



## Valtion sopimustoiminta ja hankinnat

Asiakkaamme, jotka tarjoavat tuotteita ja palveluja valtiollisille toimijoille, kamppailevat alati muuttuvien hankintasääntöjen ja sääntelyvaatimusten kanssa. Heille avautuu monenlaisia mahdollisuuksia, joihin kuitenkin liittyy kaikkia osapuolia koskevia oikeudellisia seuraamuksia.

Maailmanlaajuinen talouskriisi on asettanut valtiollisille toimijoille voimakasta painetta kiinnittää huomiota budjetin alijäämään ja velkataakkaan. Sen seurauksena sopimuksista käydään todella kovaa kilpailua, tarjouskustannukset ovat korkeat ja toimittajille asetetaan kovia taloudellisia ehtoja. Kansainvälisten hankintamenettelyjen sääntöjen noudattamatta jättämiseen liittyvät käytännöt tuovat omat haasteensa toimittajille ja valtiollisille asiakkaille.

DLA Piperin valtion sopimustoiminnan ja hankintojen asiantuntijat auttavat asiakkaita vastaamaan näihin haasteisiin. Toisin kuin monet muut, ryhmämme edustaa sekä valtiollisia toimijoita että globaaleja toimittajia sopimuksiin ja hankintavaatimuksiin liittyvissä asioissa.

DLA Piper tarjoaa räätälöityjä neuvonta- ja lakipalveluja lähes kaikkiin valtion sopimustoiminta- ja hankinta-asioita koskeviin kysymyksiin tarjousstrategiasta mahdollisiin haasteisiin asti. Palveluihin kuuluu strategisten yhteenliittymäsopimusten ja yhteistyösopimusten valmistelu, tarjouksiin liittyvät valitukset ja vaatimukset sekä sopimusten hallinta ja vaateet. Lakimiehemme myös käräjäivät sopimusriidoista ja toimittajiin kohdistuvista vaateista.

- 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 Project

### KEY CONTACTS

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### PALVELUT

- Yhtiöoikeus
- Työsuhdeasiat
- Rahoitus
- IP ja teknologia
- Kansainvälinen kauppa, sääntely ja valtionhallinto
- Riidanratkaisu
- Projektit, energia ja infrastruktuuri
- Kiinteistöt
- Uudelleenjärjestelyt
- Verotus

### SEKTORIT

- Teknologia
- Healthcare
- Energia

- 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.

## INSIGHTS

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### Publications

#### **Boardroom Brexit: What the deal means for funding and procurement**

31 December 2020

##### **BOARDROOM BREXIT**

The TCA provides last-minute clarity for UK companies and organisations that participate in EU funded projects, or receive funding and investment through EU programmes, such as Horizon Europe.

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#### **Landmark artificial intelligence legislation advances toward becoming law**

16 December 2020

##### **AI OUTLOOK**

An overview of the key AI initiatives and funding set out in the defense bill.

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#### **Navigating risk and compliance in government contracts M&A**

14 December 2020

Webinar now available: government contracts and pre-closing diligence.

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#### **Practical Compliance**

8 December 2020

##### **PRACTICAL COMPLIANCE**

Q4 2020: Spotlight on real estate COVID-19 compliance.

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#### **CMS, OIG finalize Stark and AKS overhaul – paving the way for value-based care**

25 November 2020

We highlight some of the most important ways in which HHS followed through on its ideas from 2019, as well as the instances where they pivoted in reaction to public comments.

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#### **Contracting for the climate: The Climate Contract Playbook is a trove of climate clauses**

11 November 2020

Contracts have become an essential vehicle for companies seek to mitigate their environmental risks and limit their carbon footprints.

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## **New Executive Order "Combating Race and Sex Stereotyping" – what federal contractors need to know**

7 October 2020

The EO prohibits federal contractors, subcontractors and certain grant recipients from using “any workplace training that inculcates in its employees any form of race or sex stereotyping or any form of race or sex scapegoating.”

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## **Into the unknown: DoD's long-awaited cybersecurity rule leaves critical questions unanswered**

5 October 2020

The rule leaves open a number of critical questions.

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## **SBA creates administrative process for appealing PPP loan decisions**

2 September 2020

Under the process, a borrower may challenge written decisions by the SBA regarding ineligibility and loan forgiveness.

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## **Australia makes changes in defense and procurement strategy**

13 August 2020

Australia is implementing changes in its defense strategy and procurement rules that are important to international contractors.

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## **Are pandemic-related contract changes compensable? Two recent, instructive cases**

4 June 2020

Key takeaways for contractors seeking to position themselves for recovery.

