



## 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 Project
- FCPA: Our lawyers represented a global defense contractor facing an FCPA subpoena

### KEY CONTACTS

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- Corporate
  - Employment
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  - Intellectual Property and Technology
  - International Trade, Regulatory and Government Affairs
  - Litigation, Arbitration and Investigations
  - Projects, Energy and Infrastructure
  - Real Estate
  - Restructuring
  - Tax
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- Technology
  - Healthcare
  - Energy and Natural Resources

concerning allegations of improper payments in Africa over six years. The US government dropped all charges.

## INSIGHTS

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### Publications

#### **Increased contractor discretion in COVID-19 Executive Order 14042**

8 November 2021

Details of updated guidance and its implications for employers.

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#### **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.

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#### **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.

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#### **Seventh Circuit adopts objective reasonableness standard for False Claims Act liability**

1 September 2021

Key details and takeaways.

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#### **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.

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#### **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.

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#### **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.

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## 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.

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## 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.

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## 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

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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### **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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## NEWS

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### 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.

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### **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.

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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**

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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