

**Stephen J. McBrady**

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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