




Richard B. O'Keeffe, Jr.

Partner



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Rick has more than 24 years of experience handling all aspects of the federal procurement matters. He is an expert in all stages of federal contract law and litigation, including terminations, disputes, protests, procurement integrity, post-Government employment, and suspensions and debarments.

Representative Matters

- Handles matters before the Armed Services Board of Contract Appeals (ASBCA), the Civilian Board of Contract Appeals (CBCA), the Small Business Administration (SBA), the Office of Hearings and Appeals (OHA), the U.S. Government Accountability Office (GAO), and the agency Suspension and Debarment Officials, along with internal investigations related to fraud/false claims matters.
- Experienced in controversial, high-visibility cases, including complex litigation and more than 300 adversarial proceedings. Notable cases include:
 - *Protest of Fluor Federal Solutions, LLC*, B-410486, January 11, 2018 (Lead Counsel in four successive GAO bid protests relating to the Navy's cost realism evaluation leading to, ultimately, a reversal of the award decision in Fluor's favor which survived GAO protest).
 - *Protest of CAE USA, Inc.*, B-414259.6, December 18, 2017 (Lead Counsel in four successive GAO bid protests relating to the Army's cost realism evaluation leading to, ultimately, a reversal of the award decision in client's favor which survived GAO protest).

Practice Areas

Government Contracts
Construction
National Security

Credentials

Education

LL.M., The George Washington University Law School
LL.M., The Judge Advocate General's Legal Center and School
J.D., William & Mary Law School
B.A., with honors, University of Virginia

Bar and Court Memberships

District of Columbia Bar
U.S. Court of Appeals for the Federal Circuit
U.S. Court of Federal Claims

- *Protest of AECOM Technical Services, Inc.*, B-411862, November 12, 2015 (Lead Counsel in GAO bid protest finding that Department of Energy had improperly eliminated AECOM from a competition based on a minor informality which should have been waived).
- *Protest of CORTEK, Inc.*, B-412407, December 17, 2015 (Lead Counsel in GAO bid protest finding that the Navy had made multiple evaluation errors which prejudiced the client in the source selection).
- *Appeal of Global 1st Flagship*, SBA No. SIZ-5462 Size Determination Nos. 6-2013-027, 6-2013-028, 6-2013-029, April 22, 2013 (Co-counsel-Defeated protester's attempt to extend affiliation to personal relationships other than marital).
- *Appeals of J.F. Taylor, Inc.*, 12-1 BCA P 34920, ASBCA No. 56105, 2012 WL 261272, (A.S.B.C.A.), January 18, 2012 (Lead Counsel-Overturned the Defense Contract Audit Agency (DCAA) executive compensation review method).
- *Appeals of BearingPoint, Inc.*, 09-2 BCA P 34289, ASBCA No. 55354, 2009 WL 3550188, (A.S.B.C.A.), October 16, 2009 (Lead Counsel-Established that contractor testimony can substitute for missing documentary evidence in proving allowability of costs).
- *Turner Construction, Inc. v. United States*, 94 Fed.Cl. 586 (Fed.Cl., 2010) (Co-counsel-Overturned the GAO decision that had stripped \$330 million contract from client, resulting in reinstatement of contract).
- *White v. Delta Const. Intern., Inc.*, 285 F.3d 1040 (C.A.Fed.,2002) (Of Counsel-Established proper measure of damages for breach of IDIQ contract minimum amount clauses).
- *United States v. Schneider*, 38 M.J. 387 (C.M.A. 1993) (Lead Prosecutor in trial of Army major at general court-martial for attempted murder of his wife, following acquittal in civilian court).
- Responsible for providing total legal support for Army major command leading up to the handover of the Panama Canal.
- Assured provision of total legal services to scientific, technical and contracting personnel operating the only U.S. certified ballistic missile test facility, U.S. Army Kwajalein Atoll.
- Persuaded an agency to ratify a multi-million-dollar unauthorized commitment based on a constructive change theory.
- Managed and represented a client in a mandatory disclosure of a multi-million-dollar overbilling before an agency suspension and debarment official, resulting in no administrative action against the client.
- Obtained a dismissal with prejudice of a False Claims Act (FCA) complaint.
- Successfully prosecuted and defended numerous protests before the Comptroller General.
- Represents clients in responding to DCAA executive compensation reviews.
- Provided complete government procurement law services to the third largest Army contracting activity, with more than \$8.5 billion in annual obligations, while managing activities of contracting professionals, a legal staff, and a global procurement portfolio.

- Established and managed ethics programs for the federal procurement policies and innovative agency protest procedures.

Professional Experience

- Colonel, U.S. Army Judge Advocate General's (JAG) Corps (Retired) (1984-2005)
- Chief Counsel, U.S. Army Contracting Agency (2002-2005)
- Consultant/Instructor, Federal Contract Law, Management Concepts, Inc. (2002-2005)
- Division Chief and Chief, Trial Team East, U.S. Army Procurement Fraud Division (2001-2002)
- Chief, Trial Team II, U.S. Army Contract Appeals Division (1998-2001)
- Deputy Staff Judge Advocate, U.S. Army South, Republic of Panama (1995-1997)
- Senior Defense Counsel, U.S. Army Trial Defense Service, 101st Airborne Division (Air Assault) and Fort Campbell, Kentucky (1993-1995)
- Chief, Criminal Law, Office of the Staff Judge Advocate, U.S. Army Combined Arms Command and Fort Leavenworth, Kansas (1989-1992)
- Legal Officer, U.S. Army Kwajalein Atoll, U.S. Army Space and Missile Defense Command, Republic of the Marshall Islands (1986-1989)
- Trial Counsel, Office of the Staff Judge Advocate, U.S. Army Signal Center and Fort Gordon, Georgia (1984-1986)