

**J. Catherine Kunz**

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Practice Areas

- False Claims/Qui Tam
- Government Contracts
- Health Care
- False Claims
- Renewable Energy
- Government Health Care Programs

J. Catherine Kunz is a partner in the Washington office of Crowell & Moring. Ms. Kunz is a member of the firm's Government Contracts group. Her practice involves both counseling and litigating on behalf of clients in a range of government contract law areas, including GSA Schedule contracting, contract claims and disputes, fraud and abuse, cost accounting issues, purchasing and subcontracting, and federal health care contracting. Ms. Kunz also represents clients in qui tam actions under the False Claims Act and in bid protest, and counsels clients on government audits, procurement ethics, compliance programs, contract administration, and specialized government acquisition programs, including Federal Employees Health Benefits Program contracts and National Park concession contracts. Ms. Kunz also has experience counseling clients on federal grants administration and audit matters.

Ms. Kunz has litigated before the Armed Services Board of Contract Appeals, General Services Board of Contract Appeals (now part of the Civilian Board of Contract Appeals), Government Accountability Office, and Federal District and Appellate Courts. Ms. Kunz is a member of the Public Contract Law Section of the American Bar Association.

Ms. Kunz received her B.A. with honors and distinction in Human Biology from Stanford University in 1993. She graduated from Duke University School of Law in 1999, where she served as Editor in Chief of the *Alaska Law Review* and Editor of the *Duke Environmental Law Journal*. Ms. Kunz also earned a Masters of Environmental Management from the Nicholas School of Environment at Duke University in 1999.

Representative Matters

- Health Net Federal Services, LLC, B-401652.3, B-401652.5, 2009 CPD ¶ 220 (2009). Successfully represented the protester in a \$16.7 billion

procurement for managed health care services for military retirees and families.

- Successfully resolved a contractor's Contract Disputes Act claim for increased costs due to the Iraq War through alternative dispute resolution before the Armed Services Board of Contract Appeals.
- *In re Boeing Co.*, ASBCA 54853, 06-1 BCA ¶ 33270 (2006). Successfully defeated the government's motion to dismiss a sponsored claim for Public Law 85-804 indemnification related to performance of Cold War-era defense contracts.
- Successfully resolved a contract termination dispute between a prime contractor and subcontractor through mediation.
- *Viacom, Inc.*, GSBCA No. 15871, 05-2 BCA ¶ 33,080 (2005). Successfully represented a GSA Schedule contractor before the General Services Board of Contract Appeals in defending against allegations of defective pricing associated with the contractor's proposal submission.
- *United States ex rel. Werner v. Fuentez Systems Concepts et al.*, 319 F. Supp. 2d 682 (N.D. W.V. 2004). Successfully represented a government subcontractor alleged to have violated the False Claims Act by submitting false claims to the government. The case was dismissed on summary judgment.
- *Southwestern Bell Telephone Co.*, B-292476, 2003 CPD ¶ 177 (2003). Successfully represented the protester in a procurement for communication services, resulting in a formative decision related to the government's affirmative determination of contractor responsibility.

Education

- Stanford University, B.A. Human Biology (1993) Honors and Distinction
- Duke University School of Law, J.D. (1999)

Affiliations

Admitted to practice: District of Columbia, Ohio

Publications

- "Government Contracting: Terms, Risks & Sanctions," San Fernando Valley Bar Association's *Valley Lawyer* (April 2012). Co-Authors: Mark R. Troy, Mana E. Lombardo and J. Catherine Kunz.
- "Government Contracts," Chapter 50A of *Successful Partnering Between Inside and Outside Counsel*, published by Thompson-West (2011). Co-Authors: George D. Ruttinger, Michael J. Denton and J. Catherine Kunz.

