

**Amy Laderberg O'Sullivan**

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Practice Areas

- Government Contracts

Amy Laderberg O'Sullivan is a partner in the Government Contracts practice group. Her practice involves a mix of litigation and day-to-day counseling for corporate clients of all sizes and levels of experience as government contractors. On the litigation side, she has represented corporate clients in bid protests (agency level, GAO, and Court of Federal Claims), protests before the Small Business Administration, claims litigation before the various Boards of Contract Appeals, Defense Base Act claims litigation at the Administrative Law Judge and Benefits Review Board levels, civil and criminal investigations, and she has been involved in complex commercial litigation. Her counseling practice ranges from the day-to-day survival issues facing small businesses to the complex and specific legal questions from large defense contractors. She regularly works with the unique issues confronting small business as well as those arising in connection with teaming and contracting with small businesses, including navigating the SBA's regulations in such areas as affiliation; limitations on subcontracting; the mentor-protégé program; the SBIR program; and small business, 8(a), ANC, and SDVO SBC status issues. She reviews and negotiates terms of subcontracts, teaming agreements, mentor-protégé agreements, and joint venture agreements. She has provided counseling on various issues and risks associated with Iraq contracting and the Defense Base Act. She has assumed numerous roles in connection with the mergers or acquisitions of government contractors, included conducting the due diligence review, to compliance with SBA notice and approval requirements, and handling the novation of contracts. She has counseled clients on establishing, enforcing, and maintaining overall compliance programs. She has provided on-site training for companies on contracting with small businesses, ethics and compliance issues, and basics of government contracting. She has assisted in the preparation of an amicus brief on behalf of National Defense Industrial Association in an appeal of a jury verdict awarding lost profits and punitive damages based on alleged breach of oral agreement to team on bid for B-1B subcontract (*Cable & Computer Technology, Inc. v. Lockheed Sanders, Inc., et al.*, No. 01-56722

(9th Cir.)). She has also served as a course instructor for Federal Publications Seminars and has been a speaker for numerous INPUT conferences.

Amy received her B.A. with honors in art history and political science from Williams College in 1996, where she was also a member of the swimming, water polo, and rugby teams. She graduated from William & Mary School of Law in 1999, where she served as Notes Editor of the *William & Mary Law Review* and Articles Editor of the *William & Mary Journal of Women and the Law*.

Prior to joining Crowell & Moring, Amy clerked for one year with the Honorable Jerome B. Friedman, United States District Judge for the Eastern District of Virginia.

Amy is a member of the Bars of the District of Columbia, the State of Virginia, the United States District Court for the Eastern District of Virginia, and the Fourth Circuit.

Education

- Williams College, B.A. Art History and Political Science (1996) Honors
- College of William & Mary Marshall-Wythe School of Law, J.D. (1999)

Affiliations

Admitted to Practice: District of Columbia, Virginia, the United States District Court for the Eastern District of Virginia, and the United States Court of Appeals for the Federal Circuit, and the Fourth Circuit, United States Court of Federal Claims

Publications

- "Government Contracts Bid Protests: A Practical and Procedural Guide," West Publications (2010-2011 and 2009-2010 editions). Contributors: Amy Laderberg O'Sullivan and Puja Satiani.
- "Dodging The Dickey Defense Base Act Issues?," *International Government Contractor*, Vol. 4, No. 12 (December 2007). Author: Amy Laderberg O'Sullivan.
- "The "Dirty Little Secret": Why Class Actions Have Emerged as the Only Viable Option for Women Inmates Attempting to Satisfy the Subjective Prong of the Eighth Amendment in Suits for Custodial Sexual Abuse," 40 *Wm. & Mary L. Rev.* 323 (1998). Author: Amy Laderberg O'Sullivan.

