

# Global Government Contracting Online

Identifying government opportunities. Delivering procurement needs.

Launch Webinar 2 February 2023

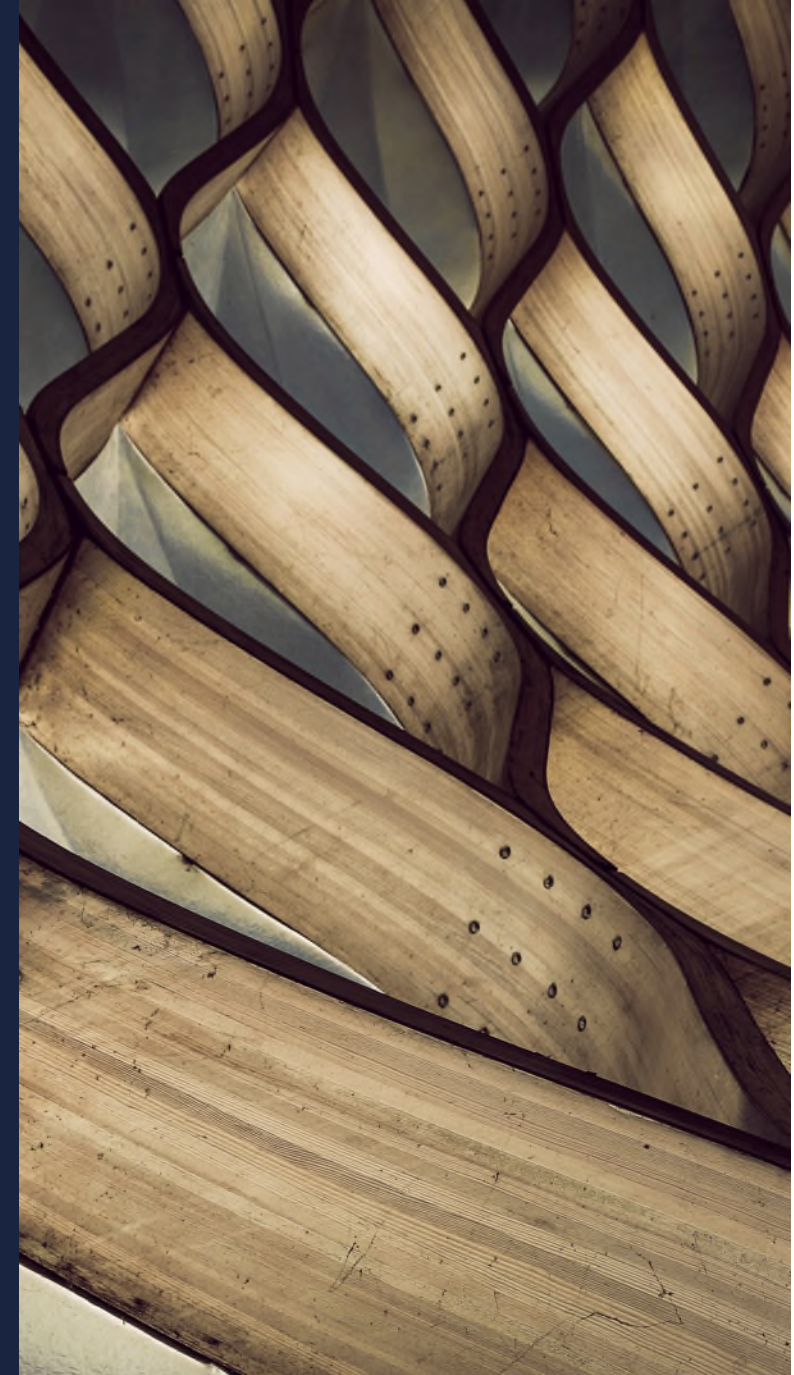
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# Introduction

Jean-Pierre Douglas-Henry, Managing Director, Sustainability and Resilience, DLA Piper

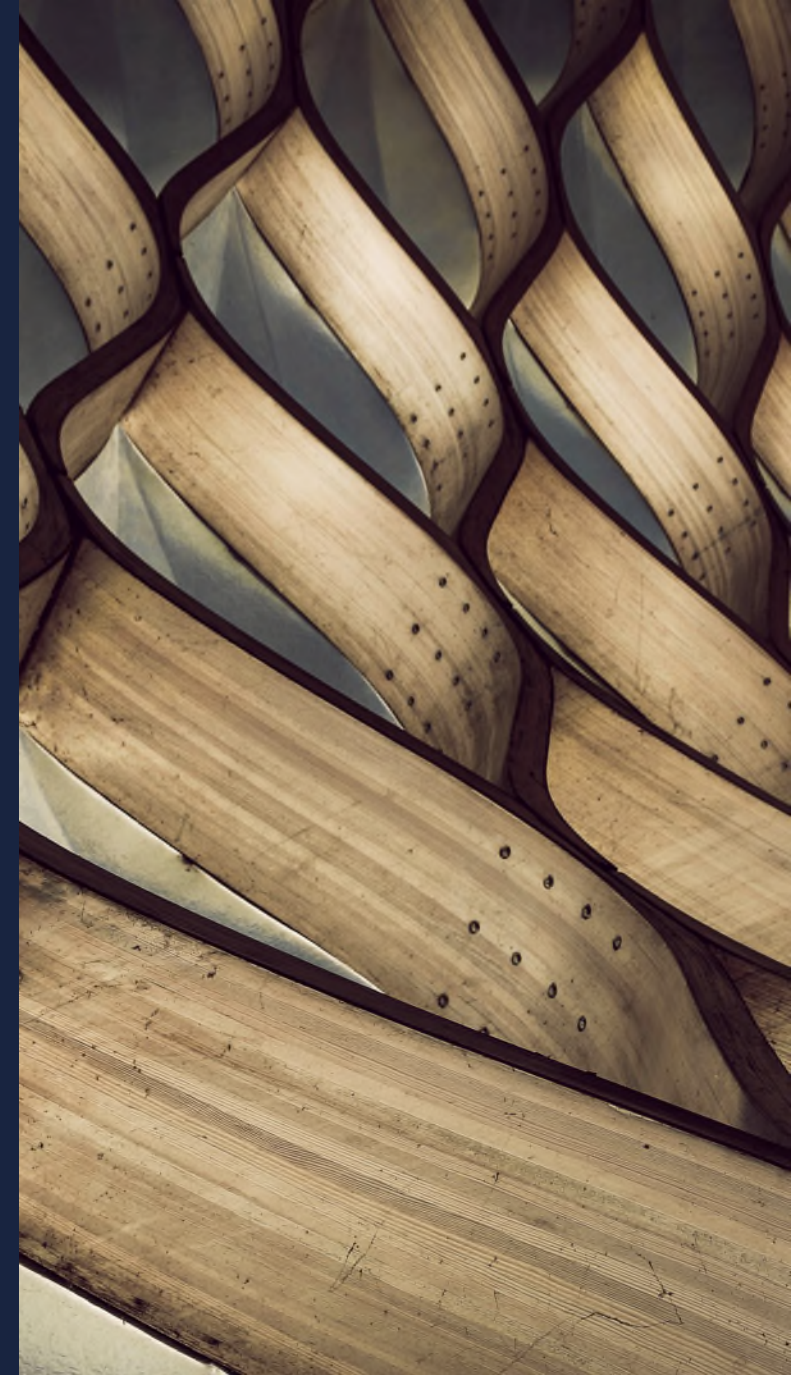
- Public procurement is a huge global market.
- The World Bank has stated that public procurement represents on average a total of 13% to 20% of GDP.
- The U.S. federal government is the single largest consumer in the world, spending more than \$650 billion on products and services each year. Various statutes, Executive Orders and regulations focus on the acquisition of “greener” products and services, and companies must understand how these laws affect public procurement.
- To realise their Nationally Determined Contributions and, generally, to attract investment and innovation in a range of sectors, Governments will need to further engage with the private sector on a domestic and international basis.
- Post COVID-19, many private sector businesses are looking to diversify into new and emerging jurisdictions.