- "Mandatory Disclosure Rules for Government Contractors," *Executive Counsel* (April/May 2011). Co-Authors: J. Catherine Kunz and Richard Arnholt.
- "Open Book on Executive Compensation for Government Contractors," *Executive Counsel* (October/November 2010). Co-Authors: J. Catherine Kunz, Gunjan Talati, and Peter Eyre.
- "ATK Thiokol, Inc. v. U.S.: Clarifying The Definition of Research And Development Costs," *Government Contract Costs, Pricing & Accounting Report* (May 2010). Co-Authors: Terry L. Albertson, Linda S. Bruggeman, J. Catherine Kunz.
- The Risks And Extra Costs of Federal Government Contracting, (January 2010). Co-Authors: J. Catherine Kunz and Richard J. Bednar.
- "Doing Business with the Government in 2009: New Opportunities for Energy Efficiency and Renewable Energy Contracting," *Bloomberg's Sustainable Energy Law Report*, (May 2009). Contributed by: J. Catherine Kunz and Stephen J. McBrady.
- "The Greening of Government Procurement," *Briefing Papers*, Thomson West (August 2008). Author: J. Catherine Kunz.
- The Risks and Extra Costs of Federal Government Contracting, (September 2006). Co-Authors: Richard J. Bednar and J. Catherine Kunz.
- "Pre-Disaster Contracting: The Use of Indefinite Delivery/Indefinite Quantity Contracts," *Andrews Government Contract Litigation Reporter*, Vol. 19, No. 22 (February 27, 2006). Author: J. Catherine Kunz.
- "Employee Releases: A Tool Federal Contractors Can Use to Protect Themselves Against False Claims Act Liability," *BNA's Federal Contracts Report*, Vol. 85, No. 7 (February 21, 2006). Co-Authors: J. Catherine Kunz and Jody Goodman.
- "Medicare Modernization Creates Options for Employers on Retiree Drug Coverage: Five Alternatives Permit Employers to Pick the Option," *AHIP Coverage* (September/October 2005). Co-Authors: Kenneth M. Bruntel and J. Catherine Kunz.
- "Medicare Prescription Drug Improvement and Modernization Act of 2003: Opportunities for Employer-Sponsored Retiree Drug Coverage, Parts I & II," *BCBS Legal Affairs Bulletin*, Issue Nos. 951 and 952 (April, May 2005). Co-Authors: Kenneth M. Bruntel and J. Catherine Kunz.
- OFCCP Loses Bid to Extend 'Subcontractor' Status to Hospital, (2003). Co-Authors: J. Catherine Kunz and Kris Meade.

Alerts & Newsletters

- "DCAA's Use of a Statistically Invalid Analysis for Testing Compensation Reasonableness," *Government Contracts Bullet Points* (February 3, 2012). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.

- "CAS/PPA Harmonization Rules," *Government Contracts Bullet Points* (January 20, 2012). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
- "Executive Compensation Limits Expanded," *Government Contracts Bullet Points* (January 5, 2012). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
- "Interest Due On Indirect Cost Claims," *Government Contracts Bullet Points* (October 21, 2011). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
- "Elimination of CAS Exemption for Overseas Contracts and Subcontracts," *Government Contracts Bullet Points* (August 19, 2011). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
- "New Rule Prescribes Data Required for Adequate Final Indirect Cost Rate Proposal," *Government Contracts Bullet Points* (June 2, 2011). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
- "Capital Costs Must be Treated as Indirect Costs," *Government Contracts Bullet Points* (May 31, 2011). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
- "Interim Business Systems Rule Issued," *Government Contracts Bullet Points* (May 23, 2011). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
- "DOD to Pay All Small Businesses Faster," *Government Contracts Bullet Points* (May 2, 2011). Contacts: J. Catherine Kunz, Amy Laderberg O'Sullivan, Marc F. Efron.
- "Small Business Set-Aside Rules Inapplicable to FSS Purchases," *GSA Schedule Bullet Points* (April 6, 2011). Contacts: J. Catherine Kunz, Marc F. Efron.
- "Enhanced Requirements for Cost-Reimbursement Contracting," *Government Contracts Bullet Points* (March 16, 2011). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
- "Allowability of IR&D Costs: Dis-inflation Run Amok," *Government Contracts Bullet Points* (March 9, 2011). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
- "Federal Circuit Compounds Contractors' Interest Problems," *Government Contracts Bullet Points* (March 4, 2011). Contacts: Terry L. Albertson, Linda S. Bruggeman, J. Catherine Kunz.
- "Payment for "Subcontractor" Services on T&M Contracts," *Government Contracts Bullet Points* (February 16, 2011). Contacts: Terry L. Albertson, Linda S. Bruggeman, J. Catherine Kunz.
- "Novation Trap For The Unwary," *Government Contracts Bullet Points* (February 4, 2011). Contacts: Terry L. Albertson, Linda S. Bruggeman, J. Catherine Kunz.
- "OFCCP Directive Continues Agency's Efforts To Expand Its Jurisdiction Over Health Care Providers," *Health Law 'In The News'* (January 28,

