Craig, a certified Legal Lean Sigma Institute (LLSI) White Belt, uses the LLSI process and project management tools to continually improve the value proposition the firm delivers to its clients.

Representative Matters



Craig has represented and counseled clients in the following areas, among others:

Service Contract Act and Other Federal Labor Issues

- Represented large federal contractors in U.S. Department of Labor (DOL) audits of SCA compliance on significant contracts for the clients; reached favorable resolutions to DOL findings.
- Regularly counsels contractors on complex SCA compliance issues, including contracts involving collective-bargaining agreements, commercial-item services, and shared services, as well as directions to apply the SCA to contracts retroactively after award.
- Successfully represented multiple contractors from diverse industries in obtaining DOL approval of contractor self-funded insurance plans as bona fide fringe benefits under the SCA.

Practice Areas



Employment & Labor
Government Contracts

Credentials



Education

J.D., University of Virginia School of Law
B.A., *magna cum laude*, B.S., *cum laude*,
University of Maryland; Phi Beta Kappa

Law Journals

Editorial Board, *Virginia Journal of Social
Policy & the Law*
Editor-in-Chief, *Virginia Law Weekly*

Bar and Court Memberships

District of Columbia Bar
Maryland 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

- Counsels contractors on compliance with Executive Order (EO) 13706, sick leave for federal contractors, and Davis-Bacon Act issues.
- Counseled clients in successful resolutions of audits by the DOL Office of Federal Contract Compliance Programs (OFCCP)

Investigations, Audits, Reviews, Ethics, and Compliance

- Represented Fortune 200 contractor in settlement of False Claims Act (FCA) claims concerning certain costs incurred in construction and maintenance of a unique Department of Energy (DOE) nuclear facility.
- Successfully counseled multiple defense contractors on responses to the Defense Contract Management Agency (DCMA) CPSRs, resulting in final determination that the purchasing systems were adequate and avoiding potential contract payment withholds.
- Counseled clients on implementing programs for compliance with restrictions on Huawei and ZTE established by Fiscal Year 2019 National Defense Authorization Act Section 889.
- Led investigations into potential improper charges and overcharging for multiple large government contractors; prepared submissions to Department of Defense Inspector General and agency suspension and debarment official (SDO); matters each resolved with no further action.
- Led and supported multiple internal investigations into ethics and compliance concerns during 15-month secondment in legal department of Fortune 500 contractor.
- Performed comprehensive federal-compliance risk assessments for multiple business units acquired by a large federal contractor.

Bid Protests

- Regularly protests contract awards involving varying agencies, award types and sizes, and products and services; protests regularly result in corrective action. Example: *Booz Allen Hamilton—Costs*, B-414822.4, May 7, 2018 (decision recounts corrective action after outcome prediction ADR).
- Successfully intervenes in 8-figure and larger protests at the Government Accountability Office (GAO) and U.S. Court of Federal Claims (CoFC). Example: *DynCorp International LLC*, B-415349, Jan. 3, 2018 (protest denied in award of \$5 billion maintenance services contract).
- Successful protest of contract award at the District of Columbia Contract Appeals Board (DC CAB).

Claims and Disputes

- Currently litigating multiple appeals concerning rights in software and technical data under DOD contracts. Example reported decision: *The Boeing Company*, ASBCA No. 60373 (July 17, 2018) (prevailing on partial summary judgment).
- Prepared eight-figure claims and litigated ensuing Contract Disputes Act appeals for contracts in support of contingency operations.

- Successfully resolved multiple consolidated claims through alternative dispute resolution (ADR); responsible for support on particularly complex and technical claim; ADR included fact-finding, position papers, and extensive oral presentations and mediation.

Suspension and Debarment

- Represented Fortune 500 contractor in investigating and responding to proposed debarment by the Air Force; matter resolved by administrative agreement.
- Counseled contractor on negotiating voting-trust agreement with excluded executive and principal shareholder in potential to ensure continued eligibility of contractor.
- Represented laboratory contractor in responding to proposed debarment by the Environmental Protection Agency (EPA); matter resolved by administrative agreement.

Pro Bono

- Represented three former police officers in Title VII and 42 U.S.C. § 1983 suits against multiple law-enforcement and governmental entities; clients were subjected to racial discrimination, harassment, and retaliation for multiple years; case settled for \$1.1 million in damages and with agreement to two separate consent decrees monitored by the Department of Justice Civil Rights Division.
- Represented individual in 42 U.S.C. § 1983 suit against Baltimore Police Department; case settled favorably and included implementation of new policies and training for officers on constitutional protections for contents of mobile phones.

Professional Experience

- Research Assistant, Professor M. Elizabeth Magill, University of Virginia School of Law (2007)
- Consulting Associate, Major U.S. Technology Consulting Firm (2004-2006)

Affiliations

- American Bar Association (ABA), Section of Public Contract Law
 - Section Chair-Elect's Executive Officer Mentee (2016-2017)
 - Co-Chair (2012-2020), Vice-Chair (2012), Regulatory Coordinating Committee
 - Debarment and Suspension Committee
 - Bid Protest Committee
 - Procurement Fraud Committee
 - Employment Safety & Labor Committee

Recognitions

- Named by *The Legal 500 US* a "recommended lawyer" in Government Contracts (2019)
- Named one of City Year Washington, DC's Idealists of the Year (2014)