Alerts & Newsletters

- "Air Force Debarment Official To Speak At OOPS," *Government Contracts Bullet Points* (April 20, 2012). Contacts: Angela B. Styles, Shauna E. Alonge, Amy Laderberg O'Sullivan.
- "No SBA Protest Review of Approved 8(a) Mentor-Protégé JVs," *Government Contracts Bullet Points* (February 10, 2012). Contact: Amy Laderberg O'Sullivan.
- "CFC Weighs in on Timeliness of OCI Protest," *Government Contracts Bullet Points* (January 26, 2012). Contacts: Amy Laderberg O'Sullivan, James G. Peyster.
- "Veterans Affairs Snubs GAO?," *Government Contracts Bullet Points* (October 24, 2011). Contacts: Amy Laderberg O'Sullivan, Jonathan M. Baker, Angela B. Styles.
- "SBA Cannot Replace Agency Responsibility Findings with Its Own," *Government Contracts Bullet Points* (September 30, 2011). Contacts: Amy Laderberg O'Sullivan, John E. McCarthy Jr..
- "OMB Announces New "Goal" for Agencies to Accelerate Payments to Small Businesses," *Government Contracts Bullet Points* (September 20, 2011). Contact: Amy Laderberg O'Sullivan.
- "CFC Dismisses Protest of SBA Decision Not to Reopen Size Determination," *Government Contracts Bullet Points* (August 2, 2011). Contacts: Amy Laderberg O'Sullivan, Derek R. Mullins.
- "DOD to Pay All Small Businesses Faster," *Government Contracts Bullet Points* (May 2, 2011). Contacts: J. Catherine Kunz, Amy Laderberg O'Sullivan, Marc F. Efron.
- "The Wait Is Over for Women-Owned Small Businesses," *Government Contracts Bullet Points* (April 11, 2011). Contacts: Amy Laderberg O'Sullivan, Dina Epstein.
- "We're Staying Open to Handle Your Shutdown Questions," *Government Contracts Bullet Points* (April 8, 2011). Contacts: Terry L. Albertson, Amy Laderberg O'Sullivan, Daniel R. Forman, J. Chris Haile, Kris D. Meade, Angela B. Styles, Peter Eyre.
- "SBA Shakes Up 8(a) Program Regulations," *Government Contracts Bullet Points* (March 2, 2011). Contacts: Marc F. Efron, Amy Laderberg O'Sullivan.
- "Bid Protests Workshop: Practice, Procedure and Strategy," *Government Contracts Bullet Points* (February 28, 2011). Contact: Amy Laderberg O'Sullivan.
- "Shutdown Suspicions? Crowell & Moring Identifies the Questions You Should Be Asking," *Government Contracts Bullet Points* (February 25, 2011). Contacts: Terry L. Albertson, Amy Laderberg O'Sullivan, Daniel R. Forman, J. Chris Haile, Kris D. Meade, Angela B. Styles, Peter Eyre.