- 2011). Contacts: J. Catherine Kunz, Arthur N. Lerner, Kris D. Meade, Christopher Flynn, Rebecca L. Springer.
- "Contractor Team Arrangement Member Has Privity to Pursue Claims Against the Government," *Government Contracts Bullet Points* (January 3, 2011). Contacts: J. Catherine Kunz, Marc F. Efron.
 - "DOL Again Applies Expansive Interpretation of "Subcontractor"," *Government Contracts Bullet Points* (October 29, 2010). Contacts: Kris D. Meade, J. Catherine Kunz.
 - "TINA Threshold Raised but Broader Data Requests Likely," *Government Contracts Bullet Points* (October 5, 2010). Contacts: David Z. Bodenheimer, Terry L. Albertson, Linda S. Bruggeman, J. Catherine Kunz, J. Chris Haile, Shauna E. Alonge, Kent R. Morrison.
 - "Compounding The Problem," *Government Contracts Bullet Points* (September 24, 2010). Contacts: Terry L. Albertson, Kent R. Morrison, David Z. Bodenheimer, Linda S. Bruggeman, J. Catherine Kunz.
 - "Another Salvo in the War for Control of Contractor "Systems" Approval," *Government Contracts Bullet Points* (August 20, 2010). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
 - "Reporting Requirements For Executive Compensation And First-Tier Subcontract Awards," *Government Contracts Bullet Points* (July 9, 2010). Contacts: J. Catherine Kunz, Peter Eyre.
 - "Another GSA Schedule Antikickback/FCA Settlement," *Government Contracts Bullet Points* (June 10, 2010). Contacts: J. Catherine Kunz, Marc F. Efron.
 - "Another Attempt To Catch GSA Schedule Vendors In Violation of TAA Requirements," *Government Contracts Bullet Points* (June 8, 2010). Contacts: J. Catherine Kunz, Marc F. Efron.
 - "No PRB Cost Adjustment For Segment Closings," *Government Contracts Bullet Points* (June 2, 2010). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
 - "Resellers Policing Each Other On TAA Compliance," *Government Contracts Bullet Points* (May 17, 2010). Contacts: J. Catherine Kunz, Marc F. Efron.
 - "Costs Of Influencing Collective Bargaining Decisions Proposed For Disallowance," *Government Contracts Bullet Points* (April 22, 2010). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
 - "DCAA Issues Guidance On Revised Travel Cost Rule," *Government Contracts Bullet Points* (April 12, 2010). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
 - "Remember To Quote Approved Rates," *Government Contracts Bullet Points* (March 26, 2010). Contacts: J. Catherine Kunz, Marc F. Efron.
 - "MAS Advisory Panel Urges Increased Competition And Transparency," *Government Contracts Bullet Points* (March 24, 2010). Contacts: J. Catherine Kunz, Marc F. Efron.

- "Proposed Rule For Women-Owned Small Business Set-Asides," *Government Contracts Bullet Points* (March 11, 2010). Contacts: J. Catherine Kunz, Amy Laderberg O'Sullivan.
- "Constitutional Challenges To Security Clearance Revocations Are Permissible," *Government Contracts Bullet Points* (February 22, 2010). Contacts: J. Catherine Kunz, Alan W. H. Gourley.
- "Beware of Out-Of-Scope Offers," *GSA Schedule Bullet Points* (February 1, 2010). Contacts: J. Catherine Kunz, Marc F. Efron.
- "Crackdown On Contractors With Tax Delinquencies," *Government Contracts Bullet Points* (January 27, 2010). Contacts: J. Catherine Kunz, Peter Eyre.
- "ACO Approval of Contractor Business Systems, With Teeth," *Government Contracts Bullet Points* (January 22, 2010). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
- "GAO Sustains TRICARE Protest On Multiple Grounds," *Government Contracts Bullet Points* (November 18, 2009). Contacts: Thomas P. Humphrey, David Z. Bodenheimer, J. Catherine Kunz, John E. McCarthy Jr..
- "Elimination of Price Reduction Clause and Other Recommendations by MAS Panel," *Government Contracts Bullet Points* (July 6, 2009). Contacts: Marc F. Efron, J. Catherine Kunz.
- "Energy Efficiency and Renewable Energy Contracting," *Government Contracts Bullet Points* (May 28, 2009). Contacts: J. Catherine Kunz, Stephen J. McBrady.
- "Unfortunate Change To Settlement Fees And Costs Allowability Law," *Government Contracts Bullet Points* (May 21, 2009). Contacts: Terry L. Albertson, Linda S. Bruggeman, J. Catherine Kunz.
- "No Small Business Set-Asides For FSS Purchases," *Government Contracts Bullet Points* (May 4, 2009). Contacts: J. Catherine Kunz, Marc F. Efron.
- "Beware of Noncompliance With Price Reduction Clause Requirements," *Government Contracts Bullet Points* (April 16, 2009). Contacts: J. Catherine Kunz, Marc F. Efron.
- "New Energy Management Schedule Contract," *GSA Schedule Bullet Points* (November 4, 2008). Contacts: J. Catherine Kunz, Marc F. Efron.
- "Government Procurement Is Going Green," *Government Contracts Bullet Points* (October 17, 2008). Contacts: J. Catherine Kunz, Stephen J. McBrady.
- "Fundamental Shift in GSA Schedule Contract Pricing?," *GSA Schedule Bullet Points* (October 8, 2008). Contact: J. Catherine Kunz.
- "DOJ Offers Last-Minute Criticism of The False Claims Act Correction Act of 2007," *Government Contracts Bullet Points* (July 16, 2008). Contacts: Brian C. Elmer, J. Catherine Kunz.

