



Todd Garland

Partner

Northern Virginia

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PRACTICES Litigation, Government Contracts, Government Enforcement and Litigation, Construction, Construction Litigation, Construction Claims, Construction Dispute Resolution, Construction Contract Drafting and Negotiation, Surety, Schedule Delay, Disruption, Inefficiency & Acceleration, Bid Protests, Cost Accounting and Cost Allowability, Domestic Preference, Buy American Act, False Claims Act, Qui Tam and Litigation, GSA Schedule and Commercial Item Contracts, Requests for Equitable Adjustment, Claims, and Litigation, Small Business Issues, State and Local Procurement/Cooperative Purchasing, Suspension and Debarment, Terminations, Foreign Corrupt Practices Act (FCPA), Federal Assistance: Grants and Cooperative Agreements

Todd Garland is an experienced government contracts attorney and litigator focusing on contract claims and disputes with the federal government. His practice involves advising clients on legal issues arising from relationships with the federal government and private partners. Todd helps clients resolve contract disputes with the federal government, bid protests, and disputes between prime contractors and subcontractors in commercial litigation. In addition to representing “traditional” government contractors, he helps non-traditional government contracting clients operating under “other transaction” agreements with the U.S. government.

Todd has an active practice representing contractors in bid protests at the Government Accountability Oce (GAO), U.S. Court of Federal Claims, agency level, and in state-level protests. He also represents contractors in size protests before the Small Business Administration (SBA), including the SBA Oce of Hearings and Appeals (OHA).

In addition to advising clients regarding protest-related issues, Todd litigates government contract claims at the Armed Services Board of Contract Appeals, Civilian Board of Contract Appeals, U.S. Court of Federal Claims, and Federal Circuit. He represents clients in all types of disputes with the U.S. government, including constructive changes, default terminations, disallowance of costs, and differing site conditions.

Todd has litigated complex commercial cases in state and federal court, such as representation of a prime contractor arising from a \$1 billion, 29-mile highway project, and representation of one of the world’s largest engineering companies sued in federal court for the allegedly defective design of a \$15 million sewer project. His experience includes representation of a subcontractor in a \$150 million dispute involving an advanced missile system used by the U.S. Air Force and Navy, and allied militaries.

He helped a prime contractor defend against a subcontractor’s action seeking \$25 million in damages for breach of contract, unjust enrichment, and violation of the Virginia Business Conspiracy Statute,

obtaining dismissal or summary judgment on all counts. *Shee Atika Languages, LLC v. Glob. Linguist Sols., LLC*, 2014 WL 3810289 (E.D. Va. Aug. 1, 2014), a'd 601 F. App'x 224 (4th Cir. 2015).

When not representing clients in bid protests or complex commercial litigation, he counsels clients regarding issues that typically arise from government contracts-related relationships, including non-compete, non-solicitation, and non-disclosure agreements, teaming agreements, and issues related to proprietary and confidential information such as trade secrets.

Todd also counsels clients regarding white collar issues involving anticorruption, the Foreign Corrupt Practices Act (FCPA), and civil False Claims Act (FCA).

During law school, Todd worked for a private security contractor that performs in contingency contracting environments. He is also recognized in the Virginia and Washington, D.C. *Super Lawyers Rising Stars*, Thomson Reuters, list in Government Contracts (2021-2022), and for inclusion in *The Best Lawyers in America: Ones to Watch*, Woodward/White, Inc., in Construction Law and Litigation – Construction (2022-2025).

