



Public Procurement Group

Contact Card

September 2022

World-class public procurement specialists

The quality of public services is increasingly determined by world-class skills in public procurement. The procurement regime applies not only to the public sector but also to certain utilities.

Such bodies' day to day business as well as any real estate developments, joint ventures, restructuring, reorganisation or sale programme cannot function without a proper understanding of how procurement regulates their plans. Contractors bidding for work with these bodies also need to be able to navigate this increasingly complex set of rules.

CMS can help you through these processes. Our specialist procurement lawyers take a thorough approach to legal detail and can also stand back and see the bigger, commercial picture, to deliver the best results.

CMS Public Procurement Group

The CMS Public Procurement Practice Group comprises over 175 public procurement law specialists practicing public procurement law in 38 jurisdictions being located in 53 cities in Europe, Africa, Asia and Latin America – committed to assist you.

Familiar with both sides of tender procedures

CMS lawyers represent both contracting authorities and private companies participating as bidders in tender procedures. This long-lasting experience enables us to cover every aspect in complex tender procedures. Clients on the awarding side benefit from having the tender procedure structured in a legally secure way, while bidders have a better chance of winning the contract.

Broad Sector Experience

CMS public procurement specialists have particular expertise in following industry sectors:

- Infrastructure & Projects
- Construction industry
- Healthcare and Life Sciences
- Energy & Climate Change
- Financial Services
- Transport
- Waste disposal
- IT and telecommunications

Our services for contracting authorities

- Pre-procurement market engagement
- Choice of procedure and strategic procurement planning
- Project management
- Drafting of tender notices and tender documents
- Responding to bidders' questions and any complaints
- Tender evaluation
- Preparing and conducting bidder discussions and negotiations
- Debriefing unsuccessful bidders
- Contract award

Our services for bidders

- Engaging public sector bodies
- Developing bidding strategies for contract opportunities
- Forming bidding consortia
- Addressing incumbent contractor advantages and ensuring a level playing field
- Dealing with unfavourable contract specifications
- Support in complex procurement procedures (e.g. PPP, IT)
- Drafting and optimising submission documents
- Support for notification duties, as well as content and timing of procedural complaints
- Ensuring proper debrief information is received if unsuccessful

Procurement Litigation

Another key area is advice on procurement review cases and appeals (procurement litigation). We regularly represent both awarding bodies and bidders in procurement challenges before the tribunals and courts in all the countries in which we operate, as well as in front of the European Commission and the European Court of Justice.

If you want to know whether a specific decision in a tender procedure under a national procurement act can be challenged and how many days are available for remedies, make use of our **CMS Public Procurement Remedies Toolbox**. (<https://cms.law/en/int/innovation/legal-tech-tools-and-teams/cms-public-procurement-remedies-toolbox>). This online tool guides you through the national procurement acts and calculates the time period available for remedies.

Leading individuals

CMS lawyers in many countries have shaped the public procurement legal development through numerous publications, lectures and representations as well as involvement in law-making activities. This in-depth know-how and experience is accessible in all CMS jurisdictions because the CMS team is used to interacting seamlessly across all the countries in which we operate.

Construction and service concessions, public-private partnerships

The high complexity of the procurement of concessions and PPP projects requires extensive planning as well as project teams made up of specialists from different areas of expertise (procurement, construction, contract law, public commercial law, corporate law, project finance and tax law) working together in the same project. Close cooperation with partners from various CMS offices ensures that our lawyers can always draw on international experience and develop tailor-made solutions, also for local projects.

Compliance

Compliance is of special importance in public tender procedures. CMS helps to establish efficient compliance management systems and to assist, if necessary, in investigations and sanctioning procedures in order to mitigate negative consequences such as procurement bans by International Financial Institutions.

Interface with State Aid and Privatisations

CMS supports its clients also in transactions in which procurement law implications are easily overlooked. Real estate transactions or privatisations may not only contain pitfalls made of state aid law but it may also be necessary to consider complex procurement law aspects.

