



David S. Black

PARTNER

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Tysons
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PRACTICES

Government Contracts | Litigation and Dispute Resolution |
False Claims Act Defense | Education |
National Security, Defense and Intelligence |
White Collar Defense and Investigations | Regulatory and Federal Litigation |
Risk and Crisis Management | Mergers and Acquisitions |
Compliance Services

David S. Black is a government contracts attorney and co-chair of Holland & Knight's national Government Contracts Group, and is based in the firm's Tysons office. Mr. Black's practice involves serving as a trusted advisor, problem solver and advocate for federal contractors, awardees and subcontractors in every stage of growth. He provides legal advice and representation to help his clients secure opportunities, enhance performance, mitigate risk and respond to threats. Mr. Black serves contractors and awardees in a broad array of industries, with an emphasis on innovative technology, cutting-edge products, professional services, healthcare, and research and development (including sponsored research at colleges and universities).

Mr. Black's practice involves strategic and tactical advice, dispute resolution, counseling and risk management, and transactional work.

- His advisory practice involves creative approaches to challenges in relationships with government customers, enforcement authorities and subcontractors.
- Black is a seasoned protest litigator and experienced in contract claims, responding to investigations and audits, False Claims Act (FCA) matters and prime-subcontractor disputes.
- He counsels on a range of contract administration and procurement issues, such as data rights, including under the Small Business Innovation Research (SBIR) Program, Organizational Conflicts of Interest (OCI) matters, small business programs, domestic preferences and federal grants. Mr. Black helps implement and maintain effective compliance and internal control systems.
- In his transactional practice, Mr. Black drafts and negotiates teaming agreements and subcontracts, as well as technology-related agreements such as Other Transaction Authority (OTA) agreements and Cooperative Research and Development Agreements (CRADAs). He also supports the firm's mergers and acquisitions practice as it relates to government contractors.

Government Contract Bid Protests and Disputes

Mr. Black has represented clients in numerous bid protests at the Government Accountability Office (GAO) and the U.S. Court of Federal Claims, as well as in agency-level protests. He also represents a wide range of companies in small business protests and appeals to the U.S. Small Business Administration (SBA) Office of Hearings and Appeals

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(OHA). Mr. Black advises clients on responding to federal procurement solicitations, as well as how to interpret and comply with federal procurement law, including the Federal Acquisition Regulation (FAR). Mr. Black has successfully helped clients respond to cure notices, terminations for default and other performance concerns. He has represented clients in claims before the U.S. Armed Services Board of Contract Appeals and the U.S. Civilian Board of Contract Appeals, including representing contracts in alternative dispute resolution (ADR) proceedings with federal agencies.

Government Investigations, Audits, Suspension and Debarment

Mr. Black assists clients with practical strategies to develop and carry out internal investigations and to respond to external government audits and investigations. He has experience representing clients in high-stakes, multifaceted matters as well as media and public relations strategies. Mr. Black has represented clients in connection with investigations by various Offices of Inspector General (OIGs), the U.S. Department of Defense, the SBA and the U.S. Department of Justice, among others. Mr. Black helps clients navigate suspension and debarment proceedings, avoid suspension and debarment, or negotiate an appropriate administrative agreement to have a suspension or debarment lifted. He is well versed in advising contractors on making voluntary disclosures to the government regarding potential violations and complying with the mandatory disclosure requirements set forth in FAR Part 3.

Government Contracts Compliance Services

Mr. Black has developed a wide range of ethics and compliance programs for companies of all sizes. He assists contractors with compliance program assessments and evaluations, and advises management on best practices for developing, maintaining, and improving ethics and compliance programs. He also counsels clients on establishing internal processes and controls to handle reports of potential ethics and compliance violations.

Small Business and SBA Matters

Mr. Black guides clients through all aspects of the government contracting programs offered by the SBA, such as the 8(a), HUBZone, Service-Disabled Veteran-Owned (SDVO) and Women-Owned Small Business (WOSB) programs. He counsels government contractors on participation in SBA's mentor-protégé program as well as in forming joint venture and teaming arrangements with other entities to effectively pursue complex government procurements.

Intellectual Property and Data Rights

Mr. Black counsels clients on intellectual property rights under government contracts and grants, including the SBIR program. Mr. Black helps clients strategically structure the development of innovative or emerging technology in accordance with ownership goals. He counsels clients through proposal preparation and contract performance to effectively assert and protect data rights.

Government Contract Transactions and Due Diligence

Mr. Black provides advice and guidance to government contractors, private equity firms and venture capital firms in conducting due diligence of potential acquisition or investment targets in the government contracts industry. For many of these entities, he focuses on transactions involving target companies with small business or 8(a) contract backlogs and also assists with post-acquisition integration and compliance issues.

