



## Shaun Kennedy

Partner

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### PRACTICES

Government Contracts  
Government  
Business Litigation  
Government Investigations and White Collar Defense  
Export Controls, Economic Sanctions, and Customs

### INDUSTRIES

Aerospace and Defense  
Construction and Development  
Technology

### EDUCATION

American University, Washington College of Law, J.D., 2010

University of Kentucky, B.B.A., 2006

### BAR ADMISSIONS

Colorado  
District of Columbia

**Shaun is a trusted advisor to clients in high-stakes bid protests and claims litigation, complex internal investigations, and general government contracts counseling.**

Shaun serves as leader of the firm's Government Contracts practice group and the firm's Aerospace and Defense industry group.

He brings broad expertise of federal, state, and municipal government contracts matters. Shaun litigates complex bid protests and contract disputes in the Government Accountability Office, U.S. Court of Federal Claims, the U.S. Court of Appeals for the Federal Circuit, and various Boards of Contract Appeals. His depth of expertise includes advising clients in transactional matters, including contract negotiations, mergers & acquisitions, and government audits. Shaun also has extensive experience conducting complex internal investigations and representing clients under investigation by various federal law enforcement agencies.

Shaun is currently a Vice-Chair on the Bid Protest and the Subcontracting, Teaming, and Supply Chain committees of the American Bar Association's Public Contract Law section. He also serves on the Advisory Board and the Executive Committee of the Colorado Space Business Roundtable.

Prior to joining Holland & Hart, Shaun was a Senior Counsel, Aerospace & Technologies for a large defense contractor. Shaun also served as a Judicial Law Clerk to the Honorable Loren A. Smith of the United States Court of Federal Claims.

### EXPERIENCE

- Bid protests
- Contract Disputes Act
- Claims and REAs
- Federal grants
- FAR cost allowability
- Business system audits
- False Claims Act
- Organizational conflicts of interest
- Post-Government employment

- Internal investigations
- Fiscal law
- Freedom of Information Act

## **CLIENT RESULTS**

### **Bid Protests**

Successfully intervened and defended a bid protest brought in the Court of Federal Claims challenging the award of battlefield cryptographic key devices. Also successfully defended against the protester's appeal in the U.S. Court of Appeals for the Federal Circuit.

Achieved corrective action in a bid protest against the award of a small-business set aside Multiple Award Task Order Contract by the U.S. Army Corps of Engineers for design-bid-build services in the State of Hawaii.

Successfully prosecuted a bid protest in the Court of Federal Claims involving the award of a contract for the management of a transportation laboratory at the Turner-Fairbank Highway Research Center.

Defended bid protest in the Government Accountability Office alleging improper organizational conflicts of interest in the award of a contract by the National Oceanic and Atmospheric Administration to support the National Data Buoy Center.

Successfully pursued a bid protest for the award of a contract by the NATO Support and Procurement Agency to provide air traffic control services at an airbase in Afghanistan.

Successfully pursued a state-level bid protest for the award of commissary services by the Department of Corrections of the State of Washington.

Obtained dismissal in a bid protest in the Court of Federal Claims of a \$750 million Army procurement by successfully arguing that the protester did not have standing due to a disqualifying organizational conflict of interest.

Achieved corrective action in a bid protest challenging a contract for construction services at F.E. Warren Air Force Base, resulting in the U.S. Army Corps of Engineers awarding the contract to our client.

### **Contract Claims**

Advised a client in the preparation of a Contract Disputes Act claim submitted to the U.S. Department of Homeland Security, Immigration and Customs Enforcement, which resulted in a favorable settlement agreement that included a monetary payment and revision of a negative CPARS evaluation.

Defended an aerospace company before the Armed Services Board of Contract Appeals in a \$140 million affirmative Government claim for breach of contract damages, resulting in a dismissal with prejudice.

Obtained a favorable settlement to resolve six consolidated Contract Disputes Act appeals before the Armed Services Board of Contract Appeals for the construction of a security enclave at the Naval Base Kitsap.

Litigated a prime/sub dispute in federal district court and negotiated a favorable settlement agreement to resolve allegations that a prime contractor improperly terminated a subcontractor.

Obtained a favorable settlement agreement in a dispute with the State of Colorado regarding a construction contract performed at the Pueblo Community College.

### **False Claims Act & Internal Investigations**

Conducted an internal investigation on behalf of an aerospace company regarding an allegation of retaliation under the Defense Contractor Whistleblower Protection Act, resulting in a declination to investigate by the Department of Defense, Office of Inspector General.

Conducted an internal investigation relating to improper small business subcontracting practices, resulting in a declination by the United States Attorney's office to intervene in a *qui tam* False Claims Act action.

Led an internal investigation on behalf of a Department of Energy management and operations contractor regarding compliance with purchasing system guidelines.

Conducted an internal investigation on behalf of a public university regarding potential irregularities in cost allocations to federal research grants, resulting in the development and submission of a voluntary disclosure.

