

**Stephen J. McBrady**

Counsel  
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**Washington**

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**Practice Areas**

- Government Contracts
- International Business
- Administrative & Regulatory
- Energy
- Renewable Energy
- Environment & Natural Resources
- Construction
- False Claims

**Steve McBrady** is a Counsel in Crowell & Moring's Government Contracts Group, resident in the firm's Washington, DC office.

**Experience**

Steve's practice focuses on a wide range of federal, state and international government procurement matters, including contract formation and business risk assessments, compliance counseling, investigations of potential civil and criminal matters, litigation and alternative dispute resolution. Steve has developed a particular expertise in large-scale Public-Private Partnership procurements and currently serves on the Transportation and Infrastructure Committee of the Greater Washington Board of Trade. Representative engagements include:

*Government Contracts Litigation and ADR*

- Litigating two cases before the Armed Services Board of Contract Appeals on behalf of major defense contractors. Both cases involve complex issues of first impression concerning government contract cost accounting and government contract indemnification issues (including indemnification under Public Law 85-804).
- Representing client in arbitration against U.S. government-owned corporation arising out of competing breach of contract claims.
- Litigated complex contract dispute arising out of the construction of a cogeneration power plant on a major state university campus.

*Government Contracts Counseling and Investigations*

- Representing a major defense contractor in connection with DCAA audit of claim seeking recovery of incurred and estimated costs in excess of \$100M.

- Conducted five-month compliance review following contractor's suspension by agency on the basis of allegations regarding contractor's ORCA certifications.
- Represented client with regard to sensitive False Claims Act investigation arising out of allegations by *qui tam* relator.
- Counseled data security provider with regard to pricing issues on GSA schedule contracts.
- Counseled U.S. construction and A-E contractors with regard to federal government contracts compliance issues including provisions of the American Recovery and Reinvestment Act, Prompt Payment, Miller Act and other industry-specific issues.
- Counseled large state university system with regard to American Recovery and Reinvestment Act funding for green / renewable energy projects.
- Counseled IT contractors regarding 28 U.S.C. §1498 litigation before the Court of Federal Claims arising out of competitor's alleged patent infringement in the performance of government contracts.
- Counseled energy client regarding GSA Areawide Utility Contracts under FAR Part 41, including issues related to client's unregulated demand-side management affiliate.
- Advised technology vendor with regard to Health IT initiatives contained in American Recovery and Reinvestment Act.

#### *International Government Contracts and Public-Private Partnerships*

- Representing a U.S. hospital system engaged in a first-of-its kind training agreement with a Latin American government involving strategic partnerships with a major pediatric hospital system and physician specialist organization.
- Advised a U.S. architect-engineer with regard to a first-of-its-kind \$200 million public-private partnership procurement in Uruguay.
- Advised U.S. hospital system with regard to a cutting-edge \$1.5 billion public-private partnership procurement in the Middle East.
- Advised a U.S. outdoor advertiser with regard to a \$150 million design-build-finance-operate-maintain P3 procurement with major U.S. metropolitan transit authority.
- Advised foreign contractor with regard to contract dispute with U.S. Army Corps of Engineers arising out of military construction project in Afghanistan.

Steve regularly addresses government and industry groups regarding emerging trends in public procurement, including in recent years the White House Council on Environmental Quality, the Construction Industry Roundtable's annual gathering of CEOs in Washington, DC, the American Bar Association's International Procurement Committee and the National

Academies. His commentary has been featured in the *Washington Business Journal*, *Bloomberg*, *Law360*, *State Tax Notes*, the *Green Building Law Update legal blog* and the *Builder's Counsel Blog*.

Prior to joining Crowell & Moring, Steve worked as a Legislative Aide to U.S. Senator Susan M. Collins, Ranking Member of the U.S. Senate Committee on Homeland Security and Governmental Affairs. He received his B.A. from Cornell University and completed a semester of undergraduate study at the University of Paris I (Pantheon-Sorbonne) and VII (Jussieu). He received his J.D. from The George Washington University Law School, where he was a Legal Research and Writing Fellow.

Steve is active in the community and has served on the Mayflower Foundation's Board of Advisors since 2005. He is on the Alumni Board of Cheverus High School, a Jesuit college preparatory school in Portland, Maine.

### Education

- Cornell University, B.A.
- George Washington University Law School, J.D.

### Affiliations

Admitted to practice: District of Columbia, Commonwealth of Virginia, U.S. Court of Federal Claims, U.S. District Court for the Eastern District of Virginia, U.S. District Court for the Western District of Virginia, U.S. Court of Appeals for the Fourth Circuit, U.S. Court of Appeals for the Federal Circuit

### Other Affiliations

DC PPP  
Board of Advisors, Mayflower Foundation

### Publications

- "International Gov't Contracts: New Markets, Same Risks," *Law360* (November 22, 2011). Author: Stephen McBrady.
- "Green Building in the 21st Century," *The Voice*, the official magazine of The Construction Users Roundtable (Spring 2010). Co-Authors: Christopher Cheatham and Stephen J. McBrady.
- "Doing Business with the Government in 2009: New Opportunities for Energy Efficiency and Renewable Energy Contracting," *Bloomberg's Sustainable Energy Law Report*, (May 2009). Contributed by: J. Catherine Kunz and Stephen J. McBrady.

