



Andrew E. Shipley

PARTNER

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Ranked by both *Chambers* and *The Legal 500*, and twice named a *Law360* MVP for Government Contracts, Andrew Shipley is widely regarded as a leading government contracts litigator with a reputation for creative lawyering and outstanding written and oral advocacy. On multiple occasions, his client wins were described in the legal press as among the most significant government contract cases of the year because of the novel legal theories he crafted.

He served for several years on the American Bar Association's (ABA) Federal Practice Task Force where he focused on revising the discovery rules in the Federal Rules of Civil Procedure. The ABA also appointed Andrew to serve as the co-chair for its annual Federal Procurement Institute, its most important government contracts conference, and selected him to co-author its treatise on bid protests. He also won the prestigious Burton Award for Legal Writing on "Remove Your Case to Federal Court: Lesser Known Options," which appeared in the ABA Section of Litigation's flagship journal, *Litigation*.

Prior to his return to private practice in 2012, Andrew led an in-house litigation group for a multinational defense contractor and was responsible for a wide variety of litigation and had cognizance over matters pending at the ASBCA and the Court of Federal Claims. Andrew currently supports diverse clients in government contract disputes, including federal court litigation, board of contract appeals litigation, bid protests and other contested proceedings, and is a go-to litigator for a number of top-tier contractors.

Publications and Seminars

- Co-Chair, ABA's 2020 Federal Procurement Institute
- Principal Author, "Bid Protests: A Guide to Challenging Federal Procurements," American Bar Association, May 12, 2021
- Co-Author, "Not at Home: Reining in General Personal Jurisdiction After *BNSF Railway Co. v. Tyrrell*," *Bloomberg Law Insights*, US Law Week, March 22, 2018

- Co-Author, “ASBCA Ruling Questions Consideration of Materiality,” *Law360*, September 30, 2016
- Co-Author, “Building Batteries: Keys to a Strong Relationship Between In-House and Outside Counsel,” *Corporate Counsel Magazine*, April 26, 2016
- Co-Author, “Do Words Matter? GAO Says Yes in Bid Protest Decision,” *Law360*, November 19, 2015
- Co-Author, “Protecting Your IP Rights in Government Contracts,” *Practising Law Institutes's Intellectual Property Course Handbook*, 2015

Solutions

Defense Tech Transactions

Government Contracts

National Security

Government and Regulatory
Litigation

Investigations

Government Contract
Investigations

Litigation

Experience

BID PROTESTS

- Crafted a precedent-setting argument on the law of procurement integrity to successfully protest a \$700 million NASA contract. The GAO decision adopting the argument was identified in numerous legal publications as one of the most significant government contract decisions of 2020.
- Led successful protest at COFC of \$82 billion logistics contract based on agency's failure to conduct a meaningful price reasonableness analysis.
- Successfully defended a GAO protest challenging client's \$4 billion DOE award for environmental cleanup support services at a nuclear waste site.
- Led successful GAO protest of Army missile defense procurement based on agency's failure to investigate organizational conflict of interest issue.
- Successfully protested solicitation for sole source task order deliberately priced by agency below GAO's dollar threshold for jurisdiction by arguing that agency's failure to abide by FAR ordering clause also violated the IDIQ contract under which the order issued.
- Led the successful protest against the award of \$450 million contract to provide comprehensive satellite services contract to the United States Navy.
- Led the successful protest and developed a precedent-setting argument challenging a \$335 million IDIQ contract award from the FBI for Land Mobile Radio System equipment.
- Led the successful defense of an award from the United States Air Force to The Boeing Company to maintain specialized, nuclear-hardened aircraft used to protect and convey the nation's senior leadership in the event of nuclear war.
- Overturned CMS's decision to exclude First Coast from the competitive range.
- Led the successful defense of \$330 Million contract award to Harris Corporation to upgrade FAA's air traffic control communications system.

