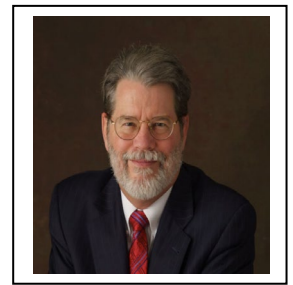


**David Z. Bodenheimer**  
**Washington, DC Lawyer**  
**Defending Faith, Sharing the Gospel**



**David** is a Government Contracts partner and litigator with a Washington, DC law firm where he brings over 40 years of hands-on experience in doing business with the federal government. Nationally ranked by Chambers USA in Government Contracts and described as “an impressive government contracts practitioner” with a “stunning command of government contract law and federal regulations” and “a fabulous writer,” he has found solutions for clients for everything from bet-the-company cases to the day-to-day complexities of federal government contracting. He spent six years with the United States Navy before moving to private practice with two nationally-ranked Washington, DC law firms.

**Federal Pricing & Cost Disputes.** David handled a busy litigation docket of federal cost and pricing trials and claims, federal audit allegations, and other disputes involving complex cost and pricing issues. He has been recognized in Chambers USA as “an exceptional cost and pricing attorney who is terrific with clients” and as the “premier expert in the field of defective pricing.”

- **Recent Litigation.** In the past three years, he resolved over \$81 million spanning seven litigation appeals and six federal audits for a few pennies on the dollar. From 2015 to 2021, he litigated over \$95 million of alleged defective pricing in six separate litigation appeals for a fraction of a penny on the dollar, including winning key defective pricing precedents on cost or pricing data, reliance, and causation (*Alloy Surfaces Co., Inc.*, 20-1 BCA ¶ 37,574 denying \$15 million claim) and Forward Pricing Rates (*Symetrics Industries, LLC*, 15-1 BCA ¶ 36,070 denying overhead rate claim), obtaining no-cost withdrawals of two final decisions claiming over \$65 million in defective pricing (ASBCA No. 58976 and No. 59491), and resolving two other ASBCA appeals for less than litigation costs.
- **Major Cost Litigation Precedent.** He also prevailed in the largest defective pricing claim litigated under the Truth in Negotiations Act (TINA). See *Wynne v. United Technologies Corp.*, 463 F.3d 1261 (Fed. Cir. 2006), *affirming* 05-1 BCA ¶ 32,860 (denying \$299 million defective pricing claim after 33-day trial, reconsideration, and appeal).
- **Dispute Resolution.** For over thirty years, he has found creative ways to resolve federal pricing disputes, employing mini-trials and other dispute-resolution techniques (ASBCA Nos. 56655 & 56656), preparing detailed rebuttals to government cost claims and audit allegations, and serving as lead Navy counsel in using a structured negotiation process to resolve \$126 million in government pricing allegations.
- **Publications.** In addition to his Defective Pricing Handbook (Thomson Reuters) that the Nash & Cibinic Report called “the definitive text on TINA,” he has authored many leading Briefing Papers and articles on defective pricing and the False Claims Act.

**Protest Litigation.** Since his first protest litigation in 1982, David has litigated and defended more than 70 protests in every forum (GAO, COFC, ODRA, GSBCA, and federal district courts), with some of the best being successfully resolved without a decision—*e.g.*, agency corrective action reopening the competitive range in a \$6 billion procurement and resulting in award to a Fortune 25 company. Many of his GAO protest decisions have featured key precedents on cost and pricing issues. *See, e.g., Booz Allen Hamilton Engineering Services, Inc.*, 2015 CPD ¶ 138 (price realism defense); *CACI Technologies, Inc.*, 2014 CPD ¶ 44 (cost realism defense); *TriWest Healthcare Alliance*, 2012 CPD ¶ 191 (price realism defense in \$20 billion award); *HealthNet Federal Services*, 2009 CPD ¶ 220 (price realism win on \$16 billion procurement); *IBM Corp.*, 2008 CPD ¶ 64 (cost/price evaluation errors proven).

**False Claims Act & Contract Disputes.** From his first hearing in 1982, David has spent more than 100 days in the courtroom litigating False Claims Act (FCA) suits, federal pricing actions, default terminations, prime/sub disputes, and other actions involving complex military and aerospace systems, information technology, damages calculations and methodologies, and other government contracts disputes. *See, e.g., United States v. United Technologies Corp.*, 782 F.3d 718 (6th Cir. 2015) (rejecting trial court’s \$657 million damages award after 2-month trial and two federal appellate decisions); *United States ex rel. Ackley v. IBM*, 76 F. Supp. 2d 654 (D. Md. 1999) (briefed and argued jurisdictional dismissal of *qui tam* relator’s fraud claims); *Peoples v. Eagle-Picher Indus., Inc.*, No. 96-5009-CV-SWGAF (W.D. Mo. 2003) (briefed disqualification of *qui tam* relator’s counsel, ultimately leading to dismissal of action). More recently, he prevailed in parallel federal pricing and fraud litigations, obtaining a no-cost withdrawal of a \$64 million litigation claim that resulted in resolution of a \$400 million False Claims Act suit for less than a penny on the dollar.

### **Honors & Recognition**

- Veterans Consortium Pro Bono Service Honors, medals, and letters of appreciation for representing veterans before the Court of Appeals for Veterans Claims.
- Defence Security Service Cogswell Award (2015)
- American Bar Association (ABA) Science & Technology Law (SciTech) Section Chair (2017-18); Homeland Security Co-Chair (2008-2016)
- American Bar Association Public Contracts Law Section – Committee Co-Chair of Cybersecurity, Privacy, & Data Protection Committee (2010-16)
- Fellows of the American Bar Foundation (2017-18) (Top 1% of ABA Lawyers)
- Chambers USA National Ranking in Government Contracts (2014-2025)
- Thomson Reuters DC Super Lawyer in Government Contracts (2014-20)
- Who’s Who Legal: Government Contracts, Data Security & Data Privacy (2015-24)

### **Contact:**

David Z. Bodenheimer  
Southport, NC  
david@faithlaw-apologetics.com