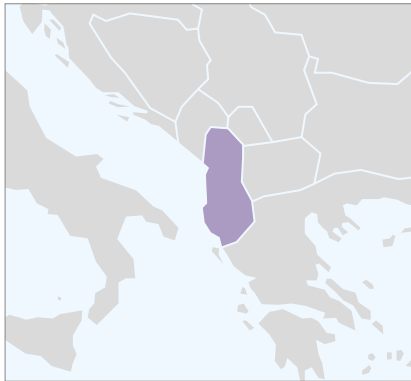
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Public tenders not only enable transparent procurement competition to ensure best value for money, but also allow public purchasers to use public funds to achieve environmental and social goals, which often become industry standards that are then applied to contracts between private parties.

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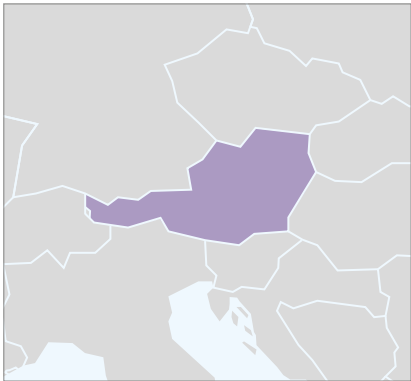
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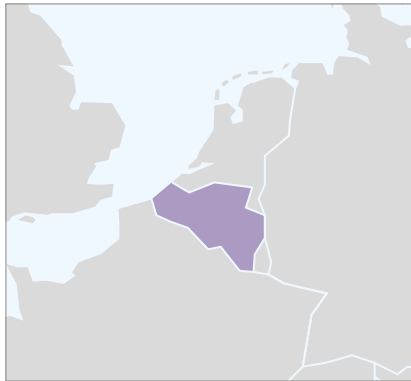
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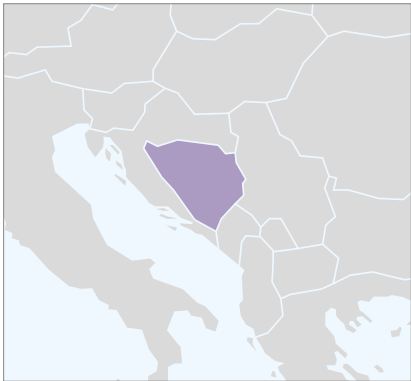
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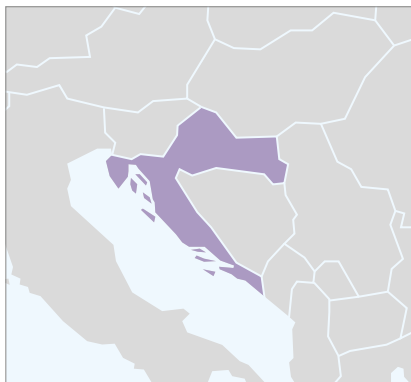
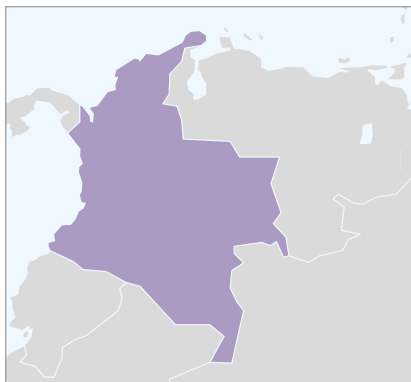
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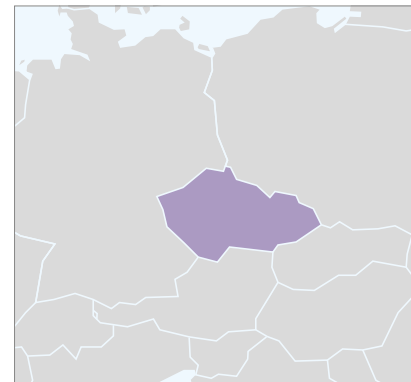
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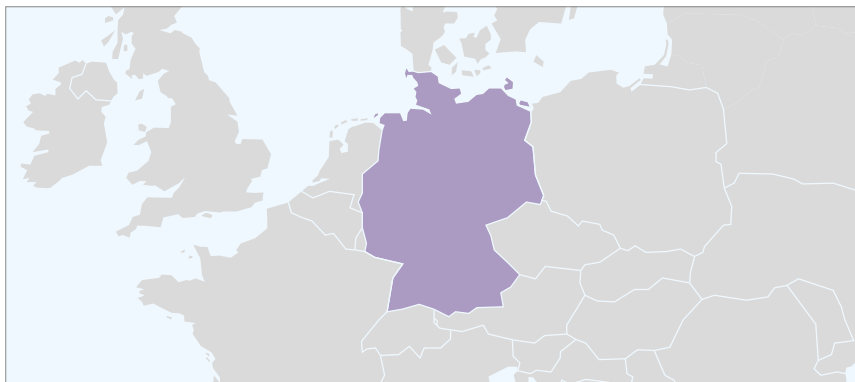
*CMS Zagreb is operated by Bardek, Lisac, Mušec, Skoko and partners in cooperation with CMS Austria