- "Agency's Stafford Act Interpretation Rejected," *Government Contracts Bullet Points* (November 12, 2007). Contacts: Raymond F. Monroe, J. Catherine Kunz.
- "Limitations Of Cost Notice Obligations Must Be Met," *Government Contracts Bullet Points* (September 15, 2006). Contacts: J. Catherine Kunz, Linda S. Bruggeman.
- "Option Exercise Not Fully Discretionary," *Government Contracts Bullet Points* (August 29, 2006). Contacts: J. Chris Haile, J. Catherine Kunz.
- "Jurisdiction Found Over 85-804 Indemnification Clause Breach Claims," *Government Contracts Bullet Points* (May 1, 2006). Contacts: Thomas P. Humphrey, Raymond F. Monroe, J. Catherine Kunz.
- "Contradictory Technical And Cost Evaluations Don't Add Up," *Government Contracts Bullet Points* (April 12, 2006). Contact: J. Catherine Kunz.
- "Can Employee Releases Bar False Claims Act Actions?," *Government Contracts Bullet Points* (March 15, 2006). Contacts: J. Catherine Kunz, Jody Goodman.
- "GSBCA Rejects GSA's Defective Pricing Allegations," *Government Contracts Bullet Points* (September 27, 2005). Contacts: Marc F. Efron, J. Catherine Kunz.
- "OPM Amends FEHBP Regulations," *Health Law 'In The News'* (June 10, 2005). Contact: J. Catherine Kunz.
- "CMS Issues Proposed Regulations Implementing Medicare Part D Drug Benefit and Medicare Advantage Program," *Health Law 'In The News'* (July 26, 2004). Contacts: Kenneth M. Bruntel, Arthur N. Lerner, Barbara H. Ryland, J. Catherine Kunz.
- "OIG Issues Corporate Compliance Guide for Boards," *Health Law 'In The News'* (July 2, 2004). Contact: J. Catherine Kunz.
- "FEHBP Final Rule on Provider Sanctions," *Health Law 'In The News'* (March 8, 2004). Contacts: J. Catherine Kunz, Kenneth M. Bruntel, Arthur N. Lerner.
- "Hospital Not A Subcontractor Under Federal Employees Health Benefit Program," *Health Law 'In The News'* (February 4, 2003). Contacts: J. Catherine Kunz, Kris D. Meade, Kenneth M. Bruntel, Arthur N. Lerner.

Speaking Engagements

- "Accounting and Pricing Developments," Crowell & Moring's 2012 Ounce of Prevention Seminar (OOPS), Washington, D.C. (May 9-10, 2012). Co-Speakers: Terry Albertson, J. Catherine Kunz, and Stephen J. McBrady.
- "Breakfast Beat: DCAA Director Fitzgerald Talks Audit Reforms," (Blog) GovWin from Deltek (January 19, 2012). Moderator: J. Catherine Kunz.
- "What Will the New Year Bring? Top Headlines, Headaches, and Legal Developments for Government Contractors to Watch in 2012," Crowell & Moring Webinar (January 19, 2012). Speaker: J. Catherine Kunz.

