HUSCH BLACKWELL

Hal J. Perloff

PARTNER

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OVERVIEW

Hal focuses his practice on complex construction law and government contract matters, including bid protests, administration counseling, compliance, claims and disputes.

He represents prime and subcontractors in litigation before the Government Accountability Office (GAO), boards of contract appeals, the U.S. Court of Federal Claims and federal district courts nationwide. Hal has extensive experience in privatization and outsourcing, having handled a broad range of pre- and post-award disputes, claims and compliance matters arising under the Military Housing Privatization Initiative.

Hal's extensive industry work has included:

- Preparing and litigating a claim on behalf of the general contractor for the renovation of the Harry S. Truman "Old State" Building against the General Services Administration (GSA). The Civilian Board of Contract Appeals found that the

"Hal consistently delivers actionable advice and is very skilled in litigating government contracts cases."

— Chambers USA 2024

Industry

Real Estate, Development, & Construction

Services

Bid Protests
Construction & Design
Construction Litigation
Government Contracts
Healthcare Providers
State Attorneys General Practice
White Collar, Internal Investigations, & Compliance

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GSA breached the contract and abused its termination for convenience rights, entitling the contractor to anticipatory lost profits.

- Defending the award of the Privatization of Army Lodging (Group A) Project against two separate GAO bid protests.
- Preparing and litigating a claim involving a deductive modification on a U.S. Army Corps of Engineers contract for the construction of military family housing. The matter settled at full claim value inclusive of statutory interest.
- Representing an electrical subcontractor in a Miller Act lawsuit against Prime Construction Management and its surety arising out of a Department of Homeland Security renovation project in downtown Chicago. Negotiated a favorable pass-through agreement.

Hal is a former captain with the U.S. Army Judge Advocate General's Corps, assigned to the U.S. Army Corps of Engineers Chief Counsel's Honors Program from 1994 to 1998.

Experience

- Prepared and litigated a claim on behalf of the general contractor for the renovation of the Harry S. Truman "Old State" Building against the General Services Administration (GSA). The claim arose from the GSA's deletion of certain unit-priced restoration work. On cross-motions for summary judgment, the Civilian Board of Contract Appeals found that the GSA breached the contract and abused its termination for convenience rights, entitling the contractor to anticipatory lost profits.
- Defended the award of the Privatization of Army Lodging (Group A) Project against two separate Government Accountability Office (GAO) bid protests. The project involved the privatization of 3,225 transient housing units at 12 military installations under the Military Housing Privatization Initiative.
- Prepared and litigated a claim involving a deductive modification on a U.S. Army Corps of Engineers contract for the construction of military family housing at Fort Wainwright, Alaska. The matter settled at full claim value inclusive of statutory interest following the submission of motion for summary judgment at the Armed Services Board of Contract Appeals.

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Experience

- Represented an electrical subcontractor in a Miller Act lawsuit against Prime Construction Management and its surety arising out of a Department of Homeland Security renovation project in downtown Chicago. Developed and presented a complex labor inefficiency claim and defeated efforts to stay the federal court proceedings. Negotiated a favorable pass-through agreement.
- Defended a major national architectural/engineering firm in a design negligence lawsuit in a U.S. District Court of Maryland involving the failure of a ceramic tile flooring system for the Southwest Airlines Terminal expansion project at Baltimore-Washington International Airport. The matter favorably resolved following mediation.
- Represented a tiered-subcontractor against a subcontractor and prime contractor in federal court litigation relating to the construction of a periphyton-based storm water treatment area in Palm Beach County, Fla. The matter was favorably settled after six days of trial.
- Defended a prime contractor's default termination of a subcontractor on a telecommunications upgrade project at Fort Rucker, Ala., before the U.S. District Court for the Eastern District of Virginia. The court found the default termination to be proper following a five-day trial.
- Represented a design-builder in a GAO bid protest and a latent subsurface conditions claim on a privatization project for military family housing at Elmendorf Air Force Base in Alaska under the Military Housing Privatization Initiative. The GAO protest was favorably settled with the client receiving the award of the project, and the latent subsurface condition claim was resolved with the client recovering 90 percent of the claimed amount.
- Represented a contractor before the General Services Board of Contract Appeals and in mediation on a build-to-lease project for the National Oceanic and Atmospheric Administration's headquarters campus on extra work claims relating to cyclical maintenance and improvement requirements. The matter was favorably resolved following mediation.
- Represented an owner in litigation against a combustion turbine and generator manufacturer relating to plan performance deficiencies and latent defects in generator design.

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Experience

- Assisted one of largest U.S. commercial and civil contractors with numerous emergency design-build contracts for new hospital construction intended for COVID-19 patients.
- Represented healthcare provider in defending against a GAO bid protest challenging the Federal Bureau of Prisons' award of a contract to the client for substance use and mental health treatment services.
- Represented design-builder in a GAO bid protest regarding the award of an $800 million multiple award contract for the Department of the Army's Total Engineering and Integration Services IV Program.
- Assisted client in preparing a Contract Disputes Act claim involving the Defense Logistics Agency (DLA)'s alleged improper cancellation of an incentive agreement. The claim settled during alternative dispute resolution with DLA agreeing to reimburse client for lost profits.
- Represented chemicals company after it was statutorily debarred by the Environmental Protection Agency's Suspension and Debarment Official (SDO). The SDO terminated the debarment without any administrative agreement.

Recognition

- *The Best Lawyers in America®*
  - Litigation - Construction, 2020-2021, 2023-2027
- *Chambers USA*
  - Construction Law, 2013-2014
  - Government Contracts, Nationwide, 2023-2026
- *The Legal 500 United States*
  - Government contracts, Recommended lawyer, 2023-2026

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Education

- J.D., DePaul University College of Law
- B.A., University of Pennsylvania

Admissions

- District of Columbia
- U.S. District Court, District of Columbia
- Illinois
- U.S. District Court, Northern District of Illinois
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Federal Claims

The Best Lawyers in America®

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