

Government Contracts

Contracting with the government — whether it be federal, state, or local government — presents a unique set of complexities. Navigating those complexities often requires counsel experienced in the full life cycle of a government contract. Cozen O'Connor has an interdisciplinary team of Government Contracts attorneys ready to assist clients in all phases of the process.

Our team includes lawyers who have held high-level positions and handled procurement throughout government, including former senior lawyers in offices of state attorneys general; those who have served in federal administrative agencies; the former Chief Operating Officer of the Troubled Asset Relief Program, and senior vice president and general counsel of the Export-Import Bank of the United States. Our Government Contracts attorneys have experience with a wide range of industries and related state and federal agencies, including construction, professional services, defense, health care, engineering, technology, maritime, aviation, and transportation. We regularly work with lawyers in our Construction, Transportation and Trade, and White Collar Defense & Investigations groups and leverage lawyers in these practices when government contracts issues arise that would require their unique skillsets.

Our services include the following:

- analyzing procurement schemes and solicitations;
- assisting with developing capture strategies;
- preparing proposals and bids;
- assessing requirements imposed by labor standards statutes (such as the Davis-Bacon Act and Service Contract Act) as well as Office of Federal Contract Compliance Programs (OFCCP) obligations;
- conducting negotiations with contracting agencies;
- protesting deficiencies or ambiguities in government solicitations before bids or best and final offers;
- protesting or defending the award process;
- conducting due diligence for M&A transactions;
- novating contracts;
- negotiating change orders;
- assessing a wide range of government compliance issues, including the effect of relevant statutes or actions by government agencies on contract performance;
- handling contract disputes arising during performance; and
- defending clients facing suspension, debarment or other punitive measures.

Throughout our decades of experience, we have successfully represented clients in bid protests before the General Accountability Office (GAO) and contract disputes before contracting officers, boards of contract appeals, and various state and federal courts, including the U.S. Court of Federal Claims and the Pennsylvania Supreme Court. For example, the GAO sustained a protest we brought that challenged certain technical restrictions in a U.S. Forest Service solicitation for aerial firefighting services. Our attorneys recently successfully resolved a matter at the Armed Services Board of Contract Appeals (ASBCA) involving a multimillion-dollar termination for convenience claim. One of our attorneys also recently resolved, with no adverse findings to the client, a DOL Wage & Hour Service Contract Act compliance audit involving thousands of employees with the potential risk of millions of dollars of back wages. We also have substantial experience with debarment and suspension proceedings, including representing a very large Philadelphia-based company in proceedings with the General Services Administration, as well as experience handling high-stakes investigations alleging violations of federal procurement statutes including the False Claims Act.



Jeff R. Vogel

Co-Chair, Government Contracts

jvogel@cozen.com
Phone (202) 304-1453
Fax (202) 861-1905



Eric Leonard

Co-Chair, Government Contracts

eleonard@cozen.com
Phone (202) 280-6536
Fax (202) 861-1905

Related Practice Areas

- 2024 Elections
- Business
- Infrastructure

Our team also helps clients cut through the tangle of red tape that can make the government contracting process seem unnavigable, from the initial decision to pursue a contract, to crafting the proposal, to bid protests and beyond. With respect to new procurements, our Government Contracts attorneys work alongside Cozen O'Connor Public Strategies professionals to help clients identify opportunities at every level of government. We know which members have discretionary funds to allocate, what legislative or executive decisions will ultimately lead to new funding, and when programs are likely to be renewed. Our strength lies in understanding the procurement process, pulling all the pieces together, and developing short- and long-term strategies that benefit our clients every step of the way.

Experience

Defended an agency award decision by acting as intervenor's counsel in a bid protest before the United States Government Accountability Office to support the United States Army Corps of Engineers Louisville District's ("USACE") award of a \$37 million contract to our client for certain dam maintenance and support efforts at the USACE's Ohio River Olmstead Locks and Dam in Olmstead, Ill.

