# **Craig Smith**

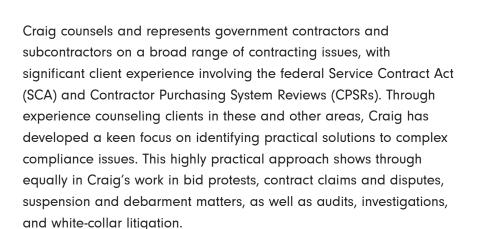
Partner



202,719,7297



csmith@wiley.law



## **Representative Matters**

Craig has represented and counseled clients in the following areas, among others:

Service Contract Act and Other Employment Issues for Federal Contractors

- Represented large federal contractors in U.S. Department of Labor (DOL) audits of SCA compliance on significant contracts for the clients; reached favorable resolutions to DOL findings.
- · Litigating complex appeals before DOL Administrative Review Board concerning interaction of the SCA and Pension Protection Act of 2006.
- Regularly counsels contractors on complex SCA compliance issues, including contracts involving collective-bargaining agreements, commercial-item services, and shared services, as well as directions to apply the SCA to contracts retroactively after award.



### **Practice Areas**



**Government Contracts Employment & Labor** Artificial Intelligence (AI) Construction Environmental, Social & Governance (ESG) White Collar Defense & Government Investigations

### **Credentials**



#### Education

J.D., University of Virginia School of Law B.A., magna cum laude, B.S., cum laude, University of Maryland; Phi Beta Kappa

#### **Law Journals**

Editorial Board, Virginia Journal of Social Policy & the Law Editor-in-Chief, Virginia Law Weekly

#### **Bar and Court Memberships**

District of Columbia Bar Maryland Bar

U.S. Courts of Appeals for the Fourth and Federal Circuits

U.S. District Court for the District of Marvland

U.S. Court of Federal Claims

#### Certifications

Legal Lean Sigma Institute (LLSI) White Belt

- Successfully represented multiple contractors from diverse industries in obtaining DOL approval of contractor self-funded insurance plans as bona fide fringe benefits under the SCA.
- Counsels contractors on compliance with Executive Order (EO) 13706, sick leave for federal contractors;
   EOs 13658 and 14026, requiring minimum wages for many contractor employees; and Davis-Bacon Act issues for contracts involving construction.
- Counseled clients in successful resolutions of audits by the DOL Office of Federal Contract Compliance Programs (OFCCP)

#### Investigations, Audits, Reviews, Ethics, and Compliance

- Representing major federal contractors in investigation and settlement of False Claims Act (FCA)
  allegations concerning certain costs incurred in construction and maintenance of a unique Department
  of Energy (DOE) nuclear facility, along with post-settlement compliance obligations.
- Representing three individuals in parallel Securities & Exchange Commission (SEC) and Department of
  Justice investigations in connection with accounting restatements related to performance of a federal
  subcontract.
- Successfully counseled multiple defense contractors on responses to the Defense Contract Management Agency (DCMA) CPSRs, resulting in final determination that the purchasing systems were adequate and avoiding potential contract payment withholds.
- Led investigations into potential improper charges and overcharging for multiple large government contractors; prepared submissions to Department of Defense Inspector General and agency suspension and debarment official (SDO); matters each resolved with no further action.
- Led and supported multiple internal investigations into ethics and compliance concerns during 15-month secondment in legal department of Fortune 500 contractor.
- Performed comprehensive federal-compliance risk assessments for multiple business units acquired by a large federal contractor.
- Counseled contractor on negotiating voting-trust agreement with excluded executive and principal shareholder in potential to ensure continued eligibility of contractor.

#### **Bid Protests**

- Regularly protests contract awards involving varying agencies, award types and sizes, and products and services; protests regularly result in corrective action. Example: VS2, LLC v. United States, No. 21-1028 (Fed. Cl. Sept. 1, 2021) (successful protest of \$250m+ task order re-award; predicated on challenging earlier GAO decision sustaining protest of initial award of task order).
- Successfully intervenes in 8-figure and larger protests at the Government Accountability Office (GAO) and U.S. Court of Federal Claims (CoFC). Example: *DynCorp International LLC*, B-415349, Jan. 3, 2018 (protest denied in award of \$5 billion maintenance services contract).

#### Claims and Disputes

Litigating multiple appeals concerning rights in software and technical data under DOD contracts.
 Example reported decision: The Boeing Company, ASBCA No. 60373 (July 17, 2018) (prevailing on partial summary judgment).

#### Pro Bono

- Represented three former police officers in Title VII and 42 U.S.C. § 1983 suits against multiple lawenforcement and governmental entities; clients were subjected to racial discrimination, harassment, and
  retaliation for multiple years; case settled for \$1.1 million in damages and with agreement to two
  separate consent decrees monitored by the Department of Justice Civil Rights Division.
- Represented individual in 42 U.S.C. § 1983 suit against Baltimore Police Department; case settled
  favorably and included implementation of new policies and training for officers on constitutional
  protections for contents of mobile phones.

### **Professional Experience**

-

- Research Assistant, Professor M. Elizabeth Magill, University of Virginia School of Law (2007)
- Consulting Associate, Major U.S. Technology Consulting Firm (2004-2006)

### **Affiliations**

- American Bar Association (ABA), Section of Public Contract Law
  - Vice Chair, Employment Safety & Labor Committee (2022-Present)
  - Co-Chair, Annual and Quarterly Meetings (2022-Present)
  - Vice-Chair, Strategic Planning (2022-Present)
  - Section Chair-Elect's Executive Officer Mentee (2016-2017)
  - Co-Chair (2012-2020), Vice-Chair (2012), Regulatory Coordinating Committee
  - Debarment and Suspension Committee
  - Bid Protest Committee
  - Procurement Fraud Committee

### Recognitions

Named by The Legal 500 US a "recommended lawyer" in Government Contracts (2019, 2023)

• Named one of City Year Washington, DC's Idealists of the Year (2014)