HUSCH BLACKWELL

Brian P. Waagner

PARTNER

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OVERVIEW

Brian helps clients avoid and resolve complex disputes on government contracts. He has a unique ability to coordinate legal strategy with the technical, financial and practical issues that often arise under such agreements.

With more than 20 years of experience as a trial lawyer and commercial litigator, Brian represents contractors in bid protests and in litigation involving complex claims and disputes. He also advises clients on contract compliance and administration issues, corporate due diligence matters and allegations of False Claims Act violations. Brian represents clients in the construction, healthcare, technology and energy industries.

"The firm achieved a very favorable result in a complex, high-dollar contract claim with a government contractor. The Husch Blackwell attorneys worked diligently over the course of about two years, skillfully navigating the case through federal District Court and mediation. The resulting recovery, which significantly exceeded our expectations, offset all damages and reflected a reasonable profit."

— Roger Washington, In-House Counsel, AECOM

Industry

Real Estate, Development, & Construction

Services

Bid Protests
Construction & Design
Construction Litigation
Energy Storage
False Claims Act
Government Contracts
Healthcare Providers
Litigation & Alternative Dispute Resolution
Solar Energy
Wind Energy

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Brian shares industry insights as the editor of Husch Blackwell's government contracts blog, The Contractor's Perspective.

Experience

REAL ESTATE, DEVELOPMENT AND CONSTRUCTION

- Represented successful offeror in defending three Government Accountability Office (GAO) bid protests challenging award of $350 million Corps of Engineers contract for remediation of nuclear waste.
- Advised Department of Energy M&O contractor on developing and implementing plan to mitigate organizational conflicts of interest arising from corporate acquisition.
- Represented protester in GAO protest matter arising from award of $200 million Air Force contract for design, construction and site operations services at Andrews Air Force Base.
- Counseled international construction and engineering firm in litigation arising from cost overruns and delays affecting manufacture of stainless steel gloveboxes for Department of Energy Mixed-Oxide Fuel Fabrication Facility in South Carolina.
- Advised national real estate developer on contract administration, audits and cost issues arising from cost-reimbursement design-build contract for construction of $1 billion Department of Defense office building.
- Represented international construction contractor and real estate developer in civil False Claims Act investigation and defense of *qui tam* litigation alleging violations of Buy American Act on military contracts.
- Represented global engineering and construction management firm in federal court litigation of claims arising from multimillion-dollar contract for construction at Baltimore-Washington International Airport.
- Counseled general contractor on development and resolution of delay and disruption claims arising under contract for renovation of original terminal facilities at Ronald Reagan National Airport.

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Experience

- Advised construction firm on a variety of issues, including negotiation and drafting of the subcontract, organizational conflicts of interest issues, and cost reimbursement, arising from its role as a key subcontractor to Northrop Grumman on the Air Force's Ground-Based Strategic Deterrent program.

TECHNOLOGY

- Advised successful offeror on multiple GAO bid protest matters arising from award of $778 million Defense Department task order for information technology support services.
- Represented successful offeror in GAO bid protests seeking to overturn award of $480 million contract for interoperability testing and certification services.
- Counseled commercial software developer on negotiating license agreements and resolving cost recovery issues arising from partial termination for convenience of Air Force contract for software development and implementation services.
- Represented technical professional services firm in bid protest challenging the Federal Aviation Administration's award of a $1.7 billion ten-year IDIQ services contract known as the national Airspace System Integration Support Contract (NISC IV). At the conclusion, the FAA announced that it would be taking voluntary corrective action to address the issues in the protest, re-evaluating proposals, and making a new award decision.
- Advised technical professional services firm on its approach to identifying, disclosing and mitigating organizational and personal conflicts of interest arising under its NASA contracts.
- Represented large technology consulting firm in litigation arising from failed ERP software implementation for Baltimore City Public Schools.
- Defended technical professional services firm in its award of a $385-million IDIQ contract for base operations support services at Kings Bay Naval Submarine Base in Kings Bay, Georgia, awarded by the Naval Facilities Engineering Command in Jacksonville, Florida.

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Experience

HEALTHCARE

- Represented Fortune 100 company in contract interpretation and compliance matters arising from procurement, award and administration of multiyear Department of Defense contract for administration of healthcare benefits to TRICARE beneficiaries.
- Counseled national healthcare contractor on preparation and submission of competitive proposals and compliance with requirements of Office of Personnel Management contracts for delivery of healthcare benefits to federal employees through Federal Employees Health Benefits Program (FEHBP).
- Advised healthcare clients on statutory and regulatory requirements governing healthcare exchanges established under Affordable Care Act.
- Advised private health insurers and benefits administrators on scope of private insurer liability for healthcare services delivered through Veterans Administration and Military Treatment Facilities, as well as Indian Health Service, Indian Tribes and Urban Indian Organizations.

ENERGY

- Advised energy developer on risks presented by long-term Department of Defense contract for privatization of natural gas facilities.
- Represented international owner and developer of wind energy facilities in litigation with European wind turbine manufacturer regarding alleged structural design defects causing failure of hundreds of wind turbine blades and potential damages in excess of $100 million.
- Advised owner and developer of wind and solar energy facilities on warranty and property insurance coverage issues presented by defects causing catastrophic failure of wind turbine components.
- Represented international energy developer in resolving $40 million delay and disruption claim asserted by EPC contractor on hydroelectric plant in Nepal.

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Recognition

- *Benchmark Litigation*, Local Litigation Star, 2026
- *Chambers USA*, Government Contracts, Nationwide, 2021-2026
- *The Legal 500 United States*, Government contracts, Recommended lawyer, 2023-2026
- *The Best Lawyers in America*®, Litigation - Construction, 2021-2023

Education

- J.D., Cornell Law School
  - *Cornell Journal of Law and Public Policy*, Managing Editor, 1993-1994
- A.B., University of Georgia
  - Phi Beta Kappa

Admissions

- District of Columbia
- Maryland
- Virginia
- U.S. District Court, District of Columbia
- U.S. District Court, District of Maryland
- U.S. District Court, Eastern District of Virginia
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. Supreme Court

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Community Leadership

- Habitat for Humanity

2026 Benchmark Litigation - Litigation Star

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