



## Public Procurement

### OUR PRACTICE

The fast-growing field of **public procurement law** has become a speciality of our Regulatory department.

Our department boasts extensive experience of public procurement law at **every stage of the tender process**: from drafting tender documents, through awarding the public contract, to the execution of the agreement.

Although we are experienced litigators before both civil and administrative courts, we always strive to find the **most efficient and pragmatic solution**. This is not necessarily a legal procedure, but can also consist in consultations and negotiations with all stakeholders.

### OUR STRENGTHS

The size of our practice enables us to offer a **multidisciplinary approach** where aspects of civil, real estate, tax, corporate and financial law can be analysed alongside aspects of public law. This approach has proven to be particularly useful in the stage of drafting tender documents and in the stage of executing the agreements.

From working for both public and private sector partners, we have acquired **transferable skills** which are of major importance when successfully identifying opportunities and risks in the complex and constantly changing public procurement process.

### OUR CLIENTS

Our clients are both tendering authorities and private (local and international) companies within all sectors of commerce and industry such as infrastructure, construction, housing, utilities, soil contamination, health care, pharmacy, chemicals, IT, textiles, transport, social services, and legal services.

### OUR TEAM

Our team comprises six lawyers who combine academic excellence with practical knowledge. Many of them are regular contributors to professional seminars and publications and teach at universities.

This means we are up-to-date on the most recent developments in this area of law.

Our public procurement department is coordinated by partner Frank Judo.

## OUR SERVICES

Our services include:

- Drafting and reviewing tender documents
- Assisting companies to submit their tender, including risk analysis
- Assisting with negotiations and communication between companies and public authorities
- Editing and reviewing award decisions
- Assisting with the execution of public contracts – we specialise in all aspects of Belgian general contracting conditions
- Undertaking arbitration proceedings and litigation before civil courts and Council of State with focus on complex litigation

## EXAMPLES OF INTERVENTIONS

Our most recent experience includes:

From the perspective of tendering authorities:

- Assisting various local authorities and social services in every stage of the tender process, both preventive and curative
- Assisting a public transport undertaking in various tender processes, both preventive and curative
- Undertaking various lawsuits concerning public procurement issues in the hospital sector
- Assisting a regional hospital in the field of public procurement during an important reorganisation (ongoing)

From the perspective of private companies:

- Assisting an international utility company to allocate and execute all its concession agreements in Belgium
- Assisting an international utility company to participate in various tender processes
- Assisting an international construction group, several real estate developers and several international architects' firms with important infrastructure projects
- Advising the sister company of an international group specialising in technical installations and services for the industry and the energy market with the execution of several public contracts
- Defending private companies in lawsuits (Council of State or civil courts) against local authorities, public companies or the federal State in connection with supply and service contracts
- Assisting the biggest supplier of winter road salt with various public procurement issues (market share of 80%)



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## WHAT THEY SAY ABOUT US

*One client enthuses that “the main strengths of the team are excellent knowledge, fast reactivity and a highly customer-oriented approach.”*

*Others stress that “the lawyers are reliable, pragmatic, efficient, fast and always available and ready to react.”*

*François Tulkens “maintains very high standards in public law,” according to one satisfied client. He assists public bodies with files relating to complex regulatory questions, including pollution, licence applications and constitutional matters. Tulkens also advises clients on urban planning and environmental permitting procedures.*

*Frank Judo “is a really good lawyer,” according to interviewees. He represents a range of public clients in procurement and PPP projects, as well as public law disputes.*

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## CONTACT

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