



FRENCH BUSINESS PUBLIC LAW

PUBLIC LAW & REGULATORY AFFAIRS PRACTICE GROUP AT LEXCASE.
“DOING BUSINESS WITH THE FRENCH ADMINISTRATION”.

FRENCH PUBLIC PROCUREMENT

LEXCASE represents and assists private and public clients in connection with procurement and contract negotiations for public works projects, acquisitions of goods and services. We are also strongly involved in contract management services and public-private partnerships. We offer our expertise in French and European Public Procurement and we regularly assist public buyers and private contractors in securing transactions and performance of their contracts.



DESCRIPTION

Public procurement, in collaboration with our Administrative law and regulatory practice, emerged principally within the team of LexcAse attorneys.

LexcAse attorneys have substantial expertise in the broad range of issues involved in contracting with the French Administration and French local governments.

Our lawyers advise clients at all stages of the contracting process, from bidding and contract formation through claims and dispute resolution. Our clients include supply, service and construction government contractors but also national public authorities and local governments.

We have a thorough understanding of the complex regulatory landscape associated with contracting with the French public authorities. government contractors often face issues that do not arise in traditional commercial contracts between private entities. Our lawyers have the capability and expertise to counsel clients with regard to these issues and, if necessary, to represent them in litigation before administrative tribunals and courts. We derive these capabilities from representing clients with regard to a wide variety of matters.

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RANGE OF SERVICES

Our work encompasses the full array of issues that arise relating to government contracts. examples of legal services include:

- assisting French and international private companies in their proposals to public procurement opportunities in France
- assisting French public local and national authorities in securing their public procurement procedures in accordance with French and european regulation
- drafting contracts and special clauses counseling on procedural issues related to competitive bidding process
- review of public solicitations to assure legally compliant and responsive bids and proposals
- helping clients to obtain business from governmental entities through public procurement contracts
- interpretation of contract requirements, French and european public procurement regulations and clauses
- identification, pricing and negotiation of change orders
- counseling on issues relating to performance, past performance, payment and warranties
- advice regarding subcontractor rights and obligations,
- advice about employment, environmental, socioeconomic and other special laws and regulations in relation with public procurement and outsourcing operations

ALSO...

CONTRACT FORMATION: We assist our clients in developing bids and proposals, forming joint ventures and drafting subcontracts.

PROTESTS : We have a major bid protest practice before the French administrative courts. That practice involves some of the most complex and high-profile procurement operations conducted by French public authorities.

CONTRACT PERFORMANCE : We are experienced with every contract performance issue, including interpreting contract requirements, complying with socio-economic clauses, protecting technical data, and pricing equitable.

CONTRACT CLAIMS AND LITIGATION : We have handled different kinds of contract disputes, claims for equitable adjustments and terminations for default and convenience. We are regularly involved in protecting client rights in litigation and claims involving intellectual property , access to technical data, contractor records, suspension and debarment and procurement fraud.

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ANTI CORRUPTION PROGRAMME: We assist our public and private clients in responding to allegations of misprocurement or corruption in relation with procurement contracts.

INTERNATIONAL PUBLIC PROCUREMENT AND DISPUTES RELATED TO FOREIGN PUBLIC PURCHASES : We counsel clients on sales to foreign governments and international organizations and the appropriate terms and conditions of international contracts and financing arrangements. Our work on international public sales provides our practitioners with a base of experience to provide effective representation to our clients in the resolution of disputes through international arbitrations. Raphael Apelbaum, Attorney at the paris and new York bars, former Legal adviser and procurement counselor for the headquarters of the united nations Office for project service (unOps) and the united nations development programme (undp), is in charge of our international practice in public procurement.

FRENCH ADMINISTRATIVE LAW AND BUSINESS PUBLIC LAW

We regularly assist clients with matters pending before the French Administration and the French administrative courts and tribunals. We also counsel and represent French local governments and public authorities in a large range of matters in relation with their decisions and activities.



