



### Practice Areas

- Government and Regulatory Affairs
- Government Contracts
- Infrastructure
- Intermodal & Logistics
- Maritime Antitrust & Competition

### Industry Sectors

- Maritime
- Renewable Energy

### Education

- University of Miami School of Law, J.D., *cum laude*, 2008
- U.S. Naval War College, M.A., *with honors*, 2012
- University of Miami, M.A., 2008
- University of Maryland, B.A., 2003

### Bar Admissions

- Maryland
- District of Columbia

### Affiliations

President, Propeller Club of the United States, Port of Washington, D.C.

Member of the Board of Governors and Chair of the Government Relations Committee, Chesapeake Bay Maritime Museum

### Awards & Honors

- *Chambers & Partners USA*: Nationwide, Transportation: Shipping/Maritime: Regulatory 2023, 2024
- *The Legal 500 United States* "Next Generation Partner" for Transport: Shipping Finance in 2020-2024
- USDOT Superior Achievement Award (Bronze Medal)
- MARAD Superior Achievement Award (Bronze Medal)
- USDOT Partnering for Excellence Award
- CALL Excellence for the Future Award, Law of the Sea
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# Jeff R. Vogel

## Co-Chair, Government Contracts

### Washington, D.C.

[jvogel@cozen.com](mailto:jvogel@cozen.com) | (202) 304-1453

Jeff is a highly sought-after government solutions attorney. He advises sophisticated clients on strategic and operational matters related to the U.S. maritime industry and serves as lead government contracts counsel to companies across a range of industries.

### U.S. Maritime

Jeff advises U.S. flag businesses and other U.S. maritime stakeholders. He represents U.S.-flag ocean carriers, Jones Act operators, marine terminal operators, and deepwater port operators. A widely respected industry advocate, Jeff serves as outside general and competition counsel to two major maritime trade organizations, USA Maritime (a coalition of U.S. ship operators and labor organizations) and the National Association of Waterfront Employers (the industry group for U.S. marine terminal operators).

Jeff represents maritime clients before the Maritime Administration (MARAD), Federal Maritime Commission (FMC), U.S. Coast Guard (USCG), U.S. Customs and Border Protection (CBP), U.S. Transportation Command (USTRANSCOM), and U.S. Congress.

Prior to joining Cozen O'Connor, Jeff worked at MARAD as the acting assistant chief counsel for maritime programs and lead attorney for maritime support programs, where he oversaw all legal aspects of MARAD's national security and financial programs.

### Government Contracts

Jeff also serves as lead project counsel to clients with significant business before the federal government, providing guidance through the entire contracting process. He assists with proposal development, subcontractor negotiations, contractual and regulatory compliance, HR policy development, claims processes, and government investigations.

One particular focus for Jeff is helping commercially successful businesses expand their reach through government contracts or grant programs. He has deep experience managing multi-year, multi-billion-dollar government contracts with private vendors that fundamentally reconceive how the government fulfills a specific need or responsibility.

Jeff also guides clients through corporate transactions involving the acquisition or sale of government contractors. He conducts risk assessments, negotiates appropriate protections, and obtains mandatory government approvals.

Jeff earned his undergraduate degree from the University of Maryland, College Park, and his law degree and Master of Arts in marine affairs and policy from the University of Miami. He was the first MARAD attorney ever selected to attend the U.S. Naval War College, where he earned a Master of Arts in national security and strategic studies.

### Experience

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

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[jvogel@cozen.com](mailto:jvogel@cozen.com)

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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.

Successfully moved to dismiss claims by National Air Cargo Group ("NACG") for breach of contract, tortious interference, unfair competition, and prima facie tort against our client, Maersk Line A/S and its corporate parent, A.P. Moller Maersk A/S (APMM) (*National Air Cargo Group, Inc. v. Maersk Line Limited, et al.* 2019 U.S. Dist. LEXIS 166871, 2019 WL 4735426). The dispute stemmed from a Slot Exchange Agreement that Maersk Line A/S entered into with one of NACG's competitors, which NACG claimed violated an exclusivity provision in a subcontract it had executed with a corporate affiliate of APMM for the transportation of military cargo (which had been at the center of a separate dispute). NACG sought \$90 million in compensatory damages and \$100 million in punitive damages. In granting the motion to dismiss, the court adopted our arguments verbatim, holding that Maersk Line A/S was a separate entity which was not a party to the subcontract, that Maersk Line A/S's entry into the Slot Exchange Agreement could not possibly be deemed a breach of the subcontract by the affiliated entity, that a cause of action for tortious interference did not exist as a matter of law, and that the remaining claims were likewise meritless.

Filed comments on behalf of the Pacific Maritime Association (PMA), representing ocean carrier and marine terminal operator interests, in response to the Maritime Administration's (MARAD) Request for Information on Opportunities, Challenges and Impacts of Automated Transportation in a Port Environment. Current and proposed legislation, backed by longshoremen interests, restricts the use of \$600 million in annual funding under MARAD's Port Infrastructure Development Program for the purchase of automated port equipment. The comments filed aim to balance the conversation and clarify the role of automation in maintaining the competitiveness of U.S. west coast ports, which are facing increased competition from Canadian and Mexican ports.

