

Mark J. Maier

Senior Counsel

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When clients hire Mark, they receive much more than excellent legal results. He delivers military, electrical engineering and business expertise to government contracts, technology transactions, security and regulatory compliance. Mark's multi-faceted skills and experience enables him to efficiently get deals done, provide insightful solutions and help clients with:

- **Government Contracts:** Winning prime and subcontracts, bid protests, classified programs and resolving disputes.
- **Technology Transactions and Outsourcing:** Increasing financial returns, operational efficiencies and cost reductions from technology, drones/UAS, energy, data, trade secrets, intellectual property and telecommunications.
- **Security:** Investigating, improving security and reducing risks from terror, cyber, insider and FOCI threats to physical assets, finances, privacy and data (PII, PHI, PCI, IP, TS, etc). Counseling on ECPA, SCA, NSL, FISA, CALEA and related activities.
- **Regulations:** Complying with FAR, HIPAA/HITECH, FISMA, GDPR, PCI DSS, NIST, FCC, DSS/NISPOM, FCRA, CFIUS, ITAR, EAR, FMS, OFAC, FEMA/DSCA/Stafford Act, FirstNet and x911 requirements.



Bar & Court Admissions

Maryland

District of Columbia

Massachusetts

Virginia

Education

Suffolk University Law School, J.D., 2000, *Magna Cum Laude*

Pennsylvania State University, B.S. in Electrical Engineering, 1987

A retired U.S. Army Colonel and service-disabled veteran, Mark served in Iraq, Afghanistan and Europe in special operations, intelligence, homeland defense and communications units on Active Duty and in the Reserves. His last assignment was FEMA/Army North's emergency preparedness officer for Maryland, and he responded to domestic emergencies such as the September 11th Pentagon attack, Baltimore Riots and Ebola Crisis. Previously, he was the battalion commander of a tactical line unit and JSOC's task force CIO (J6) responsible for all command, control and communications assets including aerial intelligence, surveillance and reconnaissance (ISR) capabilities. Mark has substantial TS/SCI experience with IC platforms as a member of an SMU and SAPs.

Prior to his legal career, Mark was an electrical engineer and international business executive where he started a consulting business in Boston, provided regional expertise in Australia, harmonized U.S. products in Denmark and managed telecommunication QA teams across Europe.

Mark chairs the firm's Homeland Security, Government Contracts and Technology Transactions groups, serves as iCERT's General Counsel and chairs Montgomery County's Dickerson Area Facilities Implementation Group.

Certifications

- Security clearance information upon request
- International Association of Privacy Professionals (IAPP) Certified Information Privacy Professional (CIPP) United States (US)
- Certified Contracting Officer's Representative (COR)
- Microsoft Certified Systems Engineer (MCSE)

Results

Government Contracts – Technology

- Won a \$28M IDIQ bid protest at the GAO for a large government contractor for the provision of IT products and services.
- Negotiated service levels, performance specifications and customized liability terms for a multiyear service agreement to implement a FedRAMP Ready commercial cloud offering in Japan.
- Won a Library of Congress bid protest for a government contractor for the digitization and imaging of millions of archived government documents.
- Counseled a billion-dollar IT products and services company on the business, technical and government requirements arising from reselling commercial cloud services.
- Won a TS/SCI IDIQ bid protest at the GAO for a large government contractor as an intervenor for the provision of classified IT products and services to the DIA.
- Defeated claims of organizational and personal conflicts of interests (OCI and PCI) made against the minority owner of a military products government contractor during a valuation and M&A dispute.
- Won a sole source bid protest for a Graph Database Developer for the provision of large database products and services to the IRS.
- Won a \$10M bid protest of a DHS sole source purchase of smartphones for a smartphone manufacturer.

Commercial Technology

- Saved the business of a \$15M information aggregator by concurrently analyzing the underlying technology of the company's

disputed mission-critical software, identifying legal strengths and weaknesses, negotiating a favorable settlement, keeping the business running and putting in place alternative providers.

- Negotiated service levels, performance specifications, continuity of operations and customized liability terms for the procurement of a billion-dollar building company's mission-critical ERP, financial, SCM and SaaS logistics services.
- Created a new shared economy developer and operator service agreements for the provision of food trucks to commercial buildings.
- Negotiated service levels, performance specifications, continuity of operations and customized liability terms for the procurement of a logistics company's mission critical ERP and SCM SaaS services.
- Represented international vehicle manufacturer in the negotiation of joint venture agreements, data acquisition and commercialization of new usage-based insurance services.
- Represented U.S. telecommunications carrier in the negotiation and performance of a billion-dollar IT outsourcings in parallel with conducting a highly sensitive national security investigations and remediation of data security issues subject to DSS NISPOM compliance requirements under classified contracts. Negotiated intellectual property (IP) ownership and license rights.
- Represented international ocean terminal operator in the design and implementation of a large automated container port logistics systems using RFID, OCR, GPS, and WiFi. Negotiated intellectual property (IP) ownership and license rights.

