

ANTHONY PERFILIO, Esq.

SENIOR ASSOCIATE & GENERAL COUNSEL, DAYTON AEROSPACE, INC.

PROFILE

Over 40 years of experience as attorney and legal services manager for the US Department of the Air Force (DAF). Proven acquisition professional with an engineering background and specialized expertise in government and private sector acquisition and sustainment strategy; proposal development and review; contract and subcontract support; rights in technical data; dispute resolution; foreign military sales (FMS); and International Traffic in Arms Regulation (ITAR) control. Senior Associate and General Counsel for Dayton Aerospace, as well as private practitioner at Rendigs, Fry, Kiely & Dennis, L.L.P., of Cincinnati and Dayton, OH. Senior Executive Service (SES) (ES-4), DAF (Retired)

PRINCIPAL AREAS OF EXPERTISE

Acquisition, Sustainment & Support

Extensive experience in major systems acquisition, sustainment, and support services, including: acquisition strategy development; proposal development and evaluation; source selection; contract drafting and negotiation; small and disadvantaged businesses; truth in negotiation; organizational conflicts of interest; public/private competitions and partnerships; performance based contracting; and bid protests. Well versed in contract administration matters, including: contract interpretation; fiscal law; freedom of information; intellectual property (technical data and computer software); subcontracts and teaming arrangements; government furnished property (GFP); contract enforcement; inspection and acceptance; payment; terminations for convenience and default; claims and equitable adjustments; and dispute resolution, including alternative dispute resolution (ADR) techniques.

Computer Software and Technical Data Rights

Extensive experience assisting clients in analyzing, developing, pursuing, and defending business, technical, and legal positions with regard to rights in technical data and computer software. Proven record of recommending innovative technical data and computer software acquisition strategies for competitive procurement and sustainment of systems and capabilities. Highly successful at assessing and resolving issues related to data rights assertions, justification, and validation, as well as the marking of technical data and computer software. Skilled at drafting and enforcing policy, including development of licensing, proprietary information, and non-compete agreements; and teaming arrangements.

Foreign Military Sales (FMS) and ITAR Controls

Nationally recognized author of the *Foreign Military Sales Handbook* (West Publishing) and instructor on FMS, ITAR and related subjects. Expertise in FMS spans the spectrum from interpretation and application of governing statutes, regulations, and policies to implementing processes and procedures for formation and execution of FMS cases, procurement actions supporting FMS requirements, foreign military financing, and ITAR. Experience authoring complex Technical Assistance Agreements (TAA) for export of defense services, licensing export of defense articles and technical data, and ensuring compliance with Foreign Corrupt Practices restrictions.

Capture Strategy, Proposal Development & Review

Extensive experience in development of capture strategies and proposal content and performing thorough reviews for technical compliance and statutory, regulatory, and policy compliance.



DAYTON AEROSPACE

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EDUCATION

BS, Mechanical Engineering
Utah State University

Juris Doctor
University of Pittsburgh

**Contemporary Executive
Development Program**
George Washington University

Executive Excellence Program
Federal Executive Institute

**Executive Leadership in a Changing
Policy Environment**
Brookings Institute

Air War College

**Program for Senior Executives in
National and International Security**
John F. Kennedy School of Govt,
Harvard University

KEY POSITIONS

Of Counsel
Rendigs, Fry, Kiely & Dennis, LLP

Director
Air Force Materiel Command
(AFMC) Law Office

**Principal Deputy, Staff Judge
Advocate**
Air Force Materiel Command
(AFMC)

Command Counsel
Air Force Systems Command
(AFSC)

**Principal Assistant, Staff Judge
Advocate**
AFSC

CERTIFICATIONS & RECOGNITION

**Acquisition Law Professional
Development Program (ALPDP)**
Level III Certification

Presidential Rank
Distinguished Executive

Life Fellow
Foundation, Federal Bar
Association

WORK HISTORY

Senior Associate and General Counsel | Dayton Aerospace, Inc.

2008-present, Dayton, OH

Chief legal counsel to Dayton Aerospace, Inc. Support government and industry customers as subject matter expert on a wide range of acquisition related tasks, including proposal development and review, case study development, data rights and intellectual property and training, business strategy planning, studies and analyses, acquisition and sustainment strategy development, contractual vehicles, and foreign transaction and export control strategies and documentation.

Of Counsel | Rendigs, Fry, Kiely & Dennis, LLP

2005-present, Dayton, OH

Represent clients' legal interests, advise and provide government and business contract arrangement expertise to prime and subcontractors. Represent clients before courts and agencies.

