



## → Ryan E. Roberts

### Partner

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Ryan Roberts is a partner in the Government Contracts, Investigations and International Trade Practice Group in the firm's Washington, D.C. office. He is also a member of the firm's Aerospace and Defense and Retail Industry Teams.

### Areas of Expertise

Ryan regularly represents government contractors ranging from small businesses to the largest defense contractors in matters that include:

- Civil False Claims Act litigation defense
- Internal investigations
- Civil and criminal subpoena responses to both federal and state enforcement agencies
- Mandatory disclosures to the Department of Defense and General Services Administration (GSA) Offices of Inspector General
- Audits, including GSA pre- and post-award audits and defense contract audit agency audits
- Compliance programs, including drafting policies and implementing comprehensive compliance programs
- Contract Disputes Act (CDA) claims and appeals before the Boards of Contract Appeals and the Court of Federal Claims
- Bid protests before the Government Accountability Office
- Subcontracts, teaming agreements, joint ventures and related disputes
- Small business issues under the Small Business Administration regulations
- Labor qualifications under service contracts
- Bribery, gratuities and kickbacks
- Trade Agreements Act compliance
- Personal and organizational conflicts of interest
- Revolving door and other post-government employment restrictions
- Procurement Integrity Act compliance

As part of his internal investigation practice, Ryan serves as a member of the team appointed in 2013 by the U.S. District Court for the Eastern District of Louisiana as the federal monitor over the New Orleans Police Department responsible for reviewing, assessing and reporting publicly on the department's compliance with a

far-reaching Consent Decree.

Ryan is an active member of the Public Law Section of the American Bar Association and previously served as the Editor of the *BCA Case Digests* for the *Board of Contract Appeals Bar Journal*. He graduated from The George Washington University Law School, where he was the Roger Boyd Scholar and Editor-in-Chief of the *Public Contract Law Journal*.

## Experience

### Government Contracts Counseling:

Ryan has counseled numerous clients, ranging from small businesses to Fortune 500 companies, regarding compliance with the statutes and regulations applicable to government contractors. Representative counseling matters include:

- Developed and implemented government contracts compliance programs for a commercial electronics manufacturer, an information technology services provider and a software manufacturer
- Drafted government contracts policies and procedures for a global payments and technology company, a cloud computing company and a customer relationship software tracking manufacturer
- Conducted government contracts compliance reviews for a rocket and missile propulsion manufacturer, several furniture manufacturers and a document technology solutions manufacturer
- Drafted government contracts codes of business ethics and conduct, as well as public procurement addenda, for both large and small businesses
- Advised large technology manufacturer through updating pricing practices disclosure under its GSA Schedule contract, including revising and negotiating an updated Commercial Sales Practices Format disclosure
- Developed materials and conducted in-house training on a broad range of government contracts topics, including the Mandatory Disclosure Rule, bid protests, the claims and appeals process, the Trade Agreements Act and the gifts and gratuities rules
- Provided day-to-day counseling guidance to a broad range of clients

### Investigations Experience:

Ryan has conducted numerous complex investigations, including investigations of allegations contained within and coordinated responses to Civil Investigative Demands, subpoenas from federal and state enforcement agencies and internal hotline complaints. Additionally, he has assisted with both mandatory and voluntary disclosures at the federal and state levels. Representative examples include:

- Investigated allegations and coordinated responses under Civil Investigative Demands relating to contracts with the Departments of Interior and Health and Human Services
- Investigated hotline complaint of labor mischarging under state contracts in Arizona and California
- Investigated hotline complaint of nationwide product mischarging by independent dealers
- Investigated and coordinated subpoena response to allegations of labor mischarging under a state contract in the U.S. Virgin Islands
- Investigated hotline complaint of alleged kickbacks being provided by a subcontractor

- Investigated hotline complaint of improper reporting of allowable costs
- Investigated compliance with GSA contract requirements for labor categories
- Investigated hotline complaints of improper testing of government-owned equipment
- Investigated allegations of violations of the Procurement Integrity Act

## Litigation Experience:

Ryan has represented government contractors in complex, high-stakes litigation matters before the U.S. District Courts for the District of Columbia and the Eastern District of Virginia, the Armed Services Board of Contract Appeals, the Civilian Board of Contract Appeals, the Court of Federal Claims and the Government Accountability Office. Representative litigation matters include:

- Defended a global defense contractor against a *qui tam* lawsuit under the False Claims Act
- Defended a small information technology products reseller against a *qui tam* lawsuit under the False Claims Act
- Negotiated settlements of claims against the Department of Defense, the Department of Interior, the Department of Health and Human Services, the U.S. Postal Service, the Department of Agriculture and the Federal Bureau of Investigation
- Protested or defended the award of over two dozen contracts at the Government Accountability Office
- Defended the award of a food services contract subject to the Randolph-Sheppard Act

## Articles

- What does it mean to manufacture? Federal circuit's Acetris decision fundamentally alters trade agreements act compliance  
*Westlaw*, 05.04.2020