# Introduction (2)

Jean-Pierre Douglas-Henry, Managing Director, Sustainability and Resilience, DLA Piper

- Global Government Contracting supports businesses to source and win new government contracting opportunities, and supports governments, and other regulated entities, to do business with the private sector.
- It also features country-specific information, procurement articles, webinars and spotlight interviews.
- Over 75 countries are represented on Global Government Contracting Online. More countries will be added.
- Structure of this webinar.



# The objectives

Dr Sharon Fitzgerald, DLA Piper

1

To provide **private sector businesses** with information regarding:

- how to source and win Government contracting opportunities
- actual Government contracting opportunities, including those related to 'green' projects which are required to realise a country's Nationally Determined Contributions (**NDCs**)
- general matters and key issues to consider when contracting with Governments.

To support private sector businesses who contract on a single and multi-jurisdictional basis with Governments.

2

To provide **Governments** with a platform to present new contracting opportunities (including in respect of 'green' projects) to potential funders, developers, suppliers and contractors.

To support Governments who want to attract international investment, procure major projects and undertake legislative, regulatory and institutional reform to facilitate that investment (including investment to successfully deliver their NDC implementation plans).

*\*'Government' includes any entities which are regulated under procurement laws (e.g. utilities and State-owned entities).*

3

To share best practice, case studies and lessons learned across a range of jurisdictions and disciplines including:

- Procurement
- Government contracting across a range of sectors and types of contract
- Trade and Government affairs
- Disputes
- PPP and concessions
- Financing
- Sustainable Procurement & ESG

# Content

Dr Sharon Fitzgerald, DLA Piper

## Country Procurement Information

- How to find procurement opportunities.
- Structure of procurement laws and basic content (including links).
- Key in-country resources (e.g. links to PPP Units, local procurement platforms, Government procurement information).
- Links to relevant publications.

## Series of insight feature articles and webinars

- Procurement best practice, lessons learned and case studies.
- Government contracting and Disputes. Including PPP and the procurement of complex projects
- Control of fraud and corruption (including anti-money laundering).
- International trade and Government Affairs.
- Sectoral focus (e.g. defence, health, energy, infrastructure etc.)
- Doing Business with Governments series.
- ESG/Sustainable Procurement series.

## 'Spotlight' interviews

- Regular in-depth interviews with Government representatives (including Ambassadors and Ministers) discussing project opportunities in their country, green contracting opportunities progress towards achieving their NDCs, country plans, legislative reform etc.
- Also, interviews with development agencies and industry bodies who can talk about government contracting generally as well as specific 'green' initiatives.

# Coverage – DLA Piper jurisdictions

Dr Sharon Fitzgerald, DLA Piper

## AMERICAS

Argentina  
Brazil\*  
Canada  
Colombia  
Chile  
Mexico  
Peru  
Puerto Rico  
United States

## MIDDLE EAST

Saudi Arabia\*  
United Arab Emirates

## ASIA PACIFIC

Australia  
China  
Japan  
New Zealand  
Singapore

## EUROPE

Austria  
Belgium  
Czech Republic  
Denmark  
Finland  
France  
Germany  
Hungary  
Ireland  
Italy  
Luxembourg  
Netherlands  
Poland  
Portugal  
Romania  
Slovak Republic  
Spain  
Sweden  
United Kingdom

## AFRICA

Angola  
Botswana  
Burundi  
Ethiopia  
Ghana  
Kenya  
Mauritius  
Morocco  
Mozambique  
Namibia  
Nigeria  
Rwanda  
Senegal  
Uganda  
Zambia  
Zimbabwe