Grants and Cooperative Agreements

Mr. Black's background also extends to federal grants and cooperative agreements. He counsels on compliance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (the Uniform Guidance) and other regulations governing federal assistance agreements, as well as developing compliance programs to meet the administrative and regulatory requirements that accompany the receipt of federal funds. Mr. Black also assists clients with requirements under the SBIR program.

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Teaming Agreements and Subcontracts

Clients call on Mr. Black to provide advice, counseling and representation in the negotiation of teaming agreements and subcontracts, and in various other relationships with strategic partners.

Credentials

Education

- Georgetown University Law Center, J.D., *cum laude*
- University of Virginia, B.A.

Bar Admissions/Licenses

- District of Columbia
- Virginia

Court Admissions

- U.S. District Court for the Eastern District of Virginia
- U.S. Court of Federal Claims
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Federal Circuit

Memberships

- Board of Contract Appeals Bar Association, Secretary 2008-2009; Vice President 2009-2010; President 2011
- National Contract Management Association, Tysons Corner Chapter: President, 2005-2006, VP-Seminars, 2008-2009, VP-Training 2007-2008, Past-President 2006-2007, President Elect 2004-2005, VP-Programs 2002-2004
- Public Contract Law Journal, ABA Section of Public Contract Law: Associate Editor, 2008-Present
- Bid Protest Committee of the Federal Bar Association, ABA Section of Public Contract Law: Member, 2008-Present
- Northern Virginia Government Contractor's Council of the Fairfax County Chamber of Commerce, Steering Committee, 2004-2008; Co-Chair, G-Con Small Business Contracting Symposium, 2006 and 2007
- Federal Circuit Bar Journal, Editorial Board, 2000-2005
- Procurement Law Advisor, Contributor, 2001-2006

Honors & Awards

- [Chambers USA – America's Leading Business Lawyers](#) guide, Government: Government Contracts, 2011-2020
- Legal Elite, *Washington SmartCEO* magazine, 2011
- Rising Star, *Virginia Super Lawyers* magazine, 2007

Publications

- Holland & Knight's Israel Practice Newsletter: Spring 2020, April 20, 2020

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- 2020 Trends & Developments in U.S. Public Procurement and Government Contracts, *Chambers 2020 Practice Guide on Public Procurement*, April 6, 2020
- Guidance for VC-Backed Companies Seeking SBA Paycheck Protection Program Loans Under CARES Act, *Holland & Knight Alert*, April 6, 2020
- Planning for Excusable Delays in Government Contracts During the COVID-19 Outbreak, *Holland & Knight Alert*, March 26, 2020
- Contractors Should Prepare for the Coronavirus, *Holland & Knight Government Contracts Blog*, February 28, 2020
- February 2020 Small Business Roundup, *Holland & Knight Government Contracts Blog*, February 25, 2020
- Runway Extended: SBA Issues Final Rule Implementing Five-Year Period of Measurement for Receipts-Based Size Standards, *Holland & Knight Government Contracts Blog*, December 20, 2019
- Holiday Ethics Guidance for Federal Contractors, *Holland & Knight Government Contracts Blog*, December 5, 2019
- DoD Proposes to Amend Definition of Commercial Items, *Holland & Knight Government Contracts Blog*, December 2, 2019
- Court Rules Sole Source FSS Task Order Extension Permissible for Complex IT Project, *Holland & Knight Government Contracts Blog*, November 20, 2019
- Annual GAO Report Says Bid Protest Activity Down in 2019, but Protestor "Effectiveness Rate" Remains Steady, *Holland & Knight Government Contracts Blog*, November 13, 2019
- SBA Issues Proposed Regulations Signaling Changes to Multiple Small Business Programs, *Holland & Knight Government Contracts Blog*, November 11, 2019
- President Trump Rescinds Nondisplacement of Qualified Worker Executive Order, *Holland & Knight Government Contracts Blog*, November 8, 2019
- How Do Gov't Contractors Affected By Shutdown Get Paid?, *Law360*, January 30, 2019
- Shutdown Ends for Now – What, When and How Can Affected Contractors Get Paid?, *Holland & Knight Government Contracts Blog*, January 28, 2019
- SBA NOTICE: Small Business Runway Extension Not Effective Until Rulemaking, *Holland & Knight Government Contracts Blog*, January 3, 2019
- What New Veteran-Owned Small Businesses Need to Know About the Rules, *The Procurement Lawyer, American Bar Association, Section of Public Contracting Law, Vol. 54, No. 2*, Winter 2019
- GAO Not Forum For State Licensing Agencies to Protest Randolph-Sheppard Solicitations, *Holland & Knight Government Contracts Blog*, December 19, 2018
- What USAID Contractors Need to Know About the June 2018 Amendment to AIDAR 752.7013 to Prevent Sexual Exploitation and Abuse, Co-Author, December 4, 2018
- Security Assessments May be Part of DoD Government Contracts Acquisition Process, Co-Author, *Holland & Knight Government Contracts Blog*, September 17, 2018
- Understanding Why GAO Sustained Protest of OT Production Contract, *Pratt's Government Contracting Law Report, Vol. 4, No. 8*, August 2018
- Understanding Why GAO Sustained Protest of OT Production Contract, *Holland & Knight Government Contracts Blog*, June 7, 2018
- The National Defense Authorization Act of 2018, *Pratt's Government Contracting Law Report*, February 2018
- Analysis of the Current Draft 2018 NDAA, *Holland & Knight Government Contracts Blog*, November 13, 2017

