



## Government Contracting

Our government contracting clients, whether they be in the public or private sector, must contend with ever-changing laws and rules and regulations, including procurement, data protection and, of course, Brexit.

This, coupled with the intense pressure on governments to tackle major budget deficits and debt burdens, means that both running and participating in major projects, whether they be related to organisational change, competitions for contracts or otherwise, can be incredibly complex.

The procurement gauntlet can often be complicated and the timescales imposed are often a challenge (particularly when internal pressures require a project to be completed in very short timelines). From a supplier perspective, competition is often fierce, bid costs are high and the financial terms imposed on contractors are demanding.

To help our clients, from both sides of the fence, meet these varied 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 major projects, including on contracting and procurement requirements.

We have been a longstanding and leading advisor on major change projects in government and are proud to have worked alongside government at the forefront of a number of major innovative projects and deals over recent years.

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.

In the UK, DLA Piper is appointed to Crown Commercial Service's (CCS) Legal Services Panel on two Lots - Lot 1 - General Legal Advice and Services (GLAS) and Lot 2 - Finance and Complex Legal Services. DLA Piper is one of only two firms to be named as a supplier on both Lots.

In the UK, we have a broad team of over 100 lawyers who bring best of breed experience in a number of areas and sectors. A small example of our experience includes:

- **Contracts** - we lead the market in advising Government on major contracts, such as outsourcing, shared service and joint ventures. We have advised Cabinet Office and other Departments on three complex outsourcing shared services projects by way of joint venture (i) Shared Services Connected Limited - a pan-HMG back office joint venture service delivery vehicle to transform existing services to a shared platform for over 12 Government Departments; (ii) Integrated Debt Services Limited - provision of a one-stop-shop for Government providing debt analysis and collection; and (iii) Crown Hosting - establishment of a portfolio of "on demand" hosting services at different levels of accreditation. We have also advised on many day-to-day contracts such as advice to on management services agreements by which Government companies provide services to third parties. We have also advised a Government Department for many years on the establishment of multiple and varied frameworks, including travel services, non-permanent staff, energy metering, consultancy services, fleet and office supplies. This included advice on precedent contracts

and variations, transfers and interpretation of contract provisions.

- **Competition law** - Our Competition team has been on hand to advise a variety of public sector clients over recent years on a range of competition law issues which arise during the course of Government projects. We act on a full range of non-contentious and contentious Competition/Antitrust matters, including commercial agreements, abuse of dominance, behavioural and strategic advice, multi-jurisdictional and national merger control, competition investigations and enforcement, including cartel related work, compliance audits and programs, including dawn raid training, competition litigation, competition regulatory matters and State Aid.
- **Corporate** - Our intimate knowledge of corporate law is applied with significant Government sector knowledge. We are trusted advisors to Government, having acted on some of the most complex and innovative transactions undertaken in the public sector in recent years, including we on a multi-million pound acquisition of a designer and supplier of specialist vehicles and protection system integrations to various Government Departments.
- **Dispute Resolution** - We have worked with Government over many years and therefore we bring, for both public and private sector clients, a deep understanding of how Government litigates and how it decides when not to litigate. Our team has very close links to our commercial and contracting colleagues to provide seamless advice if on-going contracts become contentious. Above all, we have access to the resource and expertise of one of the largest dispute resolution practices in the world.
- **Employment** - Our team advises both public and private sector employers on a daily basis on the application of TUPE (and COSOP where appropriate) in the context of first and subsequent generation outsourcings, as well as on sales and acquisitions and a multitude of other projects in between. We have a wealth of experience in dealing with complex redundancy and restructuring programmes for many of our clients. We are used to dealing with a high level of media and employee/trade union scrutiny on the way in which these exercises are handled. We frequently advise on strategy for managing changes to terms and conditions of employment, in both unionised and non-unionised environments, and have particular expertise in the options for dealing with changes in the shadow of a TUPE transfer. We are experienced in handling industrial relations issues and are proud to work on ground-breaking projects.
- **Real Estate** - We have a wide range of experience in advising on core Real Estate, Real Estate Finance and Real Estate Litigation matters. We have previously advised various Government Departments on the acquisition and fit out of properties, projects to make buildings available for use by SMEs, sales and advising on shared space/collaborative agreements.

## INSIGHTS

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### Publications

#### Driving change: The decarbonisation of European transport

17 November 2021

Transport is the bedrock of modern economies. It is also a major source of carbon dioxide emissions. The purpose of this study is to examine decarbonisation strategies in three key transportation subsectors: aviation, rail and shipping.

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#### The DLA Piper Project Simulator – one year on

2 July 2021

Over the past year, we have delivered The DLA Piper Project Simulator to many of our construction, engineering and infrastructure clients, over a virtual platform, and client feedback has been overwhelmingly positive.

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#### Public-private partnerships for infrastructure investment: a global perspective

18 March 2021

In a new global report, produced in partnership with Global Infrastructure Investor Association (GIIA), DLA Piper assesses the case for PPPs, backed by multijurisdictional analysis from our projects and infrastructure lawyers around the world as well as insight from leading infrastructure investors who are fellow members of the GIIA.

