



## Marko W. Kipa

Associate

Washington, DC  
1300 I Street, N.W.  
11th Floor East  
Washington, DC 20005

Tel: 202.772.5302  
Fax: 202.312.9441  
[mkipa@sheppardmullin.com](mailto:mkipa@sheppardmullin.com)

### PRACTICE AREAS

- Government Contracts, Investigations & International Trade
- Litigation
- White Collar Defense and Corporate Investigations
- Corporate

### INDUSTRIES

- Aerospace and Defense

### OVERVIEW

Marko W. Kipa is an associate in the Government Contracts and Regulated Industries Practice Group in the firm's Washington, D.C. office.

#### Areas of Practice

Mr. Kipa's professional experience focuses on government contracts, administrative law and litigation. He is cleared at the highest levels and frequently handles classified matters related to national security.

Mr. Kipa regularly represents clients before government agencies, the Government Accountability Office, the United States Court of Federal Claims, and the Office of Dispute Resolution for Acquisition. Mr. Kipa also counsels clients with respect to a wide range of government contract issues, including bid protests, claim preparation, cost issues, contract administration, performance disputes, mandatory disclosure obligations, organizational conflicts of interest, novations and small business regulations. In addition, Mr. Kipa conducts internal investigations on behalf of small and large companies.

As a member of the Aerospace and Defense team, Mr. Kipa frequently assists government contractors, public and private companies, investment banks, and private equity firms undertaking M&A transactions. Mr. Kipa has extensive experience advising businesses on both the buyer-side and seller-side of an acquisition transaction.

### EDUCATION

- LL.M. Litigation and Dispute Resolution, George Washington University Law School, 2005, *with highest honors*
- J.D., University of Maryland School of Law, 2002, *with honors*, Executive Editor, *Journal of Health Care Law & Policy*, Moot Court Board, *Morris Brown Myerowitz Moot Court Award*, Writing Fellow, Teaching Assistant for the classes Legal Analysis, Writing & Research (LAWR) I and II, *Phi Delta Phi*
- B.A., Muhlenberg College, 1998, *cum laude*

### CLERKSHIPS

- Law Clerk to the Honorable Bohdan A. Futey, U.S. Court of Federal Claims

### ADMISSIONS

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

## EXPERIENCE

### Representative Experience

#### Bid Protests

Successfully protested and subsequently defended the Federal Aviation Administration's \$425 million IDIQ contract awards as part of the Strategic Sourcing for Acquisition of Various Equipment and Supplies (SAVES) Program. *Protest of CDW Government, LLC*, 11-ODRA-00575.

Successfully defended the Department of Homeland Security, Customs and Border Protection's award of a contract to ICx Technologies, Inc., for mobile surveillance capabilities equipment as part of the Agency's secure border initiative (SBINet). *Raytheon Co.*, B-403110.3, Apr. 26, 2011, 2011 WL 1894853.

Successfully defended the U.S. Army Materiel Command's award of a contract to Northrop Grumman Cobham Intercoms LLC, for the VIS-X, an improved vehicle intercom system. *Telephonics Corp.*, B-401647, B-401647.2, Oct. 16, 2009, 2009 WL 4071841.

Successfully protested a decision of the Army to deny Northrop Grumman Information Technology one of several contracts in a 9-year, \$20 billion program for worldwide information technology services. *Multimax, Inc. et al.*, B-298249.6 *et al.*, Oct. 24, 2006, 2006 CPD ¶ 165.

Successfully obtained corrective action for EST Exploration Systems & Technology, a company equally owned by Hamilton Sundstrand Corp. and ILC Dover, in connection with NASA's award of a \$777 million contract for the Constellation Space Suit System Program.

Successfully obtained judgment on the administrative record for ICATT Consulting, Inc., and successfully opposed motions for a temporary restraining order and a permanent injunction, in connection with the Department of Defense Education Activity's award of a contract for Remote Location Home School Program services. *IDEA Int'l v. United States*, 74 Fed. Cl. 129 (2006).

Successfully obtained corrective action for ICx Technologies, Inc. (ICxT), after protesting the Navy's issuance of a \$23 million sole-source contract award to one of ICxT's competitors for perimeter defense persistent ground surveillance systems.

Successfully defended the General Services Administration's award to W.W. Grainger, Inc., for hardware supplies for the United States Marine Corps' Super Hardware Store.

Successfully obtained corrective action for BearingPoint, Inc. in connection with USAID's exclusion of the Company from the competitive range under a Solicitation for General Business, Trade and Investment ("GBTI II") services.

#### Mergers and Acquisitions

Represented CACI International Inc. (NYSE: CACI) in connection with its pending acquisition of Paradigm Holdings, Inc. (OTC: PDHO), a provider of cybersecurity and enterprise IT solutions.

Represented Providence Equity Partners in connection with government contracts and

regulatory matters with respect to its \$1.9 billion going private acquisition of SRA International, Inc., a leading provider of technology and strategic consulting services.

Represented BIT Systems, Inc., an intelligence, surveillance and reconnaissance company specializing in SIGINT services, in connection with its sale to GTCR Golder Rauner.

Represented Arlington Capital Partners and its portfolio company Chandler/May, Inc., in connection with the acquisition and recapitalization of Aeromech Engineering, Inc., a company specializing in the design and development of prototype and production unmanned aerial vehicles.

Represented Staples Contract & Commercial, Inc. and Corporate Express Office Products, Inc. in connection with novation of government contracts.

Represented U.S. Investigations Services, Inc. as special counsel in connection with its acquisition of Labat-Anderson, Incorporated, a professional services firm serving government agencies.