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- Corporate Compliance Answer Book, Government Contractors Chapter, *Practising Law Institute*, 2018 Edition
- Thornberry Acquisition Reform Bill Contemplates DoD's Use of Online Marketplaces to Purchase COTS Products, *Holland & Knight Government Contracts Blog*, June 8, 2017
- Boards of Contract Appeals Will Prod Contracting Officers to Issue Final Decisions, *Holland & Knight Government Contracts Blog*, November 4, 2016
- Recent Dispute Between Teaming Partners Teaches Lessons about Drafting Protest Provisions in Teaming Agreements, *Holland & Knight Government Contracts Blog*, November 1, 2016
- The FAR Councils Drop 10 FAR Amendments in End-of-Fiscal-Year Blitz, *Holland & Knight Government Contracts Blog*, October 3, 2016
- Corporate Compliance Answer Book, Government Contractors Chapter, *Practising Law Institute*, 2017 Edition
- D.C. Circuit Rules That the 8(a) Program is Constitutional, But Its Reasoning Raises Questions, *Holland & Knight Government Contracts Blog*, September 26, 2016
- Long Anticipated Changes to DOL Overtime Rules to be Announced Tomorrow, *Holland & Knight Government Contracts Blog*, May 17, 2016
- Corporate Compliance Answer Book, Government Contractors Chapter, *Practising Law Institute*, 2016 Edition
- Corporate Compliance Answer Book, Government Contractors Chapter, *Practising Law Institute*, 2015 Edition
- New Executive Order to Increase Minimum Wage Under Future U.S. Government Service Contracts and Subcontracts, *Holland & Knight Government Contracts Blog*, February 13, 2014
- Meals and Golf Outings Paid For By Subcontractors May Trigger Double Damages Under Anti-Kickback Act, *Holland & Knight Government Contracts Blog*, August 22, 2013
- [Seminar: National Contract Management Association's World Congress 2013](#), *Government Contracts Blog*, July 15, 2013
- Sequestration Tango: Taking Steps to Assess Risk and Mitigate Impacts, *Holland & Knight Alert*, March 14, 2013
- Corporate Compliance Answer Book, Government Contractor Chapter, *Practising Law Institute*, 2013 Edition
- Federal Circuit Decision Makes it Easier for Contract Awardees to Protest Unwarranted Agency Corrective Action, *Holland & Knight Government Contracts Blog*, August 29, 2012
- Corporate Compliance Answer Book, Government Contractors Chapter, *Practising Law Institute*, 2012 Edition
- Buyer Due Diligence and Risk Mitigation in Government Contractor M&A Transactions: How In-House Counsel Can Make or Break a Transaction Right Out of the Box, Co-Author, *Association of Corporate Counsel*, September 2011
- As Potential Shutdown Looms, Government Contractors and Employees Have Special Reasons to Avoid Voluntary Work After Contract Funding Has Lapsed, *Holland & Knight Alert*, March 16, 2011
- Corporate Compliance Answer Book, Government Contractors Chapter, *Practising Law Institute*, 2010 Edition
- The Federal Acquisition Regulation and US Government Contracting: An Introduction, *Danish-American Business Forum*, March 1, 2010
- Personal Conflicts of Interest: A Primer of the Proposed FAR Amendment, January 14, 2010
- Compliance Issues in M&A: Performing Diligence on the Target's Ethics and Compliance Program, *2010 Complete Compliance and Ethics Manual*, *Society of Corporate Compliance and Ethics*, 2010
- Corporate Compliance Answer Book, Government Contractors Chapter, *Practising Law Institute*, 2009 Edition
- Operating an Efficient Corporation in Virginia: Why You Need Annual Corporation Meetings, *Holland & Knight Alert*,

