



## Robert A. Burton

### Partner

Washington, D.C.  
rburton@crowell.com  
Phone: +1.202.624.2982

### Practices

- Government Contracts
- Government Affairs
- Regulatory & Policy
- Ethics & Compliance
- False Claims Act and Procurement Fraud
- Suspension & Debarment
- Accounting, Cost and Pricing
- Government Contracts Management

**Robert A. Burton** is a partner with Crowell & Moring's Government Contracts Group in the firm's Washington, D.C. office. He is a nationally-recognized federal procurement attorney, an expert witness on government contracts issues in federal court and arbitration proceedings, and a leader who assists government contractors with navigating the complex and rule-driven procurement process. He represents a wide range of companies that conduct business with the federal government, from large defense contractors and systems integrators to small businesses.

Rob's current practice focuses on government affairs support, including working with contractors and non-profit associations on acquisition reform legislation and regulatory changes. Additionally, he assists contractors with their marketing strategies for selling to the government and resolves contract disputes with senior federal procurement officials. He represents contractors in suspension and debarment proceedings, contract cost disputes, internal investigations, and assists with the development of corporate ethics and compliance programs. Throughout his career, Rob has displayed an ability to work effectively with industry, the military services, civilian agencies, and Congress.

### Professional Experience

A 40-year veteran of procurement law and policy development, Rob served in the Executive Office of the President as deputy administrator of the Office of Federal Procurement Policy (OFPP), the nation's top career federal procurement official. He also served as acting administrator for two years during his seven-year tenure at OFPP.

As deputy administrator of OFPP, Rob was responsible for the government's acquisition policy and procurement guidance to all executive branch agencies.

His office was charged with developing policy affecting more than \$400 billion in annual federal spending – a figure that doubled during Rob’s time in office as a result of the Iraq War and other major events.

At OFPP, Rob was instrumental on a number of fronts, including preparing the administration’s policy positions and testimony on proposed acquisition legislation; working with House and Senate committees on the development of acquisition reform proposals; and serving as a principal spokesperson for governmentwide acquisition initiatives. He also served as the executive director of the Chief Acquisition Officers (CAO) Council, which consists of the chief acquisition officers from each federal agency. Additionally, Rob managed the activities of the Federal Acquisition Regulatory (FAR) Council, which has statutory authority to promulgate the government’s procurement regulations, and the Cost Accounting Standards Board.

Prior to joining OFPP in 2001, he spent over 20 years as a senior acquisition attorney with the Department of Defense. At the Defense Contract Management Agency, he worked closely with the Defense Contract Audit Agency and negotiated the resolution of high-profile contract disputes with major defense contractors. He served as general counsel for DoD’s Defense Energy Support Center as well as associate general counsel for the Defense Logistics Agency (DLA), the DoD component responsible for purchasing most of the general supplies and services used by the military services. At DLA, Rob served as counsel to the agency’s suspension and debarment official and managed the agency’s fraud remedies program, working with the Department of Justice and the criminal investigative agencies to coordinate appropriate remedies in major procurement fraud cases.

### **Expert Testimonies**

Rob has testified as an expert witness in international and domestic arbitration forums, including the London Court of International Arbitration, the International Court of Arbitration, the American Arbitration Association, several U.S. District Courts, and the Circuit Court for Fairfax County. He has also testified as an expert witness in federal district courts and state courts regarding a wide range of federal procurement issues. Most of his testimony has involved the interpretation and application of federal acquisition regulations, policies, and contract clauses in prime-subcontractor disputes under federal contracts.

### **Topics on which Rob has testified include:**

- The purpose and operation of the Federal Acquisition Regulation
- Differences between government contracts and commercial contracts
- Responsibilities and duties of prime contractors under the FAR and other applicable laws, statutes and regulations
- Ethical standards applicable to government contractors, including the Procurement Integrity Act and conflicts of interest rules
- Applicability of FAR and DFARS data rights clauses
- A prime contractor’s discretion in selecting subcontractors
- Applicability of FAR competition requirements to subcontracts issued under government contracts
- The government contract closeout process

- Operation and interpretation of contractual payment clauses

### **Congressional Testimonies**

- House Committee on Small Business – Subcommittee on Contracting and Workforce, Contracting and Industrial Base II: Bundling, Goaling, and the Office of Hearings and Appeals (March 17, 2015)
- House Committee on Small Business – Subcommittee on Contracting and Workforce, Bungling Bundling: How Contract Bundling and Consolidation Remain Challenges to Small Business Success (October 10, 2013)
- House Committee on Small Business – Subcommittee on Contracting and Workforce, Putting the Strategy in Sourcing: Challenges and Opportunities for Small Business Contractors (June 13, 2013)

### **Speeches and Presentations**

Rob has given hundreds of speeches and panel presentations on federal procurement topics to leading government and industry groups. He is a regular commentator on acquisition policy and legal developments for Federal News Radio, and is frequently quoted in major trade publications, such as Federal Computer Week, Washington Technology, Federal Times, Bloomberg BNA, and Government Executive.

### **Honors and Leadership Roles**

- Member, Court of Federal Claims Advisory Council
- Fellow, National Academy of Public Administration
- Secretary of Defense's Exceptional Civilian Service Award
- Lifetime Achievement Award, Coalition for Government Procurement
- Federal Computer Week's Top "Power Player in Procurement"
- Fellow, National Contract Management Association (NCMA)
- NCMA Board of Directors, 2009-2012
- NCMA Contracting Award
- Federal 100 Award
- Council Member, ABA Section of Public Contract Law
- Chair, International Working Group on Integrity in Public Procurement
- ABA Co-Chair, Accounting, Cost and Pricing Committee
- ABA Co-Chair, Contract Dispute Resolution Task Force
- Director, Procurement Round Table
- Member, Shared Services Leadership Coalition, Board of Directors
- Member, George Mason University Center for Government Contracting Advisory Board

### **Government Experience**

- Office of Management and Budget—Deputy Administrator, Office of Federal Procurement Policy
- Department of Defense—Senior Associate General Counsel, Defense Contract Management Agency
- Department of Defense—General Counsel, Defense Energy Support Center
- Department of Defense—Associate General Counsel, Defense Logistics Agency

### **Admissions/Affiliations**

Admitted to practice: District of Columbia, Virginia

### **Education**

- University of Virginia School of Law, J.D.
- College of William & Mary, B.A. (Government)
- Harvard University, Kennedy School of Government, Senior Executive Fellows Program
- Office of Personnel Management, Federal Executive Institute