



## Dirk D. Haire

Partner

Dirk D. Haire practices in the areas of construction law and government contracts, with a focus on federal construction law.

Dirk's federal construction practice includes bid protests and claims litigation involving issues such as constructive changes, delays, accelerations, defective work, differing site conditions, default terminations, past performance evaluations, defective specifications, the Administrative

Procedures Act, the Americans with Disabilities Act, the Anti-Kickback Act, the Buy American Act, the Civil False Claims Act, the Miller Act, the Prompt Payment Act, and the Truth In Negotiations Act. He also regularly counsels federal contractors on issues such as teaming arrangements, small business and set-aside strategy and compliance (8(a) contracting, ANC, NAC, HUBZone, SDVOSB), FAR Business Ethics and Conduct Codes and compliance, DCAA audits and investigations, cost allowability and the Cost Accounting Standards, lobbying restrictions and disclosures, project labor agreements, Davis-Bacon Act compliance, subcontracting plans, best value procurement strategy, and debriefings. Dirk handles federal protests and litigation in the Boards of Contract Appeals, Court of Federal Claims, General Accountability Office, U.S. Court of Appeals for the Federal Circuit, and various U.S. District Courts.

Dirk's private and institutional construction law practice involves representing contractors and owners in a variety of transactional, project administration, labor relations, and litigation matters. He has handled numerous contract negotiations and litigation involving airports, cruise ship terminals, piers, power plants, bridges, highways, hotels, office buildings, condominiums, and schools. Dirk is regularly involved with a variety of private and quasi-private project delivery and contracting methods, including design-build, construction management, EPC, firm fixed price, cost-plus, PPP, and various hybrids thereof.

In the industry, Dirk serves on the Executive Board of AGC of America and the Board of Directors of Maryland AGC. He also currently serves as chair of both the AGC of America FAR Committee and Service and Supply Council. *Chambers USA* has ranked Dirk as a leading lawyer in construction law the past four years, recently describing him in their 2009 Guide as "an excellent communicator with exceptional business understanding."

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## Articles & Publications

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- "Changes to SBA's 8(a) Joint Venture & Mentor Protégé Rules Will Alter Current Industry Practices," *Bulletin*, Washington Building Congress, May/June 2011.

ddhaire@smithcurrie.com

1030 15th Street NW  
Suite 380 East  
Washington, DC 20005

TEL: (202) 461-3114

FAX: (202) 461-3102

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## Areas of Practice

- Construction Law
- Government Contracts

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## Education

- George Washington University Law School, J.D.
- Ball State University, B.S., *cum laude*, History and Political Science

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## Bar and Court Admissions

- District of Columbia
- Indiana
- Maryland
- Minnesota
- U.S. Court of Federal Claims
- U.S. District Court for the District of Columbia
- U.S. District Court for Maryland
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals, 4th Circuit

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## Memberships

- Associated General Contractors of America, Executive Board
- Maryland Chapter, AGC of America, Board of Directors
- AGC of DC Chapter, AGC of America
- Design-Build Institute of America
- Construction Financial Management Association
- Washington Building Congress
- ABA Forum on the Construction Industry



- "Changes to SBA's 8(a) Joint Venture & Mentor Protégé Rules Will Alter Current Industry Practices," *Washington Contractor*, AGC of Metropolitan Washington DC, May 2011.
- "Government Shutdown Action Matrix and Sample Notices for Federal Contractors," *Construction Legislative Week in Review*, AGC of America, April 7, 2011.
- "What You Need to Know Now: Preparing for a Federal Government Shutdown," *Federal Contractor Report*, AGC of America, March 2011.
- "Changes to SBA's 8(a) Joint Venture & Mentor Protégé Rules Will Alter Current Industry Practices," *Pipeline*, National Association of Surety Bond Producers, January 2011.
- "Pricing of Claims," *Federal Government Construction Contracts, Second Edition*, 2010.
- "Guide to Construction Financing, Second Edition," *Published by the Associated General Contractors of America*, 2009.
- "New Federal Rules: Code of Business Ethics and Conduct," *Washington Contractor*, January 2009.
- "Potential Relief from Material Price Squeeze?," *Construction, Alert* - June 28, 2004.
- "Agency Construction Management," *Project Delivery Systems for Construction*, 2004.
- "Pricing of Claims," *Federal Government Construction Contracts*, 2003.
- "The Design-Build Process," *Published by the AGC-BOMA Joint Committee*, 2001.
- "CM/GC Guidelines for Building Construction in the Public Sector," *Published by the Associated General Contractors of America*, 2000.

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## Classes & Seminars Taught

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- Ethics Compliance Requirements for Federal Contractors, Construction Financial Management Association of Greater Washington, May 10, 2011
- Update on the New SBA 8(a) Mentor-Protégé Joint Venture Rules, AGC of America Federal Contractors Conference, May 2, 2011
- Challenges in the Marketplace: PLAs, Subcontracting, Small Business, Surety Issues and Contracts, AGC of Metropolitan DC Annual Public Owners Procurement Forum, April 12, 2011
- Federal Markets: What You Really Need to Know About Partnering with Small Businesses on Government Projects, AGC of America Annual Convention, March 22, 2011
- Federal False Claims Act Update, Smith, Currie & Hancock's Construction Law Update Seminar, March 3, 2011
- Small Business Teaming Arrangements and False Claims, Mississippi Valley AGC - Annual Specifications Meeting with Army Corps of Engineers, February 3, 2011