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## **Cost-cutting considerations in the time of COVID-19 (Part 3 – employment issues outside the US)**

7 April 2020

A deeper dive into various cost-saving measures and their viability for employers outside the US.

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## **A balance between the government, the private sector and the needs of the people: Invocation of rarely used provisions to ensure public safety during the COVID-19 pandemic**

6 April 2020

The Defense Production Act, compulsory licensing and march-in rights are means for authorizing the government to step in and assert rights against private companies.

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## **COVID-19 and the "essential business" designation: Practical guidance for businesses that fall in the gray area between "essential" and "non-essential"**

6 April 2020

Certain frequently asked questions as well as practical guidance.

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### **Beyond social distancing: What employers need to know to keep their workplaces safe and manage privacy obligations in the face of COVID-19**

2 April 2020

Guidance from OSHA, EEO and CDC to help employers seeking to protect the health, safety and privacy of their on-site employees.

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### **Coronavirus: Cybersecurity considerations for your newly remote workforce (United States)**

31 March 2020

Cyber risk management involves balancing the productivity of a workforce with ensuring confidentiality, integrity and availability of the company's own systems and data, as well as that of their supply chain.

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### **Coronavirus: DHS Response to COVID-19 - What US Employers Need to Know**

29 March 2020

Key questions and answers related to the new DHS guidance.

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### **Coronavirus: Cyber hygiene practices**

25 March 2020

While the world is responding to the coronavirus disease 2019 (COVID-19), and individuals are increasingly focused on personal hygiene and social distancing, augmenting cyber hygiene efforts at home and at work are increasing in importance too.

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### **Coronavirus: Employee furloughs, reductions-in-force and similar temporary cost-saving measures (Part 2 – Employment issues outside the US)**

25 March 2020

A general overview of key employment issues to consider outside of the US in light of COVID-19.

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### **Coronavirus: Employee furloughs, reductions-in-force and similar temporary cost-saving measures in the US - Part 1**

25 March 2020

Key employment-related issues for US-based employers in relation to cost-saving measures due to COVID-19.

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### **Coronavirus: Several state and local governments issue “shelter in place” orders (United States)**

23 March 2020

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Between March 17 and 22, state and local governments have promulgated at least a dozen “Stay-at-Home” / “Shelter-at-Home”-type Orders. This alert provides details on a number of state and local government orders.

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### **Coronavirus: executive summary - key highlights from Washington (March 19, 2020) (United States)**

19 March 2020

Key highlights for March 19, 2020.

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### **Coronavirus: federal and state tax relief (United States)**

16 March 2020

Congress and state legislatures and administrative agencies are working hard to provide necessary tax relief for those affected by the coronavirus disease (COVID-19) pandemic.

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### **Coronavirus (COVID-19): ten practical steps for global employers, right now (Global)**

13 March 2020

These steps are not based on laws of any one jurisdiction but rather are designed to provide a global employer with themes to consider, understanding that what may be suitable for each employer may vary greatly depending on the employer’s unique circumstances.

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### **Coronavirus COVID-19 and corporate governance (Australia)**

18 February 2020

The coronavirus COVID-19 outbreak and ensuing government restrictions raise corporate governance concerns and create areas of risk across the ESG spectrum that should be considered by companies and their directors and officers.

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

12 February 2020

Due to the evolving 2019-nCoV acute respiratory disease (the COVID-19) situation, the Ministry of Health (the MOH) and the Ministry of Manpower (the MOM) have, since January 2020, issued advisories which employers will need to be aware of. In particular, the MOH and MOM have, since our last update on February 12 2020, updated and issued new advisories due to the increased risk of importation of COVID-19 into Singapore.

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### **Coronavirus COVID-19: The legal impact on force majeure events (Australia)**

12 February 2020

Key considerations for parties that may wish to declare a force majeure event or dispute the declaration of a force majeure event by a counterparty in relation to coronavirus COVID-19.

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## **Iran nuclear deal: the launch of the 'Dispute Resolution Mechanism' and the 'potential snapback' of UN and EU sanctions**

17 January 2020

This week, France, Germany and Britain have triggered the Dispute Resolution Mechanism against Iran under the Joint Comprehensive Plan of Action (JCPOA). Will this process lead to the re-imposition of UN and EU sanctions on Iran?

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## **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.

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## **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.

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## **Upcoming 12/31 deadline to comment on CMS and OIG proposed rule changes under the Stark Law and Anti-Kickback Statute**

16 December 2019

The two highly consequential proposals are poised to change how HHS approaches fraud and abuse enforcement in federal healthcare programs.

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## **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.

