





## Kara M. Sacilotto

Partner



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Kara counsels and represents government contractors of all sizes on all aspects of government contracting. Kara's practice focuses on representing government contractors in connection with suspension and debarment matters, both before and after exclusion from contracting, ethics and compliance matters, Federal Acquisition Regulation (FAR) mandatory disclosure issues, and internal investigations. Kara also actively litigates a variety of cases from bid protests and claims to disputes between contractors.

### Representative Matters

#### Suspension and Debarment

- Represented various civilian agency and defense contractors in connection with inquiries from both civilian and defense agency suspension and debarment officials with no action taken by debarring officials.
- Successfully represented foreign contractor in responding to proposed debarment with matter resolved by lifting of proposed debarment.
- Represented major Fortune 500 contractor in investigating and responding to proposed debarment by the U.S. Air Force; matter resolved by administrative agreement.
- Successfully represented individuals in suspension and debarment matters before various agency suspension and debarring officials.

#### Bid Protest Litigation

### Practice Areas

Government Contracts  
Litigation  
White Collar Defense & Government  
Investigations  
Artificial Intelligence (AI)

### Credentials

#### Education

J.D., University of Virginia School of Law  
B.A., with distinction, University of Virginia

#### Bar and Court Memberships

District of Columbia Bar  
Virginia Bar  
U.S. Courts of Appeals for the Fourth, Fifth, Eighth, Ninth, Tenth, District of Columbia, and Federal Circuits  
U.S. District Courts for the District of Colorado, District of Columbia, and Eastern District of Virginia  
U.S. Court of Federal Claims

- Represents government contractors in pre- and post-award bid protests before the U.S. Government Accountability Office, the U.S. Court of Federal Claims, and federal agencies. Successful representation of contractors, as protester and intervenor, in numerous protests involving billions of dollars. Many matters resolved favorably by agency taking corrective action prior to tribunal reaching the merits.
- A sample of representative reported matters includes:
  - *XPO Logistics Worldwide Gov't Servs., LLC v. United States*, 134 Fed. Cl. 783 (2017), *aff'd*, 713 Fed. Appx. 1008 (2018) and *XPO Logistics Worldwide Gov't Servs., LLC v. United States*, 133 Fed. Cl. 162 (2017), *aff'd*, 713 Fed. Appx. 1009 (2018) (lead counsel at GAO, COFC, and Federal Circuit for series of protests of multi-billion dollar USTRANSCOM award). Client obtained contract after successful GAO protest (*Crowley Logistics, Inc.*, B-412628, 2016 CPD 120) and retained it following multiple subsequent protests);
  - *FavorTech Consulting, LLC*, B-420279, 2022 CPD ¶ 24; *Halfaker & Assocs., LLC*, B-420279.2, 2022 CPD ¶ 45 (successful defense of dual protests alleging OCIs)
  - *Strategi Consulting LLC; Signature Consulting Group, LLC*, B-416867, B-416867.4, 2019 CPD ¶ 10 (successful defense of contract award where four protests filed, and one GAO hearing held);
  - *Booz Allen Hamilton, Inc.-Costs*, B-414822.4, 2018 CPD ¶ 183 (successful prosecution of protest that led to GAO outcome prediction that OCI protest grounds would be sustained and successful argument that Agency should pay protest costs);
  - *Concurrent Technologies Corp.*, B-415513, 2018 CPD ¶ 59 (successful defense of task order award);
  - *Tribalco, LLC*, B-414120, 2017 CPD ¶ 73 (successful challenge to finding of unacceptability where record showed that agency disparately treated the offerors);
  - *Engility Corp.*, B-413202, 2016 CPD ¶ 251 (successful challenge to negative responsibility determination where record showed that agency decision was based on incomplete information);
  - *American Sys. Corp.*, B-412501, 2016 CPD ¶ 91 (successful prosecution of protest leading to corrective action and successful defense of challenge to corrective action);
  - *The Boeing Company*, B-311344, 2008 CPD 114 (co-counsel in successful protest and ultimate award of the \$35 billion Air Force tanker contract).

### Claims and Disputes Litigation

- Represents government contractors of all sizes in the preparation of requests for equitable adjustment and prosecution of contractor claims and defense of Government claims before the Armed Services and Civilian Boards of Contract Appeals. Represents contractors in disputes and litigation relating to subcontracts and teaming agreements. Adopting a practical approach, numerous matters have been settled favorably through negotiation and alternative dispute resolution prior to reaching decision on the merits.
- A sample of representative reported Board decisions includes:

- *Engility, LLC*, ASBCA No. 61281, Aug. 2019, 19-1 BCA ¶ 37430 (successful challenge to Government motion to amend answer)
- *The Boeing Company*, ASBCA No. 57490 12-1 BCA 34916 (Jan. 2012) (successful dismissal of Government claim based on statute of limitations).

### Internal Investigation

- Conducts internal investigations of allegations of wrongdoing, advises contractors on third-party and FAR mandatory disclosure obligations, and assists contractors with responding to Government investigations as well as inquiries arising from disclosures.
- Experience includes investigating all manners of alleged misconduct from mischarging to misappropriation of competitor information and supervising team of seconded lawyers performing internal investigations for major contractor.

### Advice

- Advises government contractors on all manner of issues arising under the FAR and FAR supplements, including ethics, compliance, and present responsibility; cost allowability; protest rights; claims and disputes; subcontracts and teaming agreements; default terminations; and past performance assessments.

### Congressional Testimony

- Provided testimony regarding "Defer No More: The Need to Repeal the 3% Withholding Provision," before the Subcommittee on Contracting and Work Force, Committee on Small Business, United States House of Representatives (May 26, 2011).
- Provided testimony regarding "The State of Federal Contracting: Opportunities and Challenges for Strengthening Government Procurement and Acquisition Policies," before the Subcommittee on Government Management, Organization and Procurement, Committee on Oversight and Government Reform, United States House of Representatives (June 16, 2009).

### Affiliations

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- American Bar Association (ABA), Public Contract Law Section
  - Chair (2018-2019)
  - Chair Elect (2017-2018)
  - Vice-Chair (2016-2017)
  - Secretary (2015-2016)
  - Council Member (2012-2015)

- Fellow, Public Contract Law Section
- Co-Chair (2008-2016), Regulatory Coordinating Committee
- Vice-Chair (2021-present), Debarment and Suspension Committee
- Vice-Chair (2019-present), Membership Committee
- Vice Chair (2019-present), Strategic Planning Committee

## Recognitions

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- Named one of DC's "Super Lawyers" for Government Contracts by *Super Lawyers* magazine (2020, 2022-2023)
- Named by *Law360* as a Government Contracts MVP (2018)