Director | Air Force Materiel Command (AFMC) Law Office

1994-2005, WPAFB, OH

- Led, directed, and managed all operations and administration of \$10M+/year, multifaceted, 113-person, field operating agency composed of five unique mission directorates.
- Oversaw USAF worldwide contract dispute resolution, professional legal services to USAF aeronautical acquisition programs, including aircraft program executive officer (PEO) portfolio, legal support to Air Force Research Laboratory (AFRL) technology programs, Air Force Security Assistance Center (AFSAC) foreign military sales cases, and Materiel Systems Group information technology programs.
- Responsible for legal support to AFMC environmental, ethics and fraud remedies programs, providing intellectual property law, technology transfer, cooperative R&D agreement, and Patent Secrecy services for Aeronautical Systems Center (ASC) and AFRL.
- Recognized as government-wide "top 1%" performer of 3,000+ senior executives.

Principal Deputy Staff Judge Advocate | AFMC

1992-1994, WPAFB, OH

- Reported directly to corporate Chief Legal Officer of Fortune 500-size government entity, acting as principal legal advisor on \$40B annual research and development (R&D), acquisition, and logistics support.
- Oversaw legal services to R&D and acquisition professionals at 19 operating locations; shared professional and legal policy oversight for 300+ legal professionals serving command HQ and 10 major operating centers.
- Principal AFMC legal advisor on outsourcing, depot manufacturing authority, and public/private competitions; chief architect for legal support to Depot Maintenance Privatization, public private competition program.

Command Counsel | Air Force Systems Command (AFSC)

1991-1992, Washington, DC

- Principal Deputy, then Chief Legal Officer of AFSC, responsible for all legal aspects of USAF R&D, system acquisition, test, and contract administration.
- Directly reported to 4-star major commander.
- Responsibility for full range of legal services to the 20,000-employee, \$30B annual R&D, program management and acquisition enterprise.
- Led Major Command level senior multi-disciplinary teams in formulating and staffing legislative initiatives/proposals to affect needed acquisition reforms; overhauled Contractor Performance Assessment Reports (CPARs) to ensure fairness and confidentiality; co-authored first acquisition strategy regulation.

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Prior to 1991

- Principal Assistant Staff Judge Advocate, AFSC
- Deputy Director of Contract Law, AFLC
- Chief, Logistics Law Division, AFLC Directorate of Contract Law
- Attorney Advisor (Contracts), AFLC Acquisition Law Division (Supporting ASD)
- Area Defense Counsel, HQ Air Force Trial Judiciary
- Assistant Staff Judge Advocate, Ogden ALC, UT

KEY PROJECTS

- Authored *Foreign Military Sales Handbook*, West Legal Works Thomson Reuters, premier legal reference work on Foreign Military Sales and related matters – updated annually.
- Co-authored Commercial Derivative Aircraft (CDA) study.
- Authored Data Rights Primer and prepared and presented data acquisition and data rights training to multiple organizations.
- Assisted private sector firm in analyzing and presenting request for equitable adjustment of schedule and price on an important development program.
- Prepared ITAR Technical Assistance Agreements (TAA) and export licenses for State Department approval.
- Advised government program office on strategy for acquisition of technical data and computer software and associated rights in support of long term sustainment strategy.
- Co-authored comprehensive Public Private Partnership Resource Tool for use in executing long term sustainment strategy for government acquisition programs employing direct sale and workshare arrangements.
- Co-authored use-case templates for program sustainment strategies with contractual elements, including statement of work (SOW), special and general clauses, contract data requirements (CDRLs) and tailored Data Item Descriptions (DIDs).
- Developed government sustainment strategies and program aids including creation of reference tools, contractual elements, briefings and responses to Office of the Secretary of Defense (OSD), Secretary of the Air Force (SAF) and Air Staff level taskings.
- Drafted, edited, reviewed, analyzed, and evaluated solicitation and contract provisions for industry client response to government RFP.
- Conducted proposal compliance reviews and analyzed solicitations and proposals for compliance with law and regulation and for probability of success of Government Accountability Office (GAO) or agency-level bid protests.
- Reviewed and advised on subcontract and teaming arrangements for multiple projects.
- Served as expert witness in contract litigation between industry client and US Government regarding letter contract definitization.
- Assisted industry client in recovering contract payments improperly withheld by agency contracting officer.
- Assisted industry client in reversing improper agency decision excluding client from competitive range.

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