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They are excellent – each member brings a specialist knowledge and expertise that combines to great effect in terms of client service.

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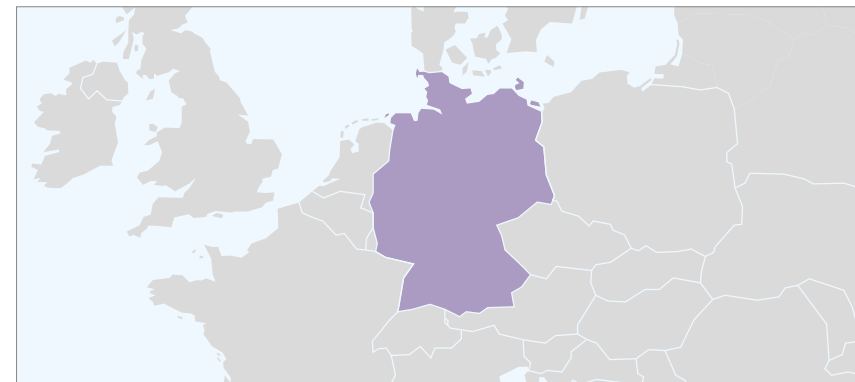
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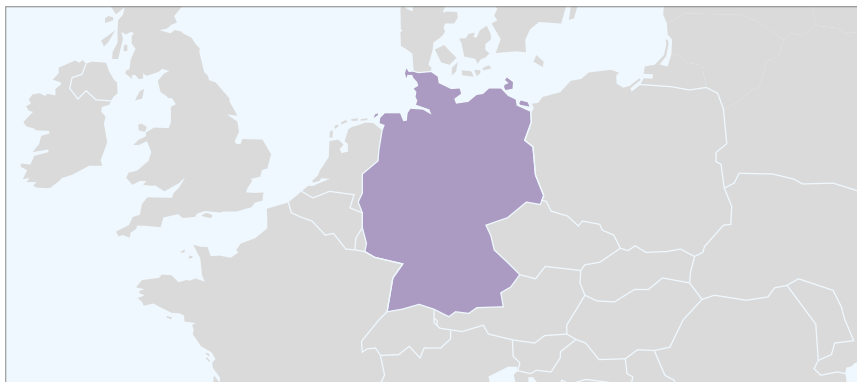
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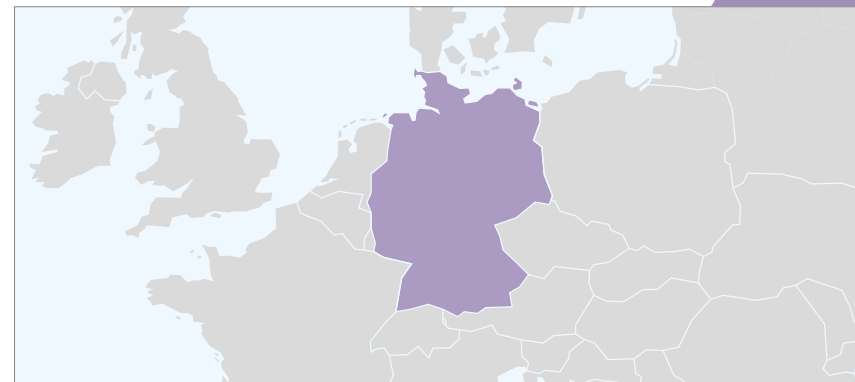