Played an instrumental role in the Federal Retirement Thrift Investment Board ("FRTIB") awarding the Thrift Savings Plan ("TSP") recordkeeping contract -- one of the largest federal contracts of 2020 -- to a team consisting of Accenture Federal Services LLC and our client, Alight Solutions LLC. The Cozen O'Connor team supported Alight in developing its initial offer, refining its best and final offer, and negotiating the prime contract with FRTIB and the subcontract between Accenture and Alight. We also advised Alight on the Federal Acquisition Regulations, Federal Employees' Retirement System Act of 1986 ("FERSA") and Privacy Act of 1974. The contract spans more than 13.5 years when all options are exercised, with a base value of \$3.3 billion.

Led negotiations on behalf of TOTE Services LLC in connection with it awarding a major shipbuilding contract with up to \$1.5 billion to Philly Shipyard for the construction of up to five National Security Multi-Mission Vessels (NSMVs), a new class of vessel. TOTE was selected by the U.S. Department of Transportation's Maritime Administration ("MARAD") in May 2019 to be the Vessel Construction Manager ("VCM") for the NSMV program to ensure the utilization of best practices in commercial ship construction. The contract will represent years of work and brings a projected 1,200 skilled shipbuilding jobs to Philly Shipyard.

Represented an executive of a state contractor in connection with a federal fraud investigation; no charges were filed against the client.

Represented a subcontractor in a dispute with a prime contractor concerning the performance of a U.S. Department of Defense contract

Represented a major Energy Department contractor in a government investigation under the Civil False Claims Act

Represented a client in the security services business in connection with a protest before the Army and Air Force Exchange Service involving errors made in the successful bidder's pricing proposals that resulted in termination of the award and re-bidding of the contract.

Represented an international ocean carrier in connection with contract claims made by the U.S. Government pertaining to the transportation of military cargo from the United States to Afghanistan. Assisted the client in reaching a favorable settlement of claims, including claims made under the

False Claims Act.

Successfully represented a data provider before numerous federal agencies in protesting federal procurements for the provision of import and export data.

Represented a major technology company in connection with a contract dispute with the State of Rhode Island.

Represented a contractor in connection with a contract dispute with the Pennsylvania Department of Transportation.

Represented a contractor in debarment and suspension proceedings with the Pennsylvania Department of Transportation.

Represented a very large Philadelphia-based company in debarment and suspension proceedings with the General Services Administration.

Advised numerous small, minority-owned and women-owned businesses about programs offered by the U.S. Small Business Administration, including successfully obtaining small business certifications.

Assisted government contractor clients in numerous state-level contract audits.

Represented a global aerospace company in a government contracts dispute in the Court of Federal Claims.

The Government Accountability Office (“GAO”) sustained a protest brought by Cozen O’Connor challenging technical restrictions in a U.S. Forest Service solicitation for aerial firefighting services. The procurement, structured as a “call when needed” basic ordering agreement, restricted offers to aircraft with a maximum tank size of 5,000 gallons. The restriction would have disqualified Global SuperTanker’s converted 747 aircraft, which has a tank capacity of 19,200 gallons. In sustaining the protest, GAO adopted the arguments advanced by Cozen O’Connor that the tank size restriction was unduly restrictive, detrimental to competition, and was not reasonably necessary to meet the Forest Service’s needs to fight wildfires. In addition to awarding costs incurred in pursuit of the protest, GAO’s decision establishes a clear limit on agency discretion to impose technical restrictions in solicitations. *Global SuperTanker Services, LLC, B-414987 et al.*, 2017 CPD ¶ 345 (Comp. Gen. Nov. 6, 2017).

Represented an individual under investigation regarding conflict of interest allegations pertaining to the client’s employment by a defense contractor after government service.

Served as second chair in a two-week trial in the U.S. District Court for the Eastern District of Virginia, and secured a jury verdict of acquittal on all counts of conspiracy, bribery, and honest services fraud for an owner of a government contracting company.

Represented a wood casework contractor in a bid dispute with a school district in New Jersey.

Successfully defended a bid protest before the D.C. Contract Appeals Board.
