



## Shaun Kennedy

Of Counsel

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**Shaun Kennedy brings broad expertise in all aspects of federal and state government contracts matters, guiding clients in general counseling, complex internal investigations, and representation in high-stakes bid protests and claims litigation.**

Shaun provides business-oriented legal guidance to help clients navigate the complex legal framework of federal and state government contracts.

Clients benefit from Shaun's sophisticated experience in private practice and working in-house for aerospace and defense contractors. His practice includes counseling clients in every facet of contract claims and disputes, bid protests, contract formation and administration matters, internal investigations, and government subpoenas.

Prior to joining Holland & Hart, Shaun served as a Judicial Law Clerk to the Honorable Loren A. Smith of the United States Court of Federal Claims.

Shaun currently holds a Top Secret/Sensitive Compartmented Information security clearance.

### EXPERIENCE

- Bid protests
- Contracts disputes
- Prime/sub disputes
- FAR/DFARS counseling
- Cost allowability
- Business system audits
- Fiscal law issues
- Internal investigations

### CLIENT RESULTS

#### Bid Protests and Claims Litigation

Successfully prosecuted a bid protest in the Court of Federal Claims involving the award of a contract for the management of a laboratory at the Turner-Fairbank Highway Research Center.\*

Defended bid protest in the Government Accountability Office alleging improper organizational conflicts of interest in the award of a contract by the National Oceanic and Atmospheric Administration to support the

### PRACTICES

Government Contracts  
Government Investigations and White Collar Defense  
Export Control (ITAR/EAR) and Trade Sanctions (OFAC)

### EDUCATION

American University, Washington College of Law, J.D., 2010

University of Kentucky, B.B.A., 2006

### BAR ADMISSIONS

Colorado  
District of Columbia

National Data Buoy Center.\*

Successfully pursued a bid protest for the award of a contract by the NATO Support and Procurement Agency to provide air traffic control services at an airbase in Afghanistan.\*

Successfully pursued a state-level bid protest for the award of commissary services by the Department of Corrections of the State of Washington.\*

Defended an aerospace company before the Armed Services Board of Contract Appeals in a \$140 million affirmative Government claim for breach of contract damages, resulting in a dismissal with prejudice.\*

Obtained a favorable settlement to resolve six consolidated Contract Disputes Act appeals before the Armed Services Board of Contract Appeals for the construction of a security enclave at the Naval Base Kitsap.\*

### False Claims Act & Internal Investigations

Conducted an internal investigation on behalf of an aerospace company regarding an allegation of retaliation under the Defense Contractor Whistleblower Protection Act, resulting in a declination to investigate by the Department of Defense, Office of Inspector General.

Conducted an internal investigation relating to improper small business subcontracting practices, resulting in a declination by the United States Attorney's office to intervene in a *qui tam* False Claims Act action.\*

Led an internal investigation on behalf of a Department of Energy management and operations contractor regarding compliance with purchasing system guidelines.\*

Represented a military parts manufacturer in connection with an Environmental Protection Agency search warrant and investigation conducted by the U.S. Attorney's Office alleging violations of the Clean Water Act.\*

### General Counseling

Developed an internal policy and procedure on behalf of a research and development contractor to identify, avoid, and mitigate organizational conflicts of interest.\*

Assisted a military parts manufacturer to ensure compliance with relevant export control statutes and regulations, including drafting internal policy and assisting in employee training.\*

Advised a big data visualization provider in the development of its proprietary computer software to maximize data rights protections.\*

*\*Indicates a matter Shaun worked on before joining Holland & Hart*

## **PUBLICATIONS**

"GAO Report: Bid Protest Filings Down, but Effective Rate Remains Steady," *Holland & Hart News Update*, 11/11/2019

"Department of Justice Issues New Guidance on Definition of "Confidential" under FOIA Exemption 4," *Holland & Hart News Update*, 10/24/2019

## **PROFESSIONAL AND CIVIC AFFILIATIONS**

- American Bar Association
- National Contract Management Association
- U.S. Court of Federal Claims Bar Association
- Colorado Space Business Roundtable, Advisory Board, 2020-Present