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# PROCUREMENT

Large public projects are often affected by procurement, contract and budget issues, as well as a number of other legal aspects, such as commercial, antitrust, tax or labour law. BEITEN BURKHARDT is one of the leading law firms for procurement law and is well-known for ensuring the timely implementation of economic solutions, which comply with all relevant laws.

We provide support to public authorities and their procurement departments on the legal, technical and economic aspects when awarding contracts of any kind. However, we also advise interested parties, tenderers and bidders on their participation in the tender procedure.

While long-term contracts, co-operation agreements and complex partnerships may raise special economic questions, such as about financing structures, technical issues will be more prominent in many other projects. In these cases we can draw on the expertise of consulting firms with whom we have established long-standing, working relationships.

We have special experience in health care and public transport, with media companies, IT and infrastructure projects, PPP projects and with the awarding of frequencies.

## AT A GLANCE:

- Assessment of the appropriate and applicable procurement procedures under international, EU and national law
- Developing concepts for national and EU-wide invitations to tender and preparing and executing them, including managing the bidding process
- Choosing and structuring procedures
- Optimisation of procurement procedures
- Drafting notifications and procurement and other relevant documents, as well as communications with bidders and contenders
- Drafting contracts
- Managing the procurement file
- Contract controlling
- Conducting subsequent negotiations
- Awarding of frequencies
- Assistance with and representation in the case of complaints and tender review proceedings before procurement chambers and courts

## Brussels

We assist our clients with our particular expertise in the successful defence of Treaty infringement proceedings. We represent and advise Member State Governments, as well as local or regional governments, contracting authorities and investors in the legal and political processes.

We have also acted for complainants and have seen a number of infringement proceedings initiated as a result of our complaints.

Where the Commission has found to be an infringement of procurement rules, we tailor solutions and represent parties in proceedings before the European Court of Justice. And we can pride ourselves with a strong record in these court cases.

We also provide regular support to contracting authorities in the assessment of whether a procurement proceeding is required, and in carrying out procurement procedures.

## AT A GLANCE

- Providing detailed legal analyses
- Drafting responses for Member State governments to questions from the Commission
- Responding to the Commission's reasoned opinion
- Providing alternative solutions
- Active participation in meetings with officials
- Drafting briefing papers

## Russia

The Federal Law No. 94-FZ „On Placement of Orders to Supply Goods, Carry out Works and Render Services for Meeting State and Municipal Needs“, which came into effect on 1 January 2006, has harmonised the awarding of public contracts, but has also become one of the most complex regulations.

As we have been assisting with procurement projects since the Law first entered into force, we are familiar with its developments and how it is applied in practice and thus have comprehensive know-how on drafting and reviewing offers as well as on contesting decisions.

### AT A GLANCE

- Analysis of procurement documentation
- Preparation of tenders and risk assessment
- Review of public contracts
- Contestation of award decisions
- Assistance in the implementation stage of a public contract
- Budget law
- Relief procedures and litigation