OTHER GOVERNMENT CONTRACTS

- Obtained dismissal of Northrop Grumman Corporation as defendant in 1498 patent infringement suit through assertion of defenses unique to Court of Federal Claims matters.
- Successfully removed complaint that pled only state law claims through novel use of Federal Officer Removal statute. Case was later featured in the American Bar Association's Section of Litigation's flagship journal, *Litigation*.
- Obtained dismissal for a multinational contractor for lack of personal jurisdiction in a state where the company employed thousands of workers and headquartered one of its three primary business units. The decision was one of the first to apply the personal jurisdiction test set forth by the Supreme Court in the *Daimler* and *BNSF Railway* cases.
- Represent contractors on appeals before the ASBCA arising from Contracting Officer Final Decisions on cost allowability treatment.
- Represented contractor against the US Navy before the ASBCA (eventually

appealed to the Federal Circuit) arising from alleged design and manufacturing defects. Issues involved determining whether contract was build-to-print or performance based; adequacy of government furnished design drawings and specifications; adequacy of materials testing; adequacy of contractor's manufacturing processes and procedures; responsibility of government for delay and disruption.

- Claim against the US Army before the ASBCA arising from excess costs related to wage and labor classifications.
- Claim against NASA in the Court of Federal Claims for breach of contract arising out of the International Space Station program.
- Qui tam case in the US District Court for the Northern District of Texas involving alleged design and production defects in boats built for the US Coast Guard.
- Qui tam case in US District Court for the Middle District of Florida involving alleged labor mischarging.
- Internal investigations arising from alleged mischarging of labor and expenses.
- Arbitration with Sweden's MOD on a contract dispute over performance specifications.
- Negotiations with Australia's MOD on a contract dispute over progress payments and milestones.

GOCO/ENVIRONMENTAL LITIGATION

- GOCO CERCLA case by private party alleging owner, operator and arranger liability for waste disposal activities undertaken during wartime.
- CERCLA case brought by DOJ alleging owner, operator and arranger liability for waste disposal activities undertaken by the client's subcontractor.
- Claim brought by landowner for alleged diminution in value attributable to alleged environmental contamination arising from operations on adjacent property.

COMMERCIAL CONTRACT/IP LITIGATION

- Represented US company in breach of contract claim filed in Japan.
- Represented US company in patent infringement claim filed in Rome relating to safety device recorder.
- Represented US company in patent infringement claims filed in Munich and Paris related to fiber-optic gyroscope technology.
- Defended TRO brought by subcontractor to enjoin Foreign Military Sales involving IP in which subcontractor asserted exclusive license rights.
- Defended claim brought by third party software developer alleging unauthorized use of copyrighted software development toolkit.
- Represented middleweight boxing champion in dispute over enforceability of management contract.

Recognition

- Named a Thomson Reuters Stand-out Lawyer – independently rated and selected by clients – in 2022 and 2023
- Regularly recognized by *Chambers USA Guide* nationwide for government relations and contracts practice. According to *Chambers USA*, "Andrew Shipley is an experienced government contracts attorney with deep expertise in bid protests. He has a noteworthy client roster which spans across the aerospace, technology and construction sectors. Sources say he is an 'extremely practical guy,' and 'hones in on the key facts, getting to the heart of a matter.'"
- Selected by peers for inclusion in *Best Lawyers in America* for his government contracts practice in 2023.
- Recipient of the 2016 and 2022 *Law360* MVP Award for government contracts.
- Regularly recognized by *The Legal 500 United States* for his government contracts practice.
- Listed in the 2014–2024 editions of Washington DC *Super Lawyers* for his government contracts practice.
- Recipient of the 2014 Burton Award for Distinguished Legal Writing.
- Named the 2007 Outstanding In-House Counsel of the Year for the National Capital Region of the American Corporate Counsel Association.
- Profiled in 2006 for *Legal Times*, On the Record.

Credentials

EDUCATION

JD, Harvard Law School, 1984

cum laude

BS, University of Maryland,
1981

magna cum laude

Journalism

ADMISSIONS

District of Columbia

Maryland

Massachusetts