Represented Demo Systems LLC in connection with sale to Teledyne Technologies, Inc.

Represented private equity firm in connection with sale of manufacturer and provider of defense products and services for military aerial systems.

Represented The Connection People Network Solutions, Inc. in connection with sale to Trace Systems, Inc.

Represented aerospace & defense signal intelligence company in connection with sale to private equity firm.

Represented aerospace & defense biometrics company in connection with acquisition of HUMINT and counterintelligence company.

Represented Technology Service Corp. in connection with reorganization and merger transactions.

Represented Intellimar, Inc. and Concentric Security, LLC in connection with novation of government contracts.

Represented L-1 Identity Solutions, Inc., in connection with its acquisition of McClendon Corporation.

## **MEMBERSHIPS**

- Member, Bar in the District of Columbia
- Member, Bar in the State of Maryland
- Member, District of Columbia's Government Contracts section
- Member, Bar of the Court of Federal Claims
- Member, Public Contracts Law Section and Bid Protest Committee, American Bar Association
- Member, National Defense Industrial Association
- Member, Coalition for Government Procurement

## ARTICLES

- No Stone Unturned--Mitigating Risk In A Government Contracts Due Diligence, *The Government Contractor*, February 1, 2012
- Protesting At ODRA: Learning The Lay Of The Land, *Law360*, September 27, 2011
- Protesting Federal Contract Awards Just Got A Little Easier, *E-Commerce Times*, June 28, 2011
- Curtains for GAO's Civilian Bid Protests?, *Law360*, March 4, 2011
- Identifying Viable Preaward Bid Protest Allegations At The GAO, *Briefing Papers*, No. 10-6, May 2010
- Identifying Viable Postaward Bid Protest Allegations At The GAO, *Briefing Papers*, No. 09-4, March 2009
- Conquering Uncertainty in an Indefinite World: A Survey of Disputes Arising Under IDIQ Contracts, *Public Contract Law Journal*, May 27, 2008
- Standing Novation, *The Deal*, February 8, 2008
- Rolling Back Past Reforms, *Legal Times*, October 8, 2007
- "Changing Answers To A Longstanding Test Question (Or What The New T&M Rule Means To Us)", *Off The Shelf*, Vol. 59, No. 1, January 2007
- Kyiv to Cherkasy and Back: Reflections of an Election Observer, *The Ukrainian Weekly*, Vol. 73, No. 7 (February 13, 2005)
- Shalala v. Illinois Council on Long Term Care: The United States Supreme Court Confounds the Crisis in Nursing Home Care with an Unneeded Jurisdictional Channeling Requirement. 4 J. Health Care L. & Pol'y 354 (2001)

## Government Contracts, Investigations & International Trade Blog Articles

- "Court of Federal Claims Reaffirms Exceptions To The Anti-Assignment Act," December 9, 2011
- "Task And Delivery Order Protests: Taking Aim At A Moving Target", October 24, 2011
- "Protesting at ODRA?: Learning the Lay of the Land", September 19, 2011
- "*Meso Scale*: Re-Defining The Implications Of A Reverse Triangular Merger?", August 4, 2011
- "The GAO Holds It Possesses Jurisdiction Over Bid Protests of Civilian Agency Task and Delivery Order Awards", June 16, 2011
- "Federal News Radio: Mergers and Acquisitions in the Federal Marketplace", June 16, 2011
- "Making Amends: Countdown To May 27, 2011", April 18, 2011
- "Has The Sun Set On GAO's Civilian Contract Task And Delivery Order Bid Protest Jurisdiction?", February 22, 2011
- "Evaluating FOCI In The Context Of An M&A Transaction", December 17, 2010
- "Let Bygones Be Bygones - Except When It Comes To "Out of Scope" Modifications", November 11, 2010
- "Final Rule Issued on Enhanced Competition for Task and Delivery Order Contracts", April 9, 2010
- "Novations: A Simple Checklist For A Not So Simple Requirement", February 17, 2010
- "Understanding GAO's Bid Protest Timing Rules: A Concise Summary For The Uninitiated", February 17, 2010

- "COFC Endorses CDA Claim For Breach Of 'Fair Opportunity To Be Considered'", January 11, 2010
- "Not-So Meaningful Discussions: The Hidden Peril of a "Good" Proposal", January 11, 2010
- "New FAR Rule Seeks to Curtail Reach of "Unusual and Compelling Urgency" Justification", November 9, 2009
- "Comments Submitted On Interim Rules for Enhanced Competition for Task and Delivery Order Contracts", January 7, 2009
- "Enhanced Competition For Task and Delivery Order Contracts", November 17, 2008
- "Short Circuiting the IDIQ Bid Protest Bar: A Pyrrhic Victory?", June 30, 2008
- "Conquering Uncertainty in an Indefinite World: A Survey of Disputes Arising Under IDIQ Contracts", June 30, 2008
- "Two Roads Converged?: Merging The COFC's and GAO's Timeliness Requirements", March 13, 2008
- "War Profiteering Prevention Act of 2007: Is It Time To Say 'Enough Already'?", October 29, 2007
- "Praecomm, Inc. v. United States: Managing Expectations in the Context of a 'Long-Term' Procurement", October 9, 2007

**SPEECHES**

- "Executive Briefing on Mergers and Acquisitions: Lessons Learned," Public Contracting Institute (May 2011 - present)
- "Mergers & Acquisitions in the Federal Marketplace," Federal News Radio, May 24, 2011
- "Fundamentals of GAO and Court of Federal Claims Bid Protests," December 16, 2009, Washington, DC