

MVP: Covington's Hunter Bennett

By Jennifer Doherty

Law360 (September 20, 2021, 4:06 PM EDT) -- J. Hunter Bennett of Covington & Burling LLP helped clients defend multiple big-ticket awards this past year, including a \$536 million classified CIA contract and a \$430 million assignment at a U.S. Navy underwater research facility, earning him a spot as one of Law360's 2021 Government Contracts MVPs.

HIS BIGGEST CHALLENGE THIS YEAR:

While many attorneys are still juggling the challenges of working from home in the second year of the COVID-19 pandemic, Bennett noted that his recent work on a series of disputes over classified contracts pulled him into a very different environment — a so-called sensitive compartmented information facility, or SCIF.

Because of security clearance requirements, Bennett said he and a fellow co-head of Covington's bid protest team, Jay Carey, sometimes found themselves drafting documents from scratch in windowless, Wi-Fi-free rooms for days at a time. In some SCIFs, depending on the security requirements, typewriters may be the most advanced word processors available, he said.

All that time off the grid led to late nights catching up on the emails and calls that went unanswered while Bennett and his colleagues worked in the secure rooms, the attorney said.

"At one point, I spent so much time in one of the SCIFs that when I would get in the car [in the morning], my phone would tell me, 'You are 45 minutes away from your office,'" he recalled with a chuckle. "I felt like saying, 'That's not my office, that's the SCIF!'"

NOTABLE CASES HE'S WORKED ON:

One of the cases that pulled Bennett into a SCIF involved two losing bidders' challenge to contracts worth up to \$536 million that the CIA awarded for information technology support services on two of its critical intelligence-gathering programs. That time in the SCIF paid off in November, when the U.S. Government Accountability Office denied the protests, letting Covington's client, Next Tier Concepts Inc., and the other winners hold on to their awards.



"This was one where we took a look at the classified components and fortunately there were no issues," Bennett told Law360. "When you're the intervenor, you're always sort of keeping your fingers crossed that there's not going to be anything that's really eye-catching or where the GAO might say, 'What's the deal with this?' Happily, that was not the case in that CIA protest."

Bennett and his team won another major bid protest defense the following month. That one saw their client, Hewlett Packard Enterprise Co., fending off a challenge to its \$80 million contract with the Defense Information Systems Agency.

While the protester received a better score on one evaluation criteria than Hewlett Packard, its price estimate came in almost three times higher, knocking it out of the running. The protester argued that DISA should have alerted the company that its price was unreasonable before selecting a winner.

"Anytime when you are the protester, and you are casting aspersions on your own proposal and sort of blaming external forces for not telling you that your proposal is very weak in some aspects, those are tough cases to win, and this one was no exception," Bennett said of the opposition's arguments.

Still, the case required Bennett and his team to prepare multiple rounds of briefing and intensive collaboration with DISA, ultimately earning the GAO's approval of the defense agency's award to Hewlett Packard.

In June, Bennett led the Covington team through another successful defense, this time representing contract winner Amentum Services Inc. against "reverse protests" from two competitors for its \$430 million contract to manage the U.S. Navy's Atlantic Undersea Test and Evaluation Center in the Bahamas.

After the branch received complaints from the two other finalists, it undertook voluntary corrective action and sought new cost proposals from all three bidders. But that revision didn't satisfy Amentum's competitors, who wanted a full do-over. The case escalated to the Court of Federal Claims.

Bennett led the briefing effort and argued on behalf of Amentum during a six-hour hearing before Judge Marian Blank Horn, who affirmed the Navy's decision.

HIS PROUDEST MOMENT THIS YEAR:

Even with no shortage of legal wins to point to, Bennett cited an internal Covington event as his greatest accomplishment of the year.

"They did a panel discussion where Covington lawyers and staff talked about their own mental health struggles. I am a recovering alcoholic, and so I was a panelist and I talked about that," he said.

After almost 30 years in recovery, it was the first time he had talked about his situation outside a treatment setting, he said.

"It was really gratifying. I got so much positive feedback from people who said what a great panel it was and how helpful it was to hear someone talk about their own struggles," he said, crediting Covington for the "great job" the firm has done emphasizing mental health support for its personnel in recent years.

In keeping with the firm's focus on employee well-being, Bennett also highlighted the initiatives his

team has taken to touch base with each other and bring new hires into the fold while working remotely — including a movie club he started.

"It's actually called the Lowbrow Movie Club because we didn't want anyone to feel compelled to choose a movie that was really sort of highbrow and dull because they didn't want to admit that they really liked 'Caddyshack' or 'Fast Times at Ridgemont High,'" he said. "It started at the beginning of the pandemic. We have to date watched more than 60 movies, and we're going strong."

HIS ADVICE TO JUNIOR ATTORNEYS:

For Bennett, collegiality is key. His strong relationships with his Covington teammates and their shared drive to deliver for their clients provide a constant source of motivation.

"The most important thing is making sure that you like your colleagues because you're going to have to spend a lot of time with them in the office working on stuff. That was honestly probably the best piece of advice anybody ever gave me," he said.

"So what I would advise young lawyers is: Think of what you want to do, and then look at the people that you would be working with if you were doing that. Do you like those people?" Bennett continued. "They don't have to be your best friends, but do they seem nice and like people who you would enjoy spending a great portion of your life with? If the answer to that is yes, then that's what I would pursue."

— *As told to Jennifer Doherty. Editing by Daniel King.*

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2021 MVP winners after reviewing nearly 900 submissions.