

REA, CLAIMS, AND DISPUTES LITIGATION

The Request for Equitable Adjustment (REA) and claims processes are constants in Government contracting. Notwithstanding numerous provisions in Government contracts that provide for equitable adjustments for changes, scope growth, delays and other unforeseeable occurrences, contractors often find that requests for relief are resisted by the Government. Smith Currie Oles attorneys are experienced in guiding contractors through the equitable adjustment and Contract Disputes Act (CDA) claims processes, and can assist clients in analyzing contract performance as part of that process, including tracking areas of cost growth and schedule performance. We also represent contractors when the Government asserts a claim or adjustment against the contractor.

Maximize REA Recovery

Smith Currie Oles attorneys work closely with contractor management, program, accounting and engineering personnel to develop strategies for recovery. We work with clients to investigate the facts, formulate optimal legal theories and draft and present REAs or certified Contract Disputes Act claims to maximize the contractor's chances of recovery, while being sensitive to relationships with Government customers. Whatever the legal theory: -constructive change, defective specifications, performance delay or acceleration, late or defective government-furnished property, performance impossibility/impracticability, breach of the government's duty to cooperate, or excessive testing or inspection, our Government Contracts attorneys know how to formulate strategies based on extensive experience with these theories of recovery as both government and contractor counsel.

If contractor REA or CDA claim or Government claims cannot be successfully resolved short of litigation, we represent contractors in alternative dispute resolution (ADR) proceedings or disputes litigation before the Armed Services Board of Contract Appeals (ASBCA), the Civilian Board of Contract Appeals (CBCA), the U.S. Court of Federal Claims (COFC), and for maritime Government contracts, U.S. district courts.

Representative experience of Government contracts REA and claims team members includes:

- Represented Prime contractor in drafting REA and then successful appeals before the ASBCA involving multimillion dollar contractor construction claims arising out of contractor's construction of two hotels for the Government.
- Represented defense IT contractor in successful REA concerning Cost Accounting Standards on cost reimbursement contract.
- Served as consultant on billion dollar construction contract with both Contractor and Government claims and REAs in the millions of dollars, to include litigation at CBCA.
- Drafted numerous successful construction contract REAs utilizing Critical Path Method (CPM) schedule analysis under delay, suspension of work, and changes clauses.
- Negotiated highly favorable settlements through ASBCA litigation of contractor's claims for delay and disruption under U.S. Army Corps of Engineers contracts.
- Drafted numerous Government shipbuilding REAs concerning delay, disruption, constructive changes and breach of contract.
- Successfully defended Government claim Army for millions of dollars for alleged overcharges.