



Reginald M. Jones

Partner

REGGIE JONES is a partner in Smith, Currie & Hancock LLP's Washington, D.C. office. Reggie has a national federal government contracts and construction practice assisting owners, general contractors, architects, engineers, and subcontractors with risk management, claims avoidance, the preparation and negotiation of front end contract documents, practical construction project documentation and the resolution of claims.

Reggie has immersed himself in the many new developments in the federal construction contracting arena and helps clients successfully navigate the nuanced waters of federal contracting. Reggie understands how the various federal agencies differ and he is well-versed in the Federal Acquisition Regulation, the American Recovery & Reinvestment Act of 2009, the False Claims Act, the Truth in Negotiations Act and the Contract Disputes Act. He tracks proposed regulatory changes and passes that information on to his client. He assists clients to transition into federal government contracting. He advises about small business and other set-asides, the SBA and other mentor-protégé programs agreements, and teaming, joint venture and other partnering arrangements. He develops and implements federal ethics and compliance programs and helps clients familiarize themselves with the federal government's unique cost and accounting requirements.

Reggie has successfully assisted clients with bid protests before the General Accountability Office and Court of Federal Claims as well as state and local level bid protests. He regularly provides advice about debriefings and assists with past performance evaluation challenges. Reggie has presented numerous cases before the various boards of contract appeals and the Court of Federal Claims. His most recent success was *Appeal of Kostmayer Construction, LLC*, ASBCA No. 55053, 08-2 BCA ¶ 33869, which successfully overturned the Corps' default termination of the client's contract.

Reggie actively serves on committees in several industry organizations and recently completed a term as the Co-Chair of the Construction Division of the American Bar Association's Section of Public Contract Law. In 2010, he published an article in the national *Associated Builder and Contractors' Construction Executive* magazine entitled "Pursuing Federal Government Construction Contracts." He also recently published an article in *The Procurement Lawyer* entitled "Limitations on Teaming Arrangements in Small Business Set-Asides."

Reggie has also published numerous articles on the law of delay, acceleration and inefficiency claims including "Lost Productivity: Claims for the Cumulative Impact of Multiple Change Orders" in the American Bar Association's *Public Contract Law*

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Areas of Practice

- Construction Law
- Government Contracts

Education

- The College of William and Mary (B.A., International Studies, Aide to the President of the College, Benjamin Stoddard Ewell Award for Outstanding Leadership, Senior Class President, 1991)
- University of Georgia School of Law (J.D., cum laude, Law Review, 1999)
- University of Georgia Law Review (1997 - 1998)

Bar and Court Admissions

- Georgia, 1999
- Virginia, 2000
- District of Columbia, 2002
- U.S. Court of Appeals 6th Circuit, 2000
- U.S. District Court Northern District of Georgia, 1999
- U.S. District Court Middle District of Georgia, 2000
- U.S. District Court Eastern District of Virginia, 2004
- U.S. District Court Western District of Virginia, 2004
- U.S. Court of Federal Claims, 2007
- U.S. District Court District of Columbia, 2009

Memberships

- Associated Builders and

Journal, "Update on Proving & Pricing Inefficiency Claims" in the ABA Forum on the Construction Industry's *The Construction Lawyer* and an article in *The Procurement Lawyer* on the "Eichleay" formula, which analyzes the current state of the law with respect to unabsorbed home office overhead.

Reggie was born and raised in Alexandria, Virginia. He is married and has two sons. He has served on the board of directors of two battered women's shelters—the International Women's House in the Atlanta metropolitan community, where he served as the Chair of the Board in 2008 and 2009 and the Loudoun Abused Women's Shelter (LAWS) in Virginia where Reggie currently serves on the board of directors. Reggie is an ordained Elder in the Presbyterian Church, U.S.A. and is also active in U.S. Masters Swimming.

Articles & Publications

- "The Women-Owned Small Business Federal Contracting Program," *Commonwealth Contractor*, May 2011.
- "Risk Allocation and Liability Prevention in Green Building," *Building Washington*, April 2011.
- "Past Performance Evaluations on Federal Construction Contracts," *Construction Executive*, February 2011.
- "Federal Small Business Subcontracting Plans," *Commonwealth Contractor*, July 2010.
- "Attempting to Meet LEED Standards: The Legal Ramifications," *Washington Building Congress Bulletin*, May/June 2010.
- "Limitations on Teaming Arrangements in Small Business Set-Asides," *45 The Procurement Lawyer* 3, Spring 2010.
- "Pursuing Federal Government Construction Contracts," *Construction Executive*, February 2010.
- "Recovering Extended Home Office Overhead: What is the State of Eichleay," *40 The Procurement Lawyer* 8, Fall 2004.
- "Update on Proving and Pricing Inefficiency Claims," *23 The Construction Lawyer* 19, Summer, 2003.
- "Lost Productivity: Claims for the Cumulative Impact of Multiple Change Orders," *31 Public Contract Law Journal* 1, Fall, 2001.

