



Erica L. Bakies

Associate

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OVERVIEW

Erica Bakies is a Washington, D.C.-based associate in the firm's government contracts and procurement policy and antitrust, competition, and trade regulation practice groups. Erica counsels clients on a wide range of federal procurement and international trade topics and marries her international trade and government contracts practices with a unique focus on national security issues.

Erica's government procurement practice includes developing compliance policies and procedures for a number of different subjects, such as domestic sourcing ("Buy American") requirements, and assisting clients with the performance of federal contracts abroad. She regularly represents contractors pursuing or defending federal bid protests at the U.S. Government Accountability Office and the U.S. Court of Federal Claims. She also conducts internal investigations related to potential False Claims Act violations pursuant to the Mandatory Disclosure Rule and counsels clients facing government investigations and potential suspension or debarment.

In her international trade practice, Erica concentrates on export controls such as the Export Administration Regulations ("EAR") and the International Traffic in Arms Regulations ("ITAR"); sanctions programs as enforced by the U.S. Department of the Treasury's Office of Foreign Assets Control ("OFAC"); anti-corruption laws, such as the Foreign Corrupt Practices Act ("FCPA"); and anti-boycott laws. Erica conducts due diligence on individual transactions, assists clients with performing export control classifications, develops compliance procedures, performs internal investigations, and counsels clients through government enforcement actions. She regularly assists clients with submitting voluntary self-disclosures to the U.S. Department of Commerce's Bureau of Industry and Security ("BIS") and OFAC. Her practice also focuses on representing foreign and domestic companies during national security reviews, such as the Committee on Foreign Investment in the United States ("CFIUS") review process as well as foreign ownership, control, or influence ("FOCI") mitigation procedures.

PROFESSIONAL BACKGROUND

Prior to joining the firm, Erica was a law clerk to the Honorable Bernice B. Donald of the U.S. Court of Appeals for the Sixth Circuit.

ACHIEVEMENTS

- *Chambers USA* “Associates to Watch: Government Contracts” (2020)

PROFESSIONAL / CIVIC ACTIVITIES

- American Bar Association, Section of Public Contract Law
 - Vice Chair, Battle Space and Contingency Procurements
 - Member, Bid Protest Committee Member
 - Member, Mergers & Acquisitions
 - Member, Procurement Fraud and False Claims
 - Member, Young Lawyers Committee Member
- Women in Government Contracts
- National Council on International Trade Development
- Washington International Trade Association
- Women in International Trade
- The Barristers

SPEAKING ENGAGEMENTS

- Presenter, “Status of Forces Agreements: Time to Get off the Couch and Learn about SOFAs,” ABA Federal Procurement Institute (March 2018).

EDUCATION

- J.D., American University Washington College of Law, 2015 (*magna cum laude*; *Order of the Coif*; *Articles Editor, American University Law Review*; *Vice President, Moot Court Honor Society*)
- B.A., College of William and Mary, 2012

ADMISSIONS

- Bar of District of Columbia
- Bar of Massachusetts
- United States Court of Appeals for the Sixth Circuit
- United States Court of Federal Claims

THOUGHT LEADERSHIP POWERED BY HUB

- 16 February 2021, Emerging National Security Considerations for AMCs and Research Universities: Navigating National Security Requirements in Federal Contracts and Grants (*Webinar*)
- 17 November 2020, Health Care Cybersecurity Attacks - Practical Steps and Legal Considerations to Prepare for, Respond to, and Minimize Risk (*Webinar*)
- 7 October 2020, Hypersonic Technology (*Alerts/Updates*)
- 25 September 2020, New Executive Order Requires Enhanced Focus on Diversity and Inclusion Training For Federal Contractors (*Alerts/Updates*)
- 4 September 2020, Trump Administration Significantly Enhances Export Control Supply Chain Restrictions on Huawei (*Alerts/Updates*)
- 17 July 2020, August Is Coming: Interim Rule Banning Federal Contractor Use of Certain Chinese Technologies Takes Effect August 13th (*Alerts/Updates*)
- 29 May 2020, COVID-19: Affiliation & Aggregation Considerations for the Paycheck Protection Program and the Employee Retention Credit (*Alerts/Updates*)
- 20 March 2020, Recent Actions By CFIUS Underscore Importance of Review Process (*Alerts/Updates*)
- 20 March 2020, COVID-19: Protecting Critical Health Resources to Prevent the Spread of COVID-19: President Trump's Executive Order Gives HHS Secretary Azar Broad Supply Chain Authority (*Alerts/Updates*)
- 11 March 2020, COVID-19: "Not My Fault!" — Potential Safe Harbors for Federal Contractors with Supply Chains Disrupted by Coronavirus (*Alerts/Updates*)
- 6 February 2020, The CMMC Has Arrived: DoD Publishes Version 1.0 of Its New Cybersecurity Framework and Discusses Planned Rollout (*Alerts/Updates*)
- 24 January 2020, Treasury Issues Final Regulations Revamping CFIUS Authority (*Alerts/Updates*)
- 3 December 2019, Commerce Proposes Process to Evaluate Transactions Involving Information and Communications Technology and Services for National Security Concerns (*Alerts/Updates*)
- 3 December 2019, GAO Releases Report Providing Color on the Department of Defense's Use of Its Other Transaction Authority for Prototype Projects (*Articles*)
- 27 September 2019, Treasury Proposes Regulations Implementing Nearly All of FIRRMA's Provisions (*Alerts/Updates*)
- 14 August 2019, New U.S. Sanctions on the Government of Venezuela (*Alerts/Updates*)
- 13 August 2019, New Supply Chain Prohibitions of Certain Telecommunications Equipment and Services Place Additional Requirements on Government Contractors (*Alerts/Updates*)
- 22 May 2019, Policy Changes Highlight Contrasting National Security Acquisition Goals (*Alerts/Updates*)