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## **DoD's new cybersecurity compliance program . . . What you need to know**

6 November 2019

The Department of Defense is actively developing a new framework for protecting government data and evaluating contractors' cybersecurity compliance known as the Cybersecurity Maturity Model Certification program.

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## **Texas: New safeguards to protect sensitive information**

4 November 2019

The new PIA amendments will change the grounds upon which organizations may object to the disclosure of their sensitive information.

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### **CMS and OIG release most expansive changes to the fraud and abuse laws in over a decade**

18 October 2019

The proposed changes are part of the HHS Regulatory Sprint, which seeks to remove regulatory barriers to care coordination and value-based care.

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### **Eleventh Circuit rejects reliance on statistical sampling and requires proof of objective falsity for each claim pursued under the FCA**

12 September 2019

The holdings will likely have broad implications for any FCA claims based on false certification in the circuit.

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### **Court finds that failure to comply with cybersecurity obligations can create False Claims Act liability**

20 MAY 2019

Key takeaways about this significant finding.

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### **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.

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### **Department of Justice unveils guidelines for cooperation credit in False Claims Act matters**

9 MAY 2019

The new DOJ guidelines are an effort to formalize guidance and credit mechanisms for corporate cooperation in civil cases, especially False Claims Act cases.

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### **First Circuit reverses course on its first-to-file rule**

9 MAY 2019

First Circuit law on the first-to-file rule is evolving in a way that could have significant consequences for False Claims Act defendants.

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## **DOL weighs in on gig worker classification**

6 MAY 2019

The DOL opinion letter concludes that a company's workers are independent contractors, not employees.

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## **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

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## **The future of DOD contracting**

1 APR 2019

A review of an array of factors, from commercial buying and cybersecurity to "Other Transaction" authority and the recently established Army Futures Command.

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## **Northern District of Illinois dismisses False Claims Act case against Pfizer and Hospira: key takeaways**

19 MAR 2019

The DLA Piper team expects this case will be cited frequently by qui tam defendants in future cases.

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## **Fifth Circuit Court of Appeals affirms CMS demand for return of \$8 million from failed care management demonstration project**

12 MAR 2019

In a demonstration project, the provider's rights and remedies must be expressed in the grant agreement.

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## **False Claims Act – Year in Review: 2018**

4 FEB 2019

In this handbook, we look back on 2018 as a year of shifting enforcement policies and continuing jurisprudential uncertainty in the wake of *Escobar*.

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## **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.

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***Universal Health Services: contractors take note – Supreme Court approves implied certification theory of False Claims Act liability***

22 JUN 2016

The Court's recognition of "implied certification" theory resolves a circuit split in favor of a more expansive view of the Act.

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**Should I file a bid protest? A checklist of essential questions and considerations**

18 SEP 2014

What are the questions a thoughtful CEO or General Counsel should ask when deciding whether to file a bid protest?

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

12 SEP 2013

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**EVENTS**

**Previous**

**Planning for an Uncertain World**

16 November 2020

**TECHLAW EVENT SERIES**

Webinar

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**TechLaw**

31 July 2020

**TECHLAW EVENT SERIES**

Webinar

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**TechLaw**

5 March 2020

**TECHLAW EVENT SERIES**

Sydney

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## TechLaw

3 March 2020

### TECHLAW EVENT SERIES

Melbourne

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## TopCo liability panel

25 JUN 2019

London

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## TechLaw Event - "M&A for the New Digital Economy"

7 March 2019

### TECHLAW EVENT SERIES

Amsterdam

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## DOD contracting: key developments and trends

7 FEB 2019

Reston

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## UUTISET

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### DLA Piper advises Digital Force Technologies in strategic partnership with DC Capital Partners

29 September 2020

DLA Piper represented Digital Force Technologies (DFT) in its formation of a strategic partnership with DC Capital Partners.

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### DLA Piper advises ICF in its US\$255 million acquisition of Incentive Technology Group

20 May 2020

DLA Piper is pleased to announce that the firm represented ICF in its US\$255 million acquisition of Incentive Technology Group, LLC (ITG).

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### DLA Piper lawyers and practices ranked in latest Chambers edition

8 May 2020

DLA Piper today announced that the firm received 172 lawyer rankings and 71 practice rankings in *Chambers USA's* 2020 guide.

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### DLA Piper lawyers named Acritas Stars

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10 March 2020

Acritas has named over 200 DLA Piper lawyers as 2020 Acritas Stars. Now in its fourth year, Acritas Stars highlights the stand-out lawyers in private practice as nominated by clients around the world. More than 3,000 senior in-house counsel feed into the nomination process to give a comprehensive view of highly recommended lawyers across the globe.

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### **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.

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