Representative Matters

- *Application of Equal Access to Justice Act of Kostmayer Construction, LLC*, ASBCA No. 55053, 09-2 BCA ¶ 34,302 (Successful award of attorneys fee from the U.S. Army Corps of Engineers).
- Successfully represented a general contractor in the termination of a subcontractor's contract for default and obtained a multi-million dollar pay-out from the defaulted subcontractor's performance bond within 30 days of the termination.
- Successfully represented a mechanical subcontractor and electrical subcontractor

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Contractors, Inc., Virginia and Metro Washington Chapters

- Washington Building Congress, Board of Governors, 2010-present
- Associated General Contractors of America, DC, Virginia, and Mississippi Valley Chapters
- American Bar Association, 2009-2010 Construction Division Co-Chair, 2002-2004 Operations Division Co-Chair
- American Bar Association, Member, Forum on the Construction Industry
- Washington, D.C. Bar Association, Member
- Virginia Bar Association, Member, Construction Law Section
- Georgia Bar Association, 1999 – Present, Member
- Atlanta Bar Association, 1999 – Present, Member, Construction Law Section

Professional Activities

- Special Recognition Award for Outstanding Legal Services, International Women's House (a battered women's shelter), 2005

Noteworthy

- AV Peer Review Rating from Martindale-Hubbell
- Recognized as an Up-and-Coming Individual in Construction by Chambers USA The Client's Guide, 2006 & 2007
- Recognized as a Super Lawyer, 2010 & 2011 and as a Rising Star by Georgia Super Lawyers, 2005 & 2009
- Meritorious Service Medal, United



in obtaining a multi-million dollar recovery for lost labor productivity from a construction manager at risk on a large convention center project.

- *Appeal of Kostmayer Construction, LLC*, ASBCA No. 55053, 08-2 BCA ¶ 33869 (Overturning a default termination and converting it to a termination for convenience).

Classes & Seminars Taught

- The False Claims Act: Safeguarding Against Inadvertent False Claims, National Associated Builders and Contractors Federal Contracting Webinar Series, June 7, 2011
- Developing Compliant Federal Small Business Subcontracting Plans, National Associated Builders and Contractors Federal Contracting Webinar Series, May 24, 2011
- Teaming on Small Business and Other Federal Set-Asides, National Associated Builders and Contractors Federal Contracting Webinar Series, May 9, 2011
- Legal Implications of LEED/Green Building, ABC of Metro Washington, April 28, 2011
- Update on Federal Small Business Regulations & Teaming, ABC Virginia Chapter, April 19, 2011
- Past Performance Evaluations on Federal Projects, ABC Virginia Chapter, April 5, 2011
- Resolving Claims on Federal Projects, ABC Virginia Chapter, March 22, 2011
- Federal False Claims Act Update, Smith, Currie & Hancock's Construction Law Update Seminar, March 3, 2011
- Small Business Decisions at OHA, Smith, Currie & Hancock's First Annual Federal Construction Case Law Update, November 16, 2010
- Debriefings and Bid Protests on Federal Construction Procurements, ABC of Metro Washington, October 26, 2010
- Buy American Act: Understanding the Requirements, ABC of Metro Washington, October 13, 2010
- Developing Compliant Federal Subcontracting Plans, ABC of Metro Washington, October 5, 2010
- The Benefits and Limitations of the SBA & Other Agency Mentor Protégé Programs, ABC of Metro Washington, September 30, 2010
- Federal Government Construction Contracting: From Surviving to Thriving, Virginia AGC, September 22, 2010
- Understanding Federal Ethics and Compliance Requirements, ABC of Metro Washington, September 16, 2010
- Developing Compliant Federal Subcontracting Plans, ABC Virginia Chapter, September 14, 2010

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States Army, 1996

- Omicron Delta Kappa, 1990 - Present
- Languages: German

Other Experience

- United States Army, Captain, 1991 - 1996

- ARRA Reporting Requirements: How to Comply, ABC Virginia Chapter, August 31, 2010
- Buy American Act: Understanding the Requirements, ABC Virginia Chapter, August 17, 2010
- Teaming & Joint Ventures for Small Businesses and Other Set-Asides, ABC Virginia Chapter, July 6, 2010
- Marketing and Business Development to the Federal Government, ABC Virginia Chapter, June 29, 2010
- An Introduction to the Federal Acquisition Regulation (FAR), ABC Virginia Chapter, June 8, 2010
- Small Business and Other Set-Asides in Federal Government Construction Contracting, ABA Section of Public Contract Law, Federal Procurement Institute, Construction Division Luncheon (Annapolis), 2010
- Tapping into the Stimulus Money: The American Recovery and Reinvestment Act of 2009, Webinar, Associated Builders and Contractors (Available Nationally), 2009
- What You Need to Know about Federal & Virginia Public Contracting, Associated General Contractors of Virginia Chapter (Richmond), 2009
- Construction Delay, Acceleration and Inefficiency Claims, Federal Publications Seminars, LLC (New York, Las Vegas, & Washington, D.C.), 2003 - Present
- Collaboration: The Key to Resolving Claims and Avoiding Disputes, CMAA Spring Leadership Forum (Philadelphia), 2006
- Challenging or Obtaining Recognition of Expert Testimony in Construction Cases, AACE International 50th Annual Meeting, (Las Vegas), 2006
- Construction Risk Roulette: The Construction Manager's Role in Improving Everyone's Odds of Winning, The Construction Superconference, Andrews Conferences, Inc. (San Francisco), 2005
- Anticipating and Avoiding Disputes Through Construction Contract Negotiation, Retail Construction Expo, Retail Construction Magazine, (Atlanta), 2003
- Pricing & Proving Cumulative Impact Claims, The "Contractors" Construction Superconference, Andrews Conferences, Inc. (San Francisco), 2002
- Cumulative Impact Claims, Federal Publications Seminars, LLC (Las Vegas, Washington, D.C. & Atlanta), 2002
- Lost Productivity Claims, CLE International (Atlanta), 2002
- Guest Lecturer, Construction Law Seminar, College of Architecture, Georgia Institute of Technology, 2002