



## Jonathan Shaffer

**Partner**

**Northern Virginia**

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**PRACTICES** Litigation, Government Contracts, Government and Public Policy, Bid Protests, Domestic Preference, Buy American Act, GSA Schedule and Commercial Item Contracts, Requests for Equitable Adjustment, Claims, and Litigation, Small Business Issues, State and Local Procurement/Cooperative Purchasing, Terminations, False Claims Act and Qui Tam and Defense, Suspension and Debarment, Federal Assistance: Grants and Cooperative Agreements, Government Contract Restructuring Task Force, Internal Investigations, White Collar and Investigations, Financial Services Investigations and Enforcement

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Jonathan Shaffer is a government contracts lawyer with a nationwide practice. Jonathan has more than 30 years of experience litigating high-stakes bid protests and procurement disputes in the GAO, US Court of Federal Claims, US Court of Appeals for the Federal Circuit, numerous federal agencies, Federal District Courts, State Courts, and the SBA. He has represented government contractors in hundreds of bid protests.

*Chambers USA* 2022-2025, Chambers and Partners, ranks Jonathan in Government Contracts—Nationwide. Jonathan is also recognized as a leading lawyer in the Chambers USA-Nationwide: Spotlight Table for Government Contracts: Bid Protests.

*Chambers USA* notes that Jonathan “handles significant bid protests at the Court of Federal Claims and the GAO,” with market sources indicating that “he’s a very strong bid protest lawyer.” Jonathan is further described as “really knowledgeable about the law and [he] briefs very well. He’s a good lawyer, who is thoughtful and very cooperative.” “He’s an excellent protest attorney and as professional as they come, I have the utmost respect for him.” (*Chambers USA*, Nationwide, 2021-2025 (Chambers and Partners)).

Jonathan’s government contracts practice includes bid protests, organizational conflicts of interest (OCIs), personal conflicts of interest, preparation of requests for equitable adjustments and claims, small business issues (including size protests and appeals), resolution of prime-subcontract disputes, prosecution of contract appeals, alternative dispute resolution, review of prime contracts and subcontracts, contractor responsibility and integrity issues, Buy America issues, terminations, defective pricing, debarment and suspension, data rights and intellectual property claims, task order contracting, commercial products and schedule contracts, cost and pricing issues, and audits and investigations.

He has represented contractors before the Government Accountability Office, the Civilian Board of Contract Appeals, the Armed Services Board of Contract Appeals, Federal Aviation Administration Office of Dispute Resolution for Acquisition, numerous agencies, the District of Columbia Contract Appeals Board, the Maryland State Board of Contract Appeals, the United States Court of Federal Claims, the

United States Courts of Appeals for the Federal and Fourth Circuits, Federal District Courts, and numerous state Courts.

Jonathan has represented clients in Freedom of Information Act matters before federal agencies, the United States District Court for the Eastern District of Virginia and the United States Court of Appeals for the Fourth Circuit.

He has represented prospective or current federal grant holders regarding federal grant issues, including grant awards, grant administration and management issues, and grant administrative disputes. Jonathan's construction practice has included bid protests, arbitrations and mediations, preparation of requests for equitable adjustments and claims, review of prime and subcontracts, resolution of prime subcontract disputes, joint venture agreements, Miller Act claims, alternative dispute resolution, cost and pricing issues, and design build and EPC contracting.

Jonathan's practice also includes commercial litigation relating to the government contracts and construction industries, including teaming and confidentiality agreement disputes, defense of improper employment termination, and business tort actions.

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## QUALIFICATIONS

### EDUCATION

- J.D., American University Washington College of Law, 1989, magna cum laude; Honor Society; Halpern Prize
- B.A., University of Pennsylvania, 1985

### ADMISSIONS

- Virginia
- District of Columbia
- Maryland

### COURT ADMISSIONS

- U.S. Court of Federal Claims
  - U.S. Court of Appeals for the Federal Circuit
  - U.S. District Court for the Eastern District of Virginia
  - U.S. District Court for the District of Maryland
  - U.S. District Court for the District of Columbia
  - U.S. Court of Appeals for the Fourth Circuit
  - U.S. Court of Appeals for the District of Columbia Circuit
  - Supreme Court of Virginia
  - District of Columbia Court of Appeals
  - Court of Appeals of Maryland
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## PUBLICATIONS AND SPEAKING ENGAGEMENTS

- "Federal Grant Practice: A Guide for the Government and Grantees," co-author, (2024 Edition) *Thomson Reuters*, September 2024.

