



Government Contracting

Our clients who provide products and services to governments must contend with ever-changing procurement rules and regulations. Many opportunities are open to them but they are accompanied by legal consequences for everyone involved.

The global financial crisis has placed intense pressure on governments to tackle major budget deficits and debt burdens. As a result, competition for contracts is fierce, bid costs are high and the financial terms imposed on contractors are demanding. International procurement regimes bring their own challenges for non-compliance for both contractors and government customers.

To help our clients meet these challenges, our government contracting practice has grown to become one of the largest of its kind in the world. Unlike many others, we act for both governments and global contractors on their contracting and procurement requirements.

We provide tailored advice and legal services on virtually every aspect of government contracting and public procurement, from bid strategy through to potential challenge. These services include: preparation of strategic alliance agreements and teaming arrangements; bid protests and challenges; and contract administration and claims. Our lawyers also litigate contract disputes and claims involving contractors.

- IT procurement: The UK government turned to us for advice on the world's largest civil information technology procurement
- IP: When two federal contractors went to court in a dispute between them, we were called by the defense to testify as an expert witness on its intellectual property. The US jury found in favor of the defense on all nine counts, including all government contract IP issues.
- Data protection: We advised a global aviation company on the data security and protection survey of data protection requirements in public contracts covering 40 countries
- PPP: We advised a global defense company on a public-private partnership with the UK's Ministry of Defense to modernize their search and rescue helicopter program
- Procurement: A Canadian pharmaceuticals company needed help dealing with various aspects of European Union procurement law. We helped it prepare and submit a vaccines tender to the UK Purchasing and Supply Authority.
- Defense: We advised the Australian Defense Force on the US\$3 billion Amphibious Ships

KEY CONTACTS

Richard Bonnar

Partner

London

T: +44 (0)20 7796

6094

richard.bonnar@dlapiper.com

Richard P. Rector

Partner

Washington, DC

T: +1 202 799 4400

richard.rector@dlapiper.com

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RELATED SECTORS

- Technology
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Project

- FCPA: Our lawyers represented a global defense contractor facing an FCPA subpoena concerning allegations of improper payments in Africa over six years. The US government dropped all charges.

Resources

INSIGHTS

Publications

An update on the impact of the coronavirus on business in Singapore

12 February 2020

Due to the evolving 2019 novel coronavirus (the “**2019-nCoV**”) situation, the Ministry of Health (the “**MOH**”) and the Ministry of Manpower (the “**MOM**”) have issued several advisories which employers will need to be aware of. Employers and employees should ensure that they work together to comply with the various obligations and advisories given the various penalties that may be imposed. Additionally, it is recommended that both employers and employees regularly check the MOM and the MOH websites for the latest updates and advisories and to adopt the recommended measures proposed therein.

Going viral: the legal impact of coronavirus on force majeure events

12 February 2020

This article focuses key consideration for parties that may wish to declare a force majeure event or dispute the declaration of a force majeure event by a counterparty.

Commerce imposes export licensing requirement on geospatial imagery software

8 January 2020

Companies that produce, design, test, manufacture, fabricate, or develop a software described in the new controls may now be operating within the category of "critical technologies" as defined in CFIUS regulations.

EU launches preparatory work for a global sanctions regime for human rights violations

17 December 2019

On 9 December 2019, High Representative/Vice-President of the European Union Josep Borrell announced that the Foreign Affairs Council has agreed with strong consensus to start the preparatory work for a global sanctions regime to address serious human rights violations.

Congressional hearing to focus on facial recognition and national security

12 December 2019

AI OUTLOOK

Technologies controlled by foreign governments and their implications for privacy and national security are expected to be a major topic.

Trump issues Executive Order on securing information and communications technology and services – key

points

16 MAY 2019

The order is issued pursuant to the National Emergencies Act and the International Emergency Economic Powers Act, the latter creating potential civil and criminal liability for those violating EOs and regulations issued under its authority - liabilities that can expand to include those who facilitate a violation.