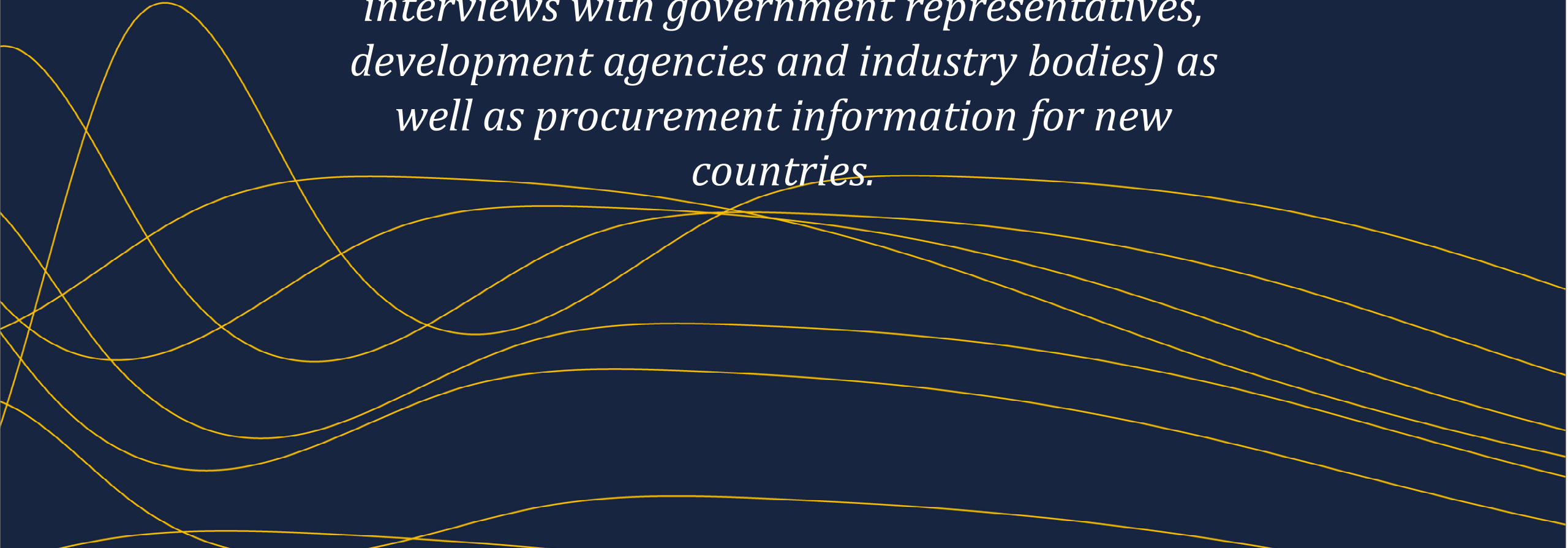


\*Cooperation Firm

# Coverage – additional jurisdictions

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Grata International	Azerbaijan, Kazakhstan, Kyrgyzstan, Mongolia, Tajikistan and Uzbekistan
Hafez & Partners	Egypt
Harris Kyriakides	Cyprus
Khaitan & Co	India
Kakar Advocates	Afghanistan
Karanovic & Partners	Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia
Madagascar Conseil International (MCI)	Madagascar
PJS Law	Philippines
Raja Mohammed Akram & Co (RMA)	Pakistan
Spasov & Bratanov	Bulgaria
Tashko Pustina	Albania and Kosovo
Tilleke & Gibbins	Cambodia, Laos, Myanmar and Vietnam



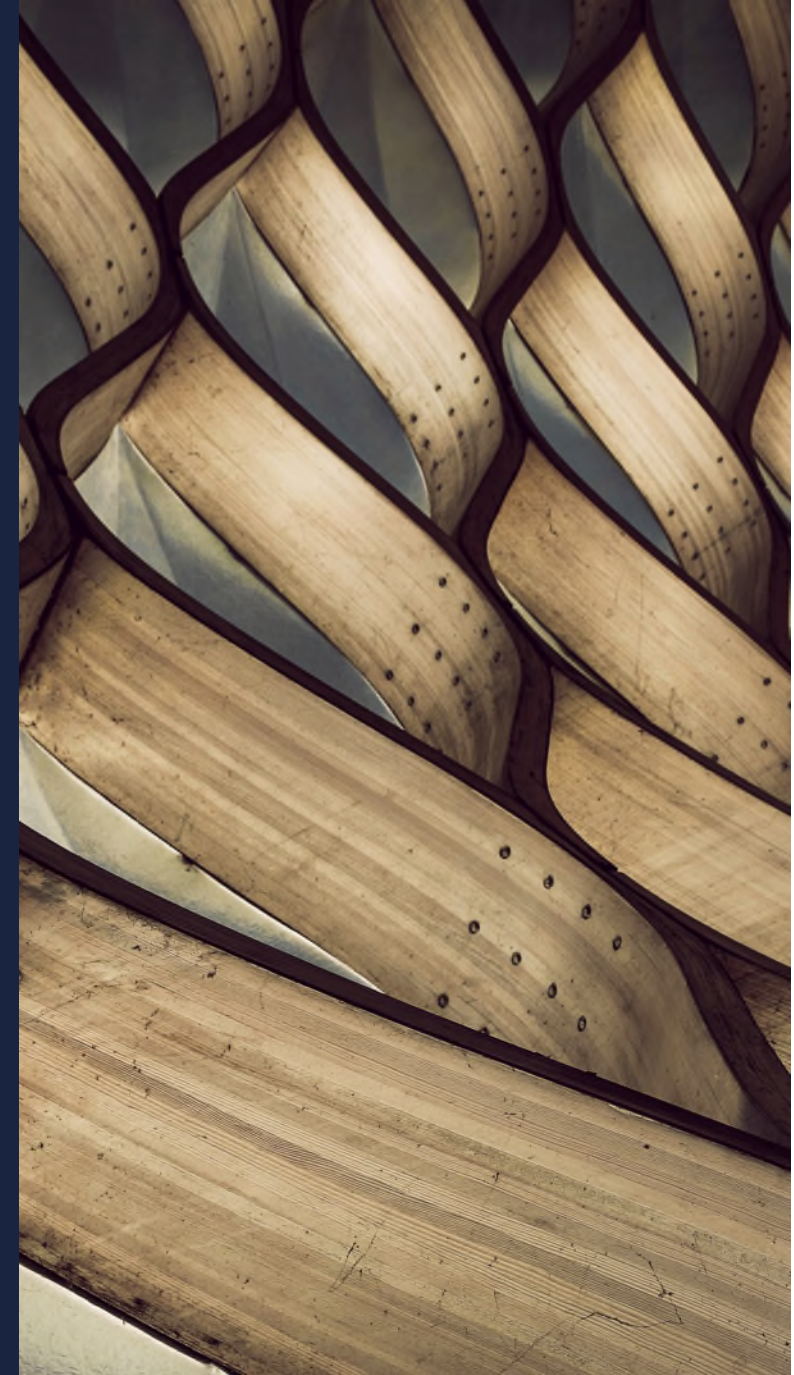
*Post launch, there will be a steady flow of content, including specialist articles, webinars, spotlight features (including country features, and interviews with government representatives, development agencies and industry bodies) as well as procurement information for new countries.*



# Kenya

Beatrice Nyabira, DLA Piper Africa, Kenya (IKM Advocates)

