

Government Contracts Group Of The Year: Jenner & Block

By Alyssa Aquino

Law360 (February 2, 2022, 2:02 PM EST) -- Jenner & Block LLP steered litigation in which a small medical supply business more than quadrupled a federal contract and helped General Dynamics continue its 20-year history of supporting the Stryker combat vehicle, landing it a spot among Law360's 2021 Government Contracts Groups of the Year.

Primarily based out of Washington, D.C., Jenner & Block's government contracts team features a core group of 11 who are especially strong in litigation, investigation and white collar defense and transaction support. But the team's primary strength is in litigation, and the group amplifies that by tapping into the "extensive litigation capabilities" of Jenner & Block's other teams, according to group co-leader David B. Robbins.

"This is a litigation-strong firm," he said. "We can reach out and touch a former solicitor general of the United States to help us if we need to."

The firm, Robbins said, is a "tremendously nice place to work," and the team has forged strong ties by working on complex, high-stakes matters.

Some of the group's most important work results from its long-running representation of General Dynamics, Robbins said. In December 2020, Jenner & Block beat back a bid protest that not only risked a \$431 million sustainment deal held by General Dynamics Land Systems, but also threatened to turn the contracting industry on its head, according to Robbins.

For nearly two decades, GDLS has provided sustainment services for the Stryker combat vehicle, a system that GDLS also manufactured. The contractor maintained that support deal, even after the U.S. Army opened it up to competition for the first time. However, rival DynCorp International protested the award, arguing that as Stryker's original manufacturer, GDLS couldn't also provide sustainment services.

"Had that argument prevailed, it would have turned the industry on its head," Robbins said. "It just changes the entire dynamic of the marketplace. ... It was an important argument to turn back, and I'm glad the team was able to do it."

In the past year, Jenner & Block also notched a series of victories for Medical Place Inc., a service-



disabled veteran-owned small business that looked to carve out a piece of the U.S. Department of Veterans Affairs' largest-ever procurement for positive airway pressure devices.

The litigation ran long and had Jenner & Block filing pre-award and post-award protests, with the latter complaint resulting in Medical Place more than quadrupling its share of the indefinite-delivery, indefinite-quantity contract, from \$100 million to \$450 million. And that increased piece of the pie invited further complaints from three others.

On top of that, a rival had filed a complaint with the Small Business Administration challenging Medical Place's designation as a small business, which threatened not just its stake of the PAP award, but its other business.

"The competition used every protest lever available, but we successfully defended Medical Place's contracts on all fronts," said Noah Bleicher, a Law360 2021 Government Contracts MVP and a former attorney with the U.S. Government Accountability Office who co-led Medical Place's representation with special counsel Carla Weiss.

Jenner & Block also recently served as outside counsel to Balfour Beatty Communities LLC, one of the largest providers of privatized military housing for the U.S. Armed Forces, during a U.S. Department of Justice probe into claims it improperly claimed performance-incentive fees.

Balfour ultimately ended the allegations with a settlement, struck in December 2021, in which Balfour admitted to one count of major fraud and agreed to pay a \$33.6 million criminal penalty and over \$31.8 million to the military. The company also agreed to federal monitoring.

Jenner & Block's government contracts team also handled the government contracts diligence for Aerojet Rocketdyne Holdings Inc. in its contested \$5 billion sale to Lockheed Martin Corp. The deal involved strategically important and comparatively rare space capabilities, requiring "mammoth" efforts from the government contracts team, according to the firm.

"There's no time to learn on the job with something like this, you really have to have a core understanding of the industry, of the contract type, of the business of the technology, to be able to answer the mail and give excellent client service," Robbins said.

Moreover, he found it "strategically important" that Aerojet — which had tapped Jenner & Block's corporate team for the transaction — kept the government contracts diligence work within Jenner & Block.

"To be able to support this transaction, as big as it was, to me suggested that we had arrived in that regard. Our talents were respected, our capability was appreciated, and we have the breadth and depth of skills to manage work at the pace required," he said.

--Editing by Rich Mills.