

## Andrew Howard

### Partner

213.576.1057

andy.howard@alston.com

Los Angeles | 333 South Hope Street, 16th Floor | Los Angeles, CA 90071-3004



Andy Howard represents clients across a wide range of industries, including construction, health care, aerospace, energy, and technology, in both contested and transactional matters. Andy's practice involves representing both construction industry professionals and federal, state, and local government contractors.

In his construction practice, Andy primarily represents developers and large general contractors involved in complex commercial and public works construction disputes involving claims for extra work, defective work or design, delay, and other time-impact claims. Andy also advises and represents clients in the negotiation and drafting of the myriad contracts and other ancillary documents used on complex construction projects.

In his government contracts practice, Andy advises companies on the unique procurement and contracting policies and procedures contained in the Federal Acquisition Regulation (FAR) and agency supplemental regulations and equivalent state procurement rules, on compliance with and negotiation of government agreements, and on the standards for the protection of classified information. He assists government contractors in understanding the trade secret protection rules contained in the FAR and DFARS and in preparing or objecting to requests for public records under the FOIA and similar state laws.

Andy also represents companies in pre- and post-award bid protests and other types of adversarial proceedings involving government agencies, including claims prosecution proceedings under the CDA, Administrative Procedure Act challenges, False Claims Act litigation, and contractor suspension and debarment proceedings.

### *Representative Experience*

#### **Construction**

- Counsel to the general contractor for a \$1.5 billion mixed-use development in downtown Los Angeles.
- Counsel to the contractor on a \$40 million claim involving improvements to a section of freeway outside downtown Los Angeles.
- Counsel to a luxury residential developer on projects located in various cities around the country, including Atlanta, Boston, Oakland, San Diego, and Oceanside, CA.
- Counsel to an Engineering News-Record (ENR) top 10 contractor in the grading and structural work package for the new home stadium for the Los Angeles Rams and Los Angeles Chargers NFL professional football teams.
- Represented the developer of a luxury multifamily apartment complex in Marin County, CA, in a \$75 million dispute with the general contractor and certain specialty subcontractors.
- Counsel to a major U.S. airline in its multibillion-dollar renovation program at Los Angeles International Airport (LAX).
- Outside construction counsel to the developer/owner/operator of several private-member social clubs and co-working spaces in Los Angeles, Miami, Austin, Washington, D.C., and New York City.

- Outside construction counsel to a national multifamily developer on matters in California, Georgia, Massachusetts, Oregon, Tennessee, Texas, and Washington, D.C.
- Represented the developer of a luxury multifamily development in San Francisco in a \$20 million dispute with the general contractor.
- Represented the developers of several hotels in Napa Valley, CA, in disputes with the general contractor responsible for building them.
- Counsel to an ENR top 100 design firm in disputes with the U.S. Army Corps of Engineers arising out of the design of additions and renovations to a medical facility on an Army base.
- Outside government contracts counsel to an ENR top 30 general contractor for federal construction contracts compliance and claims mitigation issues.
- Counsel to an ENR top 10 contractor in the prosecution of its multimillion-dollar claim against the U.S. Army Corps of Engineers, which settled in exchange for a substantial payment to the client and reversal of an unsatisfactory past performance evaluation.

## ***Government Contracts***

- Advising clients across a variety of industries such as hospitality, manufacturing, real estate development and management, health care, and retail on the CARES Act Paycheck Protection Program, including evaluating eligibility requirements, restrictions, and exclusions.
- Advising clients, including a Fortune 500 consumer food products company, a major public university, and an industrial sterilization solutions provider for the medical device, pharmaceutical, commercial, and food industries, with Defense Production Act issues.
- Outside government contracts counsel to a Fortune Global 5 company.
- Special M&A counsel to a UK private equity firm in the acquisition of a military intelligence and consultancy firm with operations in Europe, the U.S., and the Middle East.
- Counsel to one of the nation's leading health care companies in connection with Medicaid and other managed-care contracts in more than a dozen states.
- Outside government contracts counsel to a Nasdaq company.
- Counsel to four technology companies that were sued under the False Claims Act; the suits were dismissed with prejudice after pre-answer motions.
- Government contracts counsel to a Fortune 1000 company for preventing disclosure of privileged commercial information in response to a third-party FOIA request.
- Government contracts counsel to an information technology equipment manufacturer for advice and compliance with domestic source restrictions in federal construction and supply contracts.
- Counsel to a defense contractor for bid protest and trade secret protection issues.
- Government contracts counsel to a defense testing company for the divestiture and commercial sale of a low-level nuclear radiography machine.
- Government contracts counsel to a national energy company for the negotiation of gas supply contracts.
- Government contracts counsel to a leading national health care services company, assisting in the preservation of trade secret and proprietary information, administrative protests, and appeals in connection with various states' managed health care programs.

- Government contracts counsel to a regional hospital authority in a facility reconstruction funded partly by public assistance grants administered by the Federal Emergency Management Agency under the Robert T. Stafford Disaster Assistance and Emergency Relief Act.

## ***Publications & Presentations***

### ***Publications***

- “‘It’s Getting Better All the Time’: Best Practices in Presenting Delay Claims Bench Trial/Arbitration/Jury Trial,” *Construction Lawyer*, Vol. 37, No. 4, Fall 2017.
- “It’s Good to Be the King: The Curious Case of *United States v. JAAAT Technical Services*,” *Pratt’s Government Contracting Law Report*, Vol. 2, No. 4, April 2016.
- “Policing Breach of Contract with Fraud: Fourth Circuit Adopts Implied Certification Theory of Liability Under the FCA,” *Pratt’s Government Contracting Law Report*, Vol. 1, No. 3, June 2015.
- “Leaving Money on the Table? The Reimbursement of Business Restructuring Costs Under Federal Contracting Rules,” *Bloomberg BNA Federal Contracts Report*, February 3, 2015.
- “Government Contracting & the Federal Acquisition Regulation System (FAR),” in *The Complete Compliance and Ethics Manual*, 3rd ed., Society of Corporate Compliance and Ethics, 2014.
- “How Contractors Can Land End-of-Year Federal Awards,” *Government Product News*, August 13, 2013.
- “Past Performance Evaluations: New Rules, Same Challenges,” *Law360*, March 13, 2012.

### ***Professional & Community Engagement***

- American Bar Association, Forum on Construction Law
- American Institute of Architects, Contract Drafting Advisory Committee
- American Bar Association, Public Contract Law Section
- Associated General Contractors of America, SoCal Chapter
- National Contract Management Association, South Bay (CA) Chapter
- *Super Lawyers Magazine*, Southern California Rising Star, Government Contracts and Construction (2012, 2013, 2014, and 2015)
- *The Best Lawyers in America*, Government Contracts – Los Angeles (2020 and 2021)

### ***Education***

- Mercer University (J.D., 2002)
- Furman University (B.A., 1998)
- Furman University (B.M., 1998)

### ***Admitted to Practice***

- California
- Georgia
- Washington

## *Related Services*

Litigation | Construction | Government Contracts | White Collar, Government & Internal Investigations | A/E/C  
Industry Investigations and Enforcement Team | Commercial Construction