- Represent clients across the entire value chain of projects
- Involved in procurement across a range of sectors: energy, transport, healthcare, agriculture, finance, industrials
- DLA Piper Africa – present in 20 African countries
- GGC website to contain links to articles we have already published
- Upcoming GGC Highlights
  - Article: “Healthcare Procurement – Pathway to Quality and Affordable Healthcare”
  - Article: “Unlocking PPPs in Power Transmission”
  - Feature articles, spotlight interviews and webinars by the other DLA Piper Africa firms



# Government Contracting in Kenya

Beatrice Nyabira, DLA Piper Africa, Kenya (IKM Advocates)

## Public Private Partnerships Act 2021

- Clear processes for PPP procurement e.g., PIIP, County Government PPPs
- Introduction of timelines
- Shorter approval process

## Projects in the Pipeline

- Affordable Housing
- Healthcare
- Water & Dams
- Food Security
- Renewable Energy
- Green hydrogen and green ammonia
- Tolling for Transport Projects

## Emphasis on Due Process & Transparency

- Procurement process can be called into question
- Due diligence on the procurement process is vital
- Disclosure of Beneficial Ownership
- Publication of key terms

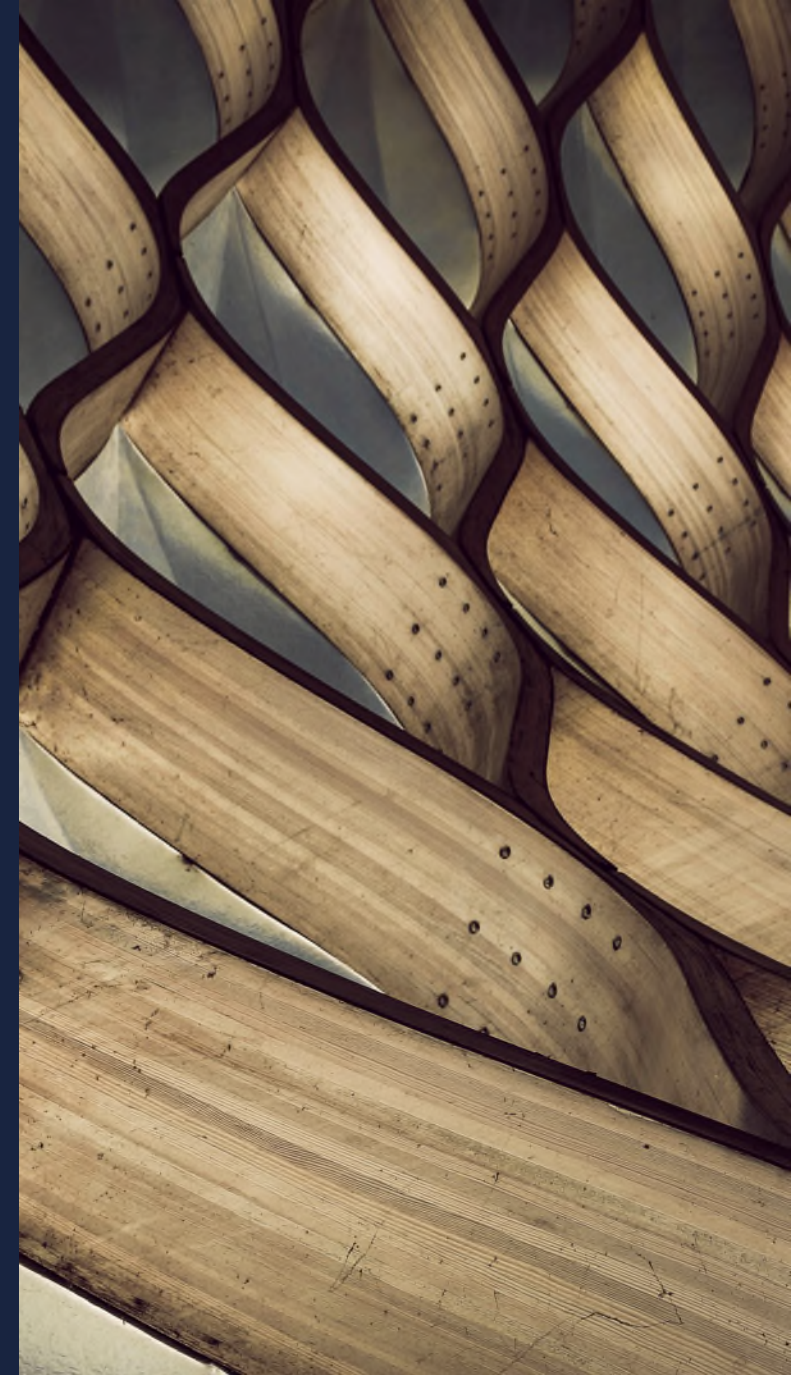
## Regional Infrastructure

- Joint Projects by Governments e.g., Kenya-Tanzania gas pipeline
- East African Power Pool
- New joiners to EAC - DRC
- African Continental Free Trade Area

# USA

Rich Rector, DLA Piper

- Represent contractors in all matters related to public contracting: litigation, contract performance, investigations & enforcement, M&A, trade controls, legislative affairs
- Clients in multiple sectors: defense/aerospace, IT/software, industrials, life sciences, international development
- *US Market Characteristics*: largest buyer of goods & services in the world ... highly regulated ... frequent bid challenges & contract disputes ... substantial compliance & enforcement risk
- *US Trends*: infrastructure \$\$\$, US-made products, cyber & info security, environmental factors, Chinese-made technologies
- *Upcoming GGC Highlights*:
  - Webinar: “Doing Business with the US Government”
  - Spotlight Interview: “United Nations Procurement”
  - Article: “The Rise of Environmental Factors in US Federal Procurement”



# Puerto Rico

Miriam Figueroa, DLA Piper

Experience in infrastructure projects, public finance, public-private partnerships and administrative law. Advise government and private clients on energy projects and utility-related procurements, drafted legislation related to government procurement and contracting of P3s and other areas of public law.

DLA Puerto Rico office provides full service in procurement and government contracting and serves as liaison between US and Lat Am jurisdictions:

- Puerto Rico is a hybrid jurisdiction (Common Law and Civil Law)
- Our centralized purchases are governed by Act 173-2019 administered by the PR General Services Administration. Key entities are exempt from following it.

