



→ Townsend L. Bourne

Partner

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Townsend Bourne is a partner in the Government Contracts, Investigations and International Trade Practice Group in the firm's Washington, D.C. office. She also is Leader of the firm's Aerospace, Defense & Government Services Team.

Areas of Practice

Townsend represents companies that do business with the Federal Government, either directly or through a prime contractor or reseller. She represents multiple clients in the aerospace and defense industry as well as commercial companies and cloud service providers.

Townsend specializes in matters relating to cybersecurity and data protection for government contractors, including counseling clients with regard to Department of Defense (DoD) and civilian agency security requirements, implementation of System Security Plans, negotiation of subcontractor agreements and incident response. She chairs the Coalition for Government Procurement's Cyber and Supply Chain Security Committee, and writes and speaks frequently on cybersecurity developments affecting the Government Contracts industry.

Townsend's experience also includes complex litigation in connection with the Contract Disputes Act and the False Claims Act, bid protest actions both challenging and defending agency decisions on contract awards before the Government Accountability Office and Court of Federal Claims, claims litigation before the Armed Services Board of Contract Appeals and the Civilian Board of Contract Appeals, investigating and preparing contractor claims and conducting internal investigations. She also helps clients navigate issues relating to multiple award contract vehicles, procurement integrity, subcontract flow-down provisions, mandatory disclosure, and contract termination and assists in negotiation of subcontracts and teaming agreements.

Honors

Washington, D.C. Rising Star, *Super Lawyers*, 2019-2020

Experience

Representative Matters

- Represents Fortune 500 government contractor before the U.S. Court of Federal Claims in on-going Contract Disputes Act case involving multiple contractor claims and government counterclaims related to an \$874 million contract with the U.S. Postal Service

- Successfully defended large government contractor in False Claims Act dispute before the U.S. District Court for the Eastern District of Virginia
- Represented major contractor before the Civilian Board of Contract Appeals in contract dispute with the Department of the Interior that resulted in favorable settlement for client
- Succeeded in Court of Federal Claims protest to overturn a decision by the Department of Education to cancel a solicitation for critical services
- Represented major international aerospace company before the Armed Services Board of Contract Appeals in data rights dispute with the government that resulted in favorable settlement for client
- Successful prosecution and defense of numerous bid protests before the Government Accountability Office for a variety of clients including large defense contractors and GSA schedule vendors
- Conducted internal investigations for large government contractors and counseled clients regarding resolution of investigations involving mandatory disclosure of contract overpayments and the Procurement Integrity Act
- Assisted in drafting and negotiating key provisions in subcontracts and teaming Agreements for multiple clients, including commercial service providers and value-added resellers

Cybersecurity and Data Protection Experience

- Counsels clients regarding agency-specific cybersecurity and data protection requirements, including DFARS 252.204-7012
- Works with clients to understand the interplay between the above requirements and rules specific to cloud service providers, including FedRAMP and the DoD Security Requirements Guide
- Assists clients with creation and finalization of System Security Plans, Incident Response Plans and Insider Threat Plans
- Helps with drafting and negotiation of subcontract provisions relating to data security
- Counsels clients with regard to supply chain risk management
- Assists clients with incident response and reporting, including preparation of reports to the Defense Industrial Base (DIB) pursuant to DFARS 252.204-7012

Articles

- Legal Corner: What You Need to Know About the President's September 22 "Divisive Ideology" Executive Order
The Coalition for Government Procurement, 11.06.2020
- Blockchain Tech has Numerous Applications for Defense
National Defense, 12.2019
- The Long Reach Of Section 889 (aka the Anti-Huawei Rule)
The Coalition for Government Procurement; Friday Flash, 12.06.2019
- Viewpoint: Some FAQs Answered About the New Cybersecurity Rule
National Defense, 07.03.2018
- Achieving Cyber-Fitness in 2017: Part 6—Potential Liabilities and Putting It All Together
The Government Contractor, 12.06.2017