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## NEWS

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### **DLA Piper advises Heliad Equity Partners on USD40m Series B funding round of InstaFreight**

21 April 2022

DLA Piper has advised Heliad Equity Partners GmbH & Co. KGaA (Heliad) as one of the lead investors together with the European Investment Bank (EIB) in a USD40 million Series B round of digital logistics company InstaFreight.

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### **DLA Piper advises John Menzies on its recommended cash offer**

30 March 2022

DLA Piper has advised aviation services business John Menzies plc (Menzies) in respect of the recommended cash offer by Gil International Holdings V Limited a wholly owned subsidiary of Agility Public Warehousing Company K.S.C.P. (Agility), a provider of supply chain services, innovation and investment for Menzies.

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### **DLA Piper advises Francotyp-Postalia on acquisition of Azolver**

24 March 2022

DLA Piper has advised Francotyp-Postalia Holding AG on the acquisition of all shares in the operating companies of Azolver Holding GmbH.

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### **DLA Piper strengthens its litigation and international arbitration practice with partner Dr Marc Jacob**

16 March 2022

DLA Piper will strengthen its Litigation & Regulatory practice group with the appointment of Marc Jacob as a new partner in the Frankfurt office, effective 1 April 2022. He joins DLA Piper from Shearman & Sterling, where he practised litigation and international arbitration since 2013.

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### **DLA Piper advises Carlyle on the acquisition of 8 prime distribution logistics assets in Germany**

17 January 2022

DLA Piper has advised global investment firm Carlyle (NASDAQ: CG) on its acquisition of 8 distribution logistics assets, located close to major urban hubs in Germany.

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### **DLA Piper advises Mercedes-Benz in equity investment in Factorial Energy**

10 December 2021

DLA Piper represented Mercedes-Benz in its recent equity investment in Factorial Energy.

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## **DLA Piper advises Heidelberger Druckmaschinen on acquisition of charging station technology from EnBW**

7 December 2021

DLA Piper has advised Heidelberger Druckmaschinen AG (Heidelberg) on the acquisition of the charging station technology of Karlsruhe based energy company EnBW.

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## **DLA Piper advises TRATON SE on the acquisition of Loom Technologies GmbH**

28 July 2021

DLA Piper has advised TRATON SE, a leading global commercial vehicle manufacturer, and its subsidiary TB Digital Services GmbH on the acquisition of logistics software provider Loom Technologies GmbH.

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## **DLA Piper advises Azrieli Group on acquisition of Norwegian data centre developer**

21 July 2021

DLA Piper has advised Israeli real estate investor Azrieli on its acquisition of Green Mountain, a Norwegian data centre developer, for NOK7.6 billion.

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## **DLA Piper advises Knorr-Bremse on the acquisition of EVAC Group**

3 June 2021

DLA Piper has advised Knorr-Bremse, the global market leader for braking systems and other rail and commercial vehicles systems, on the acquisition of EVAC Group.

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## **DLA Piper advises lenders on the refinancing of the Warnow Tunnel in Germany**

26 February 2021

DLA Piper has advised the lenders on the EUR115 million refinancing of the Warnow Tunnel in Rostock (Germany), also known as the Warnow River Crossing (Warnowquerung).

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## **DLA Piper advises Lufthansa Group as main creditor in ZIM Flugsitz insolvency proceedings**

11 January 2021

DLA Piper has successfully advised the Lufthansa Group with its entities Deutsche Lufthansa AG, Lufthansa Technik AG and SWISS as main client and main creditor in the insolvency proceedings of ZIM Flugsitz GmbH.

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## **DLA Piper advises Lufthansa Technik AG on the sale of its majority stake in Lufthansa Bombardier Aviation Services**

7 January 2021

DLA Piper has advised Lufthansa Technik AG on the sale of its majority stake in Lufthansa Bombardier Aviation Services GmbH to the Canadian business jet manufacturer Bombardier. Lufthansa Technik AG previously held 51 percent of the joint venture and Bombardier 29 percent. A further 20 percent were held by co-shareholder ExecuJet, which also sold its shares to Bombardier.

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## Over three-quarters of investors expect Fibre to the Premises (FTTP) investment to increase over next 24 months

3 December 2020

- Nearly one quarter (23%) of investors believe pandemic has led to a higher FTTP project roll-out
  - Germany, the UK and Poland are the most attractive locations for future FTTP investment, with low penetration levels, high end-user demand, and government incentives
  - 84% of respondents expect infrastructure funds to be most active in acquiring FTTP operators over the next 24 months
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## DLA Piper appointed as trustee in Jet Time bankruptcy proceedings

27 August 2020

DLA Piper is advising Danish airline Jet Time A/S as the company filed for bankruptcy at the Maritime and Commercial Court in Copenhagen on 21 July 2020.

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## DLA Piper advises Hitachi Rail Limited on acquisition of railway technology firm Perpetuum

19 August 2020

DLA Piper is advising Hitachi Rail Limited in connection with the acquisition of Perpetuum, a technology firm that is pioneering digital technology to optimise railway operations, offering improved efficiency, safety and quality of service.

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## DLA Piper advises Katoen Natie on the acquisition of Nijhof Wassink

7 July 2020

DLA Piper has advised Katoen Natie, an international logistics service provider and port operator, on the acquisition of the warehousing activities of Nijhof-Wassink in Poland, a family-owned company specialising in logistics.

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