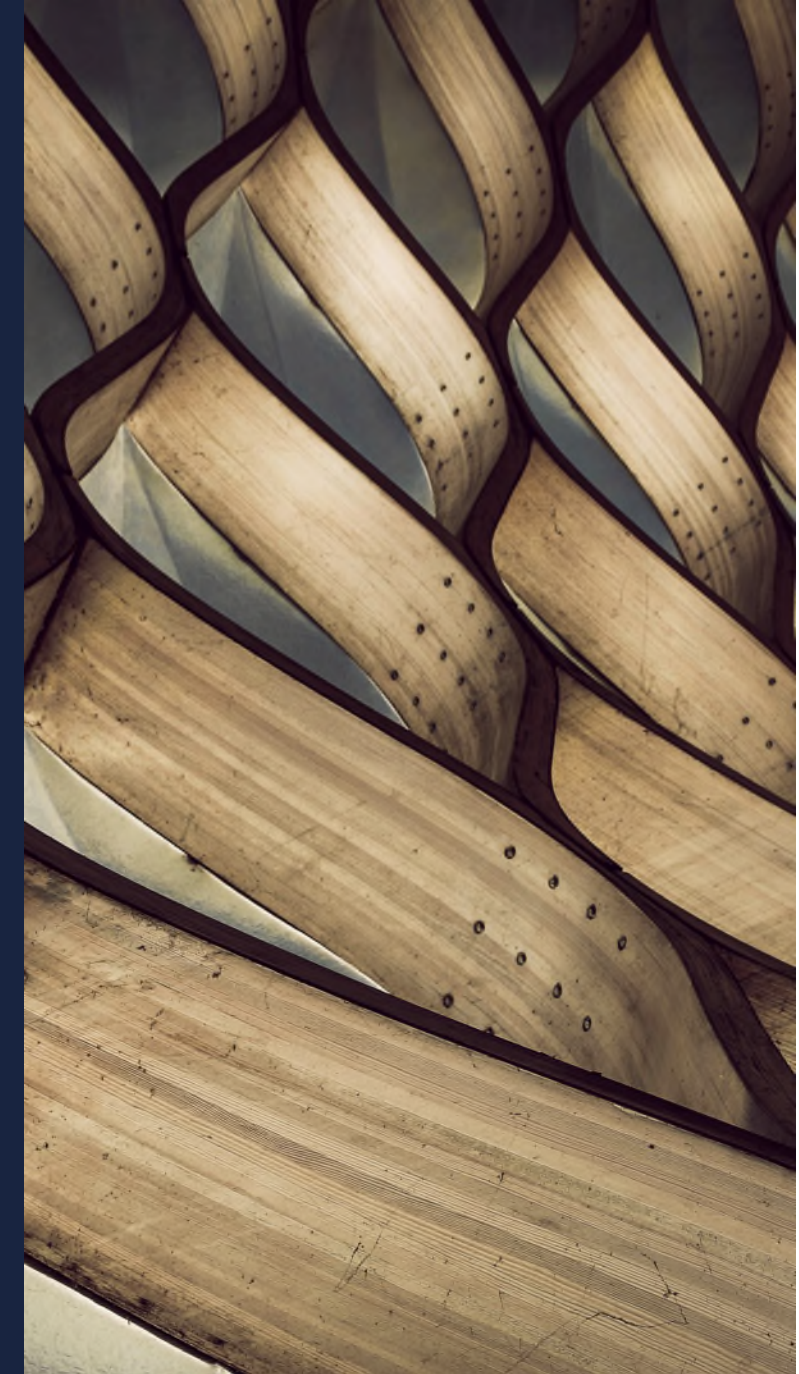
Latin American Offices and jurisdictions to be covered in the GGC: Argentina, Brazil, Colombia, Chile, Mexico, Peru and Puerto Rico for you to compare and contrast.

Trends in Puerto Rico:

- Electric T&D System and other island-wide Reconstruction Work. See Reconstruction Projects (<https://cdbg-dr.pr.gov/en/procurement-and-nofa/>)
- Renewable electric production (Renewable Portfolio Goal of 100% by 2050). See Tranche 3 RFP is to procure 500 MW of renewable generating capacity and 250 MW of energy storage capacity to be sold to the Electric Utility (<https://prebrfp.accionpower.com/>),
- Centralized purchases and contracting by ASG (<https://www.asg.pr.gov/subastas>).

Upcoming GGC insight features:

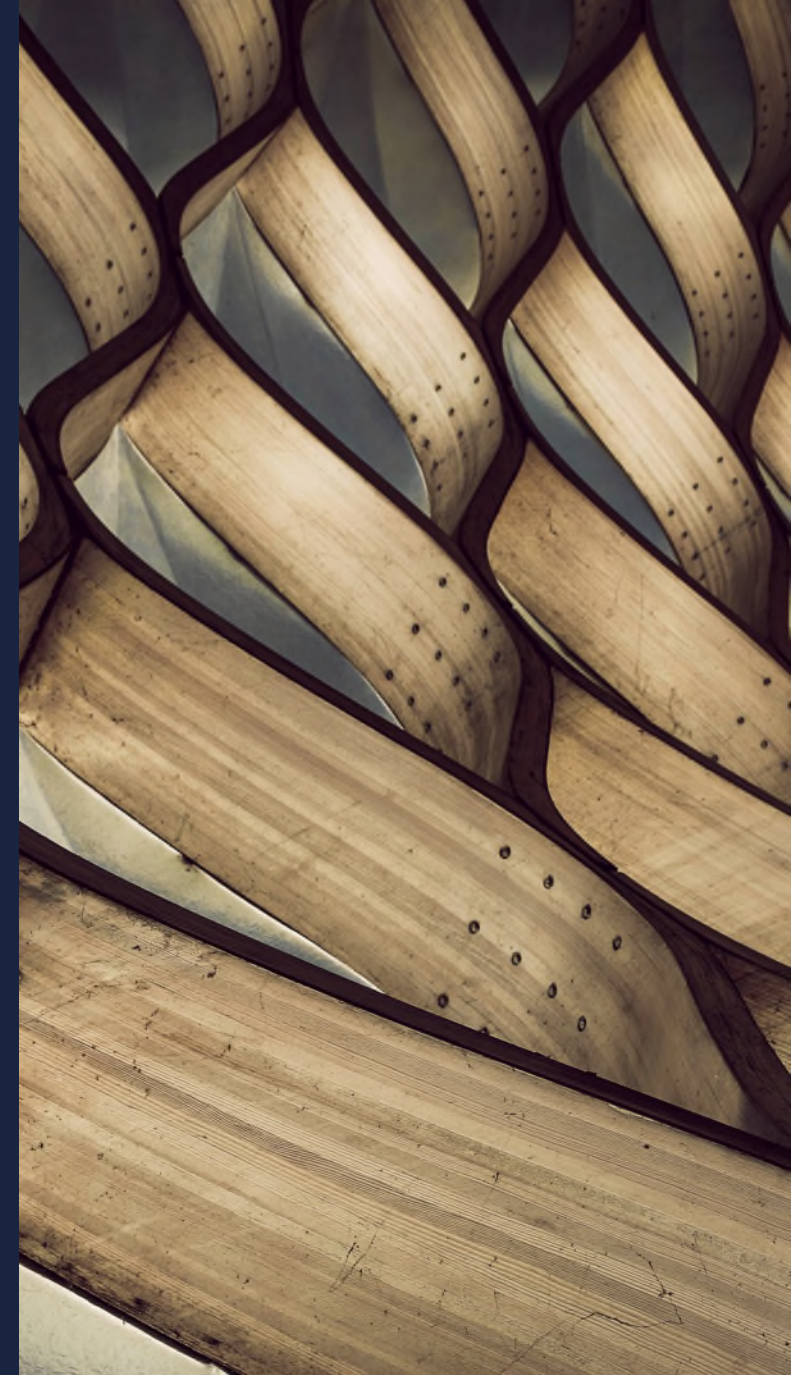
- **Spotlight interviews:**
  - *Trend and Future of P3s in Puerto Rico*
  - *Wins and Challenges of new General Services Administration centralization of purchasing and contracting*
- **Webinar *Doing Business with Lat Am Governments***



