

Jeffrey A. Belkin

Partner

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Jeff Belkin is a partner in the Construction & Government Contracts Group in Alston & Bird's Atlanta and Washington, D.C. offices. Jeff represents contractors in False Claims Act and internal investigations, claims litigation, and procurement protests, and advises on complex compliance issues.

Jeff is a former Department of Justice (DOJ) trial attorney who is now principal claims and investigations counsel to some of the most successful and sophisticated contractors and vendors in the country. Jeff maintains compliance practices in IT, health care, financial services, construction, and defense, with experience in domestic preference issues, General Services Administration (GSA) and Veterans Administration (VA) FSS schedules and other government-wide agreements, prevailing wage and other employment regulations, E-Rate, and small business issues. Jeff is regularly engaged as special counsel for government contracts in M&A transactions involving federal contractors, and Jeff has even testified as an expert on government contracts before a federal criminal jury.

Jeff is ranked in *Chambers USA: America's Leading Lawyers for Business* in the area of government contracts and *The Best Lawyers in America*® in the area of construction litigation.

Representative Experience

- Represented a leading playground equipment supplier, receiving dismissal of all claims in a False Claims Act action. The relator's allegations concerned noncompliance with the Davis-Bacon Act and conspiracy to submit false claims to the U.S. government. After multiple rounds of dismissals without prejudice, the district court dismissed the relator's case with prejudice for failure to present a viable claim under the U.S. Supreme Court's Escobar materiality standard.
- Represented a Fortune 50 health insurer in its case against the Pennsylvania Department of Human Services for violating the state's procurement code during a bid process for \$12 billion in Medicaid physical health services contracts. Following argument in an en banc petition for review, the Commonwealth Court of Pennsylvania reversed the agency's decision, allowing the client a new opportunity to secure the contract and remain an incumbent.
- Represented a major U.S. financial institution in the resolution of a Court of Federal Claims action to recover \$14 million in damages arising out of the bank's financial services contract with the Department of Defense for transportation payments.
- Represented and provided due diligence support as specialty government contracts counsel to the buyer, a UK private equity firm, in the acquisition of a leading provider of OEM-licensed parts for legacy military and aerospace platforms for \$1.365 billion.
- Representing major medical products resellers in compliance with the Veterans Health Care Act of 1992, including Federal Ceiling Price and Federal Supply Schedule contracting obligations for covered drugs.

- Represented a major distributor of military and aircraft parts in internal investigations, compliance obligations, acquisitions of government contractors, and ultimately its own purchase by a major defense contractor.
- Specialty counsel for government contracts for a nationally recognized private equity firm in acquisitions of government contractors and businesses, including a \$7.4 billion acquisition of a network infrastructure solutions company.
- Represented a major pharmacy benefits manager (PBM) in its defense of a protest of an award of PBM services to the State of Georgia.
- Represented a national health care company in a protest and suit concerning the improper award of an approximately \$25 million public-employee health care contract. After a hearing, the court reversed the improper award, granted each alleged ground for the appeal raised by counsel, and ordered the city to re-issue the RFP.
- Represented a leading construction equipment supplier in the protest of a Virginia Department of Transportation award of a contract worth \$25 million, resulting in a reversal of the original award and a new award of the contract to the client.
- Represented one of the nation's largest health care insurers on state bid protests and open records litigation matters. Our role included advising on pending RFPs, preparing for bid protests (as awardee/intervenor or as an unsuccessful offeror), addressing the protection of trade secrets, and acting as lead counsel on government-contract-related litigation.
- Representing a national health insurer/administrator in litigation concerning the procurement of a multibillion-dollar set of state employee health benefits contracts.
- Representing a major U.S. bank in negotiations with the Small Business Administration (SBA) regarding the client's contract with the SBA to service the SBA's \$20 billion portfolio of community development corporation loans.
- Representing a major telecommunications company in a Department of Labor investigation into a Davis-Bacon prevailing-wage investigation arising out of an American Recovery and Reinvestment Act (ARRA) funded project.
- Represented a major defense contractor in subpoenas for documents arising out of IT services and products subcontracts.
- Representing multiple contractors in ongoing voluntary (or "voluntary") disclosures and subsequent IG investigations.
- Hired by the criminal defense attorney in a prosecution of the owner of a construction company charged in the Southern District of New York with fraud and misrepresentations to government investigations in the pursuit of a number of Department of Veterans Affairs and Defense Department contracts. Qualified by the court and testified in the criminal trial as an expert on government contract issues, particularly on the areas of qualifications for the status of a "Veteran-Owned Small Business" and a "Service-Disabled Veteran-Owned Small Business."
- Outside general counsel for all government-contract-related issues for one of the largest IT resellers in the U.S., including ongoing False Claims Act investigations and litigation, disputes with vendors and suppliers, internal investigations, and compliance-related advice.
- National counsel for government contracts to one of the largest cable and telecommunications services providers, advising routinely on investigations, audits, claims, and compliance issues.