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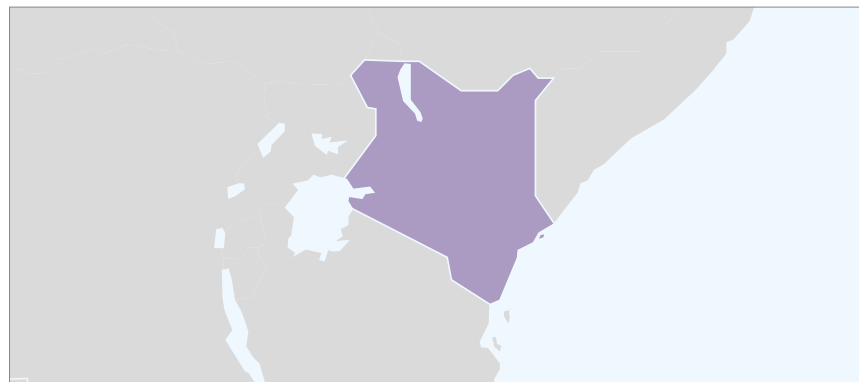
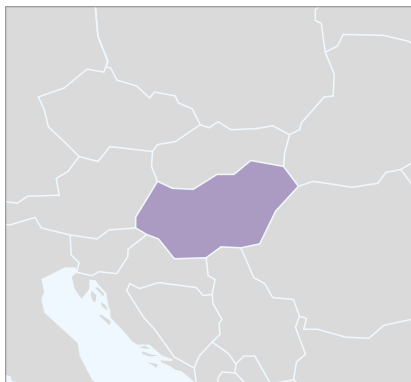
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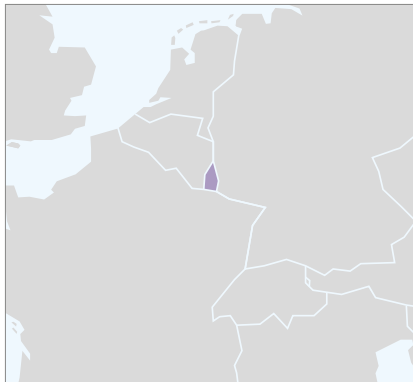
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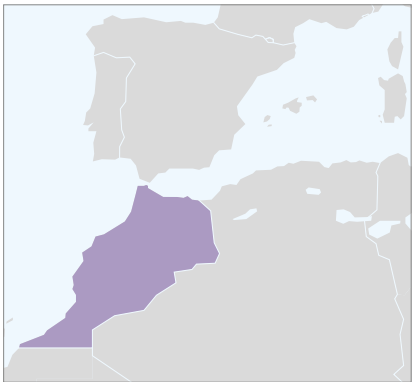
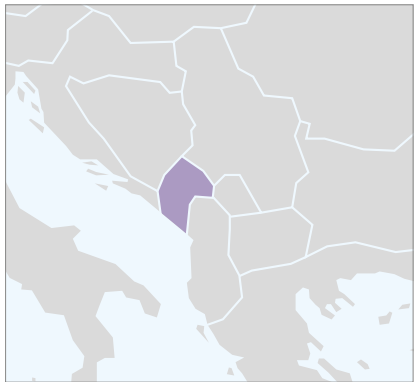
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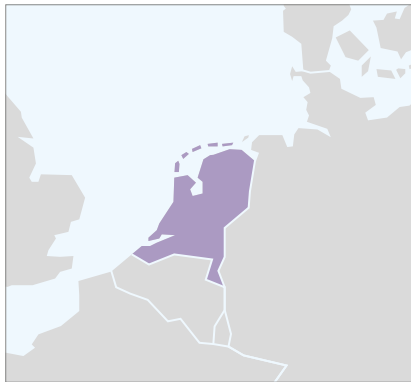