- "OHA Authority and Impact Expanded," *Government Contracts Bullet Points* (February 11, 2011). Contacts: Marc F. Efron, Amy Laderberg O'Sullivan.
- "Court Reviews Decision to Stop Using SBA 8(a) Contract," *Government Contracts Bullet Points* (September 2, 2010). Contacts: Amy Laderberg O'Sullivan, Marc F. Efron.
- "Subcontract Unenforceable When Violates SBA Requirements," *Government Contracts Bullet Points* (August 30, 2010). Contacts: Amy Laderberg O'Sullivan, Dina Epstein.
- "GAO Sides With COFC In Continued Battle Over Hubzone Set-Aside Priority," *Government Contracts Bullet Points* (May 21, 2010). Contacts: Amy Laderberg O'Sullivan, Marc F. Efron.
- "When Size Matters, SBA Has Final Say," *Government Contracts Bullet Points* (May 18, 2010). Contacts: Marc F. Efron, Amy Laderberg O'Sullivan.
- "Court Gives Teeth To Service Disabled Veteran Status," *Government Contracts Bullet Points* (April 27, 2010). Contacts: Marc F. Efron, Amy Laderberg O'Sullivan.
- "Proposed Rule For Women-Owned Small Business Set-Asides," *Government Contracts Bullet Points* (March 11, 2010). Contacts: J. Catherine Kunz, Amy Laderberg O'Sullivan.
- "SBA Proposes Important New Section 8(A) Regulations," *Government Contracts Bullet Points* (November 5, 2009). Contacts: Marc F. Efron, Amy Laderberg O'Sullivan, John E. McCarthy Jr..
- "Equality For All - OMB Instructs Agencies To Ignore GAO And Give Equal Consideration To Three SBA Programs ," *Government Contracts Bullet Points* (July 23, 2009). Contacts: Marc F. Efron, Amy Laderberg O'Sullivan.
- "House Hammers Hubzone Program," *Government Contracts Bullet Points* (March 31, 2009). Contacts: Marc F. Efron, Amy Laderberg O'Sullivan.
- "Agency's Corrective Action Based Upon GAO Recommendation Reasonable," *Government Contracts Bullet Points* (March 6, 2009). Contacts: Marc F. Efron, Amy Laderberg O'Sullivan, John E. McCarthy Jr..
- "Tech Bundling Justified For Emergency Situations," *Government Contracts Bullet Points* (January 2, 2009). Contacts: Frederick (Rick) W. Claybrook Jr., Amy Laderberg O'Sullivan.
- "Successful Protest Leads To Award," *Government Contracts Bullet Points* (November 24, 2008). Contacts: Marc F. Efron, Amy Laderberg O'Sullivan.
- "DOD's Affirmative Action Program Unconstitutional," *Government Contracts Bullet Points* (November 6, 2008). Contacts: Marc F. Efron, Amy Laderberg O'Sullivan.

- "Rule of Two" For Small Business Set-Asides Extended to Award of Task and Delivery Orders," *Government Contracts Bullet Points* (October 21, 2008). Contacts: Marc F. Efron, Amy Laderberg O'Sullivan.
- "SBA Issues Final Rule On WOSB Contracting Program But Has Yet To Identify Eligible Industries," *Government Contracts Bullet Points* (October 7, 2008). Contacts: Marc F. Efron, Amy Laderberg O'Sullivan.
- "SBA Proposes Set-Aside Rules For Women-Owned Small Businesses ," *Government Contracts Bullet Points* (January 2, 2008). Contacts: Marc F. Efron, Amy Laderberg O'Sullivan.
- "SBA Proposes To Relax Employee-Based Size Standard," *Government Contracts Bullet Points* (August 3, 2007). Contacts: Amy Laderberg O'Sullivan, Marc F. Efron.
- "Decision Signals Increased SBA Scrutiny of Size Status," *Government Contracts Bullet Points* (April 16, 2007). Contacts: Marc F. Efron, Amy Laderberg O'Sullivan.
- "GAO And SBA Disagree on Effect of Noncompliance With Subcontracting Limitation," *Government Contracts Bullet Points* (April 10, 2007). Contacts: Amy Laderberg O'Sullivan, Marc F. Efron.
- "During Bid Protest Stay Agency Should Have Terminated Award To Large Business Following SBA Size Decision," *Government Contracts Bullet Points* (December 29, 2006). Contacts: Marc F. Efron, Amy Laderberg O'Sullivan.
- "Private Party MEO Teammate Allowed Intervention To Protect Proprietary Information," *Government Contracts Bullet Points* (December 14, 2006). Contacts: Amy Laderberg O'Sullivan, Daniel R. Forman.
- "SBA Modifies Time At Which Size Status Is Determined," *Government Contracts Bullet Points* (December 12, 2006). Contacts: Amy Laderberg O'Sullivan, Marc F. Efron.
- "RFP Must State Whether Or Not Subcontractor Past Performance Will Be Considered," *Government Contracts Bullet Points* (November 16, 2006). Contacts: Amy Laderberg O'Sullivan, Thomas P. Humphrey.
- "The Federal Circuit Confirms Proper SCA Price Adjustments ," *Government Contracts Bullet Points* (August 24, 2006). Contacts: Kenneth M. Bruntel, Amy Laderberg O'Sullivan.
- "Page-Count" Method Supports Claim For Reimbursement Of Protest Costs ," *Government Contracts Bullet Points* (August 17, 2006). Contacts: Kenneth M. Bruntel, Amy Laderberg O'Sullivan.
- "Seminar On Teaming And Joint Ventures," *Government Contracts Bullet Points* (May 25, 2006). Contact: Amy Laderberg O'Sullivan.
- "Seminar On Improving Past Performance Evaluations ," *Government Contracts Bullet Points* (May 16, 2006). Contacts: Daniel R. Forman, Amy Laderberg O'Sullivan.
- "Past Performance Formula For Disaster ," *Government Contracts Bullet Points* (March 21, 2006). Contact: Amy Laderberg O'Sullivan.

