



→ 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*.

Honors

Top Read Article Award for "Executive Order 14042: Survival Guide for Federal Contractors (An Analysis of What We Know, What We Think, and What We Don't Know About President Biden's COVID-19 Executive Order for Federal Contractor," 2022

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

- OSHA Emergency Temporary Standard Survival Guide
12.22.2021
- What We Know And Don't About The Federal Court Order Enjoining EO 14042
December 2021
- Executive Order 14042: Survival Guide for Federal Contractors
10.06.2021
- Legal Corner: President Biden's COVID-19 Executive Order
The Coalition for Government Procurement, 09.17.2021
- 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

- "EO 14042 Update 17.0 – Preview of Updated OMB Guidance," October 17, 2022

- "Just When You Thought It Was Safe To Go Back In The Water . . . The 11th Circuit Revives Executive Order 14042," September 13, 2022
- "The Impact of DOD's Enhanced Debriefings Rule on Bid Protest Timeliness," March 30, 2022
- "Software Companies Beware: Board Holds Subcontractor Cannot Enforce EULA Directly Against Federal Government," January 28, 2022
- "Executive Order 14042 – Update 15.0: U.S. District Court "Clarifies" Its Injunction Applies Only To The Vaccine Mandate," January 25, 2022
- "Supreme Court Enjoins OSHA Emergency Temporary Standard; Keeps CMS Rule Alive," January 18, 2022
- "Executive Order 14042 – Update 12.0: U.S. District Court Issues Nationwide Injunction," December 8, 2021
- "What We Know And Don't About The Federal Court Order Enjoining EO 14042," December 3, 2021
- "Five Key Takeaways For Colleges and Universities From the New Federal Vaccination Mandate," October 29, 2021
- "Executive Order 14042 Survival Guide," October 11, 2021
- "COVID-19 Oversight and Enforcement: President Biden's COVID Executive Order," September 15, 2021
- "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

Labor & Employment Law Blog Post

- "OSHA Emergency Temporary Standard Survival Guide," December 22, 2021

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

"Internal Investigations: Best Practices for Mitigating False Claims Act Risk," PCI, June 23, 2022

"GovCon Express," Public Contracting Institute, May 26, 2022

"Rio Grande Chapter: Hot Topics: EO14042 and Russia Sanctions," NCMA Rio Grande, April 26, 2022

"Fun with the FAR, Parts 12 and 13," Public Contracting Institute, March 30, 2022

"The Latest on the Federal Contractor Vaccine Mandate," Association of Corporate Counsel, National Capital Region, March 16, 2022

"Vaccine Mandate Whiplash: An Update on the Mandates (Maybe, Sorta, Eventually?) Applicable to Federal Contractors Coalition for Government Procurement," December 17, 2021

"Supply Chain Hot Topics: Domestic Sourcing and Domestic Manufacturing Requirements," Public Contracting Institute, December 8, 2021

"Bird & Bird TechLaw Week, Key Issues for Tech Companies Winning Public Sector Work," October 10, 2021

"Federal Contractor Vaccine Mandate," Coalition for Government Procurement, September 30, 2021

"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

GovCon Express
Virtual, 05.26.2022

ACC NCR The Latest on the Federal Contractor Vaccine Mandate
03.16.2022

Federal Contractor Vaccine Mandate Executive Order Webinar
Webinar, 09.30.2021

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

Governmental Practice

Bid Protests

Claims

Contract Cost Accounting

Exports and Export-Related Controls

False Claims Act

Foreign Corrupt Practices Act (FCPA)

Government Contracts

Intellectual Property Rights Under Government Contracts

Multiple Award Schedule Contracting

Industries

Aerospace & Defense

Government Business

Retail, Fashion & Beauty

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