# North Macedonia, Serbia, Bosnia-Herzegovina and Montenegro

Leonid Ristev, Karanovic & Partners

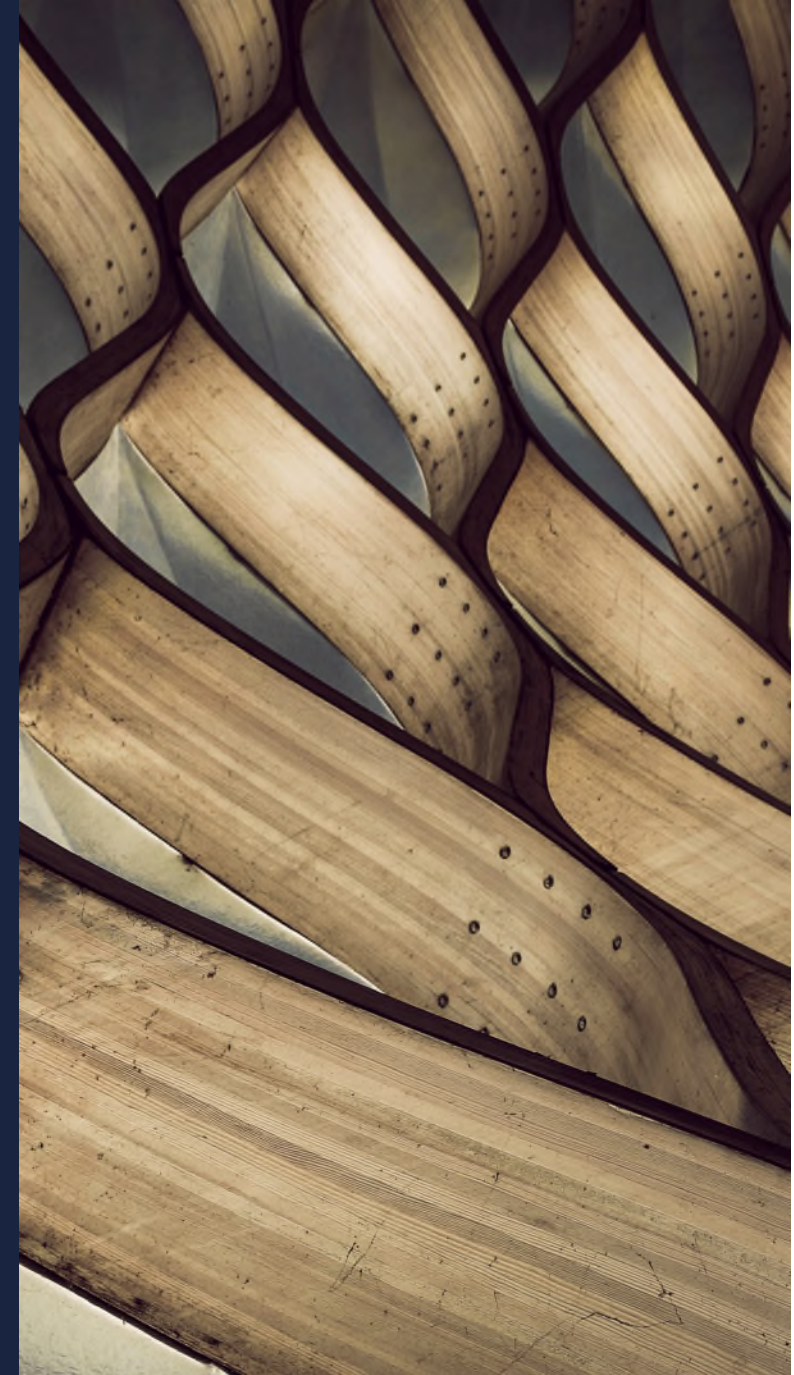
- Karanovic & Partners is a regional legal practice in Southeast Europe with more than 120 attorneys working together across 8 Balkan jurisdictions
- We have advised private sector clients, IFIs and governments in our region on the largest projects in the past 27 years
- Large energy and infrastructure projects remain in the focus.
- Decarbonization is a priority for the EU and the governments in the entire region.
- Upcoming GGC content:
  - **Detecting Bid Rigging in Public Procurement in Serbia**
  - **Doing Business with Government Entities in the Balkans**