- "Funding America's Infrastructure Needs: Public Private Partnerships May Help Close Infrastructure Gap," *Briefing Papers*, Thomson West (March 2009). Author: Stephen J. McBrady.
- "A Convenient Truth: New Environmentally Friendly Building Codes May Have D.C. Contractors Seeing Green," *Construction* (February 25, 2008). Author: Stephen J. McBrady.
- "Construction Law Glossary," *American Bar Association Forum on the Construction Industry* (2008). Contributor: Stephen J. McBrady.
- "Applying the U.S. Supreme Court's Decision in Adarand to California Construction Cases," *Building Solutions* (Winter 2006-2007). Author: Stephen J. McBrady.

#### Alerts & Newsletters

- "Airport Public-Private Partnerships Taking Off?," *Government Contracts Bullet Points* (February 29, 2012). Contacts: Raymond F. Monroe, Kirk Shaffer, Stephen J. McBrady.
- "New GSA Contract Vehicle," *Government Contracts Bullet Points* (February 27, 2012). Contacts: Angela B. Styles, Stephen J. McBrady.
- "US Liable for Environmental Remediation Costs Under Contract Clauses," *Government Contracts Bullet Points* (November 4, 2011). Contacts: Raymond F. Monroe, Stephen J. McBrady, Jonathan M. Baker.
- "IG Confirms Many Recovery Act Criminal Investigations," *Government Contracts Bullet Points* (November 3, 2011). Contacts: Angela B. Styles, Peter Eyre, Stephen J. McBrady.
- "Transportation Leaders Propose Massive Public-Private Partnership Project in Northeast Rail Corridor," *Government Contracts Bullet Points* (May 27, 2011). Contacts: Raymond F. Monroe, Stephen J. McBrady.
- "California High-Speed Rail: On the Fast Track," *Government Contracts Bullet Points* (May 13, 2011). Contacts: Raymond F. Monroe, Stephen J. McBrady.
- "Energy Efficiency and Renewable Energy Contracting," *Government Contracts Bullet Points* (May 28, 2009). Contacts: J. Catherine Kunz, Stephen J. McBrady.
- "Public-Private Partnerships On The Rise," *Government Contracts Bullet Points* (April 22, 2009). Contacts: Stephen J. McBrady, James J. Regan, Daniel R. Forman.
- "Government Procurement Is Going Green," *Government Contracts Bullet Points* (October 17, 2008). Contacts: J. Catherine Kunz, Stephen J. McBrady.

### Speaking Engagements

- "Accounting and Pricing Developments," Crowell & Moring's 2012 Ounce of Prevention Seminar (OOPS), Washington, D.C. (May 9-10, 2012). Co-Speakers: Terry Albertson, J. Catherine Kunz, and Stephen J. McBrady.
- "Public-Private Partnerships in Infrastructure," White House Council on Environmental Quality's GreenGov Symposium (November 2, 2011). Moderator: Stephen J. McBrady.
- "Global Strategies Expansion: An Introduction to International Government Contracting," C&M Client Presentation (September 22, 2011). Speaker: Stephen J. McBrady.
- "Accounting and Pricing Fundamentals," Ounce of Prevention Seminar (OOPS) XXVII (May 25-26, 2011). Speaker: Stephen J. McBrady.
- "Greener Pastures: Managing Risks While Navigating Federal and State Green Building Opportunities," Crowell & Moring Webinar (June 2, 2010). Co-Presenters: Christopher Cheatham and Stephen J. McBrady.
- "Legal Considerations When Building Green," Construction Industry Round Table (April 2010). Co-Presenters: George Ruttinger, Stephen McBrady, Chris Cheatham.
- "Legal Considerations When Building Green," The National Academies, Federal Facilities Council Standing Committee on Sustainable Acquisition, Design, and Construction (March 2010). Co-Presenters: Stephen McBrady, J. Catherine Kunz, Chris Cheatham.
- "Public Private Partnerships: What Are They and Why Do They Matter To Your Client's Business Now?" ABA Section on International Law, International Procurement Committee (February 25, 2010). Moderator: Stephen McBrady.
- "Green Building in the 21st Century: the American Recovery and Reinvestment Act and Beyond," Construction Users Roundtable's National Conference (November 17, 2009). Co-Presenters: Stephen J. McBrady and Christopher Cheatham.
- "Public-Private Partnerships," Crowell & Moring's 25th Annual Ounce of Prevention Seminar (May 2009). Presenter: Stephen J. McBrady.
- "Opportunities in the ARRA," An Introduction to the American Recovery and Reinvestment Act of 2009: Implications for Construction Contractors, Crowell & Moring Webinar (May 26, 2009). Presenter: Stephen J. McBrady.