

Frank S. Murray

Partner

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Frank Murray, Jr. is a partner and business lawyer with Foley & Lardner LLP where he focuses his practice on issues related to government procurement and supply chain regulation. He is a member of the firm's Government & Public Policy and Government Procurement Supply Chain Regulation Practices and the Automotive Industry Team.

Frank has represented clients in state and federal courts, before administrative agencies, and in alternative dispute resolution proceedings. He also has substantial experience in construction law and has represented contractors, subcontractors, and sureties in all aspects of public and private construction projects.

Prior to joining Foley, Frank served for over four years in the Judge Advocate General's Department of the United States Air Force. In this role, he was the lead prosecutor in several felony cases and administrative hearings. In addition to his prosecution work, he reviewed government contracts between the Air Force and private corporations and advised Air Force contracting officers on legal issues regarding such contracts. During his deployment in Kuwait for the Air Force in 2001, Frank served as sole legal advisor to a detachment of over 1,100 U.S. military members, which was then the Air Force's most forward-deployed base located only 39 miles from Iraq.

Representative Experience

Frank advises government contractors and commercial clients seeking to do business with the federal government on wide-ranging procurement law issues, including both pre-award and post-award bid protests, Buy American and related domestic preference and sourcing issues, supply chain management, data rights and intellectual property issues, cybersecurity, false claims, defective pricing, organizational conflicts of interest ("OCIs"), contractor claims, contract administration issues, debarment/suspension, commercial item procurements, contractor codes of business ethics and conduct, small business subcontracting, small business set-aside issues and protests of small business size status, and cost accounting matters. He has been particularly active in matters concerning U.S. domestic content laws, such as the Buy American Act,

U.S. Department of Transportation agency “Buy America” regulations, the Berry Amendment, the Trade Agreements Act, and “Buy American” provisions in the American Recovery and Reinvestment Act of 2009.

Frank also advises commercial clients on supply chain management issues, including compliance with conflict minerals disclosure requirements and establishing procedures and policies to detect and avoid counterfeit parts. He is a member of the National Association of Manufacturers’ Conflict Minerals Task Force, as well as its Critical Minerals and Rare Earth Task Force.

Frank has drafted and negotiated government contracts and subcontracts for clients, including the negotiation of two sole-source multi-year contracts with the Department of Defense worth a combined total of approximately \$50 million. In his role as counselor to clients on government procurement issues, he has also conducted internal investigations for various clients to assess contract and statutory compliance issues and make recommendations regarding appropriate corrective action. These internal investigations have encompassed issues under the Truth In Negotiations Act (“TINA”), False Claims Act, and Trade Agreements Act/Buy American Act. He has also assisted clients by reviewing their contract administration practices and providing advice regarding process improvements and internal compliance systems. Frank has also developed training materials for clients on contract compliance issues, particularly with respect to supply chain management/domestic content requirements (including counterfeit parts detection/avoidance and conflict minerals reporting), cybersecurity requirements for government contractors and contractor codes of business ethics and conduct, and has provided in-person or remote training to client personnel on government procurement issues.

Affiliations

Frank is a member of the Counterfeit Parts Task Force of the American Bar Association’s Public Contract Law Section and advises clients regarding compliance with new requirements imposed on government contractors and subcontractors for the detection and avoidance of counterfeit parts. He assisted the Task Force in providing comments on the Department of Defense’s proposed implementation of new requirements regarding counterfeit electronic parts, and he co-authored “A White Paper Regarding Department of Defense Implementation of Section 818 of the National Defense Authorization Act for Fiscal Year 2012,” which provides insight from government contracting industry members regarding the key considerations associated with implementing the legislation’s stated goals of avoiding, detecting, and addressing counterfeit parts in the defense supply chain.

Since 2014, Frank has served as a vice chair of the Federal Circuit Bar Association’s Government Contracts Committee. He is also a member of the American Bar Association Public Contract Law Section and serves as vice chair of the Acquisition Reform and Emerging Issues Committee.

Presentations and Publications

Frank has co-authored an annually-updated series of three Practice Notices in *Thomson Reuters’ Practical Law* regarding federal bid protests, providing a comprehensive overview of the federal procurement protest

process for prospective bidders dissatisfied with the terms of a federal government agency's solicitation, disappointed bidders seeking to challenge a federal government agency's contract award, or successful offerors seeking to defend a contract award that has been protested by a competitor. Each of the Practice Notices addresses the process within a respective bid protest forum: (1) protests lodged with the contracting agency itself ("Government Contracts: Agency-level Bid Protests"); (2) protests filed at the Government Accountability Office (GAO) ("Government Contracts: GAO Bid Protests"); and (3) protests filed at the U.S. Court of Federal Claims ("Government Contracts: COFC Bid Protests").

Sectors

- Health Care & Life Sciences
- International Trade & National Security
- Manufacturing
- Racial Justice & Equity
- Supply Chain

Practice Areas

- Business Litigation & Dispute Resolution
- Corporate
- Government Procurement
- Government Procurement Business Formation & Structure
- Government Procurement Compliance & Training
- Government Procurement Mergers, Acquisitions, Due Diligence & Novations
- Government Procurement Special Performance Issues
- Government Procurement Supply Chain Regulation
- Government Solutions

Education

- University of Virginia School of Law (J.D., 1995)
 - Editorial Board Member, *Virginia Environmental Law Journal*
- Yale University (B.A., magna cum laude, 1992)

Admissions

- Virginia
- District of Columbia
- Florida



FOLEY & LARDNER LLP

- U.S. Court of Appeals for the First, Fourth and Federal Circuits,
- U.S. Court of Federal Claims
- U.S. District Courts for the Eastern District of Virginia, the District of Columbia, and the District of Maryland.