RWL | RIFKIN WEINER LIVINGSTON LLC

RWL Maryland State Contracting, Procurement and Bid Protest Services

About RWL

With offices located in the state capital of Annapolis, Baltimore, and the Washington, D.C. metropolitan area, RWL provides an important link to principal business, commercial and governmental centers.

Since its founding in 1989, RWL and its many attorneys have created an impressive record of service to the state and in the practice of law. As one of Maryland's first law firms to recognize that a client's legal issues can often be addressed through a comprehensive approach that may include all of the various branches of government, RWL has established itself in the areas of business and commercial transactions, administrative law, health care law, government relations, sports franchise law, procurement law, zoning and land use, and complex litigation.

Where law, government and business converge, and where public policy and public opinion intersect, RWL is there to assist – using our "team approach" to navigate through the maze of Maryland laws, regulations and governmental institutions.

RWL provides our clients with sound legal and practical business advice in courtrooms, boardrooms and hearing rooms. Our attorneys regularly appear before arbitration and mediation panels, state and federal courts and appellate courts, legislative hearings, Board of Public Works, and Maryland State Board of Contract Appeals.

RWL and its attorneys have annually been included in a number prestigious law firm rating systems that rank outstanding lawyers and law firms who have achieved a high degree of peer recognition and professional achievement, including top rankings in Chambers, Best Lawyers, Super Lawyers and Martindale-Hubbell.

ADMINISTRATIVE LAW AND REGULATORY COMPLIANCE

BUSINESS AND COMMERCIAL TRANSACTIONS

CANNABIS POLICY, ADMINISTRATIVE LAW AND LITIGATION

COMPLEX COMMERCIAL AND CIVIL LITIGATION

ELECTRONICALLY STORED INFORMATION (ESI)

GOVERNMENT RELATIONS AND LOBBYING

MEDIATION AND DISPUTE RESOLUTION

NATIONAL PRACTICE DEVELOPMENT

SPORTS LAW, GAMING AND FACILITIES

STATE CONTRACTING, PROCUREMENT AND BID PROTESTS

WHITE COLLAR CRIMINAL DEFENSE AND INVESTIGATIONS

Maryland State Contracting, Procurement and Bid Protests

EXTENSIVE BID PROTEST EXPERIENCE

RWL attorneys have been the attorneys of record in more than 50 docketed decisions published by the Maryland State Board of Contract Appeals.

Founding Partner Scott Livingston has more than 35 years of experience in bid protests, after serving as an Assistant Attorney General representing the State of Maryland on procurement issues. As an Assistant Attorney General, Scott had a prominent role in drafting various procurement laws and COMAR regulations. He also is co-author of the "Principles of Maryland Procurement Law," 29 U. Balt L. Rev. 1 (2000).

RWL has represented hundreds of contractors and vendors at the Maryland state and local levels.

GOVERNMENT CONTRACT SERVICES

- Bid protests and claims at the Procurement Officer, Maryland State Board of Contract Appeals, and judicial levels
- Litigation avoidance strategies
- Arbitration of disputes before the American Arbitration Association
- Settlement of claims of all types, especially heavy and highway construction contracts
- Compliance with Maryland ethics laws
- Compliance with MBE rules and regulations

Maryland State Contracting, Procurement and Bid Protests

PROCUREMENT-BASED LEGAL SERVICES

- Management of claims preparation, pricing, and litigation for prime contractors, owners, subcontractors, and Sureties in public works construction
- Development of proposals for state contracts in numerous areas including: healthcare, IT, correctional services, insurance, employment benefits, public-private partnerships, A/E, construction, Maryland Department of Transportation (port, airport, bridges, roads, etc.)

CONTRACT CLAIMS AND LITIGATION

- Substantial experience in claims preparation and litigation on behalf of government contract clients
- Claims involving change orders, constructive changes, and equitable adjustments under various standard government clauses
- Disputes over interpretation of contracts and rights and obligations of the parties

OTHER PROCUREMENT RELATED ACTIVITIES

- Appearances before tribunals that decide bid protests, including Maryland State Board of Contract Appeals, Maryland Circuit and Appellate Courts and the U.S. District Court for the District of Maryland
- Participated in matters before the Commission on Modernization of Maryland Procurement (report issued December 2016)
- Upon request of elected officials, testimony before procurement committees at the Maryland General Assembly