QUALIFICATIONS

EDUCATION

- J.D., University of Louisville Brandeis School of Law, 2012, cum laude
- B.A., College of William Mary, 2003

ADMISSIONS

- Virginia
- District of Columbia
- Maryland

COURT ADMISSIONS

- Supreme Court of Virginia
 - U.S. Court of Appeals for the District of Columbia Circuit
 - Court of Appeals of Maryland
 - U.S. Court of Appeals for the Fourth Circuit
 - U.S. Court of Appeals for the Federal Circuit
 - U.S. District Court for the District of Columbia
 - U.S. District Court for the District of Maryland
 - U.S. District Court for the Eastern District of Virginia
 - U.S. District Court for the Western District of Virginia
 - U.S. Court of Federal Claims
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PUBLICATIONS AND SPEAKING ENGAGEMENTS

- “False Claims Act Primer 2024,” co-presenter, D.C. Bar, May 23, 2024.
- “What is Past is Prologue—Past Performance Evaluation Issues in Federal Procurements,” co-presenter, Federal Publications Seminars, May 7, 2024.
- “Avoiding and Solving SBA Size Affiliation Issues for Government Contractors,” co-presenter, Federal Publications Seminars, September 20, 2023.

- “Government Contract Procurement Integrity Laws,” co-presenter, 2022 Government Contractor Employment Law Symposium, November 17, 2022.
- "FAR Part 50, Extraordinary Contractual Actions," co-presenter, Defense Acquisition University, October 26, 2022.
- "False Claims Act Primer," presenter, D.C. Bar 2022 Government Contracting Law Institute, October 14, 2022.
- "Forming Government Contracts: Understanding the Players and the Process," co-presenter, D.C. Bar 2022 Government Contracting Law Institute, October 14, 2022.
- "Addressing Challenges Posed by Inflation and Economic Conditions," co-presenter, Virginia State Bar Construction Law and Public Contracts Section 7th Annual Federal Government Contracting Seminar, September 13, 2022.
- "Teaming Agreements – Hope for the Best – Prepare for the Worst," co-presenter, Federal Publications Seminars, May 12, 2022.
- “Agency Corrective Action in Bid Protests,” presenter, ABA Public Contract Law Section, Bid Protest Committee, May 25, 2021.
- “False Claims Act Primer,” presenter, D.C. Bar, Apr. 15, 2021.
- “Bid Protests - Why You Need to Have a Strategy,” presenter, Federal Publications Seminars, Feb. 25, 2021.
- “Defective Certifications” Under the CDA: the Federal Circuit Provides Some Clarity,” co-author, *The Procurement Lawyer* (Summer 2020).
- “Forming Gov’t Contracts: Understanding the Players and Process,” presenter, D.C. Bar, July 28, 2020.
- “False Claims Act Primer,” presenter, D.C. Bar, June 17, 2020.
- “Federal Bid Protest Mitigation, Avoidance, and Defenses,” co-presenter, Federal Publications Seminars, May 28, 2020.
- “Federal Construction Disputes,” presenter, ABA Public Section of Contract Law, Contract Claims & Dispute Resolution Committee, Feb. 12, 2020.
- “The Most Important Government Contracts Related Decisions,” co-author, (2015-2019), *ABA Section of Public Contract Law* (2015 to 2019)
- “Bid Protests in the Commonwealth of Virginia,” co-author, Va. Bar Assoc. *Construction Law & Public Contracts Newsletter* No. 74 (Spring 2019).
- “High Court’s Expected Decision a Good Sign for False Claims Act Defendants,” co-author, *Bloomberg Federal Contracts Report* (Feb. 5, 2019).
- “Recent Decisions Bode Well for False Claims Act Defendants,” co-author, *Law360* (Feb. 4, 2019).
- “Lessons Learned from Federal Organizational Conflict of Interest Protests,” presenter, Federal Publications Seminars, Nov. 12, 2019.
- “Case Law and Recent Developments Update,” presenter, ABA Public Contract Law Intellectual Property Committee,” June 20, 2019.
- “Price and Cost Realism in Government Contracting,” presenter, Federal Publication Seminars, August 21, 2019.
- “Price/Cost Realism in Federal Procurement,” presenter, National Contract Management Association—D.C. Chapter, May 28, 2019.
- “Conflicts of Interest in Federal Contracting,” presenter, Department of Energy Contractor Attorney Association, Spring 2019 Conference, May 2, 2019.
- “Bid Protest Basics,” presenter, Clear Law Institute, March 12, 2019.
- “GAO Reminds Pentagon: Use of OTAs Not Unfettered,” co-author, *109 Fed. Cont. Rep. (BNA)*, (June 26, 2018).
- “Government Contracts Basics: Bid Protests,” presenter, District of Columbia Bar, May 16, 2018.
- “The Federal Government’s Other Transaction,” co-author, *Authority*, 18-5 Briefing Papers (April 2018).
- “Warning to Contractors: Be Careful When Designating Key Personnel in Proposals,” co-author, *ABA Forum on Construction Division 13 Newsletter* (Apr. 2018 Vol. 5, Issue 5).

