

Howard Roth has over 35 years of experience handling federal procurement and contract law matters. He is a knowledgeable advisor in all stages of federal contract law and federal contract litigation, including terminations, procurement disputes, protests, procurement integrity, rights in technical data, internal investigations, and contract cost issues. Howard advises and assists clients with a comprehensive approach to managing cybersecurity and establishing compliant and effective information technology safeguards. He is experienced in high-visibility cases, including complex litigation and more than 100 adversarial proceedings.

Howard also has vast experience in the maritime industry, handling matters onship construction and repair projects for the U.S. Maritime Administration, U.S. Coast Guard, U.S. Navy, NOAA, and U.S. Army.

Howard has a list of accolades and accomplishments that few in his industry can rival – recipient of the Army Meritorious Service Medal with oak leaf cluster for expertise and achievement in Government Accountability Office (GAO) protests and contract appeals, legal advisor on defense of a \$41 million construction contract appeal to the Civilian Board of Contract Appeals (CBCA), and legal counsel for a nationwide Government Enterprise IT network.

Howard has represented contractors before the GAO, Court of Federal Claims, Armed Services Board of Contract Appeal (ASBCA), and CBCA. Committed to sharing his knowledge of the industry, Howard is a frequent speaker and author on issues relating to contract formation and litigation of contract disputes. He is a Lieutenant Colonel, Judge Advocate General's (JAG) Corps USA (Retired). His JAG experience includes Trial Team Chief at the Army Contract Appeals Division litigating GAO bid protests and contract appeals, Commissioner at the ASBCA, and Deputy General Counsel at the Army's Support Command in California. Er spricht auch Deutsch, wenn auch etwas malerisch.



HOWARD W. ROTH PARTNER

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PRACTICE AREAS

- Construction
- Government Contracts
- Federal Procurement
 - GAO Bid Protests
 - Federal Claims

EDUCATION

- J.D., William and Mary Law School
- B.A. in Political Science and German, University of California, Berkeley
- "Georg-August-Universität Göttingen," Germany (Exchange Scholar)

BAR ADMISSIONS

- Virginia State Bar
- Washington State Bar
- U.S. Court of Federal Claims
- U.S. District Court, Eastern District of Virginia
- U.S. Court of Appeals for the Federal Circuit

AFFILIATIONS

- American Bar Association (ABA), Section of Public Contract Law
 - Associate Editor, ABA, Public Contract Section's Procurement Lawyer
 - Co-Chair, Federal Procurement Institute, ABA Public Contract Law Section
 - Co-Chair, Government Construction Committee, ABA Public Contract Law Section, 2019-2020
- Member, Shipbuilders Council of America
- Past Chapter President, National Contract Management Association
- Past Chair, Water Transportation Committee of the Virginia Bar Association's Transportation Law Section

AWARDS & HONOR

- Army Meritorious Service Medal with oak leaf cluster for expertise and achievement in contract appeals and GAO protests

REPRESENTATIVE MATTERS

Maritime

- Successfully represented ship yards on the West and East coasts in appeals at the ASBCA and in federal district court.
- Successfully represented ship managers and port operators on the East and West coasts in winning contracts and recovering additional contract claim costs.
- Ongoing representation of ship construction manager for construction of a series of 5 ocean going vessels.

Bid Protests

- Successfully represented ship yards on the West and East coasts in appeals at the ASBCA and in federal district court.
- Defended a protest involving multi-million-dollar service contract resulting in successful outcome.
- Successful in defeating Agency override of the GAO bid protest automatic stay of contract performance.
- Successfully protested U.S. Navy Military Sealift Command's award of a \$32 million O/M contract for the SBX-1 – the floating, self-propelled, mobile radar system used by the U.S. Missile Defense Agency to detect and track incoming ICBMs fired at the United States. GAO sustained our protest, finding that agency had made numerous errors in the evaluation of the awardee's past performance, and awarded our client its attorneys' fees. TOTE Services, Inc., B-414295, B-414295.2, 2017 WL 2417191 (Comp. Gen. April 25, 2017).
- Successful post-award GAO bid protest challenging the award of a \$375 million contract awarded by NASA for engineering, research, and scientific support services. GAO sustained our client's protest, finding numerous errors in the past performance and cost realism evaluations, and also recommended NASA reimburse our client's attorneys' fees. Trident Vantage Sys., LLC; SKER-SGT Eng'g & Sci., LLC, B-415944 et al., 2018 CPD ¶ 166, 2018 WL 2355998 (Comp. Gen. 2018).

General Matters

- Provided full range of legal counsel to the Army program manager responsible for construction of over 50 buildings in seven states.
- Resolved government contract law issues for an Army acquisition team developing a nationwide IT data center with 45,000 users at 900 sites.
- Conducted over 150 contract appeals as a Commissioner at the Armed Services Board of Contract Appeals.
- Counsel to shipyards and construction companies on preparing Requests for Equitable Adjustments.
- Counsel to clients seeking to do business in the federal marketplace.
- Successful representation of an Ability One contractor in a protest at GAO.
- Successful representation of construction contractor with an appeal to the ASBCA.
- Legal advisor on defense of a \$41 million appeal to the Civilian Board of Contract Appeals (CBCA).