Cases Decided Before the Maryland State Board of Contract Appeals

MARYLAND DEPARTMENT OF BUDGET AND MANAGEMENT

- Catalyst Rx, MSBCA No. 2759, 2762, 2768, 2780, 2784 (2012)
- Caremark PCS, MSBCA No. 2544, 2548, 2568 (2007)
- Daly Computers, Inc., MSBCA No. 1727 (1993)

MARYLAND DEPARTMENT OF GENERAL SERVICES

- Correctional Services Corp. & Youth Services, MSBCA No. 2509 (2006)
- BEKA Industries, Inc., MSBCA No. 2132, (2000)
- Keller Brothers, Inc./Accubid Excavations, Inc. Joint Venture, MSBCA No. 1946 (1996)

MARYLAND DEPARTMENT OF HEALTH AND MENTAL HYGIENE

- Policy Studies, Inc., MSBCA No. 2806 (2012)
- Nutrition Management Services Company, MSBCA No. 1810, 1833 (1994)

MARYLAND DEPARTMENT OF HUMAN RESOURCES

- Legal Aid, MSBCA No. 2826, 2829 (2012)
- Active Network, MSBCA No. 2781 (2011)
- Accenture, LLP, MSBCA No. 2640, 2669 (2010)

MARYLAND DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

- Trinity Services Group, Inc., MSBCA No. 2917, 2931, 2935 (2015)

OTHER AGENCIES

- Trigen-Cinergy Solutions of College Park LLC, MSBCA No. 2315, 2316 (2003)
- Housing and Development Software, LLC, MSBCA No. 2289 (2002)
- Housing and Development Software, LLC, MSBCA No. 2247 (2001)
- Electronic Commerce and Catalogue Services, MSBCA No. 2100 (1999)

Meet the Team

SCOTT A. LIVINGSTON, ESQ.
Partner and Co-Chair of State Contracting, Procurement and Bid Protest Group

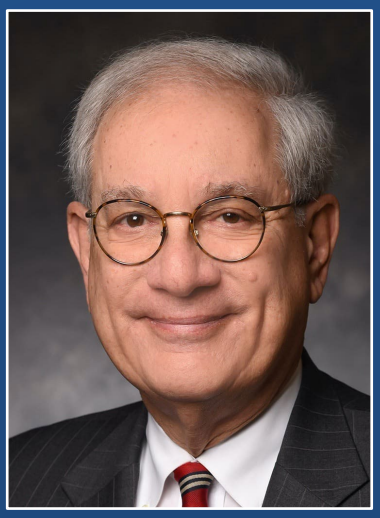
- With extensive experience in Maryland procurement law, has represented hundreds of government contractors on bid protests and other state contract disputes totaling more than $5 billion.
- Attorney of record in more than 50 decisions published by the Maryland State Board of Contract Appeals. Handled more appeals to the Maryland State Board of Contract Appeals than any other private practitioner attorney in over 30 years in practice.
- Previously served as an Assistant Attorney General of Maryland advising the Secretary of Transportation of Maryland. Helped draft Maryland's procurement regulations governing administrative procedures for resolution of bid protests and contract claims.
- Regular speaker on procurement law subjects, including construction claims, bid protests and MBE compliance for organizations including the Public Contract Law Section of the American Bar Association.
- Provides legal services to government contractors relating to bid protests, litigation and settlement of claims against agencies of the State of Maryland.
- Awarded the "Champion of Equal Justice" from Legal Aid of Maryland, for 17 years of pro bono procurement law advice that supported $102 million in contracts for legal services to Children in Need of Assistance.
- Author and publisher of the "Maryland Procurement ALERT" newsletter, with timely information on legal developments of interest to companies doing business with the State of Maryland.
- Conducted webinars on COVID-19 and Protecting the Contractors Profit Margin for the Maryland Transportation Building Materials Association and Associated Builders and Contractors (Spring, 2020).
- Co-author of "Principles of Maryland Procurement Law," with Lydia B. Hoover, 29 University of Baltimore Law Review 1 (2000).