- Achieving Cyber-Fitness in 2017: Part 5—Cyber Incident Reporting and Response
The Government Contractor, 09.13.2017
- Achieving Cyber-Fitness in 2017: Part 4—Subcontracts, Joint Ventures And Teaming Agreements
The Government Contractor, 06.14.2017
- Presidential Executive Order on Cybersecurity: No More Antiquated IT
Bloomberg Law Privacy and Security Law Report, 05.29.2017
- Achieving Cyber-Fitness in 2017: Part 3—Proving Compliance And The Role Of Third-Party Auditors
The Government Contractor, 04.05.2017
- Achieving Cyber-Fitness in 2017: Part 2—Looking Beyond The FAR And DFARS—Other Safeguarding And Reporting Requirements
The Government Contractor, 02.22.2017
- Achieving Cyber-Fitness in 2017: Part 1—Planning for Compliance
The Government Contractor, 02.01.2017
- Lots of Little Things - Recent FAR Updates
Law360, 08.19.2013
- Authored chapter, "General Overview of Cloud Computing," *Cloud Computing Legal Deskbook*, 2013 Edition, Thomson Reuters Westlaw, 2013

Government Contracts, Investigations & International Trade Blog Posts

- "DoD's Long Awaited Rule on CMMC – Plus a New Cybersecurity Assessment Methodology for Contractors to Start Right Now," September 29, 2020
- "GSA's Take on Implementation of Section 889," September 29, 2020
- "IoT Legislation Advances in Congress," September 29, 2020
- "Interim Rule Confirms Section 889 Part B Restriction on Contractor Use of Chinese Telecom Will Go Into Effect August 2020," July 14, 2020
- "DOD CMMC Update – Third Party Auditors Gear Up and COTS Providers Get a Pass," May 28, 2020
- "DoD Issues Class Deviation to Address Contractor Reimbursement for Paid Leave Required to Maintain a Mission-Ready Workforce During the COVID-19 Outbreak Pursuant to Section 3610 of the CARES Act," April 10, 2020
- "Presidential Executive Orders Delegate Additional Authorities To Respond To COVID-19 Outbreak," April 1, 2020
- "Presidential Executive Order Calls on HHS to Issue Priority Contracts and Allocate Scarce Medical Resources," March 20, 2020
- "The True Impact of the Chinese Telecom Ban on Government Contractors," November 25, 2019
- "GSA Implements Restrictions on Certain Chinese-Made Telecommunications Services and Equipment," September 27, 2019
- "Effective Last Month! – DoD's Implementation of New FAR Prohibitions on Chinese Telecommunications Equipment and Services in Government Contracts," September 5, 2019
- "Effective Immediately! – FAR Amended to Include Prohibition on Chinese Telecommunications Equipment and Services in Government Contracts," August 13, 2019