- "Offeror's Flip-Flop On Berry Amendment Compliance Dooms Award ," *Government Contracts Bullet Points* (March 6, 2006). Contacts: Alan W. H. Gourley, Amy Laderberg O'Sullivan.
- "All Similar Past Performance Scores Are Not Comparable," *Government Contracts Bullet Points* (December 21, 2005). Contacts: Thomas P. Humphrey, Amy Laderberg O'Sullivan.
- "Unicor Banned From Competing In Small Business Set Asides For Services," *Government Contracts Bullet Points* (February 14, 2005). Contact: Amy Laderberg O'Sullivan.
- "GAO Finds "Classic Example" Of Impaired Objectivity OCI," *Government Contracts Bullet Points* (September 10, 2004). Contacts: Thomas P. Humphrey, Amy Laderberg O'Sullivan.
- "A-76 Mix And Match Faulted By GAO," *Government Contracts Bullet Points* (August 16, 2004). Contact: Amy Laderberg O'Sullivan.
- "Contracting Officer's Final Decision Not Afforded RES Judicata Status," *Government Contracts Bullet Points* (May 10, 2004). Contacts: Frederick (Rick) W. Claybrook Jr., Amy Laderberg O'Sullivan.
- "Navy Pays Lost Profits For Misappropriating FSS Contractor's Data," *Government Contracts Bullet Points* (March 10, 2004). Contacts: David C. Hammond, Amy Laderberg O'Sullivan.
- "Contractor Wins Directed Award In A-76 Protest," *Government Contracts Bullet Points* (February 13, 2004). Contacts: Kenneth M. Bruntel, Amy Laderberg O'Sullivan.
- "ASBCA Grants Summary Judgment in Favor of FEHBP Contractor on Audit Disallowance," *Health Law 'In The News'* (October 30, 2003). Contacts: Kenneth M. Bruntel, Amy Laderberg O'Sullivan.

Speaking Engagements

- "Bid Protests: Trends & Developments," Crowell & Moring's 2012 Ounce of Prevention Seminar (OOPS), Washington, D.C. (May 9-10, 2012). Co-Speakers: Dan Forman, Amy O'Sullivan, and Derek Mullins.
- "Contracting With Small Businesses in the Wake of GTSI," Ounce OF Prevention Seminar (OOPS) XXVII (May 25-26, 2011). Moderator: Amy L. O'Sullivan. Speakers: Gunjan Taliti and Jacinta Alves.
- "The Universal Problem with Small Business Compliance: Spotting Risks and Finding Solutions," Webinar, (April 7, 2011). Co-Speakers: Richard W. Arnholt, Amy O'Sullivan, Gunjan Talati, and Jacob Blass, President of Ethical Advocate.
- "Government Contracts Bid Protests: Practice, Procedure and Strategy," Federal Publications Seminars (2010). Co-Speakers: Amy Laderberg O'Sullivan and Puja Satiani.
- "Contracting with Small Businesses in the Wake of Expanding SBA Programs and Scrutiny," Caught in the Federal Procurement Fish Bowl, 26th Annual Ounce of Prevention Seminar (OOPS), Crowell & Moring,

Washington, D.C. (May 26-27, 2010). Presenters: Marc F. Efron, Amy L. O'Sullivan and Alexina G. Jackson.