## Government Contracts, Investigations & International Trade Blog Posts

- "While You Were Social Distancing: GSA's Progress On Section 846, Schedules Consolidation, And Other Major Initiatives," June 29, 2020
- "COVID-19 Federal Contractor's Survival Guide 2.0," March 27, 2020
- Energizer – "Substantially Transformed" Has Substantially Changed" href="https://www.governmentcontractslawblog.com/2019/11/articles/taa/cit-compliance-post-energizer/">"The Evolution of TAA Compliance Post-*Energizer* – "Substantially Transformed" Has Substantially Changed," November 25, 2019
- "A Few Thoughts on DOJ's Procurement Collusion Strike Force," November 25, 2019
- "The Future of COTS Procurement: Top 10 Questions from GSA's Section 846 Phase 2 Report," May 29, 2019
- "The Future of COTS Procurement: Section 846 Industry Day Highlights," June 26, 2018
- "'Portal of Portals' – GSA's (Unwritten) Vision for COTS E-Commerce Marketplaces," April 30, 2018
- "House Armed Services Committee Takes Aim at GSA with Proposed Legislation," March 30, 2017
- "The Changing Landscape for Services Contractors," January 22, 2015

- "What's New Out There? Highlights from the February 2014 Federal Register," February 26, 2014
- "Protesting at ODRA?: Learning the Lay of the Land", September 19, 2011
- "OFCCP's FAAP Rule Revision Places More Burdensome Requirements on Contractors", September 19, 2011
- "DCMA Updates Forward Pricing Rate Recommendation Policy", March 16, 2011

## Healthcare Law Blog Post

- "COVID-19 Federal Contractor's Survival Guide," March 13, 2020

## Other Publications

- "Does Automatic Mean Automatic? The Applicability of the CICA Automatic Stay to Task and Delivery Order Bid Protests," *Public Contract Law Journal*, 39 *Public Contract Law Journal* 641, 2010

## Speaking Engagements

"Federal Contractor's COVID-19 Survival Guide," The Coalition for Government Procurement Webinar, March 19, 2020

"Considerations for Retailers Selling to the Federal Government," Sheppard Mullin Webinar, September 18, 2019

"Commercial Items Roundtable," Washington, D.C., July 29, 2019

"GovCon Express," Public Contracting Institute, June 27, 2019

"Hot Topics in Commercial Item Contracting," Grainger Federal Forum, June 20, 2019

"Off-The-Shelf: The 2019 Rogers," Federal News Radio, June 14, 2019

"Legal Update: Recent Developments in Case Law and Regulation (aka The Rogers)," The Coalition for Government Procurement 2019 Spring Conference, May 16, 2019

"Section 846 of the FY18 NDAA," Federal IT Governance Summit, May 13, 2019

"Ask the Experts," Ingram Micro Federal Summit, May 7, 2019

"FUN with the FAR – Part 25 (Foreign Acquisition)," Public Contracting Institute, April 17, 2019

"DFUN with the DFARS – Part 225 (Foreign Acquisition)," Public Contracting Institute, April 2, 2019

"Section 846 of the FY18 NDAA," Independent Office Products and Furniture Dealers Association, Small Business Advocacy Fly-In, March 26, 2019

"What's New In Commercial Items Contracting," Washington, D.C., June 28, 2018

"Section 846 Update," Ingram Micro Federal Summit, March 21, 2018

"What's New In Commercial Items Contracting," Washington, D.C., May 9, 2017

"The Mandatory Disclosure Rule," Federal Publications Seminars, October 27, 2017

"Advanced Issues in Schedule Contracting," Federal Publications Seminars, October 25-26, 2017

"What's New In Commercial Items Contracting," Washington, D.C., May 9, 2017

"The ABC's of GSA Schedule Contracting," Federal Publications Seminars, October 5-6, 2016

"Meet the MASTers," Public Contracting Institute, December 8, 2015

"Federal Compliance Issues 2015," Ingram Micro ONE, November 19, 2015

"The ABC's of GSA Schedule Contracting," Federal Publications Seminars, October 5-6, 2015

"Government Contracts Compliance Update," Ingram Micro Federal Summit, July 21, 2015

"Investigations and the Duty to Preserve," Equipment Leasing and Finance Association, Legal Forum, May 4, 2015

"The ABC's of GSA Schedule Contracting," Federal Publications Seminars, October 27-28, 2014

"BCA Decisions: Year in Review," 2012 BCA Annual Program, October 24, 2012

## Events

While you Were Social Distancing: Recent Developments in Commercial Item Contracting  
Association of Corporate Counsel  
12.10.2020

Interim FAR Rule Covering Part B of Section 889  
The Coalition for Government Procurement Webinar  
07.23.2020

Part Two of the Federal Contractor's COVID-19 Survival Guide  
04.02.2020

Federal Contractor's COVID-19 Survival Guide  
Webinar, 03.19.2020

## Podcasts & Webinars

Section 889 Part B  
07.23.2020

## Practices

Bid Protests

Claims

Contract Cost Accounting  
Exports and Export-Related Controls  
False Claims Act  
Foreign Corrupt Practices Act (FCPA)  
Government Contracts, Investigations & International Trade  
Intellectual Property Rights Under Government Contracts  
Multiple Award Schedule Contracting

## Industries

Aerospace, Defense & Government Services  
Retail

## Education

J.D., The George Washington University Law School, 2010, Editor-in-Chief, *Public Contract Law Journal*, Roger Boyd Scholar  
B.A., University at Albany, State University of New York, 2006, *summa cum laude*

## Clerkships

Judicial Intern to the Honorable Gerald E. Rosen of the U.S. District Court for the Eastern District of Michigan

## Admissions

Virginia  
District of Columbia