

E. Patrick Butler

KOJAG Consulting, LLC

8120 Woodberry Blvd.
Chagrin Falls, OH 44023

Cell: (703) 300-0444

patbutler@govconreadiness.com



E. Patrick Butler is a consultant focusing on federal contracting. He has extensive experience in every facet of the federal contracting process for services and supplies. Pat has dedicated the majority of his professional life to understanding the federal acquisition system and enjoys helping small businesses navigate that process.

As a former Army JAG Officer, Pat has handled some of the most complex contracting issues out there—and has provided timely and accurate advice to DoD's general officers and Senior Executive Service (SES) level officials. This includes during his service as a government contract attorney at US Army Europe, the US Army Litigation Division, and the National Guard Bureau (NGB). He excels at simplifying legally and factually complex issues in order to arrive at ethical and pragmatic solutions.

Pat retired as a Colonel in 2021 after 21 years on active duty—17 of which focused on contract and fiscal law assignments. The capstone of Pat's military career was serving as the Chief of the Contract and Fiscal Law Division within NGB's Office of the General Counsel for over seven years. In that role, Pat served as the highest contract and fiscal law attorney for NGB—a joint activity of DoD responsible for approximately \$26B of federal appropriated dollars. He provided legal advice daily to NGB leaders, contracting officers as well as the National Guard's acquisition professionals in every State and Territory.

Pat's main area of emphasis has been on contract formation issues. In 2010 he co-authored a law review article with Ray Saunders entitled, "*A Timely Reform: Impose Timeliness Rules for Bid Protests at the Court of Federal Claims.*" The article was published in the ABA's Public Contract Law Journal and received the 2010 "Writing Award" from the Board of Contract Appeals Bar Association. Pat also authored a 2014 book entitled, "*Key Case Law Rules for Government Contract Formation,*" which categorizes and explains key bid protest decisions from GAO, the Court of Federal Claims and the Court of Appeals for the Federal Circuit. In 2015 he served on an ABA panel at the Federal Procurement Institute. As part of that panel, Pat published a paper entitled, "*Bid Protests: An Agency Perspective.*" Finally, Pat is currently serving as an independent contractor to the MITRE corporation where he is the primary researcher and writer for the innovative Contract Protest Diagnostic Tool (CPDT).

Pat started his military career as an Army ROTC Scholarship Cadet at Bucknell University where he received the Superior Cadet Award in 1997. After his commissioning, Pat received an educational delay to attend law school at The Ohio State University Moritz College of Law. Upon earning his law degree, Pat graduated from the Army JAG School in Charlottesville, VA and then reported to his first duty assignment for US Forces Korea in Seoul, S. Korea. After Korea, Pat reported to Baumholder Germany where he served as a Trial Defense Attorney for the 1st Armored Division. In 2003, Pat deployed to Baghdad, Iraq where he represented over 500 Soldiers deployed throughout the Sunni Triangle. Pat served as defense counsel for some of the very first courts-martial conducted in Iraq and was awarded the Bronze Star.

Pat then served as a contract attorney for US Army Europe in Heidelberg, Germany where he provided litigation support for cases pending before the Armed Services Board of Contract Appeals. Next, Pat served as a contract litigation attorney at the US Army Litigation Division in Arlington, VA where he represented the Department of the Army as agency counsel in ten contract cases in federal courts seeking damages in excess of \$300M. In that assignment he provided litigation support to attorneys from the Department of Justice's Commercial Litigation Branch. During his time there, DOJ made an unusual exception to their policy and allowed Pat to present the Government's oral argument in a bid protest of a 10-year/\$210M base operations services contract at Fort Carson. Following oral argument, the Court of Federal Claims denied the bid protest.

Pat's awards include a Legion of Merit and a Bronze Star.

Pat graduated *cum laude* from Bucknell University in 1997 with a BA in International Relations. He received his Juris Doctorate (J.D.) from The Ohio State University's Moritz College of Law. Finally, Pat received a Master in Strategic Studies from the US Army War College in 2017.

Significant Experience

- Independent contractor with the MITRE Corporation where he serves as the primary researcher and writer for MITRE's innovative Contract Protest Diagnostic Tool (CPDT). The CPDT was based on the 2014 book that Pat wrote on bid protest case law. The CPDT is designed to help contracting officers proactively identify bid protest risk as they build their contracts.
- Served as the senior contract law attorney for the National Guard Bureau—handling high-visibility contract issues for NGB, the Army National Guard and the Air National Guard.

- Agency's subject matter expert on FAR & DFARS compliance, contract disputes and bid protests litigated in the Court of Federal Claims, GAO, and the Armed Services Board of Contract Appeals (ASBCA).
- Served as agency counsel for over 400 GAO bid protests filed against NGB contract awards and solicitations for service, supply and construction contracts—no sustained GAO protests in approximately 13 years at NGB.
- First to detect fraud indicators during a 2020 review of an Air National Guard construction contract. Thoroughly documented the concerns and worked closely with Air Force and Army criminal investigators resulting in a July 2021 arrest and charge of major procurement fraud by the U.S. Attorney's Office for the Southern District of NY.
- Wrote the first “National Guard Fiscal Law Guidebook” in 2019 to help all National Guard personnel understand the application of federal appropriations law to the unique structure and mission of the National Guard. The guidebook received positive reviews from leaders throughout the National Guard and remains as the “go to” source for National Guard fiscal law issues.
- Led the US Army Europe’s Procurement Fraud Working Group—bringing together key personnel from investigative, contracting and audit offices to coordinate on pending contract fraud cases across Europe.
- Served in Afghanistan as an Audit Team Lead for the Procurement Management Review of contracts awarded by the Joint Contracting Center (Iraq and Afghanistan) (JCC-IA) in 2012.
- Defended a battalion operations officer from the 82nd Airborne Division under investigation for a high-profile lethal engagement between US Forces, Iraqi Police, insurgents and Jordanian security guards. Client was completely exonerated allowing him to continue his mission in Fallujah, Iraq.
- Publications:
 - Butler, Patrick, *National Guard Fiscal Law Guidebook*; National Guard Bureau; Arlington VA 22202, Available at NGB's Publications and Forms Library at this [link](#), (2019).
 - Butler, Patrick, *Key Case Law Rules for Government Contract Formation*, Tysons Corner, VA: Management Concepts Press, 2014. Available on Amazon at this [link](#).

- Butler, Patrick, *Bid Protests: An Agency Perspective*, Paper submitted as part of bid protest panel for ABA's Federal Procurement Institute, Annapolis, MD (2015).
- Saunders, Raymond A. and Patrick Butler; *A Timely Reform: Impose Timeliness Rules for Filing Bid Protests at the Court of Federal Claims*, Public Contract Law Journal, Vol. 39,