EU Policy & Regulatory Alert - EU Publishes Artificial Intelligence Ethics Guidelines

12 APR 2019

On 8 April 2019, the EU's High-Level Expert Group ("AI HLEG") on Artificial Intelligence ("AI") published the much-anticipated "Ethics Guidelines for Trustworthy AI", setting out a horizontal framework for the development and deployment of ethical and robust AI systems across the EU

EU Policy & Regulatory Update: First Designations under EU's Chemical Weapons Sanctions Regime

24 JAN 2019

On 21 January 2019, the Council of the European Union (EU) adopted Decision (CFSP) 2019/86 amending Decision (CFSP) 2018/1544 concerning restrictive measures against the proliferation and use of chemical weapons, listing nine individuals and one entity under the EU's Chemical Weapons Sanctions regime.

EU Policy & Regulatory Update - EU Adds Three Iranian Persons to EU Terrorist List

14 JAN 2019

On 8 January 2019, the Council of the European Union (EU) adopted Decision (CFSP) 2019/25 amending and updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP.

First Round of US Sanctions Reintroduced and EU Blocking Statute Updated

7 AUG 2018

US President Donald Trump announced on 8 May 2018 his decision to withdraw from the Joint Comprehensive Plan of Action (JCPOA), commonly known as the "Iran Nuclear Deal", reached in Vienna on 14 July 2015. The US provided 90- and 180-day wind-down periods before the US nuclear-related secondary sanctions would be reintroduced.

EU Policy and Regulatory update: EU Legislation to Block US Extraterritorial Sanctions against Iran

21 MAY 2018

On 18 May 2018, the European Commission has launched the process to "activate" EU Council Regulation No 2271/96 (EU Blocking Statute) and to expand the scope of the EU Blocking Statute to include the US sanctions against Iran.

Is collaborative working improving in operational PPPs?

16 MAR 2018

An in-depth look at some of the key questions facing the PPP market, with direct input from those at the coalface of the industry.

EU Impact - Issue 4

30 APR 2018

Edition 4 of our monthly update on the latest EU policy and regulatory developments.

EU Impact - Issue 3

5 APR 2018

Edition 3 of our monthly update on the latest EU policy and regulatory developments.

The Cybersecurity Framework: Administration, Congress move to incentivize private-sector cooperation, strengthen federal acquisition process

12 SEP 2013

EVENTS

Previous

TopCo liability panel

25 JUN 2019

London

Brexit guidelines webinar: The view from Brussels and London

23 MAR 2018

Webinar

NEWS

DLA Piper advises BrewDog on acquisition of iconic Berlin brewery

6 MAY 2019

DLA Piper has advised BrewDog, a multinational craft brewery and pub chain based in Scotland, on the acquisition of World Bistro & Gardens in Berlin from Stone Brewing, one of the largest craft breweries in the US.

DLA Piper announces partnership promotions for 2018

3 APR 2018

DLA Piper is proud to announce that 62 lawyers have been promoted to its partnership. The promotions are effective as of 1

April 2018 in the United States and 1 May 2018 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 42 different offices throughout 20 countries.

In New Zealand

In New Zealand, local and central government are amongst the engine rooms of the economy as entities that are important in providing leadership to the direction and focus of commerce.

They influence - structurally and philosophically - the country's economic output.

In addition, they are business operations in their own right. They are large employers, and both local and central government administer significant portions of New Zealand's infrastructure and commercial operations.

Both central and local government are areas of unrelenting change and dynamism, as they respond to commercial and diplomatic complexity locally and internationally. DLA Piper provides a stable, experienced local counsel with valuable global insight into this changing area.

DLA Piper New Zealand has a vast depth of experience in almost every area of New Zealand administration. We act for government entities, local government and commercial organisations seeking to interact with government and local government.

Our government team was acknowledged as significant in this area when we were appointed to the "All of Government" panel to deliver advice to participating New Zealand government agencies in banking & finance, corporate, litigation, resource management, and property law. This central government procurement of legal services was highly competitive and involved bids from 125 law firms.