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July 2, 2008

- New Law Reforms Task Order Procedures and Allows GAO Protests of Task Order Procurements Above \$10 Million, *Holland & Knight Alert*, February 6, 2008
- Proposed FAR Amendments Would Impose New Compliance Program Requirements on Contractors, *Holland & Knight Alert*, March 21, 2007
- Failure to Maintain an Effective Compliance and Ethics Program Can Expose a Company to Liability Under the False Claims Act, *Holland & Knight Alert*, May 31, 2006
- Failure to Maintain an Effective Compliance and Ethics Program Can Expose a Company to Liability Under the False Claims Act, *Holland & Knight Alert*, May 31, 2006
- Federal Circuit Round-Up, *Holland & Knight Newsletter*, September 27, 2001
- Federal Circuit Round-Up, *Holland & Knight Newsletter*, June 27, 2001
- Federal Circuit Roundup, *Holland & Knight Newsletter*, March 20, 2001
- Multi-Million Dollar Settlement Causes Concern, *Holland & Knight Newsletter*, March 20, 2001
- Federal Circuit Round-Up, *Holland & Knight Newsletter*, November 6, 2000
- Federal Circuit Round-Up, *Holland & Knight Newsletter*, June 1, 2000
- Recent Developments In Federal Outsourcing, *Holland & Knight Newsletter*, June 1, 2000
- Chapter 11 Reorganization May Mean Chapter 7 Liquidation For Government Contractors, *Holland & Knight Newsletter*, March 1, 2000
- Federal Circuit Round Up, *Holland & Knight Newsletter*, March 1, 2000
- Federal Circuit Round-Up, *Holland & Knight Newsletter*, September 1, 1999
- Financially Troubled Contractors and Their Creditors - Beware, *Holland & Knight Newsletter*, September 1, 1999
- Federal Circuit Round-up, *Holland & Knight Newsletter*, June 1, 1999

Speaking Engagements

- GovCon and COVID-19: Updates and New Resources, Holland & Knight Webinar, April 28, 2020
- The Defense Production Act and COVID-19: What Companies Need to Know, Holland & Knight Webinar, April 6, 2020
- Defense Production Act And COVID-19: What Contractors Need To Know, March 26, 2020
- GovCon and COVID-19: What You Need to Know, Holland & Knight Webinar, March 17, 2020
- Bid Protest Series Part 4: Small Business-Size Protests – Both Prosecuting and Defending, Holland & Knight Webinar, September 26, 2019
- Free Money Isn't Free: A Strategic Approach to Federally Funded Development of Innovative Technology, Holland & Knight Webinar, June 19, 2019
- Small Business Runaway Extension Act: Next Steps, Holland & Knight Webinar, February 27, 2019
- Protecting GovCon Rights in Technical Data and Computer Software: The Current Landscape, Holland & Knight Webinar, February 26, 2019
- 2019 NDAA Key Procurement Reforms for Federal Contractors, Holland & Knight Webinar, December 19, 2018
- ABA Section of Public Contract Law Annual Meeting, Program Co-Chair, August 2-4, 2018