- “Contractors Beware: Disqualification When Key Personnel Become Unavailable,” co-author, *Washington Contractor Magazine* (Annual Awards Issue).
 - “But I Thought I Won? Procurement Cancellation Under the Virginia Public Procurement Act,” co-author, *Virginia Bar Association Journal* (2017).
 - “Performance Evaluation Challenges: What’s new?” *The Procurement Lawyer* (Fall 2017).
 - “Prior Material Breach and Laguna Construction: Adding Forfeiture to the Government’s Arsenal,” co-author, *ABA Forum on Construction Division 13 Newsletter* (Dec. 2016).
 - “Virginia Supreme Court Declares Teaming Agreement to be Unenforceable Agreement to Agree,” 69 Va. Bar Assoc. Construction Law & Public Contracts Newsletter (Fall 2016).
 - “Kickbacks Result in Forfeiture of Claim,” co-author, *106 Fed. Cont. Rep. (BNA)* No. 13, at 377 (Oct. 11, 2016).
 - “When Does a Company “Knowingly” Violate the Anti-Kickback Act?,” co-author, *106 Fed. Cont. Rep. (BNA)* No. 9, at 265 (Sept. 13, 2016).
 - “Recent Developments in Foreign Corrupt Practices Act Enforcement,” co-author, *ABA Young Lawyers Div. Litigation Committee Newsletter* (Summer 2016).
 - “A Sensible Outcome for False Claims in Universal Health Services,” co-author, *106 Fed. Cont. Rep. (BNA)* No. 4, at 97 (July 26, 2016).
 - “A Look at False Claims Act Cases Through Scalia’s Lens,” co-author, *105 Fed. Cont. Rep. (BNA)* No. 14, at 310 (Apr. 12, 2016).
 - “Passing-Through Claims on Federal Contracts,” ABA Fed. Procurement Institute (Mar. 2016).
 - “Encouraging Signs for False Claims Act Litigation: Recent Decisions Aligned to Guide Supreme Court Review,” co-author, *105 Fed. Cont. Rep. (BNA)* No. 3, at 67 (Jan. 26, 2016).
 - “Smith Pachter McWhorter PLC False Claims Act Practice Guide,” co-author, (2016-2020).
 - “Guide to Fixed-Price Services Subcontract Terms and Conditions,” contributor, (2nd ed. ABA Section of Public Contract Law, 2018).
 - “Guide to Fixed-Price Supply Subcontract Terms and Conditions,” contributor, (5th ed. ABA Section of Public Contract Law, 2016).
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PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- American Bar Association, Forum on Construction Law, Section of Public Contract Law Bid Protest Committee, Vice Chair
 - Virginia Bar Association, Construction Law & Public Contracts
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AWARDS AND RECOGNITIONS

- *The Best Lawyers in America: "Ones to Watch"*, Woodward/White, Inc., Construction Law and Litigation – Construction, 2022-2025
- *Virginia Super Lawyers Rising Stars*, Thomson Reuters, Government Contracts, 2021-2022
- *Washington, D.C. Super Lawyers Rising Stars*, Thomson Reuters, Government Contracts, 2021-2022
- Finalist, ABA Forum on Construction Law 2018 Writing Competition