



Contratos Públicos

Os nossos clientes que fornecem produtos e serviços ao Estado vêm-se constantemente confrontados com alterações na regulamentação sobre contratos públicos. A contratação pública cria muitas oportunidades, mas também traz consigo consequências de natureza jurídica para todas as partes envolvidas.

A crise financeira global colocou uma enorme pressão sobre os Estados, que se deparam com graves défices orçamentais e dívidas acumuladas. Em resultado disto, assiste-se a uma concorrência feroz para a adjudicação de contratos, a elevados custos de participação nos concursos públicos e à imposição de condições financeiras cada vez mais exigentes às entidades contratadas. Os regimes internacionais de contratação pública criam desafios próprios para os clientes em matéria de incumprimento, tanto para as entidades contratadas como para os Estados.

Para ajudar os nossos clientes a superar tais desafios, a equipa de contratos públicos da DLA Piper sofreu um grande crescimento, tendo-se tornado numa das maiores do mundo na sua área. Ao contrário do que sucede com muitas outras sociedades de advogados, representamos simultaneamente Estados e empresas globais de prestação de serviços, provendo pela satisfação das suas necessidades em matéria de contratação pública.

A DLA Piper presta aconselhamento personalizado e serviços jurídicos sobre praticamente todos os aspetos da contratação pública, desde a estratégia para concursos públicos até à possível impugnação. Estes serviços incluem a preparação de acordos de aliança estratégica e a criação de mecanismos de parceria, a apresentação de protestos e impugnações de concursos públicos e a administração e execução de contratos. Os nossos advogados também exercem o patrocínio em litígios e ações de natureza contratual envolvendo entidades contratadas.

- **Contrato público relativo a tecnologias da informação:** O governo do Reino Unido solicitou que prestássemos aconselhamento sobre o maior contrato público do mundo no domínio das tecnologias da informação para fins civis.
- **Propriedade intelectual:** Quando duas empresas que prestavam serviços ao Estado foram a tribunal para resolver um litígio que as opunha, fomos chamados pela defesa para intervir como perito no que diz respeito à sua propriedade intelectual. O júri dos EUA pronunciou-se a favor da defesa relativamente a todos os nove factos controvertidos, incluindo todas as questões sobre propriedade intelectual advenientes do contrato público.
- **Proteção de dados:** Prestámos aconselhamento a uma companhia de aviação global no âmbito de um estudo sobre as exigências em matéria de proteção de dados nos contratos públicos, abrangendo 40 países.

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 - Imobiliário
 - Reestruturações
 - Fiscal
-
- Tecnologia
 - Healthcare
 - Energia

- **Parcerias público-privadas:** Prestámos aconselhamento a uma empresa global do setor da defesa sobre uma parceria público-privada com o Ministério da defesa do Reino Unido que visava modernizar o seu programa de busca e salvamento por helicóptero.
- **Contratação pública:** Uma empresa farmacêutica canadiana precisava de ajuda no tratamento de vários aspetos da legislação da União Europeia em matéria de contratos públicos. Ajudámos a empresa a preparar e apresentar uma proposta sobre vacinas à Purchasing and Supply Authority (autoridade para o aprovisionamento e fornecimento) do Reino Unido.
- **Defesa:** Prestámos aconselhamento às forças armadas australianas sobre o projeto de embarcações anfíbias, no valor de 3 mil milhões de dólares dos EUA.
- **FCPA** (lei dos EUA sobre a prática da corrupção no estrangeiro): Os nossos advogados representaram uma empresa global do sector da defesa que foi objeto de um processo, instaurado ao abrigo da FCPA, relativo à alegada realização de pagamentos ilícitos em África durante um período de seis anos. O governo dos EUA arquivou todas as acusações.

INSIGHTS

Publicações

Employment law in 5: 5 developments to read for June in less than 5 minutes

8 June 2022

5 developments to read for June in less than 5 minutes.

Nonsolicitation agreements face antitrust scrutiny

16 May 2022

Some of the court's rulings in the case may be relied on by the government as it continues to focus on non-solicitation and no-poach agreements.

Employment law in 5: 5 developments to read for May in less than 5 minutes

5 May 2022

5 developments to read for May in less than 5 minutes.

District Court confirms that noncompliance with cybersecurity requirements may lead to False Claims Act liability

16 February 2022

Key details and implications for contractors.

Court of Federal Claims judge splits from precedent regarding the availability of key personnel

14 February 2022

The decision departs from US Government Accountability Office decisions providing that offerors have a "duty" to advise the procuring agency of changes in proposed key personnel after proposal submission but prior to award.

Medicare audit? CMS expands ability to revoke for non-compliant billing

14 February 2022

These broad revisions provide CMS with greater revocation authority.

With Civil Cyber-Fraud Initiative, government sharpens focus on cybersecurity obligations for government contractors

13 December 2021

Deploying the False Claims Act to pursue cybersecurity-related fraud.

Increased contractor discretion in COVID-19 Executive Order 14042

8 November 2021

Details of updated guidance and its implications for employers.

With Civil Cyber-Fraud Initiative, government sharpens focus on cybersecurity obligations for government contractors

1 November 2021

Acting Assistant Attorney General Brian Boynton recently discussed how the Civil Cyber-Fraud Initiative would use the False Claims Act to pursue cybersecurity-related fraud.

Cybersecurity obligations for government contractors – focus on them before the government focuses on you

22 September 2021

Liability under the False Claims Act can be financially debilitating, particularly for small and mid-size contractors.

Seventh Circuit adopts objective reasonableness standard for False Claims Act liability

1 September 2021

Key details and takeaways.

Whatever your sector, ransomware attacks are changing how to think about platform security risk: Action steps

14 June 2021

In an increasingly digitized economy, creating awareness of platform security risks is critical.

Supreme Court significantly limits the scope of the Computer Fraud and Abuse Act

4 June 2021

The decision will largely gut the CFAA as a tool for addressing insider data theft.

What does the cybersecurity executive order mean for federal government contractors and their supply chains?

19 May 2021

Key sections of the EO that are likely to impact federal contractors and the practical effects of those requirements.

President Biden issues broad-ranging Executive Order on cybersecurity

13 May 2021

The EO sets forth new requirements for federal agencies and government service providers.

New minimum wage requirements for federal contractors: Key takeaways

4 May 2021

The EO requires that all employees working “on or in connection with” a federal government contract be paid a minimum of \$15 per hour.

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.

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.

Navigating risk and compliance in government contracts M&A

14 December 2020

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

Practical Compliance

8 December 2020

[PRACTICAL COMPLIANCE](#)

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

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.

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.

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."

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.

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.

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.

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.

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?

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

12 SEP 2013

EVENTOS

Anteriores

Planning for an Uncertain World

16 November 2020

TECHLAW EVENT SERIES

Webinar

TechLaw

31 July 2020

TECHLAW EVENT SERIES

Webinar

NOTÍCIAS

DLA Piper advises Orbis Operations in its acquisition by McNally Capital

12 April 2021

DLA Piper represented Orbis Operations in its recent acquisition by McNally Capital.

DLA Piper associate Tom Daley wins ABA 2020 *Public Contract Law Journal* Writing Competition award

19 February 2021

Tom Daley has been named the first place winner in Division II of the American Bar Association's 2020 *Public Contract Law Journal* Writing Competition.

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.
