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Jonathan D. Shaffer

Mr. Shaffer is a member of the District of Columbia, Maryland, and Virginia bars and has litigated government contract and construction disputes in federal and state courts around the country for more than 25 years.

Mr. Shaffer has represented government contractors in hundreds of bid protests before GAO, the Court of Federal Claims, and other tribunals. He also represents contractors in disputes at the federal, state, and local levels.

Mr. Shaffer's government contracts practice has included 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 before Boards of Contract Appeals, alternative dispute resolution, review of prime contracts and subcontracts, Freedom of Information Act matters, contractor responsibility and integrity issues, Buy America Act 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.

Mr. Shaffer has represented contractors before the Government Accountability Office, the General Services Board of Contract Appeals, the Maryland State 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 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.

Mr. Shaffer'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.

Mr. Shaffer'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.

Practice Areas

- Government Contracts
- Government Contracts Litigation

Education

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

Bar Admissions

Commonwealth of Virginia, 1989
District of Columbia, 1990
State of Maryland 1998

Court Admissions

U.S. Court of Federal Claims

U.S. District Court, 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, District of Columbia Circuit
U.S. Court of Appeals for the Federal Circuit

Supreme Court of Virginia
District of Columbia Court of Appeals
Court of Appeals of Maryland

Professional Qualifications and Activities

Member, Law 360 Government Contracts Editorial Advisory Board, 2015-2018
Associate Editor, NCMA Journal of Contract Management, 2003-2014
Faculty Member: George Washington University Law School Government
Contracts Program 1997-2003
Associate Editor, Public Contract Law Journal, 1992-1993

Publications

"But I Thought I Won: Procurement Cancellation Under the Virginia Public Procurement Act", VBA Journal (Spring 2018);

"Establishing the Record in Court of Federal Claims Bid Protests", Briefing Papers 2d, No. 12-10 (September 2012);

"Enforcement of Arbitration Provisions", Conflict Management, American Bar Association Section of Litigation, Vol. 12, Issue 2 (Winter 2008);

"No Rest for the Weary: Bid Protests in Virginia", 55 Virginia Lawyer 26 (October 2006);

"Medicare Contracting Reform, New Opportunities New Risks", 83 Federal Contracts Report 598, The Bureau of National Affairs, Inc., June 21, 2005;

Contract Claims, The George Washington University National Law Center Government Contracts Program, 1992-2003;

"Feature Comment: Past Performance As An Evaluation Factor-Getting It Right", 41 Government Contractor 1 (January 6, 1999);

"The FAR Part 15 Rewrite," Briefing Papers 2d, No. 98-5 (April 1998);

"Past Performance as an Evaluation Factor in Federal Construction Procurements: The Changing Landscape", Construct! (Summer 1998);

"Feature Comment - Source Selection Provisions of the FAR Part 15 Rewrite -- A Train Wreck Avoided," 39 Government Contractor 578 (December 10, 1997);

"Challenges and Pitfalls in Drafting Arbitration Clauses", Construction Briefings, No. 97-3 (March 1997);

"The Equal Access to Justice Act: Has It Leveled the Playing Field in Actions Before the Boards of Contract Appeals?" 66 Federal Contracts Report 246, The Bureau of National Affairs, Inc., September 16, 1996;

"Feature Comment - Past Performance As An Evaluation Factor - Opening Pandora's Box," 38 Government Contractor 280, June 12, 1996;

Government Contract Claims, The George Washington University National Law Center Government Contracts Program, 1992-2001;

Chapters 8 and 9, Bid Protests, Bid Responsiveness, Bidder Responsibility and Mistakes in Bid, Construction Law Handbook (Aspen Publishers 1999);

Contributing Author: Public Assembly Facility Law (Government Contracts and

Construction Disputes Chapters), International Association of Assembly Managers, 1998;

Program and Contract Changes, National Contract Management Association, National Education Seminar, 1996.

Professional Memberships

Virginia State Bar

District of Columbia 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; Co-Chair, Alternative Dispute Resolution Committee, 1998-2004)