- "Cyber Update: DoD Contractor Cybersecurity Certification and 33 New Enhanced Controls to Combat the Advanced Persistent Threat," June 26, 2019
- "New Executive Order To Further Restrict Business with Huawei and Other Foreign Adversaries Engaged in Cyber Espionage," May 20, 2019
- "'Internet of Things' Guidance to be Added to Cybersecurity Requirements for Agencies and Federal Contractors," April 29, 2019
- "More Opportunities On the Horizon for Small Businesses Seeking to Sell Cloud Computing to the Government," February 27, 2019
- "Recovering After the Shutdown: Proposed Legislation to Guarantee Back Pay for Government Contractors," February 1, 2019
- "The List of Forbidden Products Grows: The NDAA's Prohibitions on Use of Certain Chinese-Made Equipment," November 28, 2018
- "NIST Releases Highly-Anticipated Draft Special Publication on Assessing the Security Requirements in NIST SP 800-171 for Controlled Unclassified Information (CUI)," December 1, 2017
- "Achieving Cyber-Fitness In 2017: Part 5—Cyber Incident Reporting And Response," October 26, 2017
- "Achieving Cyber-Fitness In 2017: Part 4—Subcontracts, Joint Ventures And Teaming Agreements," July 27, 2017
- "Achieving Cyber-Fitness In 2017: Part 2—Looking Beyond The FAR And DFARS— Other Safeguarding And Reporting Requirements," April 10, 2017
- "Achieving Cyber-Fitness In 2017: Part 1—Planning For Compliance," February 28, 2017
- "GAO Tackles Cybersecurity," June 30, 2016
- "Potential Changes at GAO in 2016," March 29, 2016
- "Suspension and Debarment: A New Government Approach," November 23, 2015
- "What's New Out There? Highlights from the Federal Register," May 20, 2014
- "GAO Dismisses Protest Alleging Noncompliance with E-Verify Requirements," November 20, 2013
- "Lots of Little Things - FAR Updates from the Federal Acquisition Circular," August 15, 2013
- "What's New Out There? A Regulatory Update," June 26, 2013
- "A New Twist On Establishing Interested Party Status At The GAO," December 9, 2011
- "'First Impression' Ruling: Court May Review the Rationality of Emails Sent By GAO Attorneys," September 19, 2011
- "Objects In SBA's Mirror Are Smaller Than They Appear: A Summary Of SBA's Proposed Rule To Increase Small Business Size Standards," April 18, 2011
- "Inflation Adjustment Of Acquisition-Related Thresholds In The FAR," October 7, 2010
- "*Precision Pine & Timber, Inc. v. United States*: An Unexpected Test For Determining Breach Of The Implied Duty To Cooperate And Not To Hinder Contract Performance", April 9, 2010
- "GAO Sides with Foreign Military Sales Program Contractors in Dispute Over Protest Costs", December 8, 2009

- "Proposed Changes to FAR Part 45 "To Add Clarity and Correction" to Government Property Provisions", November 9, 2009

Eye on Privacy Blog Posts

- "Interim Rule Solidifies Cybersecurity Requirements for Defense Industrial Base," October 9, 2020
- "NIST Issues Long-Awaited Final Guidance on Security and Privacy Controls – SP 800-53," October 5, 2020
- "NIST Issues Draft Guidance on Security and Privacy Control Baselines – SP 800-53B," August 6, 2020
- "NIST Proposes Draft Enhanced Security Requirements for Protecting CUI," July 28, 2020
- "NIST Releases Cybersecurity Guidance for Manufacturers of IoT Devices," June 18, 2020
- "CMMC Version 1.0: Enhancing DOD's Supply Chain Cybersecurity," February 12, 2020
- "CISA Releases "Cyber Essentials" to Assist Small Businesses," November 12, 2019
- "Feds Want New IoT Guidance to Address Security Vulnerabilities," May 22, 2019
- "Year In Review: Eye on Privacy 2018," January 28, 2019
- "When the U.S. Government Declares Companies Cyber-Insecure, We Should All Pay Attention," January 7, 2019
- "Justice Department Creates Cyber-Digital Task Force," February 26, 2018
- "NIST's Highly-Anticipated Security Requirements Draft Impacts Government Contractors' Treatment of CUI," December 18, 2017
- "Assessing GDPR Guidelines Part II: Data Impact Assessments," December 14, 2017
- "Assessing GDPR Guidelines Part I: Profiling and Automated Decision Making," December 13, 2017

Labor and Employment Law Blog Posts

- "Recovering After the Shutdown: Proposed Legislation to Guarantee Back Pay for Government Contractors," January 25, 2019

Media Mentions

1-in-5 Fortune 500 Companies Still Use Risky Chinese Tech After U.S. Ban
Fortune, 11.24.2020

Tech Firms Support Huawei Restriction, Balk at Cost
E-Commerce Times, 10.22.2020

Agencies, Firms Explore Applications for Blockchain Tech
ExecutiveBiz, 12.12.2019