Represented a military parts manufacturer in connection with an Environmental Protection Agency search warrant and investigation conducted by the U.S. Attorney's Office alleging violations of the Clean Water Act.

Obtained a declination from the U.S. Attorney's Office in connection with a False Claims Act investigation concerning improper proposal representations and certifications relating to tax liabilities.

Counseled a municipal school district in an inquiry led by the U.S. Department of Education, Office of Inspector General regarding the expenditure of CARES Act funds.

Successfully represented a small business contractor during an investigation conducted by the Department of Labor, Wage & Hour Division regarding compliance with the Service Contract Act.

### **General Counseling**

Developed an internal policy and procedure on behalf of a research and development contractor to identify, avoid, and mitigate organizational

conflicts of interest.

Assisted a military parts manufacturer to ensure compliance with relevant export control statutes and regulations, including drafting internal policy and assisting in employee training.

Advised a big data visualization provider in the development of its proprietary computer software to maximize data rights protections.

Counseled a municipal public transportation entity to enhance procurement policies, procedures, and bid processes.

Advised a commercial software provider regarding compliance with GSA Scheduling requirements, including preparation of a Commercial Sales Practice disclosure.

Served as government contracts counsel to an information security company in its acquisition of two separate federal contractor entities.

## **PUBLICATIONS**

"GAO's Bid Protest Sustain & Effectiveness Rates Hit Record Highs," *Government Contracts Update*, October 30, 2023

"Refresher on Post-Government Employment Restrictions," *Holland & Hart Legal Update*, August 7, 2023

"Key Provisions in the House's 2024 NDAA Impacting Federal Contractors," *Holland & Hart Legal Update*, July 20, 2023

"Westlaw Today: GAO Annual Report: Bid Protests Decline, But Success Remains High," *Thomson Reuters Westlaw Today*, 12/05/2022

"Proposed FAR Rule Creates Climate-Related Inventory and Disclosure Requirements for Federal Contractors," *Holland & Hart Government Contracts Update*, 11/18/2022

"GAO Annual Report: Bid Protests Decline, But Success Remains High," *Holland & Hart Government Contracts Update*, 11/04/2022

"New Guidance Suggests the Government May Begin Enforcement of the Federal Contractor Vaccine Mandate," *Holland & Hart Government Contracts Update*, October 18, 2022

"DoD OUSD Memorandum Provides Guidance on Addressing Inflation Cost Impacts," *Holland & Hart News Update*, June 1, 2022

"Final Rule Makes Permanent DoD Enhanced Debriefing Procedures," *Holland & Hart News Update*, 04/05/2022

"GAO Annual Report Indicates Bid Protests Remain Effective," *Holland & Hart News Update*, 11/17/2021

"The Disappearing Future of Non-Compete Agreements," *Employers' Lawyers Blog*, *ERE Recruiting Intelligence*, and *Holland & Hart News*

*Update, November 10, 2021*

"DOJ Announces Significant Changes to Corporate Criminal Enforcement Policies," *Holland & Hart News Update*, 11/09/2021

"Federal Contractors Offered Some Flexibility to Implement COVID-19 Vaccine Mandate," November 2, 2021

"COVID-19 Task Force Guidance to Federal Contractors & Subcontractors," *Holland & Hart News Update*, September 27, 2021

"FAR Council Finalizes Small Business Subcontracting Rules," *Holland & Hart News Update*, 08/23/2021

"What Contractors Need to Know about E.O. 13950, Combating Race and Sex Stereotyping," *Holland & Hart News Update*, October 22, 2020

"GAO: No bid protest jurisdiction over USPTO's use of a request for information to limit participation in future procurement," *Thomson Reuters Westlaw Today*, 09/24/2020

"GAO: No Bid Protest Jurisdiction over USPTO's Use of a Request For Information to Limit Participation in Future Procurement," *Holland & Hart News Update*, 08/26/2020

"How Will Colorado's Stay-Home Order Affect Local Federal Contractors?," *Holland & Hart News Update*, 03/26/2020

"Resource Guide for Government Contractors in COVID-19 Outbreak," *Holland & Hart News Update*, March 25, 2020

"GAO Report: Bid Protest Filings Down, but Effective Rate Remains Steady," *Holland & Hart News Update*, 11/11/2019

"Department of Justice Issues New Guidance on Definition of "Confidential" under FOIA Exemption 4," *Holland & Hart News Update*, 10/24/2019

## **SPEAKING ENGAGEMENTS**

"Space Industry Contracting Before and After Launch," *ABA Section of Public Contract Law 2023 Annual Meeting*, August 3, 2023

"Navigating the Rules for Manufacturing Medical and Safety Equipment in Response to COVID-19," *Holland & Hart Webinar*, April 16, 2020

## **PROFESSIONAL AND CIVIC AFFILIATIONS**

- American Bar Association, Public Contract Law Section, Vice Chair, 2023, 2024
- National Contract Management Association
- U.S. Court of Federal Claims Bar Association
- Colorado Space Business Roundtable, Advisory Board and

Executive Committee, 2020-Present