Secured a favorable determination from U.S. Customs and Border Protection (CBP) on the return of a cash in-lieu-of bond deposit on behalf of a fishing company client, which had performed certain repairs to its fishing vessel at a Canadian shipyard. Upon return of the vessel to the United States, the client deposited cash in-lieu-of a bond with CBP in the event that ad valorem taxes were due on the value of the repairs. CBP's Vessel Repair Unit determined that no ad valorem taxes were due under the North American Free Trade Agreement, but declined to return the cash deposit, asserting that CBP has the authority to withhold deposits for up to five years for potential offenses under 19 U.S.C. § 1621 or up to six years for a breach of bond conditions under 28 U.S.C. § 2415. Successfully appealed to the CBP's Automotive and Aerospace Center of Excellence and Expertise, arguing that CBP's reliance on the cited statutory authorities was incorrect as a matter of law and the novel interpretation violated the Administrative Procedure Act, resulting in the client's deposit being returned in full.

Represented Global SuperTanker in a protest before GAO, successfully challenging technical restrictions in a U.S. Forest Service solicitation for aerial firefighting services. *Global SuperTanker Services, LLC*, B-414987 et al., 2017 CPD ¶ 345 (Comp. Gen. Nov. 6, 2017).

Served as counsel to Fishermen's Finest, Inc., in obtaining a Congressional waiver for the F/V AMERICA'S FINEST, granting the vessel previously withheld coastwise and fishery endorsements under the Frank LoBiondo Coast Guard Authorization Act of 2018, Pub. L. 115-7.

Acted as government contracts counsel to data and telecommunications company Lynn Electronics in an equity financing transaction with NewSpring Capital.

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Represented multiple international vessel operating common carriers (VOCCs) and marine terminal operators (MTOs) in responding to Federal Maritime Commission inquiries under Fact Finding 28, focused on the practices of VOCCs and MTOs related to detention, demurrage, and per diem charges.

Represented a Jones Act operator in the equity acquisition of a deck barge fleet operator.

Served as counsel to a U.S.-flag ocean carrier in a vessel ownership restructuring under U.S. citizen trusts.

Acted as counsel to a security services company in the successful defense of a bid protest before the San Francisco Office of Contract Administration.

Served as lead counsel in the successful negotiation of the \$2.7 billion Amended and Restated Maritime Security Program Operating Agreement between 14 U.S.-flag ocean carriers and MARAD.

Negotiated grant agreements for thirty-two (32) national port development projects providing more than \$300 million in federal assistance for critical infrastructure upgrades under the Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grants Program.

Acted as operational legal counsel, facilitating the deployment of the M/V CAPE RAY under a joint United Nations / Organization for the Prohibition of Chemical Weapons mission resulting in the destruction of 600 metric tons of Syrian chemical weapon agents.

Served as the primary maritime legal adviser to the U.S. Trade Representative during Trans-Pacific Partnership (TPP), Trade in Services Agreement (TiSA), and Transatlantic Trade and Investment Partnership (T-TIP) negotiations.

Oversaw the promulgation of revised regulations governing the MARAD's War Risk Insurance Program at 46 C.F.R. Part 308. 79 Fed. Reg. 17896 (March 31, 2014).

Developed oral and written testimony for the Secretary of Transportation, Deputy Secretary of Transportation, and Maritime Administrator for use before various House and Senate committees.

Crafted Congressional technical assistance, which served as the foundation for an extraordinary budget anomaly in the Continuing Appropriations Act, 2014, Pub. L. 113-46, providing full funding for the Maritime Security Program.

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.

Represented Pinnacle 21, LLC, a provider of SaaS solutions for clinical data fitness, regulatory compliance, and FDA submission readiness, in its \$310 million sale to Certara, Inc. (Nasdaq: CERT), a biosimulation company. This transaction drew on the experience of the firm's corporate; tax; employee benefits and executive compensation; labor and employment; antitrust; technology, privacy, and data security; and transportation and trade attorneys.

Advised on all aspects of the Jones Act, Passenger Vessel Services Act, and U.S. shipbuilding contract law in the financing of a start-up crew transfer vessel owner/operator entering the U.S. offshore wind

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market.

Represented an international ocean carrier in its acquisition of a tanker vessel in a transaction complicated by factors including the seller using the vessel immediately prior to closing to trade in sanctioned Russian gasoline while refusing to provide the OFAC-mandated attestation, mooring the vessel in another sanctioned country in the days leading to closing, and denying the client's crew access to the vessel on the day of closing.

Represented United Launch Alliance in the negotiation and drafting of a vessel construction agreement and related financing agreement for SpaceShip, a purpose-built U.S. Flag roll-on roll-off cargo vessel. SpaceShip is intended to transport ULA's new Vulcan next generation rocket from ULA's manufacturing facility to launch sites in Florida and California.