

GREGORY H. PETKOFF, Partner

Gregory H. Petkoff is a partner in the Government Contracts Practice. He represents large and small businesses and institutions on government contract matters involving defense and civilian agencies. He has recorded more than 200 reported decisions in bid protests and has resolved major claims against the government using ADR processes in both the government and private practice. He also has extensive experience in False Claims Act litigation, investigations by agency inspectors general, mandatory disclosures and related enforcement actions.

Mr. Petkoff has practiced government contracts law with a major international law firm since 2011, pursuing and defending major bid protests and advising companies concerning government contract compliance. He regularly advised companies on contract pricing and rights in technical data and software as well as multiple award schedule contracts. He successfully litigated contract claims at the Armed Services and Civilian Boards of Contract Appeals and regularly represented companies appearing before agency debarment officials. Before moving into the private sector, he practiced government contract law for more than three decades with the US Air Force, including 17 years in the General Counsel's Office at the Pentagon. During his government career, he provided legal advice on planning and executing major defense acquisition programs.

For 13 years, Mr. Petkoff led the team that defended Air Force bid protests and was a member of the Defense Acquisition Regulatory Council, where he drafted federal and Defense Department acquisition regulations.

- Filed a protest at the Government Accountability Office (GAO) on a \$340 million contract to develop, produce and install enhancements to DOD test ranges. As a result, the agency took corrective action, providing the relief requested in the protest.
- Filed a GAO protest on a \$450 million cybersecurity contract. As a result, the agency took corrective action, providing the relief requested in the protest;
- Won a GAO protest on a \$150 million information technology contract awarded by the Defense Intelligence Agency;
- Filed two protests on a \$35 million information technology contract. After the initial protest, the agency took corrective action. The client then lost the re-competition. After filing the second protest at GAO, the agency took corrective again. The client then won the competition.
- Successfully defended a protest filed against a major supply contract awarded to the client by the Government Printing Office.
- Convinced the Department of Defense to take corrective action on several procurements by filing agency-level protests.
- Successfully litigated the first bid protest tried at the General Services Board of Contract Appeals.



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PRACTICE GROUPS

Government Contracts

EDUCATION

University of San Diego School of Law, J.D.,
1976

Georgetown University, B.A., 1973

ADMISSIONS

California (inactive), 1976

District of Columbia, 1979

COURT ADMISSIONS

U.S. District Court, Northern District of
California, 1976

U.S. District Court, Central District of
California, 1978

U.S. Court of Federal Claims, 1984

U.S. Court of Appeals, Federal Circuit,
1986

U.S. Supreme Court, 2015

- Successfully litigated contract disputes at the Armed Services Board of Contract Appeals and the Civilian Board of Contract Appeals.
- Convinced the Suspension and Debarment Official for a military agency to withdraw a letter requiring our client to "show cause" why it should not be disbarred.
- Served as Government Contract Law Counsel on the appellate team that litigated the case of *Kingdomware Technologies, Inc. v. U.S.* at the Court of Appeals for the Federal Circuit and the U.S. Supreme Court. This may have been the first (and only) bid protest decided by the Supreme Court. The Supreme Court unanimously ruled in favor of our client, reversing the decision of the Federal Circuit.
- Obtained a \$50 million settlement at the Court of Federal Claims for a small business in a copyright infringement action involving unauthorized government use of software and negotiated a related software license agreement; and
- Successfully defended a \$1.6 billion protest of a major system acquisition by a military department.

Awards

- *Legal 500*
Government - Government Contracts - 2016

Industry

- *Law360*, Government Contracts
Member, Editorial Advisory Board - 2017

Publications

- Co-Author, "Disclosure Dilemma for Government Contractors Learning before Contract Award that Proposed Key Personnel Are Not Available to Perform the Contract," *The Government Contractor*, August 1, 2018
- Client Alert: "GAO Bid Protest Explains When Agencies Should Evaluate Pending Mergers When Making Award Decisions", October 6, 2016

Speaking Engagements

- "Section 809 Panel Recommendations: What They Mean For Protesters," Federal Publications Seminars Webinar, February 13, 2019
- "Bid Protests in the World of Mergers and Acquisitions," Federal Publications Webinars, December 09, 2016