

MVP: Jenner & Block's Noah B. Bleicher

By **Daniel Wilson**

Law360 (September 21, 2021, 1:44 PM EDT) -- Noah Bleicher of Jenner & Block LLP helped General Dynamics and a small veteran-owned business both win and successfully defend significant protests involving multiple and sometimes simultaneous disputes, earning him a spot among Law360's 2021 Government Contracts MVPs.

HIS BIGGEST ACCOMPLISHMENT IN THE PAST YEAR:

Bleicher, a partner in Jenner & Block's Washington, D.C., office, said he is frequently called on to represent contractors in significant bid protests, drawing on his expertise and insight from a previous role adjudicating those protests at the U.S. Government Accountability Office.

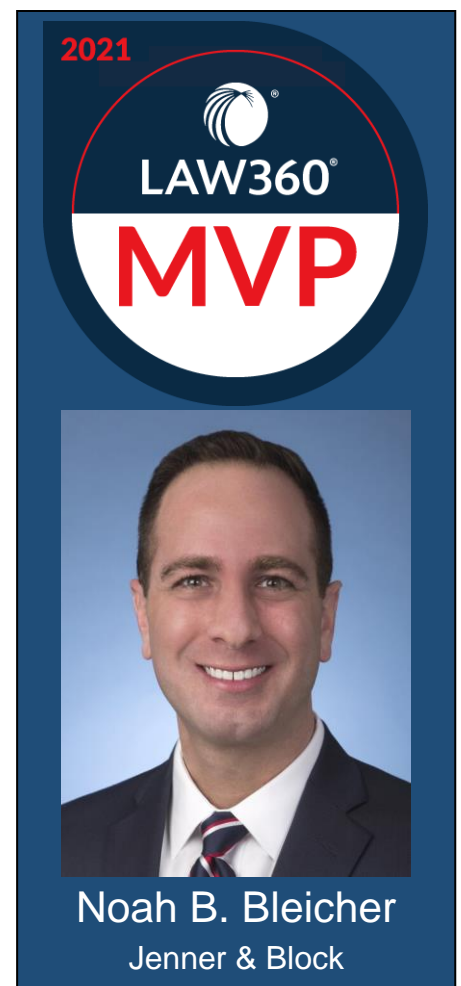
For his smaller clients, the ongoing viability of their business often hinges on winning a particular contract, and he said he views his successful representation of service-disabled veteran-owned small business, or SDVOSB, Medical Place Inc. in multiple disputes related to a U.S. Department of Veterans Affairs contract for positive airway pressure devices as perhaps his biggest accomplishment over the past year.

"That was just a fantastic outcome for a terrific client that really understood all the hurdles we faced, and was just overjoyed with our efforts," he said.

For SDVOSBs in particular, working with the VA is often a crucial part of their business, and Medical Place primarily manufactures positive airway pressure devices, making the disputed deal a "hugely important" contract to the company, Bleicher said.

Bleicher and his team have represented Medical Place in six related disputes over the past several years, first winning a pre-award protest to the terms of the solicitation, then a post-award protest allowing it to revise its proposal and secure a much larger share of the multiple-award contract.

They then successfully helped to defend the company against three protests to its contract award, all ultimately dismissed or withdrawn, as well as against a simultaneous challenge to the company's



SDVOSB status, resolved in the last few weeks.

"In those [protest] cases, we really carried the water," he said. "We coordinated with the agency, but it was really our efforts as intervenors' counsel in filing dismissal requests and some really persuasive pleadings that resulted in those protests, in essence, going away."

OTHER NOTABLE CASES HE'S WORKED ON:

This past year, Bleicher also helped another client defend a significant VA deal awarded to them, helping SRA International stave off a challenge to a \$200 million software development and information technology operations services task order in a complex dispute across multiple rounds of briefing.

He also successfully represented two units of aerospace and defense and federal contracting giant General Dynamics in important bid protests, first helping General Dynamics Land Systems in late 2020 to defend against a wide-ranging, complex protest over a \$431 million U.S. Army contract for sustainment services for Stryker vehicles, an important deal for the longtime incumbent.

Then, in early 2021, he helped to defend the U.S. Department of Energy's award of a \$90 million IT services contract to General Dynamics Information Technology Inc., a complex procurement with disputes being decided under tight deadlines, at both the GAO and Court of Federal Claims.

General Dynamics often turns to Jenner & Block to handle its important legal matters, including bid protests, which has "snowballed into successes over the past year," Bleicher said.

"We're continually humbled by the fact that General Dynamics ... relies on our firm as such a deep partnership," he said.

HIS PROUDEST MOMENT THIS YEAR:

Bleicher, previously special counsel, was promoted to partner in April of this year, a little more than two years after joining Jenner & Block and after more than a decade with the GAO, where he had first focused on oversight of major defense acquisition programs and government-wide acquisition initiatives before later shifting over to adjudicating bid protests.

It is rare for attorneys to be promoted to partnership so quickly after transitioning to private practice, and Bleicher said he was proud of the promotion as a recognition of the strength of his team and "the hard, good work we're doing for a wonderful group of clients."

"We're leading some really complex matters and we're having success at it," he said. "We're proving very successful for our client base, and that's been such a rewarding feeling."

WHY HE'S A GOVERNMENT CONTRACTS ATTORNEY:

Government contracts attorneys often fall into the practice almost by accident, Bleicher noted, as "very few people go to law school [who] want to be a government contract practitioner."

But Bleicher had always been committed to public service and intended to start his legal career in the public sector in D.C., and he deliberately steered himself toward the practice, he said.

"If I was going to be in D.C. and working for the government, I wanted to focus on an area of the law that was D.C.-centric," he said. "And to me, what was more D.C.-centric, more government-focused, than government contracts?"

Bleicher's time at the GAO, broken up by roughly a year working with a House Armed Services subcommittee that immersed him in the legislative aspect of acquisition policy, gave him a "deep, unique" experience working under deadline pressure and with a wide variety of legal issues, he said.

It also taught him that there is often a need to "think creatively [and] pursue those arguments that will really get the GAO attorney's attention" to set up the best chance to succeed in a protest, which has carried through into his work with Jenner & Block, he said.

There is also another key part of that GAO role that has fed into Bleicher's practice — the ability to see and engage with the practice of many different protesters and attorneys, he said.

"The opportunity to engage with various parties, from the pro se protesters to some of the most senior counsel well known in the procurement community, really gave me the confidence I would need in private practice and allowed me to gain an understanding of what it takes to succeed in the protest world," he said.

— *As told to Daniel Wilson. Editing by Daniel King.*

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2021 MVP winners after reviewing nearly 900 submissions.