- “FEATURE COMMENT: Key Takeaways From OMB's 2024 Revisions To The Uniform Guidance For Federal Financial Assistance,” 66 No. 35 *Government Contractor* ¶ 254, September 25, 2024.
  - “Fed. Circ. Percipient Gov't Contract Ruling Is Groundbreaking,” author, *Law360 Expert Analysis*, July 2, 2024.
  - “What is Past is Prologue- Past Performance Evaluation Issues in Federal Procurements,” Presenter, Federal Publications Seminars, May 7, 2024.
  - “[Why Timely Gov't Contractor Registration Renewal Is Key](#),” co-author, *Law360*, April 19, 2024.
  - “What DOD Commercial Product Rule Means For Contractors,” co-author, *Law360 Expert Analysis*, December 18, 2023.
  - “Avoiding and Solving SBA Size Affiliation Issues for Government Contractors,” Presenter, *Federal Publications Seminars*, September 20, 2023.
  - “FEATURE COMMENT: OMB Issues Final Build America, Buy America (BABA) Guidance Which May Trigger Compliance, Enforcement And Trade Issues—And Bid Protests.” 65 No. 33 *Government Contractor* ¶ 241, September 13, 2023.
  - “Federal Grant Practice: A Guide for the Government and Grantees,” co-author, (2023 Edition) Thomson Reuters, September 2023.
  - “Bid Protest Intervention - Actively Defending Your Federal Government Contract Award,” Presenter, *Federal Publications Seminars*, April 25, 2023.
  - “Federal Grantee Contracting: Domestic Preferences and Other Supply Chain Issues,” co-author, *Briefing Papers* Issue 22-9, August 2022.
  - “Teaming Agreements – Hope for the Best – Prepare for the Worst,” co-presenter, Federal Publications Seminars, May 12, 2022.
  - “Federal Grant Practice: A Guide for the Government and Grantees,” co-author, (2020 Edition) Thomson Reuters, June 2020.
  - “Federal Bid Protest Mitigation, Avoidance and Defenses,” co-presenter, Federal Publications Seminars, May 28, 2020.
  - “Avenues For Fast-Tracking Gov't Procurement In Emergency,” co-author, *Law360 Expert Analysis*, April 20, 2020.
  - “Lessons Learned from Federal Organizational Conflict of Interest Protests,” co-presenter, Federal Publications Seminars, November 12, 2019.
  - “But I Thought I Won? Procurement Cancellation Under the Virginia Public Procurement Act,” co-author, *Virginia Bar Association Journal*, Vol. XLV, Spring 2018.
  - “Government Contracts Basics: Bid Protests,” co-presenter, District of Columbia Bar, May 16, 2018.
  - “Establishing the Record in Court of Federal Claims Bid Protests,” co-author, *Briefing Papers* 2d, No. 12-10, September 2012.
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## PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- Virginia State Bar
  - District of Columbia Bar
  - Maryland State Bar
  - American Bar Association, Member, Public Contract Law Section; Section Council Member 2000-2003; Vice-Chair, Privacy, Security and Protection of Data Committee, 2006-2009; Co-Chair, Electronic Commerce Committee, 2001-2005; Vice-Chair, Alternative Dispute Resolution Committee, 1999-2004; Vice-Chair, Bid Protest Committee, 1991-1995
  - Board of Contract Appeals Bar Association
  - National Contract Management Association, 2001 Recipient National Achievement Award
  - NCMA Journal of Contract Management, Associate Editor, 2003-2014
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## AWARDS AND RECOGNITIONS

- *Chambers USA*: America's Leading Lawyers for Business, Chambers and Partners, Government Contracts—USA-Nationwide – Band 2, 2023 - 2025
- *Chambers USA*, Chambers and Partners, Government Contracts: Bid Protests: USA-Nationwide: Spotlight Table, 2017- 2025
- *Who's Who Legal*, Law Business Research Ltd. in Government Contracts, 2005-2022
- Martindale-Hubbell AV Preeminent Rating in Government Contracts and Litigation