DESCRIPTION

Majority of decisions and activities undertaken by the French public authorities are governed by a specific body of law: public Law. LexcAse offers a specific expertise to handle all legal issues which arisen under French public Law for the benefit of both public bodies and private corporations. In the litigation area, our lawyers practice also public litigation law before Administrative tribunals and courts and present cases before the highest Administrative court in France directly or with the assistance of qualified Avocats aux conseils.

RANGE OF SERVICES

- counseling on rights and obligations of French local governments
- counseling on French business public law public land in France
- assisting public and private clients before French administrative courts and tribunals
- environmental law and regulations
- public takings
- public litigation
- public land and zoning
- public permits and license
- public utilities
- telecommunications networks
- campaign finance and election law counseling and litigation
- representing economic operators before French regulators
- counseling and asserting rights related to private and commercial use of

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FRENCH REGULATORY PRACTICE

Our years of experience in French regulatory affairs have well prepared us for representing our clients effectively and efficiently. Often called upon to advise and consult on matters of administrative and legislative agendas, our team of lawyers are expert in French and European regulatory matters and all matters involving the French Administration.



THE GROWTH AND IMPORTANCE OF REGULATION IN THE FRENCH LEGAL SYSTEM

LexcAse has long understood that solutions to many issues facing clients involve the very processes by which public law and policy is conceived, developed and implemented by the French Administration. It is for this reason that LexcAse is proud to maintain one of the strongest and most diverse public law and policy expertise in France.

The virtual explosion in the growth of regulatory matters over the last decade demands that legal and other professionals think expansively and creatively when developing and implementing strategies. Because the French Administration has become a pervasive influence in virtually all private-sector activities, the analytical process must encompass a careful evaluation of how the Administration — local and central — can, should and will impact the desired objective.

Governments have been granted important new powers and authorities in the areas of labor, zoning, environment, welfare and pharmaceuticals, or immigration, for example.

The message in France is clear: no comprehensive strategy — either to resolve challenges or exploit opportunities — can be assessed fully without a clear understanding and appreciation of the influence of the French Administration and government-related activities on a desired objective or undertaking.

Almost every pathway towards a business objective intersects with government. Whether entering a newly «deregulated» market, developing a new facility, selling a product or service, or attempting to comply with regulation, navigating the local, state, or French governmental process is challenging and requires an experienced hand. In a variety of regulated areas - from energy, education, and environment to insurance and infrastructure development, pharmaceuticals and real estate - LexcAse has the knowledge and contacts to develop and implement a strategy to meet your business objective in a cost-effective and timely manner.



DESCRIPTION

LexcAse provides extensive assistance to its clients in France in the area of public policy and regulatory affairs. Our lawyers and professionals who practice with LexcAse have a strong and relevant experience in dealing with the French Administration in all kinds of issues and all regulatory environments.

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This experience provides us with a unique perspective that is often critical in developing new businesses in France and resolving issues involving the French government and local governments in France. Our regulatory practice was built on principles that stress careful evaluation of client issues, detailed design of strategies and tactics to achieve objectives, and advocacy that is executed in an effective, timely and coordinated manner. Our regulatory practice comprises lawyers who know the French Administration and especially the special body of law governing it: the French public Law. Finally, in an era in which compliance with the myriad of laws and regulations becomes more and more difficult, clients derive significant security and value by having a law firm handling regulatory matters.

RANGE OF SERVICES

Our regulatory practice group consists of 10 professionals who practice exclusively on matters of public law and policy. They represent a wide range of experience in government service.

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- assisting clients regarding industrial regulation in France
- development of comprehensive strategic and tactical plans to achieve specific objectives at all levels of government in France
- direct advocacy with government decision makers
- formation and coordination of professional teams — including, for example, media, local counsel and/or other consultants — to advance client objectives at a single level of government or in multiple government venues
- legislative and executive branch monitoring
- helping clients increase their visibility in the governmental/political community in France

The sectors in which the regulatory expertise of LexCase maintains major ongoing representations include the following:

- agriculture
- aviation
- banking/financial institutions/securities
- beverage
- defense
- e-commerce
- education
- energy
- entertainment
- environment
- relations with foreign public entities
- gaming
- health and social security
- housing
- immigration
- insurance
- information technology
- pharmaceutical
- sports/athletics
- telecommunications
- transportation

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