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PRACTICES

Complex Civil Litigation
Government Contracts
Counseling & Litigation

EDUCATION

J.D., University of Maryland
School of Law, *cum laude*, 2009
B.A., McGill University, 2004

Elizabeth J. Cappiello

COUNSEL

Elizabeth Cappiello focuses her practice on government contracts-related litigation and compliance including bid protests, bid preparation, contract management, and contract claims and disputes. She regularly advises clients on compliance with federal and state procurement regulations, responding to government audits and investigations, cost allowability, requests for equitable adjustments, internal investigations, voluntary disclosures, suspension and debarment actions, and challenging default terminations. She also advises clients operating under federal grants and cooperative agreements on compliance with and allowability of costs under 2 CFR Part 200. Ms. Cappiello has significant experience advising state and local governments and non-profit entities on compliance with laws, regulations, and procedures relating to eligibility for federal disaster and mitigation assistance under the Federal Emergency Management Agency's (FEMA) Public Assistance program.

Ms. Cappiello represents owners, design professionals, general contractors, subcontractors, and sureties in contract formation and construction disputes involving a wide range of construction projects. She has experience providing project advice and negotiating project disputes, as well as handling delay and impact claims, contract terminations, mechanics' liens, construction defects, design negligence, and bond claims.

Ms. Cappiello represents clients in state and federal courts, administrative hearings, arbitrations and mediation conferences. She works with a diverse group of clients including health care institutions, software companies, and federal and state contractors in many different industries, including large non-profit organizations funded by federal agencies, including the National Science Foundation, the National Aeronautics and Space Administration, the Department of Energy, and the Department of Defense.

Representative Engagements

Government Contracts Matters

- Representing contractors in GAO and state bid protests challenging agency award decisions.
- Representing contractors in size protests before the Small Business Administration (SBA).
- Conducting internal investigations regarding potential fraud allegations and contract compliance.
- Advising contractors operating under federal grants and cooperative agreements on allowability of costs under 2 CFR Part 200 Cost Principles.

- Drafting contracts, requests for proposals, and procurement-related policies for state and local governments and non-profit organizations.
- Advising contractors on suspension and debarment and cost disallowance and representing government contractors and municipality and U.S. territory clients in OIG audits and investigations.
- Provided procurement and cost advice to municipality and U.S. territory clients impacted by the devastating 2017 hurricane season. Services included review and revision of high-dollar procurement actions for compliance with federal grant and FEMA requirements; advice regarding various issues of FEMA eligibility; improvement of existing policies and procedures to mitigate future compliance issues; and responding to OIG audits concerning compliance with federal cost principles.
- Represented large engineering contractor in responding to OIG audit and investigation involving allegations that contractor, through the project owner, provided FEMA inaccurate cost information for a \$33 million wastewater pipeline project.
- Assisted large research consortium in compliance with its multiple multi-year cooperative agreements with the NSF. Services included managing and negotiating disputes with subcontractors and suppliers and advising client on cost allowability and reporting requirements.

Construction Matters

- Representing owners, general contractors, subcontractors, and design professionals in contract disputes, construction defect cases, and payment disputes in state and federal courts and arbitration hearings.
- Providing project advice and negotiating disputes, including delay and impact claims, contract terminations, mechanics' liens, construction defects, and design negligence cases.
- Represented concrete subcontractor in a multi-party litigation involving alleged design and construction defects in a high-rise, multi-use structure in Montgomery County, MD.
- Represented general contractor in dispute with Maryland Transit Authority involving payment and delay claims related to the construction of a bus transit facility.
- Represented design professional in multi-party litigation involving the construction and design of a significant transit facility in Montgomery County, MD.
- Represented general contractor in multiple arbitrations involving the construction of schools and other municipal buildings in the Washington, D.C. metro area.
- Represented surety in dispute with general contractor on a high-rise mixed-used building in Washington, D.C. after surety elected to take over the scope of work of the drywall subcontractor.

Rankings and Recognition

- *Legal 500*: Government: Government Contracts, 2022
- *The Best Lawyers in America*[®]: Construction Law (Ones to Watch), 2021 - 2022
- *Washington, DC Super Lawyers*[®]: Rising Star, Government Contracts, 2017 - 2019
- *Washington, DC Super Lawyers*[®]: Rising Star, Business Litigation, 2015 - 2016

Affiliations

- Member, Section of Public Contract Law, American Bar Association

Admissions

STATE ADMISSIONS

- District of Columbia
- Maryland