We have been involved in the establishment of a number of Crown entities, acting for them since inception. We have considerable capability in developing tailored compliance programmes including management of legal risk for Crown entities. Our advice is widely sought in procurement and tendering, negotiation and contracting, and in the establishment of PPPs (public private partnerships).

We are also amongst only a very few law firms in New Zealand pre-eminent in legal work for a diverse range of local government entities, throughout the country. DLA Piper New Zealand has been involved in the evolution of local government law and regulation over decades. We continue to guide clients through these changes.

DLA Piper New Zealand has extensive experience acting for clients in connection with Treaty of Waitangi (Te Tiriti o Waitangi) issues, settlements and local government considerations.

Our lawyers are mindful of and experienced in the public and political overlay when dealing with government entity issues on a day to day basis.

DLA Piper New Zealand also acts for many non-public sector clients who interact with government, including on joint ventures and sales and acquisitions. We have proven expertise in government relations, advocacy, lobbying and public affairs on behalf of New Zealand businesses. In addition, we act for clients on issues of compliance.

Through our cross-disciplinary approach, DLA Piper New Zealand provides advice in administrative, regulatory, legislative, policy, governance and the commercial operations of a wide range of key central and local government entities including ministries, departments, state owned enterprises (SOEs), crown entities, statutory authorities, councils, territorial local authorities, council controlled organisations – as well as organisations seeking to act and interrelate with these organisations.

EXPERIENCE

Wellington Regional Council

DLA Piper New Zealand acted on behalf of the Council on an NZTA state highway proposal involving two notices of requirement

and 49 resource consents for the construction and operation of the Peka Peka to North Otaki Expressway proposal. It was declared a matter of national significance and is part of the Wellington Northern Corridor, which has been identified by the Government as a Road of National Significance.

Marlborough District Council

DLA Piper New Zealand acted on behalf of the Council as a submitter in opposition to the King Salmon farms. It involved four plan changes and the resource consents necessary for nine salmon farm sites. Eight of the sites were in areas where marine farming is prohibited. 1271 submissions were received in relation to this proposal and involved a 10 week hearing which commenced in August 2012. Only four of the farms were approved, which is one of the first Board of Inquiry matters where parts of the proposal have been declined. In 2013 we acted on behalf of the Council as a party to the appeal to the High Court. The appellants were Save our Sounds and Environmental Defence Society.

Department of Corrections

DLA Piper New Zealand is advising the Department on its standard documentation for tendering for construction for major projects and minor works to facilitate the proposed prison upgrades and refurbishment of each of the Auckland East, Spring Hill, Invercargill and Whanganui Prisons. We are also advising on the refurbishment of the community correction sites across the various regions.

Wellington regional council

DLA Piper New Zealand acted on behalf of the Council in successfully defending a declaration application by Mr Warburton. The issue was whether a watercourse (effectively a stormwater outflow) that flowed across the foreshore was a 'river' under the Resource Management Act 1991, which would mean the consenting requirements under section 13 and the Regional Plan would apply. This would have set a precedent for the entire Wellington Region.

Government Superannuation Fund Authority, Board of Trustees of National Provident Fund

The Financial Markets Conduct Act 2013 is designed to promote and facilitate the development of fair, efficient and transparent financial markets. The firm has provided (and continues to provide) advice in relation to the implications of the new legislation to both these entities. Advice included making a number of submissions on the bill and draft regulations, meetings with officials and regulators and submitting draft amendments.

New Zealand Fire Service Commission

DLA Piper New Zealand reviewed the governance of a volunteer fire brigade. This involved an assessment of whether the brigade was complying with its Agreement for Service with the Fire Service and whether its fundraising activities complied with its charitable trust status. The investigation required the interviewing of 38 witnesses. The subsequent report was then referred to the Fire Service, before being appealed to the Fire Service Commission and the Minister under the Fire Service Act 1975. One outcome of the review was a redraft by our commercial team of the Agreement.

We have prepared a Guide To Doing Business In New Zealand to help those venturing into the market navigate their way through local legislation to identify and maximise the many opportunities that are available.