



Anthony J. Perfilio
Of Counsel

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Overview

Tony's practice focuses on the areas of government, public, and business contract arrangements and dispute resolution. Tony brings to the table broad experience in all facets of federal agency procurement from major system acquisition to foreign military sales to service contracting.

His experience includes pre-contract areas of: acquisition strategy; proposal preparation and evaluation; source selection; contract drafting and negotiation; small and disadvantaged business issues; truth in negotiation; organizational conflicts of interest; and bid protests. He is also well versed in contract administration matters, including: contract interpretation; fiscal law; freedom of information; intellectual property/contract technical data; subcontracting and teaming arrangements; government furnished property issues; contract enforcement; inspection and acceptance; payment; terminations for convenience and default; claims and equitable adjustments; and dispute resolution including alternative dispute resolution techniques.

Tony has also assisted clients with drafting and enforcement of proprietary information agreements, non-compete agreements, licensing agreements, and teaming agreements.

Tony is a retired member of the Senior Executive Service of the United States with more than 30 years of practice experience as an attorney and legal services manager for the U.S. Department of the Air Force.

Practice Areas

Government Contracts

Education

- Harvard University, John F. Kennedy School of Government, Program for Senior Executives in National and International Security, 1994
- University of Pittsburgh School of Law, Juris Doctor, Cum Laude, 1973
- Utah State University, Bachelor of Science in Mechanical Engineering, 1970

Experience

- Over 35 years of Government Contracts experience
- Former Member, Senior Executive Service
- Former Director, Air Force Materiel Command Law Office (Supervised the resolution of all contract claims worldwide by and against the U.S. Air Force before the Armed Services Board of Contract Appeals and directed the provision of legal services in support of Air Force procurement of Aeronautical Systems, Research and Development, and Foreign Military Sales)
- Former Principal Deputy Staff Judge Advocate, Air Force Materiel Command
- Former Chief Counsel, Air Force Systems Command
- General Counsel, Dayton Aerospace, Inc.
- Frequent speaker and lecturer on Government and Public Contract Law topics
- Successfully protested Small Business Innovative Research project source selection resulting in contract award to client
- Steered large international firm through complex web of U.S.

Procurement Integrity and Organizational Conflict of Interest statutes and regulations making way for business opportunity

- Drafted and obtained government approval of special contract language preserving ownership of valuable patent and intellectual property for R&D contractor.
- Consulted and advised technology firm regarding compliance with Comptroller General rulings.
- Provided advice to manufacturing company/product liability defendant regarding coverage under general and umbrella liability insurance coverage resulting in insurance carrier's recognition of coverage and agreement to defend.
- Advised professional services contractor regarding protest of military department source selection for multiple award schedule IDIQ contract.
- Consultation and expert opinion regarding Section 8(a) status of small disadvantaged business after change of corporate controlling interest
- Advised former Government employees regarding compliance with post government employment restrictions under Title 18.
- Rendered expert advice to major aerospace acquisition management consulting firm relating to advisory services to joint military department major weapon system development program.
- Consulted with logistics support contractor regarding propriety of hiring predecessor contractor employees.
- Advised on application of Title 41 and FAR Part 22 provisions to contractor responding to government agency solicitation.
- Prepared software license agreement between software design firm and government procuring agency.
- Consulted with and provided expert opinion to engineering and manufacturing firm regarding application of Truth in Negotiations Act to purchase orders from its prime contractor.
- Represented electronics design and manufacturing firm regarding Government agency imposed changes on contract terms and conditions.
- Counseled electronics supply firm on contract termination for convenience.
- Advised major manufacturing and equipment construction firm on application of Buy American provisions in Federal, State, and local grant funded procurements.
- Advised defense manufacturing firms and defense service providers on application of International Traffic in

Arms Regulations and securing approval of agreements and licenses.

- Advised defense service providers and government agencies on rights in technical data and computer software.
- Assisted defense research and manufacturing firm in successfully prosecuting ITAR Commodity Jurisdiction request
- Counseled construction firm on successful application for certification as Service Disabled Veteran Owned Small Business Concern
- Advised technical services company on compliance with FAR Part 12 and FAR Part 15
- Lead defense contractor through Foreign Military Sales process and procedures
- Successfully appealed Freedom of Information Act request denial
- Taught nationally presented seminars on multiple subjects of importance to government contractors, including, Foreign Military Sales, Export Control, Foreign Corrupt Practices, Agents Fees and Commissions, Performance Based Logistics, Fiscal Law, Terminations of Government Contracts, and Grants, Cooperative Agreements and Other Transactions.

Honors/Distinctions

- Life Fellow, Foundation of the Federal Bar Association
- Presidential Rank Award, Distinguished Executive
- The Order of the Coif
- James O. Wrightson Award, Air Force Outstanding Civilian Attorney of the Year
- Past President and Past National Delegate, Dayton Chapter, Federal Bar Association
- Past Council Member and Ethics Committee Chair, Government Contracts Section, Federal Bar Association
- Past Chair of the Board, Dayton-Wright Chapter, Armed Forces Communications and Electronics Association (AFCEA)

Admissions

- State of Ohio
- State of Pennsylvania
- U.S Supreme Court
- U. S. District Court, Western District of Pennsylvania
- U. S. Court of Customs and Patent Appeals
- U. S. Court of Federal Claims

- U. S. Court of Appeals for the Federal Circuit

Professional Affiliations

- Federal Bar Association
- Dayton Chapter, Federal Bar Association
- Ohio State Bar Association
- Cincinnati Bar Association
- Armed Forces Communications and Electronics Association
- Senior Executives Association

Community Involvement

- Chair, Trustee, former Vice Chair, and former Corporate Secretary/Treasurer, Aviation Heritage Foundation (501(c)(3) non-profit)
- Trustee, Wright "B" Flyer (501(c)(3) non-profit)
- Former Chair of the Board, WrightPatterson Air Force Base Education Fund (501(c)(3) non-profit)
- Corporate Secretary Treasurer and Trustee, Area Coalition for Education Excellence (501(c)(3) non-profit)
- Director, Wright Image Group (501(c)(3) non-profit)

Presentations

- Federal Publications Seminars, Foreign Military Sales (2007 - 2012)
- NCMA World Congress, Export Control under the ITAR, (2008)
- Federal Publications Seminars, Advanced Contracting Issues, (2007)
- Federal Publications Seminars, Performance Based Logistics (2007)
- AFCEA INFOTECH, Information Security, Dayton, OH (2007)
- Federal Publications Seminars, Contract Terminations (2006)
- Federal Publications Seminars, Fiscal Law (2006)

Publications

- Foreign Military Sales Handbook (2011-2012), West (Originally published November 2009, Updated October 2010, November 2011, and October 2012)
- Foreign Military Sales Course Manual 2009, Federal Publications Seminars, West Legalworks, New York, NY
- "Limitation on Depot Manufacturing Authority," The Reporter, Volume 20, No. 3, AFRP51-1 (September 1993)
- "Contracting Out: A Road Map," Air Force Law Review, 30 A.F.L. Rev 69 (1989)