- "New Required Disclosures of Proceedings and Settlements for Federal Contractors and Grantees," Crowell & Moring Webinar (May 6, 2010). Co-Presenters: Angela B. Styles, Shauna E. Alonge, Amy Laderberg O'Sullivan and Peter J. Eyre.
- "Government Contracts Bid Protests: Strategy and Practice Pointers," Webinar, Federal Publications Seminars (January 2010). Co-Speakers: Amy Laderberg O'Sullivan and Puja Satiani.
- "The New Government Contracting Essentials," Crowell & Moring Seminar: Navigating the New Government Contracting Regime in Today's Economy, Vienna, VA (June 11, 2009). Moderator: Angela B. Styles, Panel: Shauna E. Alonge, Amy Laderberg O'Sullivan, and Karen C. Hermann.
- "Contracting with Small Businesses," Ounce of Prevention Seminar (April 2008). Co-Speakers: Richard Arnholt, Amy O'Sullivan, and Marc Efron.
- "Teaming Agreements: What to Expect and What to Avoid," INPUT Teaming Event (March 2008). Co-Speakers: Amy O'Sullivan and Marc Efron.
- "Key Ethics and Compliance Issues," National Job Corps Association Conference (July 2007). Co-Speakers: Angela B. Styles, Shauna E. Alonge and Amy O'Sullivan.
- "Bid Protest Trends," Western Ounce of Prevention Seminar (May 2007). Co-Speakers: Elizabeth W. Newsom, Amy Laderberg O'Sullivan and Thomas A. Kruza.
- "Impact of the New SBA Size Regulations on Mergers and Acquisitions," Ounce of Prevention Seminar (April 2007). Co-Speakers: Amy Laderberg O'Sullivan, John McCarthy, and Susan M. Gabay.
- "Reading Between the Lines of Business: A Search for Competition and a Role for the Private Sector," INPUT FedFocus (December 2006). Speaker: Amy O'Sullivan.
- "Unique Past Performance and Small Business Considerations for Joint Ventures and Teaming," INPUT Teaming Event (June 2006). Speaker: Amy O'Sullivan.
- "Contractors on the Battlefield: Limiting Liability and Protecting the Company in a War Zone," Ounce of Prevention Seminar (April 2006). Co-Speakers: David Hammond and Amy Laderberg O'Sullivan.
- "Past Performance: Lessons Learned and a Practical Guide to Improving Evaluations," INPUT Past Performance Seminar (April 2006). Co-Speakers: Elizabeth Newsom and Amy O'Sullivan.
- "Contracting in a Real Minefield – Iraq," Ounce of Prevention Seminar (April 2005). Co-Speakers David Hammond and Amy Laderberg O'Sullivan.

- "Risks and Challenges in State and Local Procurements," INPUT MarketView (March 2005). Co-Speakers: Jim Regan and Amy Laderberg O'Sullivan.
- "Past Performance Evaluation in Government Contracts: Recent Developments," Federal Publications Seminars LLC (2005). Speaker: Amy Laderberg O'Sullivan.
- "Basics of Government Contracting," Federal Publications Seminars LLC (2004). Speaker: Amy Laderberg O'Sullivan.
- "Competitive Sourcing Developments," Ounce of Prevention Seminar (December 2003). Co-Speakers: Ken Bruntel, Dan Forman and Amy Laderberg O'Sullivan.
- "A-76 Contracting and Competitive Sourcing," Federal Publications Seminars LLC (2003). Speaker: Amy Laderberg O'Sullivan.