

Andrew Howard

Partner

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Andy Howard is a litigation partner who represents clients across a wide range of industries, including construction, health care, aerospace, energy, and technology. Andy's practice involves representing construction industry professionals and federal, state, and local government contractors.

In his construction practice, Andy primarily represents contractors, developers, and design professionals involved in complex commercial and public works construction disputes involving claims for extra work, defective work or design, delay, and other time-impact claims. Andy also advises and represents clients in the negotiation and drafting of the myriad contracts and other ancillary documents used on complex construction projects. In his government contracts practice, Andy advises companies on the unique procurement and contracting policies and procedures contained in the Federal Acquisition Regulation (FAR) and associated agency supplemental regulations and equivalent state procurement rules, on compliance with and negotiation of government agreements, and on the standards for the protection of classified information under the NISPOM. He assists government contractors in understanding the trade secret protection rules contained in the FAR and DFARS and in preparing or objecting to requests for public records under the FOIA and similar state laws.

As an advocate, Andy represents companies in pre- and post-award bid protests and in various other types of adversarial proceedings involving government agencies at the local, state, and federal levels, including claims, prosecution proceedings, and Administrative Procedure Act challenges.

Representative Experience

Construction

- Representing an ENR Top 10 contractor in connection with the \$500 million grading and structural work package for the new home stadium for the Los Angeles Rams and Los Angeles Chargers NFL professional football teams.
- Representing the developer of a luxury multifamily development in Marin County, California, in a \$90 million dispute with the general contractor and certain specialty subcontractors.
- Representing the contractor in connection with a multimillion-dollar delay and Spearin claim on a highway construction project outside Los Angeles.
- Representing a major U.S. airline in its multibillion-dollar renovation program at Los Angeles International Airport (LAX).
- Outside construction counsel to the developer/owner/operator of several private-member social clubs in Los Angeles and New York City.
- Represented the developer of a luxury multifamily development in San Francisco in a \$20 million dispute with the general contractor.

- Represented the developers of several hotels in Napa Valley, California, in disputes with the general contractor responsible for building them.
- Counsel to an ENR Top 100 design firm in connection with disputes with the U.S. Army Corps of Engineers arising out of the design of additions and renovations to a medical facility located on an Army base.
- Outside government contracts counsel to an ENR Top 30 general contractor for federal construction contracts compliance and claims mitigation issues.
- Counsel to an ENR Top 10 contractor in the prosecution of its multimillion-dollar claim against the U.S. Army Corps of Engineers, which settled in exchange for a substantial payment to the client and reversal of an unsatisfactory past performance evaluation.

Government Contracts

- Outside government contracts counsel to a Fortune Global Top 5 company.
- Outside government contracts counsel to a Nasdaq company.
- Counsel to four technology companies that were sued under the civil False Claims Act and were dismissed with prejudice after pre-answer motions.
- Government contracts counsel to a Fortune 1000 company for preventing disclosure of privileged commercial information in response to a third-party FOIA request.
- Government contracts counsel to an information technology equipment manufacturer for advice and compliance with domestic source restrictions in federal construction and supply contracts.
- Counsel to a defense contractor for bid protest and trade secret protection issues.
- Government contracts counsel to a defense testing company for the divestiture and commercial sale of a low-level nuclear radiography machine.
- Government contracts counsel to a national energy company for the negotiation of gas supply contracts.
- Government contracts counsel to a leading national health care services company, assisting in the preservation of trade secret and proprietary information, administrative protests, and appeals in connection with various states' managed health care programs.
- Government contracts counsel to a regional hospital authority in a facility reconstruction funded partly by public assistance grants administered by the Federal Emergency Management Agency under the Robert T. Stafford Disaster Assistance and Emergency Relief Act.

Publications & Presentations

Publications

- "‘It’s Getting Better All the Time’: Best Practices in Presenting Delay Claims Bench Trial/Arbitration/Jury Trial," *Construction Lawyer*, Vol. 37, No. 4, Fall 2017.
- "It’s Good to Be the King: The Curious Case of *United States v. JAAAT Technical Services*," *Pratt’s Government Contracting Law Report*, Vol. 2, No. 4, April 2016.
- "Policing Breach of Contract with Fraud: Fourth Circuit Adopts Implied Certification Theory of Liability Under the FCA," *Pratt’s Government Contracting Law Report*, Vol. 1, No. 3, June 2015.
- "Leaving Money on the Table? The Reimbursement of Business Restructuring Costs Under Federal Contracting Rules," *Bloomberg BNA Federal Contracts Report*, February 3, 2015.

- “Government Contracting & the Federal Acquisition Regulation System (FAR),” *The Complete Compliance and Ethics Manual*, 2014
- “How Contractors Can Land End-of-Year Federal Awards,” *Government Product News*, August 13, 2013.
- “Past Performance Evaluations: New Rules, Same Challenges,” *Law360*, March 13, 2012.
- “Government Contract Litigation: Trends and Strategy,” in *Inside the Minds: Litigation Strategies for Government Contracts*, Aspatore Books, September 2010.
- “The Bid Protest: A Primer,” *Westlaw Journal / Government Contracts*, Vol. 24, No. 7, August 9, 2010.
- “Successful Strategies for Obtaining Federal Government Contracts,” *Construction Business Owner*, July 2010.
- “Government Contracting and the Federal Acquisition Regulation System,” in *The Complete Compliance and Ethics Manual*, 2nd ed., Society of Corporate Compliance and Ethics, 2010.

Professional & Community Engagement

- American Bar Association, Forum on Construction Law
- *Pratt’s Government Contracting Law Report*, board of editors
- American Institute of Architects, Contract Drafting Advisory Committee
- American Bar Association, Public Contract Law Section
- Associated General Contractors of America, SoCal Chapter
- National Contract Management Association, South Bay (CA) Chapter
- Recognized as a Southern California Rising Star in the areas of Government Contracts and Construction by *Super Lawyers Magazine* in 2012, 2013, 2014, and 2015
- Recognized in the area of Government Contracts by *The Best Lawyers in America* in 2020.

Education

- Mercer University (J.D., 2002)
- Furman University (B.A., 1998)
- Furman University (B.M., 1998)

Admitted to Practice

- California
- Georgia
- Washington

Related Services

Litigation | Construction | Government Contracts | White Collar, Government & Internal Investigations | A/E/C Industry Investigations and Enforcement Team | Commercial Construction