## CONTINUED

- ABA Public Contract Law Section
- Maryland State Bar Association

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## Professional Activities

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- Chair, AGC of America FAR Committee
- Chair, AGC of America Service & Supply Council
- AGC of America Executive Board
- Maryland AGC Board of Directors
- AGC of America Contract Documents Committee
- AGC of America Corps of Engineers Committee
- AGC of America Industry Liaison Committee
- AGC of America Naval Facilities Engineering Command Committee
- AGC of America Private/Public Industry Advisory Council
- AGC of America Project Delivery Committee
- AGC of America Risk Management Committee
- AGC of America Union Contractors Committee
- Washington Building Congress Programs Committee

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## Noteworthy

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- *Chambers USA – America's Leading Business Lawyers* guide, Construction Law, 2007-2010
- Dr. Martin Luther King Dreamkeeper's Award
- Greater Crofton Maryland Citizen of the Year, 2001



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- Advanced Federal Small Business, Set-Aside and Subcontracting Plan Issues, Construction SuperConference, December 16, 2010
- A Town Hall Meeting, AGC of America "Walking the Tightrope" Federal Contractors Webinar Series, December 2, 2010
- Teaming Agreements, Joint Ventures & Subcontracting, AGC of America "Walking the Tightrope" Federal Contractors Webinar Series, November 17, 2010
- Bid Protests, Smith, Currie & Hancock's First Annual Federal Construction Case Law Update, November 16, 2010
- Project Manager Development Program: Contract Administration, AGC of Metro DC, August 18, 2010
- Federal Government Construction Contracts, AGC of Michigan, May 13, 2010
- Small Business Ventures & Teaming Arrangements, Construction Financial Management Association, May 11, 2010
- Advanced Federal Contracting Workshop, AGC of America Federal Contractors Conference, April 28, 2010
- Federal Market Trends and Analysis: 2010-2011, AGC of America Federal Contractors Conference, April 26, 2010
- Understanding the Contract Documents Endorsed by AGC: Comparing ConsensusDOCS to AIA Documents, Keystone Contractors Association & Construction Specifications Institute Joint Meeting, April 13, 2010
- Competing for Awards, AGC of America Annual Convention Federal Government Construction Program, March 18, 2010
- Opportunities in the Small Business Programs, AGC of America Annual Convention Federal Government Construction Program, March 18, 2010
- Federal Procurement Debriefings and Protests: Trends and Strategies, Mississippi Valley AGC, February 4, 2010
- Protests and Debriefings: How to Protect Yourself, AGC of America National Federal Contracting Webinar Series, November 5, 2009
- Changes to Labor Law for Federal Construction Contractors, AGC of America Building Contractors Conference, June 13, 2009
- New Rules and Regulations for Construction Projects Funded by the Recovery Act, AGC of America National Federal Contracting Webinar Series, June 11, 2009
- How to Handle Federal Claims and Disputes, AGC of America National Federal Contracting Webinar Series, June 4, 2009
- The Federal Contract Award Process, AGC of America National Federal Contracting Webinar Series, May 28, 2009
- The New and Old of Federal Contracting, AGC of America National Federal Contracting Webinar Series, May 21, 2009
- Federal Contracting Best Value Considerations, AGC of America Federal Contractors Conference, April 27, 2009

- Federal Best Value Procurement "Key Considerations", AGC of America Annual Convention, March 6, 2009
- The Federal Construction Contractor's Guide to Complying with the New Business Ethics and Conduct Rules, AGC of DC, September 24, 2008
- Tailoring ConsensusDOCS for Contractors, AGC of America Webinar, July 30, 2008
- The Business Case for Strong Compliance and Governance Programs, AGC of America Annual Convention, March 11, 2008
- BIM and Legal Risk, Northern Virginia NAIOP Seminar, March 6, 2008
- US EPC Contracting and its Potential for China, US-China Architecture, Construction & Engineering Services Best Practices Exchange, March 4, 2008
- ConsensusDocs: The New Voice in the Industry, Metropolitan DC Chapter of the AGC, February 28, 2008
- BIM and Legal Risk, AGC of America Audio Conference, August 2, 2007
- Construction Joint Ventures: Formation and Decommissioning, AGC Annual Convention, March 22, 2007
- Managing Risk Beyond the Insurance Policy, IRMI Construction Risk Conference, October 12, 2006
- Price Escalation Claims, Mid-Atlantic Construction Institute, May 25, 2006
- Public Contracts and Procurement Regulations in Maryland, Lorman Conference, May 24, 2006
- Mold in Construction, Master Builders of Iowa Conference, April 24, 2003
- Regs & Legs: Federal to State, NAIOP Mold in Commercial Real Estate Conference, March 4, 2003
- Open Ended Liability for Construction Contractors: A Checklist of Considerations for Contractors, AGC-ASC Risk Summit, November 7, 2002
- Liability, Insurance, Risk Assessment and Other Legal Issues, BOMA Audio Conference, May 10, 2002
- The Craft Labor Shortage Crisis: How Do We Solve It?, 2000 ICSC CenterBuild Conference, December 7, 2000
- A Discussion of GSA Project Performance, General Services Administration Project Manager's Conference, September 14, 1999
- CMc Procurement and Performance Issues, GSA National CMc Workshop, June 29, 1999