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- Overview of Teaming Agreements, Holland & Knight Webinar, July 31, 2018
- Understanding "Other Transaction" (OT) Agreements for Federally Funded Research and Development, Holland & Knight Webinar, April 30, 2018
- Protecting IP and Technology Under Federal Contracts and Grants, Holland & Knight Webinar, March 29, 2018
- 2018 NDAA Analysis for Government Contractors, Holland & Knight Webinar, January 30, 2018
- Setting Foundations to Support Federal Contractors' Strategic Growth Objectives, Holland & Knight Webinar, June 27, 2017
- Federal Procurement Policy Update, Practical Solutions for Government Contractors Seminar, June 14, 2017
- Federal Procurement Under the Trump Administration, BCABA and the George Washington University Law School Government Procurement Law Program, June 6, 2017
- Domestic Preferences in Federal Contracts, Holland & Knight Webinar, May 18, 2017
- Hot Topics in Federal Grants Compliance Under the Uniform Guidance, Holland & Knight Webinar, April 26, 2017
- Understanding the SBA's New Mentor-Protégé Program, Holland & Knight Webinar, April 20, 2017
- Government Contracting: Strategies and Trends for Winning Today, April 6, 2017
- Government Contracts Update: Does Your Compliance Program Reflect Recent FAR/DFARS Amendments?, Holland & Knight Program, May 18, 2016
- Overview of Government Contract Issues, NCMA Bethesda Chapter Year End Meeting Social, June 17, 2015
- The U.S. Boards of Contracts Appeals After Over 50 Years: Lessons Learned, and the Way Forward, The Boards of Contract Appeals Bar Association, May 14, 2015
- Contracting Abroad: A Discussion of Issues and Challenges Facing Contractors Doing Business with Non-U.S. Governments, The George Washington University Law School, June 10, 2014
- Intellectual Property in Government Contracts: The Rules You Need to Know, ABA Section of Public Contract Law Webinar, June 10, 2014
- Protests: A Strategic Approach, National Defense Industrial Association New England Chapter Seminar, June 2, 2014
- Hot Issues in Federal Contracting, NCMA Boston Chapter Meeting, April 8, 2014
- Contract Administration, NCMA Tysons' Chapter's Basic Contracting Series, November 19, 2013
- National Contract Management Association's World Congress 2013, July 21-24, 2013
- How to Use Bid Protests Effectively During Sequestration, Holland & Knight Webinar, July 18, 2013
- What's the Value of a GAO Protest?, Moderator, BCABA and The George Washington University Law School Government Procurement Law Program, June 4, 2013
- Protests in a Time of Sequestration: A Strategic Approach, NCMA Tysons Corner Chapter Seminar, May 30, 2013
- How to Thrive in a Challenging Economy, Government Contracting Update Seminar, Holland & Knight and Dixon Hughes Goodman LLP, October 30, 2012
- Practical Comparison of Bid Protests at the GAO and Court of Federal Claims, Moderator, Boards of Contract Appeals Bar Association Annual Program, October 24, 2012
- Contract Changes - Getting what is Rightfully Yours, Holland & Knight and RyanSharkey Seminar, October 2, 2012
- Teaming Agreements and Non-Disclosure Agreements: A Look at the Inside Game, National Contract Management Association Potomac Chapter meeting, November 15, 2011

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- Welcoming Remarks, Boards of Contract Appeals Bar Association Annual Program, October 26, 2011
- Why 'Bid Protest' is Not a Dirty Word, NCMA Tysons Hot Topic Educational and Informational Seminar, October 25, 2011
- Quantico Government Contractors Association Annual Small Business Event, October 13, 2011
- Organizational and Personal Conflicts of Interest: Proposed Rules Present New Challenges for Contractors, National Contract Management Association, Old Dominion Chapter Meeting, September 20, 2011
- NCMA Potomac Chapter, September 2011
- Contracting in Afghanistan Overcoming Challenges and Seizing Opportunities, June 21, 2011
- Bid Protests Demystified, NCMA Tysons Seminar, McLean, VA, June 2, 2011
- Forming Successful Teaming and Subcontracting Arrangements, October 13, 2010
- Board of Contract Appeals Bar Association (BCABA) Annual Program, October 7, 2010
- Policy and Procedures Checklist for Federal Contractors, Holland & Knight Seminar, Tysons Corner, VA, June 17, 2010
- Organizational and Personal Conflicts of Interest – A Growing Risk Area for Government Contractors, McLean, VA, April 6, 2010
- Phase III SBIR Funding Agreements with the Federal Government, NCMA Tysons Seminar, McLean, VA, April 2, 2010
- The Ever-Changing Procurement Landscape: Audit, Compliance, Claims, and New Administration Initiatives, Boards of Contract Appeals Bar Association Annual Program, October 22, 2009
- Bid Protests - How to Win or Keep Contracts, NCMA Tysons Seminar, April 28, 2009
- Understanding the New FAR Integrity Reporting Requirements: Pitfalls for the Unwary, National Contract Management Association, February 10, 2009
- Prime Contractor/Subcontractor Disputes, National Contract Management Association, Cape Canaveral Chapter, Viera, FL, January 14, 2009
- Northern Virginia Government Contractors Council GovCon Contracting Symposium, May 29, 2008
- Understanding the New FAR Contractor Ethics and Compliance Requirements, National Contract Management Association, Tysons Corner Chapter, February 20, 2008
- Basic Contracting Series: Contract Administration and Procurement Integrity, NCMA Tysons Corner Chapter in Reston and McLean, VA, November and December 2007
- Government Contract Law Workshop: Government Contracts Dispute Resolutions: Protest and Claims and Contract Administration, Government Horizons Best Practice Training Series, Arlington, VA, January, April and October 2007
- Key Risk in Federal Contracting, G-CON Small Business Contracting Symposium, Northern Virginia Government Contractors Council, McLean, VA, June 2006
- Government Contracts Dispute Resolution: Protest and Claims, Basic Contracting Series, NCMA Tysons Corner Chapter, Reston, VA, November 2005, May 2006 and November 2006