Huawei Ban's Compliance Rules Too Taxing For Contractors
Law360, 11.01.2019

ABA Section Flags Problems With DFARS/NIST Cybersecurity Guidance
The Government Contractor, 06.13.2018

Speaking Engagements

Presenter, "Cybersecurity Compliance Frameworks for Government Contracting," National Contract Management Association's Government Contract Management Symposium, Hyatt Regency Crystal City, Arlington, Virginia, December 3, 2018

Presenter, "FedRAMP and the Cloud; Cybersecurity Update," Ingram Micro Federal Summit, Gaylord National Resort and Convention Center, National Harbor, Maryland, October 31, 2018

"FREE Popular Topics Webinar Series: DoD Cybersecurity Requirements," Public Contracting Institute, August 23, 2018

Events

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

The Aerospace & Defense Forum: The Evolving National Security Innovation Space for All
Webinar, 09.22.2020

Cybersecurity Landscape Updates
The Coalition For Government Procurement Webinar
07.30.2020

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

Webinar - Government Use of Blockchain: What Government Contractors Need to Know
via GlobalMeet, 11.13.2019

Advanced Employment Issues in Government Contracting
06.19.2019

The Coalition for Government Procurement's 2019 Spring Training Conference
05.16.2019

2019 Ingram Micro Federal Summit
04.29.2019

Cybersecurity 2019: Regulations and Standards
Public Contracting Institute
03.13.2019

Cybersecurity 2019: Protecting Sensitive Information
Public Contracting Institute
02.19.2019

Cybersecurity 2019: Introduction and Overview
01.15.2019

Cybersecurity Compliance Frameworks for Government Contracting
Government Contract Management Symposium
12.03.2018

FedRAMP and the Cloud; Cybersecurity Update
Ingram Micro Federal Summit
10.31.2018

FREE Popular Topics Webinar Series: DoD Cybersecurity Requirements
Public Contracting Institute
08.23.2018

Breach Investigation and Response Virtual Class
Cybersecurity: It Isn't Just for Techies Anymore!
Virtual Class, 03.20.2018

Confronting the Threat – Sharing Information and Spreading the Risk Virtual Class
Cybersecurity: It Isn't Just for Techies Anymore!
Virtual Class, 02.20.2018

The Cloud and FedRAMP Virtual Class
Cybersecurity: It Isn't Just for Techies Anymore!
Virtual Class, 01.30.2018

Regulations and Standards
Cybersecurity: It Isn't Just for Techies Anymore!
Virtual Class, 12.19.2017

Cybersecurity: It Isn't Just for Techies Anymore! Virtual Class Series
Webinar
10.31.2017

Lunch With Your Cybersecurity Lawyer
Sheppard Mullin DC
09.28.2017

Memberships

Member, State Bar of Virginia

Member, Bar of the District of Columbia

Member, American Bar Association, Section of Public Contract Law

Member, National Defense Industrial Association

Member, U.S. Court of Federal Claims

Member, U.S. Court of Appeals for the Federal Circuit

Podcasts & Webinars

Nota Bene Episode 39: Doing Business with the U.S. Government in an Era of Cybersecurity, Espionage and Executive Orders with Townsend Bourne
06.11.2019

Practices

Government Contracts, Investigations & International Trade

Bid Protests

Claims

Contract Cost Accounting

False Claims Act

Foreign Corrupt Practices Act (FCPA)

Intellectual Property Rights Under Government Contracts

Exports and Export-Related Controls

Multiple Award Schedule Contracting

Litigation

Privacy and Cybersecurity

Industries

Aerospace, Defense & Government Services

Education

J.D., George Mason University School of Law, 2009, *cum laude*, Notes Editor, *George Mason Law Review*

B.A., Vanderbilt University, 2006, *summa cum laude*

Admissions

Commonwealth of Virginia

District of Columbia

U.S. District Court for the Eastern District of Virginia

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Federal Claims