- 7 May 2019, Prominent Divestiture Orders Demonstrate CFIUS's Focus on Access to Sensitive Personal Data as a National Security Concern (*Alerts/Updates*)
- 5 February 2019, Trump Administration Sanctions Venezuela's State-Owned Oil Company PdVSA (*Alerts/Updates*)
- 17 January 2019, OFAC Announces Intent to Remove Sanctions on UC Rusal plc, En+ Group plc, and JSC EuroSibEnergO (*Alerts/Updates*)
- 13 June 2018, Is Agency "Buy American" Insight In Sight? (*Alerts/Updates*)
- 17 May 2018, United States Ceases Participation in Iran Nuclear Deal and Will Implement Pre-Deal Sanctions Regime – Practical Considerations (*Alerts/Updates*)
- 29 January 2018, Further Implementation of Sanctions Legislation (*Alerts/Updates*)
- 24 January 2018, Hold Back the Tiers: The Difficulties and Potential for Misuse of Cascading Evaluations (*Alerts/Updates*)
- 23 October 2017, Iran Nuclear Deal "Decertified" Although Impact Is Uncertain (*Alerts/Updates*)
- 28 August 2017, Significant New Russia, Iran and North Korea Sanctions Legislation Signed Into Law (*Alerts/Updates*)
- 24 January 2017, Obama Administration Announces Relief of Sudan Sanctions Measures (*Alerts/Updates*)
- 21 December 2016, OFAC Provides Prospective Guidance on Potential "Snap-Back" of Iran Sanctions (*Alerts/Updates*)

OTHER PUBLICATIONS

- "What Biden Buy American Order Means For Gov't Contracting," *Law360*, 9 February 2021
- "New 'Buy American' Rules Bear Risks For Prime Contractors," *Law360*, 14 September 2020
- "DOD Clarifies Contractor Cybersecurity Certification — Again," *Law360*, 19 December 2019
- "Real Steps Towards "Buy American" Compliance," *Briefing Papers*, May 2019
- "Assessing the Timeliness Requirements to Protest an Agency's Corrective Action," *The Procurement Lawyer*, Winter 2019
- "How Agencies 'Buy Foreign' Under the Buy American Act," *Law360*, 5 February 2019
- "For Corrective Action Protests, Early Is Not On Time," *Government Contracts Law360*, 16 November 2018
- "Protesting A Procurement As A Non-Offendor," *Government Contracts Law360*, 22 August 2018
- "Feature Comment: Real Steps Towards 'Buy American' Compliance—Part IV: What Comes Next?" *The Government Contractor*, 13 June 2018

- “Feature Comment: Real Steps Towards 'Buy American' Compliance—Part III: Understanding And Avoiding Common Areas Of Noncompliance That Lead to Enforcement Actions,” *The Government Contractor*, 25 April 2018
- “Feature Comment: Real Steps Towards 'Buy American' Compliance—Part II: Demystifying BAA And TAA Requirements,” *The Government Contractor*, 28 March 2018
- “Feature Comment: Real Steps Towards 'Buy American' Compliance—Part I: Unpacking FAR Pt. 25 and the Application Of 'Buy American' Laws,” *The Government Contractor*, 21 February 2018
- A Glimpse Inside the Brain's Black Box: Understanding the Role of Neuroscience in Criminal Sentencing, *Fordham Law Review* (Nov. 2016) (written with the Honorable Bernice B. Donald).

NEWS & EVENTS

- 23 April 2020, K&L Gates, Lawyers Recognized in 2020 Chambers USA Guide (*Rankings & Recognitions*)
- 3 August 2018, K&L Gates Advises innogy on Acquisition of More Than 2,000 MW Onshore Wind Projects (*Noteworthy Work*)
- 13 February 2017, K&L Gates Advises Hexagon AB on Pending Acquisition of MSC Software Corporation (*Noteworthy Work, Press Release*)

AREAS OF FOCUS

- Government Contracts and Procurement Policy
- Antitrust, Competition, and Trade Regulation
- U.S. National Security Law and Policy

INDUSTRIES

- Aerospace
- Manufacturing
- Space
- Transportation and Logistics