- Represented a municipality in the creation of a smart city commercial structure to obtain and provide investments into critical infrastructure, real estate and other developmental projects using opportunity zones, software as a service subscriptions and the Internet of Things (IoT).

Government Contracts – Classified and General

- Represented large Government Contractor in the negotiation of multiple datacenter construction and operations for classified datacenter services to intelligence community agencies.
- Represented classified government contractor in the successful intervention in opposition to a protest of a TS/SCI data exploitation contract and prevented additional awardees, reconsideration, and any other corrective action.
- Represented benefits provider in the unwinding of a business purchase due to a denial of the novation request, including transferring employees, intellectual property, assigned contracts, ongoing business and capital assets.
- Represented classified government contractor in the assessments, valuations, diligence, subcontractor disputes, alliance formation and development of market strategies for the provision of operational support and training services.

Government Contracts – Energy

- Represented multiple national and regional electricity services providers in the negotiation for the generation, transmission, distribution and sale of geothermal, bio steam, solar and wind energy to the U.S. Government under Marine Corp energy

savings performance contracts (ESPC), Army multiple award task order contracts (MATOC), Navy power purchase agreements (PPA) and GSA area-wide contracts.

- Represented energy grid operator in the counseling of energy resiliency, microgrids, security enclaves and proximity-based threat prioritization.
- Represented nuclear, geothermal, biothermal and offshore wind companies in the contracting with the DOE's national labs to conduct research and development under agreements for commercializing technology (ACT), cooperative research and development agreements (CRADA), works for others (WFO) agreements and assistance agreements (AA).

Government Contracts – Utility

- Represented electricity and gas utility in the negotiation of a 50-year electricity and gas utility privatization contracts including creating new provisions with DLA governing system disposition and clawing back post-termination costs due to a BRAC closure.

Telecommunications

- Represented smartphone manufacturer in the development and sales of new products compliant with FirstNet requirements operating over LTE, HF and satellite networks.
- Represented aerospace and defense company in a settlement with the FCC and avoidance of forfeitures in connection with the transfer of spectrum as part of an M&A spin-off.
- Represented multi-tenant REIT property owners across the country in negotiations for revenue shares, performance levels and voice, video and data services. Successfully closed dozens of service agreements and

resolved performance disputes for issues such as demarcation points, must-carry, exclusivity and shared access.

Cybersecurity

- Identified, analyzed and shifted liability for an insider attack to the seller of a company during an M&A.
- Counseled on the applicability of and assessed compliance with CMMC, CCPA, GDPR, HIPAA, PCIDSS, FISMA and FedRAMP.
- Represented international food and beverage provider to the airline industry in the creation, purchase, transition and certification of an in-flight Payment Card Industry Data Security Standard (PCI DSS) compliant system.
- Negotiated intellectual property (IP) ownership and license rights.
- Represented numerous clients in the assessment, determination and compliance with HIPAA, GDPR and PCIDSS.

Counterterrorism Law Enforcement

- Represented provider of specialized services in its response to national security letters, counterterrorism activities and related compliance obligations under the USA PATRIOT, USA FREEDOM, ECPA, FISA and CALEA Acts.

International Trade

- Ensured for the compliance with CFIUS requirements as part of a new funding by Asian investors into a US mobile technology company.
- Represented off-shore investment fund in the review and compliance with CFIUS requirements as part of its acquisition of a U.S. manufacturer of security products.

- Represented weapons manufacturer in foreign military sales (FMS) requirements, investigations and compliance actions.
 - Represented international aero structures manufacturer in its review and compliance with ITAR/EAR requirements as part of its potential purchase of a U.S. jet engine parts manufacturer.
 - Represented U.S. subsidiary of an Asian parent organization in the mitigation of FOCI risks and ongoing compliance with CFIUS and DSS requirements under a National Security Agreement (NSA) and a Special Security Agreement (SSA).
 - Represented U.S. telecommunications carrier in its core business outsourcing to an offshore provider.
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Recognition

- Legion of Merit
 - Bronze Star
 - SERE Level C High Risk Training
 - Airborne Paratrooper
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