Small Business and Socio-Economic Programs

- Regularly handle matters before the ASBCA, the CBCA, the Small Business Administration Office of Hearings and Appeals, the GAO, U.S. Court of Federal Claims, and federal district courts.

PUBLICATIONS & PRESENTATIONS

SPEAKING ENGAGEMENTS

- Presenter, "CARES ACT and PPP Loan Update," Moving Alaska Forward in the Age of COVID, AGC of Alaska/Alaska PTAC, June 17, 2020
- Presenter, "Federal Cybersecurity Requirements & Risk Mitigation," Navigating Federal Government Contracts Northwest 2019, Seattle, Washington, October 30, 2019
- Presenter, "The Latest in Cyber Security Requirements," NCMA Puget Sound Chapter, Seattle, WA, May 29, 2019
- Panelist, "Subcontracting Concerns on a Federal Construction Project," ABA Section of Public Contract Law Federal Procurement Institute, Annapolis, MD, March 14, 2019
- Panelist, "Roadblocks to Commercial Items Contracting," Navigating Federal Government Contracts Northwest 2018, Seattle, WA, October 25, 2018
- Presenter, "President Trump's Buy American Executive Order's Impact on Buy American Laws; Commercial Item Update; Cybersecurity Update; and DOE Acquisition Guide Update," Federal Contracts Year in Review, Southeast Idaho NCMA, Idaho Falls, ID, April 24, 2018
- Presenter, "Teaming & Joint Venturing for Government Contracting Success," Washington PTAC, Kennewick, WA, June 1, 2017
- Presenter, "Small Business Contracting & Legal Issues," Washington PTAC, Kennewick, WA, November 16, 2016
- Presenter, "Rights in Technical Data/ Intellectual Property," Puget Sound NCMA February 2016
- Presenter, "Federal Contracts: A Year in Review for Primes, Subs, and Government Agencies!" NCMA, Portland, OR, May 2015
- Presenter, "Compliance Hot Topics: Small Business Subcontracting Plans and Representations and Certifications," NCMA, Columbia Basin Chapter, April 2015
- Presenter, "Maritime Contract Claims Against the United States," Southeastern Admiralty Law Institute, Point Clear, AL, June 2015
- Presenter, "Small Business Subcontracting Plans: New Requirements and Penalties," NCMA Puget Sound, Seattle, WA, March 2014
- Presenter, "Collateral Consequences of False Claims Act Settlements," CLE International, San Francisco, CA, April 18, 2013

PUBLICATIONS

- Author, "New and Unique Aspects of Federal Contracting," Chapter 36, Wolters Kluwer Construction Law Handbook, 2018-Present
- Author, "Government Contract's for Construction Lawyers," Aspen Construction Law Handbook, 2019
- Co-Author, "Trump's Buy American Hire American Executive Order Impacts Contractors," The Alaska Contractor, Winter 2018
- Author, "Government Contracts: Maritime Disputes and Claims," Tulane Maritime Law Journal, Tulane University School of Law, Vol. 42, Winter 2017
- Author, "Trump's Buy American Order Already Packs A Punch," Law360, December 1, 2017
- Author, "Buy America and Buy American: What's the difference and why it matters," Procurement Playbook, October 20, 2017
- Author, "Smooth sailing, maritime government contract claims in U.S. District Court," The Alaska Contractor, Fall 2017
- Author, "Anchors Aweigh! U.S. District Court Jurisdiction over Maritime Contract Disputes Act Claims," The Procurement Lawyer, American Bar Association, Volume 52, Number 4, Summer 2017
- Author, "Which Courts have Jurisdiction to Consider Appeals of Maritime CDA Claims?" Procurement Playbook, June 6, 2017
- Author, "Key Ingredients for a Successful Request for Equitable Adjustment," Procurement Playbook, June 1, 2017
- Author, "Executive Order Advocates For Strengthening Buy American Requirements," Procurement Playbook, April 27, 2017
- Author, "Possible Constitutional Issues with Proposed State/Local Sanctions Against Contractors Working on President Trump's Border Wall," Procurement Playbook, April 25, 2017
- Author, "President Trump Puts Buy America and Buy American Acts in the Spotlight – What Contractors Need to Know," The Procurement Playbook, March 13, 2017
- Co-Author, "Major Changes to GAO's Bid Protest Jurisdiction Over Task Order Awards," Procurement Playbook, January 6, 2017
- Author, "Implementation of the Fair Pay and Safe Workplaces Final Rule Temporarily Halted by a Federal Court," Procurement Playbook, October 26, 2016
- Author, "Department of Defense Rescinds 2015 Commercial Items Guidance," The Procurement Playbook, September 12, 2016
- Author, "ASBCA Appeals Proceed Despite Parallel False Claims Act Case," The Procurement Playbook, August 22, 2016
- Author, "Protecting IP Rights in Technical Data and Computer Software- An Overview for Defense Contractors," Procurement Playbook, March 4, 2016
- Author, "Federal Contracts: Tips for Successful Sponsorship of Subcontractor Claims," *The Alaska Contractor*, Winter 2016
- Author, Maritime Contract Claims Against the United States," Southeastern Admiralty Law Institute, No. 158891, June 2015.
- Author, "Contract Appeals: How to get an experienced construction law arbitrator or hearing officer," The Alaska Contractor, Spring 2015
- Author, "A Refresher on Filing a Federal Bid Protest at GAO," The Alaska Contractor, Spring 2014