- "Contractor's Regulatory Compliance Update," Rubino & McGeehin Breakfast Club Meeting (October 18, 2011). Presenter: J. Catherine Kunz.
- "Fasten Your Seatbelts: A Review of Key OFCCP Initiatives and Enforcement Priorities as Take-Off Approaches," Crowell & Moring Webinar (October 6, 2011). Speaker: J. Catherine Kunz.
- "Federal Government Contract Audits: Mitigating Risks, Preparing for and Managing Complex DCAA and GSA Audits," Strafford Publications Webinar (August 25, 2011). Speaker: J. Catherine Kunz.
- "GSA Schedule Contracts: Opportunities and Legal Risks," Strafford Publications Webinar (June 1, 2011). Speaker: J. Catherine Kunz.
- "Recent Developments in Contract Costs and Accounting," Ounce OF Prevention Seminar (OOPS) XXVII (May 25-26, 2011). Moderator: Terry L. Albertson. Speakers: J. Catherine Kunz and Linda S. Bruggeman.
- "Keeping Your GSA Contract Current, Compliant and Out of Trouble," Winvale Webinar (March 23, 2011). Speaker: J. Catherine Kunz.
- Cost Reimbursement Contracting, Federal Publications Seminar (2009, 2010, 2011). Course Presenter: J. Catherine Kunz.
- "What Will the New Year Bring? Top Headlines, Headaches, and Legal Developments for Government Contractors to Watch in 2011," Crowell & Moring Webinar (January 12, 2011). Speaker: J. Catherine Kunz.
- "Public Contracting and Ethical Considerations Seminar," The Rossdale Group Webinar (September 29, 2010). Speaker: J. Catherine Kunz.
- "New Reporting Requirements: Executive Compensation And First-Tier Subcontract Awards," Crowell & Moring Webinar (September 20, 2010). Presenters: Peter Eyre, J. Catherine Kunz, Kris D. Meade and Gunjan Talati.
- "GSA Schedule Contracts: Opportunities and Legal Risks," Strafford Publications Webinar (September 2, 2010). Speaker: J. Catherine Kunz.
- "FAR Subcontractor Flowdown Requirements: Negotiation Strategies for Primes and Subs Involved in Government Contracts," Strafford Publications Webinar (June 29, 2010). Speaker: J. Catherine Kunz.
- "Contract Cost and Pricing," Caught in the Federal Procurement Fish Bowl, 26th Annual Ounce of Prevention Seminar (OOPS), Crowell & Moring, Washington, D.C. (May 26-27, 2010). Presenters: Terry L. Albertson, J. Catherine Kunz and Linda S. Bruggeman.
- "Playing by the Numbers: Cost Accounting Headaches and Lessons on Living with Expense Ratios," Crowell & Moring's Healthcare Ounce Of Prevention Seminar (HOOPS) (April 26-27, 2010). Presenters: J. Catherine Kunz and Linda S. Bruggeman.
- "Legal Considerations When Building Green," The National Academies, Federal Facilities Council Standing Committee on Sustainable Acquisition, Design, and Construction (March 2010). Co-Presenters: Stephen McBrady, J. Catherine Kunz, Chris Cheatham.

- "Audit Results and Mitigation," Crowell & Moring and PWC's Surviving a GSA Audit, Palo Alto, CA (October 15, 2009). Speaker: J. Catherine Kunz.
- "Revealing and Managing Strings Attached to New Government Contracts," Crowell & Moring Seminar: Navigating the New Government Contracting Regime in Today's Economy, Vienna, VA (June 11, 2009). Panelists: Bryan Brewer, J. Catherine Kunz, and Thomas P. O'Donnell.
- "Overview of Key Compliance Issues and Types of GSA and VA Audits" and "Audit Preparation and Managing Company Expectations," Crowell & Moring's and PWC's Surviving a GSA or VA Audit, Morristown, NJ (May 5, 2009). Speaker: J. Catherine Kunz.
- "Overview of Key Compliance Issues and Types of GSA Audits" and "Audit Results and Mitigation," Crowell & Moring and PWC's Surviving a GSA Audit, McLean, VA (October 30, 2008). Co-Speakers: Marc Efron and J. Catherine Kunz.
- "The Greening of Government Procurement," Washington Technology 2008 Top 100 Executive Briefings Event: Focus on Government IT Energy Efficiency (September 4, 2008). Speaker: J. Catherine Kunz.
- "Contract Claims – Issues and Developments," Crowell & Moring's 2007 Ounce of Prevention Seminar (April 2007). Co-Speakers: Raymond F. Monroe, J. Chris Haile, and J. Catherine Kunz.
- "Can An Employee Release Minimize False Claims Act Liability?," ABA 20th Annual National Institute on White Collar Crime 2006 (March 2-3, 2006). Co-Authors: Brian C. Elmer, Jody Goodman and J. Catherine Kunz.