- Advised a leading manufacturer of medical equipment on its compliance with the Buy American Act and Trade Agreements Act on multiple government construction products, helping the client avoid claims for delay and other damages by convincing the customer of the client's compliance with domestic source restrictions.
- Counsel to a major manufacturer of information technology products on compliance with domestic source requirements.
- Counsel to a major communications company in an internal audit of all of its government contracts.
- Counsel to a major shipping company in its compliance review of government contracting employment obligations.
- Counsel to a leading health care company in its defense of a government claim relating to a pilot government program.
- Counsel to a regional power cooperative in its compliance with ARRA obligations.
- Counsel to a leading international manufacturer in its domestic source requirements compliance, training, sales, and marketing program under the Buy American Act, Trade Agreements Act, ARRA, and federally funded transportation grant programs.
- Counsel to a Nasdaq company in the first reported SBA and DOJ False Claims Act investigation into a contractor's alleged false certification of business size.
- Counsel to the incumbent contractor in a protest before the SBA of a client's small business set-aside award, allowing the client to retain more than 30 government contracts.
- Counsel to a leading contractor and a Fortune 500 company in the protest on behalf of the incumbent team that operates Georgia's Clean Air Force Program before the Georgia Department of Administrative Services, resulting in the resolicitation of proposals.
- Counsel to a leading furniture manufacturer in a major GSA and DOJ False Claims Act investigation into the client's alleged noncompliance with commercial pricing disclosure requirements in connection with multiple GSA Multiple Award Schedule contracts.
- Counsel to the protestor before the GAO and SBA regarding the award of a contract by the Department of Veterans Affairs to a company that wrongly claimed that it was a small business entitled to a set-aside contract, resulting in an award to the client of the contract.
- Counsel to a leading contractor, the claimant on a multimillion-dollar claim arising out of the construction of a forensic laboratory for the Army Corps of Engineers.
- Counsel to a subcontractor in a multimillion-dollar claim arising out of a Department of Energy construction project.
- Counsel to a trustee for lenders in surety bond and breach claims involving multiple military family housing development projects across the Southeast.
- While at the DOJ, lead trial attorney in the trial of *F. Lee Bailey v. United States*, arising out of the lawyer's contract claim against prosecutors (there are some interesting stories to share). Handled multiple trials before the Court of Federal Claims, including claims litigation and bid protest injunction hearings, and argued numerous cases before the Federal Circuit and U.S. Court of International Trade.

Publications & Presentations

Publications

- “Are Stars Aligning for a Major Shakeup of the Buy American/TAA Domestic Preference Regime?” *Contract Management Magazine*, April 2020.
- “Dismissing FCA Cases: The Granston Memo in Action,” *Law360*, September 28, 2018.
- “High Court Boosts Veterans Contracts in Kingdomware,” *Law360*, June 21, 2016.
- “In Wisconsin, FCA Liability May Apply to E-Rate Program,” *Law360*, May 22, 2015.
- “FCC Tightens E-Rate Oversight,” *Internet Telephony*, January 26, 2015.
- “Proposed Reporting Rule on Counterfeit Items Adds Burden to Contractors,” *National Defense Magazine*, December 2014.
- “Proposed Mandatory Reporting Rule for Supply Contracts Is a Major Expansion,” *Industry Today*, October 2014.
- “USAC Turns Up the Heat on E-Rate Price Requirement,” *Internet Telephony*, June 2014.
- “Voluntary Disclosure, Mandatory Disclosure and Government Engagement,” in *The Complete Compliance and Ethics Manual*, 2014.

Professional & Community Engagement

- Guardian ad litem for children in foster care in Washington, D.C. and Atlanta
- Families First, Executive Board
- Hebrew Benevolent Congregation of Atlanta (The Temple), Board of Trustees, treasurer

Education

- University of Virginia (J.D., 1995)
- Duke University (B.A., 1992)

Admitted to Practice

- Georgia
- District of Columbia
- Virginia

Related Services

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