

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's Government Contracts attorneys assist clients in all phases of the process, including analyzing procurement schemes, preparing proposals and bids, 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, novating contracts, negotiating change orders, assessing the effect of relevant statutes or actions by government agencies on contract performance, handling contract disputes arising during performance, and defending clients facing debarment or other punitive measures.

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; and a former General Counsel of the Commonwealth of Pennsylvania, and former Special Assistant to the President and Senior Associate Counsel to the President in the Office of White House Counsel. Our Government Contracts attorneys have experience with a wide range of industries and related state and federal agencies, including construction, engineering, technology, maritime, aviation, and transportation.

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. We also successfully defended a bid protest before the D.C. Contract Appeals Board and represented a wood casework contractor in a bid dispute with a school district in New Jersey. 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.

Our team 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

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.



James D. Schultz
Chair, Government & Regulatory

jdschultz@cozen.com
Phone (202) 912-4800
Fax (202) 861-1905



Howard Schweitzer
Member

hschweitzer@cozen.com
Phone (202) 912-4855
Fax (202) 640-5932



Jeffrey F. Lawrence
Chair, Transportation & Trade, Co-Chair,
International Practice

jlawrence@cozen.com
Phone (202) 463-2504
Fax (202) 912-4830

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 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.