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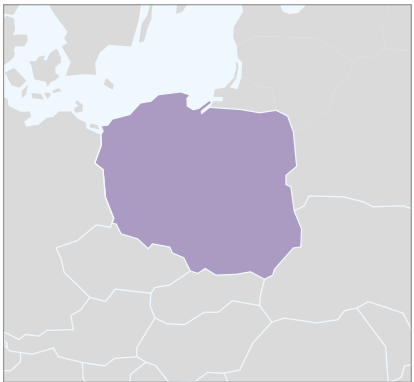
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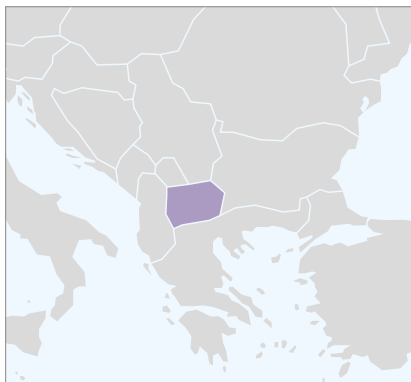
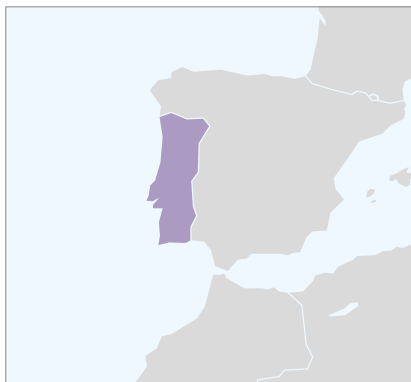
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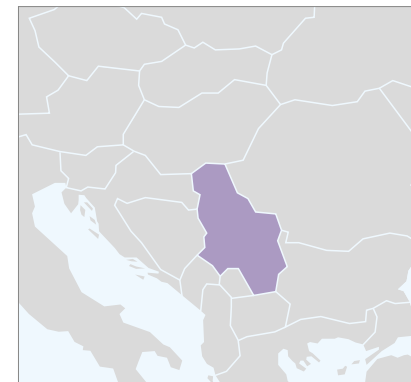
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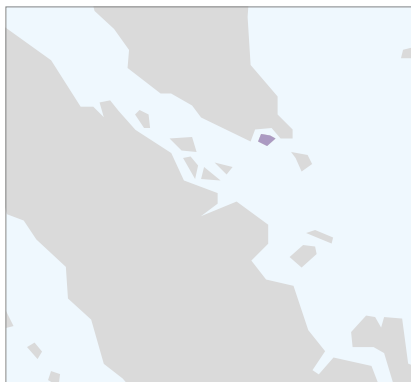
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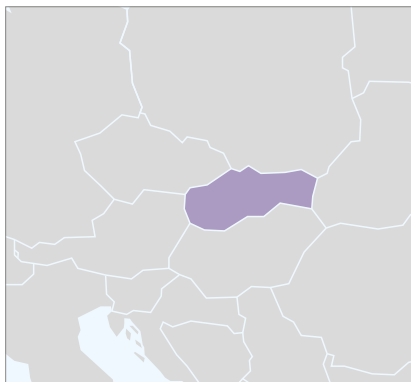