# United Kingdom

Martyn Scott, DLA Piper

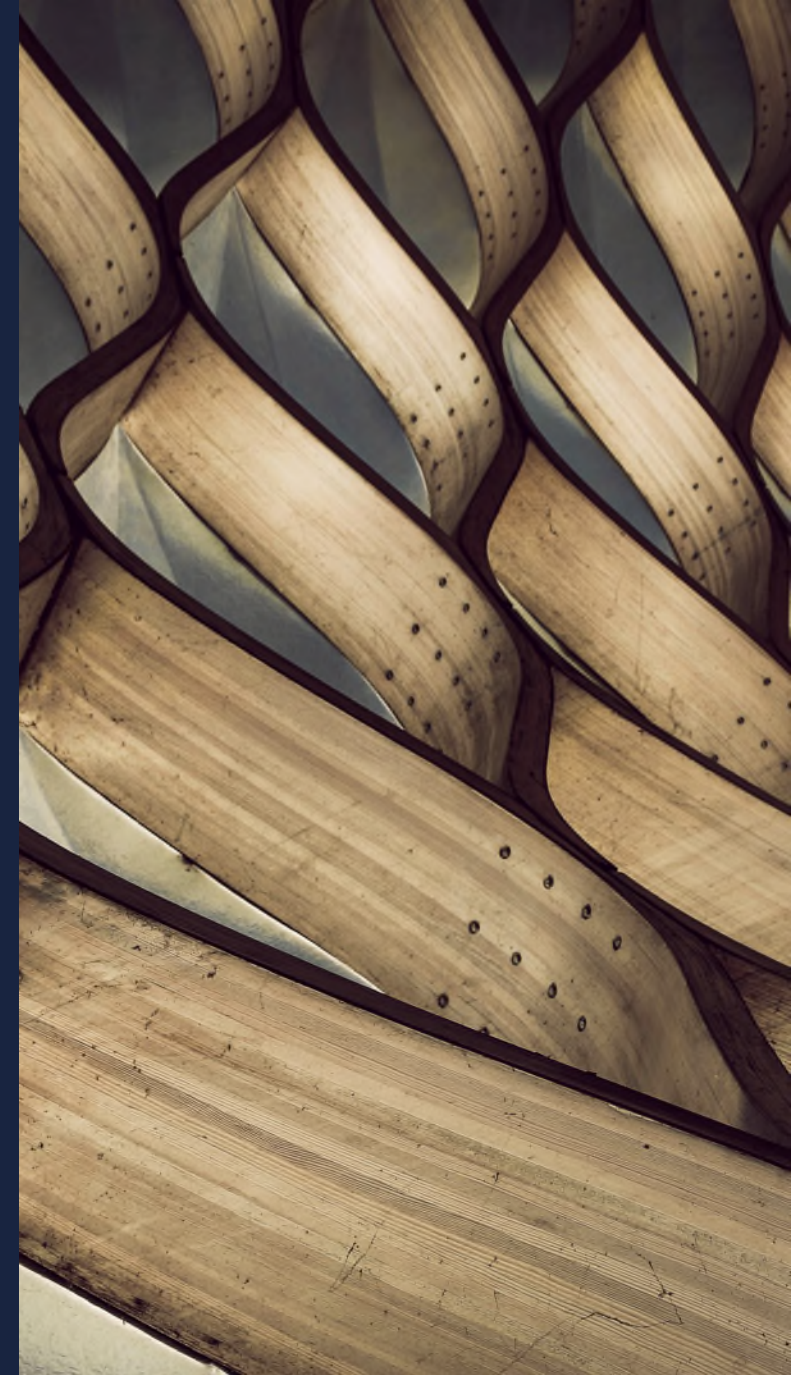
- Strong procurement team in the UK supporting contracting authorities and suppliers across all sectors and throughout the procurement process including claims.
- Significant change coming in the UK as the Procurement Bill is progressing through Parliament. It is due to come into force later this year and will replace the existing regulatory regime under the EU Directive for England, Wales and Northern Ireland – but not Scotland.
- The GGC website contains a summary and links to webinars and articles we have produced to date.
- GGC will include other insight features such as articles, webinars and spotlight interviews involving the UK, for example a comparison of the procurement challenge process in Belgium/US/UK.



# Denmark

Mikala Berg Dueholm, DLA Piper

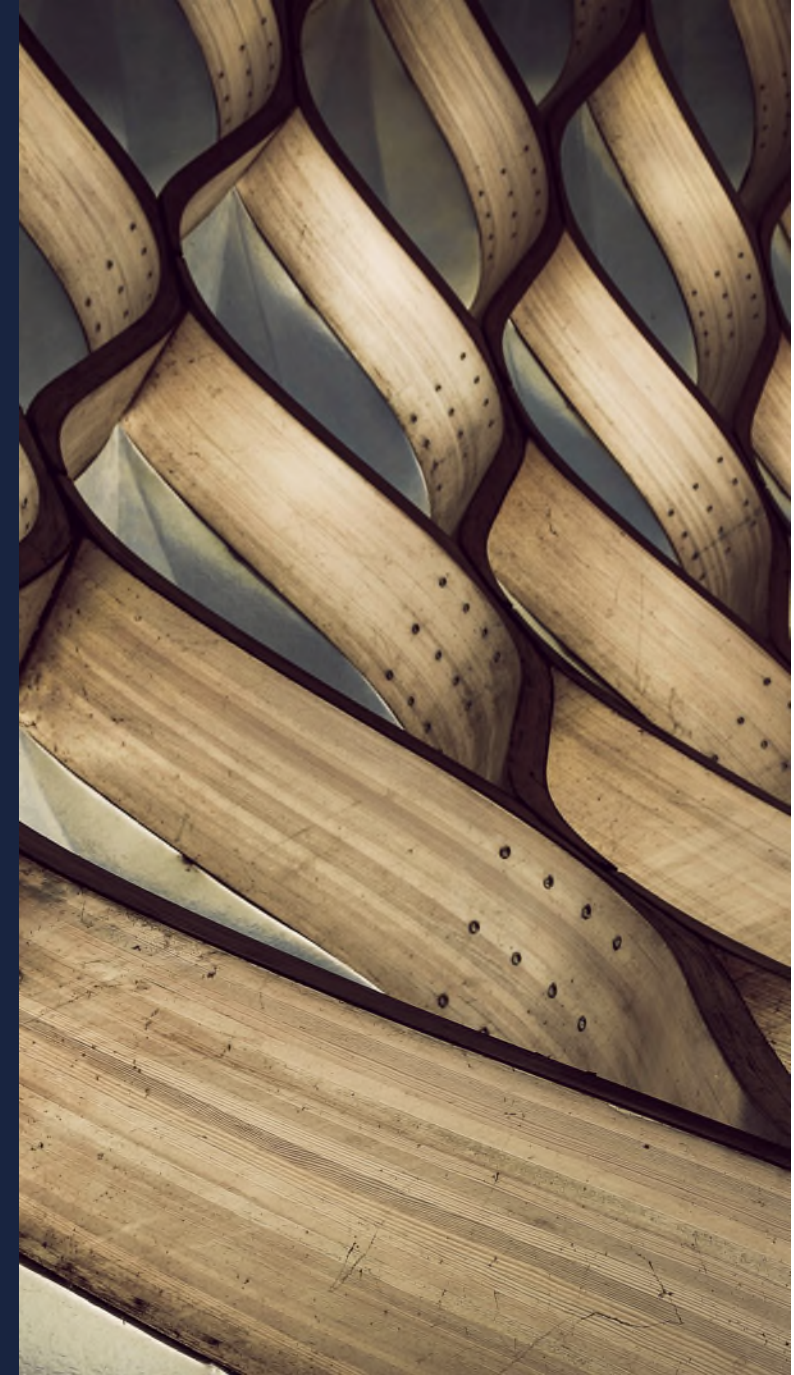
- DLA Piper's public procurement team in Denmark
  - Cover all aspects of public procurement, public contracts and complaints
  - Acting for both contracting authorities and tenderers
  - Particular experience in advising on procurement projects within the areas of transportation, infrastructure, construction, goods and IT
  - Great experience in advising foreign tenderers participating in Danish procurements e.g. regarding the Fehmarnbelt tunnel between Denmark and Germany and the Danish hospitals' contracts on medicinal products and medical devices