Meet the Team

STUART A. CHERRY, ESQ.
Partner, Co-Chair of National Practice Development Group, and Co-Chair of Cannabis Policy, Administrative Law and Litigation Group

- Partner in the firm's litigation group with a broad-based commercial litigation practice.
- Previously served as Deputy Legal Counsel to Maryland Governor Larry Hogan from 2017-2019, as part of the Governor's in-house legal team.
- Advised the Governor and members of his Administration on constitutional issues, executive authority, regulatory matters, procurements, ethics, clemency and paroles, and significant litigation.
- Previously served as the Public Information Act Officer for the Office of Governor, coordinating the Administration's responses to document requests from media and other requesters.
- Successfully represented clients in the Maryland Cannabis industry in litigation matters.
- Helped draft executive orders and advised on appointment issues, including judicial appointments. In depth knowledge with regard to how State government works.
- Previously represented clients in federal and State courts throughout Maryland, conducted trial work, argued significant motions and presented before the Maryland Court of Special Appeals.
- Represented clients from a broad variety of sectors, including large retailers, commercial lenders, landlords, businesses of all shapes and sizes, insurance companies, and individuals.
- Member of the Maryland State Bar Association, the Baltimore County Bar Association, and the Simon E. Sobeloff Law Society.
- Previously served as a member of the board of the Maryland Lawyers Campaign Against Hunger and the Star Spangled Banner Flag House, a museum dedicated to the memory of Mary Pickersgill, the maker of the flag that inspired Francis Scott Key's famous poem that later became national anthem.
- Served in a leadership role in 2018 for the campaign to elect the Baltimore County Sitting Judges.

Meet the Team



CHARLES S. FAX, ESQ.
Of Counsel and Chair of Class Action and False Claims Act Litigation Practice Groups

- Chair of the firm's Class Action Litigation and False Claims Act Litigation practices.
- Experience includes litigating business and corporate/contractual disputes, including business fraud, government procurements, insurance coverage disputes, False Claims Act cases, business defamation and executive employment claims.
- Represents plaintiffs and defendants in consumer class actions and civil rights litigation.
- Representative clients include public and closely held corporations, broker-dealers, trustees, law firms and business executives and employees.
- Taught as an Adjunct Professor of Law at the University of Baltimore School of Law since 2010.
- Authored a regular column on recent developments in civil procedure for the American Bar Association Section of Litigation magazine "Litigation News" since 2008.
- Co-author, with United States District Judge Paul W. Grimm and Paul Mark Sandler, Esq., of "Litigation Problems and Their Solutions" (ABA Publishing 2013) – a widely cited textbook on civil discovery in federal courts, now in its third edition.
- Co-lead plaintiffs' class counsel in Simon, et al. v. Republic of Hungary, et al., 812 F.3d 127 (D.C. Cir. 2016), a worldwide putative class action by Hungarian-born survivors of the Hungarian Holocaust in World War II against the Hungarian government and its national railway, seeking reparations
- Co-lead plaintiffs' class counsel in Chambers, et al. v. Whirlpool, et al., 2016 U.S. Dist. LEXIS 140839 (C.D. Cal. Oct. 11, 2016), a nationwide class action against Whirlpool Corporation and Sears Roebuck alleging defectively designed dishwashers that can lead to combustion.

Meet the Team

DEVON HARMAN MAUNZ, ESQ.
Partner

- Partner in the firm's Business and Commercial Transactions; Complex Commercial and Civil Litigation; State Contracting, Procurement and Bid Protest; and Sports Law, Franchise, Facilities Media Rights and Gaming practice groups
- Advises and defends clients in high-stakes, civil and criminal litigation at the state and federal levels.
- Experience advising clients in an array of regulatory compliance and administrative law matters.
- Assists clients with government contracts at the federal, state and local levels.
- Member of the Maryland State Bar Association.

Meet the Team

SARA N. SELLERS, ESQ.
Partner

- Partner in the firm's Administrative Law Group and State Contracting, Procurement and Bid Protest practice group.
- Former Assistant Attorney General with the Office of the Attorney General assigned to the Office of the Comptroller, handling procurements, government contracting, fraud and tax matters.
- Previously, a Procurement Fraud Attorney in the Navy and a Contract Specialist in the Marine Corps.
- Officer Candidate in the Army/Maryland National Guard and a General Attorney with the Air Force.
- After graduating from the Michigan State University College of Law, earned an L.L.M. in Government Procurement from the George Washington University Law School.

Meet the Team

EMILY T. GORDON
Law Clerk

- In the Firm's Administrative Law, Business and Commercial Transactions, and Complex Civil and Commercial Litigation practice groups.
- Recent graduate of the Wake Forest University School of Law, emphasizing intellectual property, transactions, and administrative law in coursework.
- Participated in the Wake Forest Law Intellectual Property Clinic, worked as a Research Assistant to a Clinical Professor of Law in Intellectual Property, and served as Symposium Editor of the Wake Forest Law Review while in law school.

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