



Craig Smith

Partner



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Craig counsels and represents government contractors and subcontractors on a broad range of contracting issues, with significant client experience involving the federal Service Contract Act (SCA) and Contractor Purchasing System Reviews (CPSRs). Through experience counseling clients in these and other areas, Craig has developed a keen focus on identifying practical solutions to complex compliance issues. This highly practical approach shows through equally in Craig's work in bid protests, contract claims and disputes, suspension and debarment matters, as well as audits, investigations, and white-collar litigation.

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
Maryland
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 law-enforcement 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)