# Denmark

Mikala Berg Dueholm, DLA Piper

- Hot topics in Denmark
  - Modification of contracts during their term?
    - COVID's impact on public contracts
    - War in Ukraine
    - High inflation
  - Green procurement
  - Amendments of The Danish Public Procurement Act
- Upcoming GGC highlights involving Denmark
  - Article: Sustainability in public procurement/Green procurement
  - Article: Documentation exclusion grounds cross jurisdiction
  - Joint Public procurement conference in Stockholm on May 4<sup>th</sup>-5<sup>th</sup> between DLA Piper Denmark, Sweden, Norway and Finland

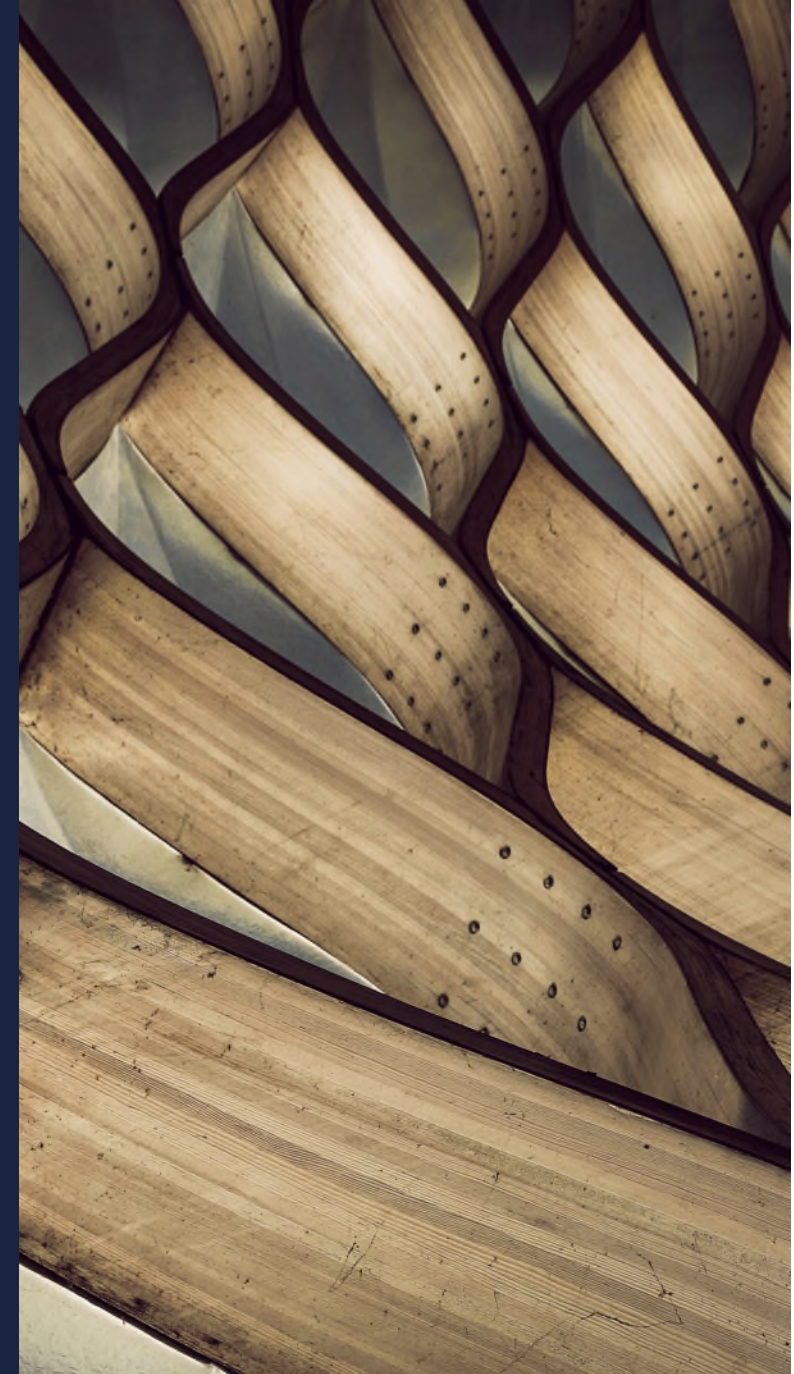




# New Zealand

Mark Williamson, DLA Piper

- Introduction and the team in New Zealand
- Some key themes:
  - Infrastructure deficit
  - ESG (including climate reporting and modern slavery)
  - Risk allocation and partnerships with industry
  - Procurement practice improvement
- GGC Online – what’s coming up?
  - Connecting local government – international webinar
  - Specialist article – focus on social procurement (including Māori and Pacifica)
  - Other spotlight activities



# Thank you



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