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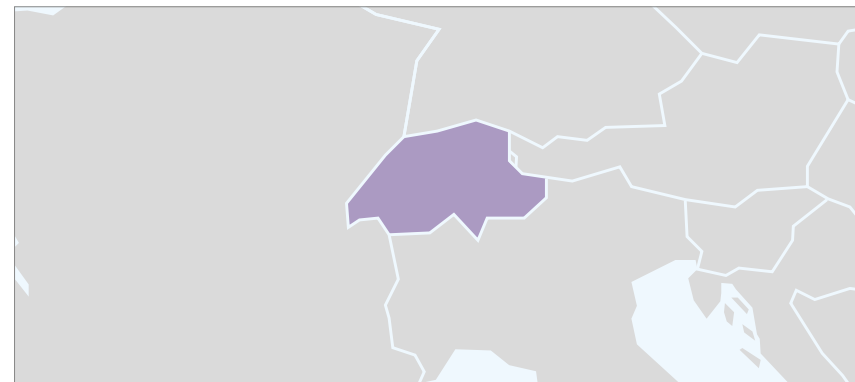
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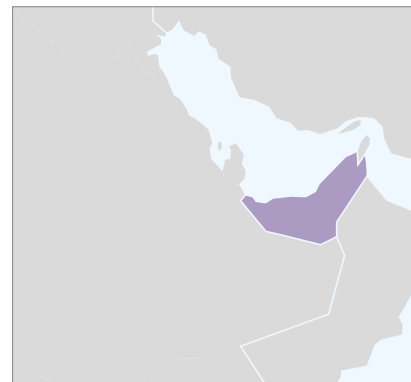
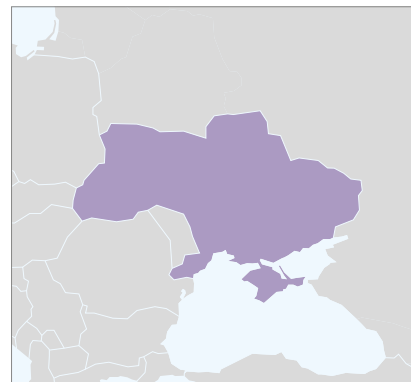
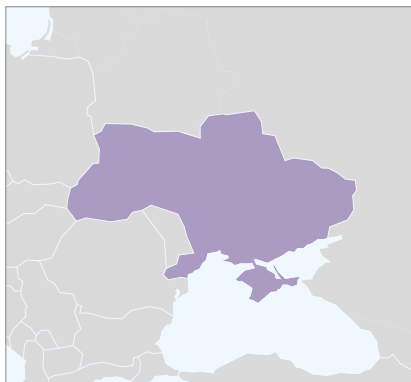
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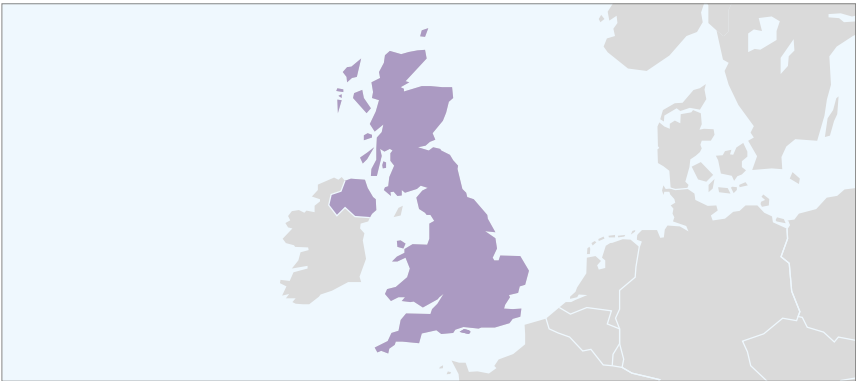
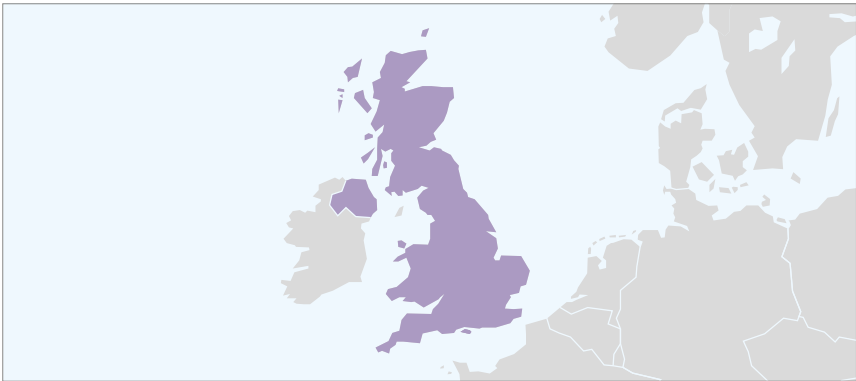
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