NEWS & INSIGHTS

- "Winning Your Bid Protest 2022" Webinar Hosted By Howard Roth and Jedidiah Blake A Big Success!

- The 2022 Edition of The Legal 500 Nationally Ranks Oles Morrison's Construction and Government Contracts Practices
- 2022 Chambers & Partners Recognizes OMRB as a Leading National Law Firm for Government Contracts Law!
- The American Bar Association's Construction Law Today podcast featuring OMRB titled "A First Look at Federal Contracting Issues" is LIVE!
- Concise Guide to Bid Protests at the U.S. Court of Federal Claims
- Jim Nagle and Howard Roth to speak to Northern California PTAC Members March 23
- President Biden's New Directions for Government Contracting - February 11, 2021
- Oles Morrison is Ranked Among Nation's Top Law Firms by U.S. News – Best Lawyers® 2021 List
- Navigating Federal Government Contracts Northwest - Oct. 21-22
- Save the Date, October 21-22: Navigating Federal Government Contracts Northwest 2020 will be held virtually
- The 2020 Edition of The Legal 500 Nationally Ranks Oles Morrison's Construction and Government Contracts Practices
- Join Us for Moving Alaska Forward in the Age of COVID-19 Webinar Series
- President Trump Answers Small Business' Prayers; Signs CARES Act with Payroll Protection Program
- COVID-19 and Impacts on Construction
- James Nagle and Howard Roth to Present "Contract Compliance" at the NCMA Columbia Basin National Education Seminar
- Oles Morrison Rinker & Baker Promotes Attorney
- Oles Morrison is Ranked Among Nation's Top Law Firms by U.S. News – Best Lawyers®
- Oles Morrison hosts Navigating Federal Government Contracts Northwest 2019 on Oct. 30
- Legal 500 Recognizes Oles Morrison Rinker & Baker's Government Contracts Practice In 2019 National Guide
- Oles Morrison Rinker & Baker Receives Rankings In 2019 Issue Of Chambers USA Guide
- Navigating Federal Government Contracts in the Last Frontier - Seminar March 19
- Oles Morrison is Ranked Among Nation's Top Law Firms by U.S. News – Best Lawyers®
- Oles Morrison to host Federal Government Contracts Seminar
- Trump Administration's Sovereign Acts Cast Shadow on Federal Procurement
- Serving Our Clients for 125 Years
- Trump's Buy American Hire American Executive Order Impacts Contractors
- Howard Roth's "Trump's Buy American Order Already Packs A Punch" appears in Law360
- Buy America and Buy American: What's the difference and why it matters
- Howard Roth authors "Smooth sailing, maritime government contract claims in U.S. District Court"
- Howard Roth commented to the Los Angeles Times on proposed "Buy American" provisions in NAFTA
- Federal Government Contracts: How to Navigate in the New Administration Seminar – Nov. 16, 2017
- Anchors Aweigh! U.S. District Court Jurisdiction over Maritime Contract Disputes Act Claims
- Oles Morrison's Government Contracts Team Wins GAO Bid Protest Challenging Award of O/M Contract for Missile Defense Radar Vessel – SBX-1
- Join Howard Roth at tomorrow's "Teaming & Joint Venturing for Government Contracting Success" seminar
- Join Howard Roth at Washington PTAC's "Small Business Contracting & Legal Issues"
- Howard Roth to Address the Puget Sound NCMA
- AGC of Alaska Publishes Federal Contracts Article by Howard Roth
- Howard Roth Presents Recap of AGC's 2015 Fed Con at AGC of Alaska
- Howard Roth to Speak on Maritime Government Contract Litigation at SEALI Seminar
- Howard Roth Discusses Contract Law Applicable to Alaska Marine Highway System Contracts
- Howard W. Roth Presents on Federal Contracts, A Year in Review
- Howard W. Roth to Present on Federal Contract "Compliance Hot Topics"
- GAO Bid Protest Refresher by Howard Roth
- Oles Morrison to Host SBA Seminar for Government Contractors
- Attorney Howard W. Roth to Present on Small Business Subcontracting Plans
- Former Army Judge Advocate Howard W. Roth Joins Oles Morrison