

## Karen R. Harbaugh

**Partner**

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### About Karen

Karen R. Harbaugh focuses her practice on US government contracts law. With more than 20 years of experience, Karen began her career working for a government contractor where she was responsible for drafting, negotiating and managing contracts, subcontracts, teaming agreements and consulting agreements, and otherwise administering prime contracts and subcontracts for the corporation's hardware maintenance division.

In 1998, Karen entered private practice focusing her practice on US government contracts. Karen has substantial experience representing and counseling defense industry, government services, cybersecurity and high-tech foreign and domestic clients at the federal, state and local levels concerning compliance with the Federal Acquisition Regulation (FAR), Department of Defense FAR Supplement and other agency supplements, General Services Administration multiple-award schedule contracting matters, security clearances, teaming agreements and subcontracts, contract claims, prime contractor-subcontractor disputes, Foreign Military Sales, and audits and investigations.

Karen regularly advises clients on Freedom of Information Act (FOIA) and state public information requests, including filing and coordinating information requests with federal and state agencies, and responding to and defending FOIA/public information requests of a client's proprietary and confidential commercial and financial information and trade secrets.

Karen has significant experience representing companies in all aspects of the bid protest process including debriefings, and has filed or defended many cases at the Government Accountability Office (GAO) and various agencies and has handled some cases at the US Court of Federal Claims (COFC), US Court of Appeals for the Federal Circuit (CAFC). Below are representative examples of Karen's bid protest experience:

- Successfully defended a network services company against multiple bid protests of a US\$500 million information technology services contracts one of which was awarded to a client by the US Department of Defense. The protests included a "small business" size status at the Small Business Administration, a protest before GAO, as well as protests before COFC, and CAFC. In January 2013, we achieved complete victory for our client and, in the process, made new law clarifying the time requirements for filing solicitation protests.

- Successfully brought a GAO protest of the Army's US\$20 billion contract award resulting in the client receiving an IDIQ award.
- Successfully brought a GAO protest of TSA's award of a US\$212 million contract, which resulted in the agency taking corrective action.

Karen has significant experience advising companies on the protection of the intellectual property rights in technical data, software and patents under government prime contracts and subcontracts.

Karen has conducted several internal investigations and responded to grand jury subpoenas for clients. She has handled several suspension and debarment cases. She also has been lead government contracts counsel on several M&A transactions. Karen has helped several companies develop and/or revise their code of business ethics, conduct and develop business ethics awareness and compliance programs, and provide in-house ethics training to comply with the requirements of the FAR.

Karen also provides advice to non-US companies regarding the regulatory barriers to enter or expand their operations in the US by clearing regulatory hurdles related to the Committee on Foreign Investment in the United States (CFIUS). In this regard, she guides clients on all aspects of national security matters when one party to a transaction has US government classified information or technology contracts, including advising clients on the requirements of the Defense Counterintelligence and Security Agency pursuant to the National Industrial Security Program Operating Manual.

## Credentials

### Education

- Oklahoma City University, J.D., 1997
- Murray State University, B.A., 1993

### Admissions

- District of Columbia, 1999
- Virginia, 1999

### Courts

- U.S. Ct. of App., Federal Circuit
- U.S. Ct. of Federal Claims
- U.S. Dist. Ct., E. Dist. of Virginia
- U.S. Dist. Ct., N. Dist. of Illinois

### Memberships & Affiliations

- Member, Professional Services Council
- Member, Association of the US Army

## Recognitions

- Selected to *Law360's* 2020 Government Contracts Editorial Advisory Board.

## Expertise

### Services

- Litigation
- International Trade & Foreign Investment

### Industries

- Aerospace, Defense & Government Services

## About our firm

One of the world's strongest integrated law firms, providing insight at the point where law, business and government meet. We deliver commercially focused business solutions by combining our legal, lobbying and political capabilities and invaluable connections on the ground to a diverse mix of clients, from long-established leading corporations to emerging businesses, startup visionaries and sovereign nations. More than 1,500 lawyers in over 40 offices across four continents provide unrivaled access to expertise.