

## PUBLIC BUSINESS LAW - PUBLIC-PRIVATE PARTNERSHIPS

Over the years, the Firm has become one of the leaders in the fields of Public Business Law and Public-Private Partnerships. Our department assists both private companies and public bodies in the deployment of complex innovative projects, striving to develop an efficient operational strategy. The Firm strongly believes in establishing a specific bond with each of its clients, which translates into a mutual and sustainable relation of trust.

### • OUR STRENGTHS

***Our expertise in the functioning of the French public administration.*** Over the years, we have acquired a thorough knowledge of public bodies, understanding their needs and their decision-making processes. Our long-term vision along with our ability to assess risks ensures the securing of the most complex projects.

- Elaboration of stable and secured contractual structures
- Early identification of legal issues and potential sources of dispute
- Preparation of an efficient defence strategy in case of litigation before the administrative court

***An approach that places the client's issues at the heart of the process.*** Anxious to establish a long-lasting partnership based on a trust relation, our team gets acquainted to the businesses of our clients, enabling it to better understand the financial interests related to their industries.

- Tailored solutions
- Innovative and reliable package
- Limitation of risks

***A multidisciplinary technical expertise.*** Thanks to a number of partnerships established with financial audit firms, general audit companies and technical research departments, we are able to address efficiently not only legal matters but all types of project-related issues.

- Multidisciplinary legal security
- Accurate operational responses

### • AREAS OF EXPERTISE

#### *Public-private projects*

- Assistance of public corporations: drafting of the tender bid documentation, analysis of applications, assistance in the competitive dialogue, drafting of the specifications, negotiation and elaboration of the contracts and subcontracts,
- Support of economic operators: preparation of applications, drafting of the tender documents, analysis of the legal risks, negotiation and elaboration of the contracts and subcontracts,
- Supervision of the performance of the contracts and subcontracts,
- Feasibility study, legal and financial project structuring (contract package, project companies, consortium),
- Transformation of public corporations into private companies, outsourcing of the operations, constitution of subsidiaries.

#### *Public Contracts*

- Procurement contracts,
- Long-term administrative leases (BEA),
- Public-private partnerships (PPP),
- Delegation of Public Service (DSP),
- Convention of occupation of the public domain,
- Incorporation and functioning of mixed economy companies, local public corporations...,
- Orchestration of cooperation and joint actions between public and private healthcare facilities.

#### *Litigation proceedings*

- Representation before the administrative courts,
- Summary procedure, investigation procedures,
- Recourse for excess of power,
- Judicial review,
- Transactions.

## • REFERENCES

### *Publications*

- The team's lawyers contribute on a frequent basis to a number of famous legal magazines (AJDA, RDP, etc.)

### *Teaching experience*

- The team's lawyers are lecturers in various highly-recognized universities: Paris I, Poitiers, Versailles

### *Association members*

- French Society of Comparative Law (Department "Public and private contract and liability Law ")
- Professional network "Public contracts in a context of globalisation of the law - (CPGJ)" / <http://www.public-contracts.eu/inhalte/home.asp>
- International Urban Development Association (INTA)

### *Recent assignments*

AREAS	ASSIGNMENTS
<b>Public contracts</b>	Legal assistance of several universities for the conclusion of public-private partnerships as part of operation Campus: expert assessment file, project realization contract, preliminary evaluation, competitive dialogue.
	Assistance of the state authorities in the conclusion of grant deeds on major transport infrastructures (motorways, new airport, etc.) and in the conclusion of a PPP related to a telecommunications network.
	Assistance of private operator as part of the contracts concluded between the members of a group applying to the assignment of new high-speed train lines: Sud Europe Atlantique, Bretagne-Pays de la Loire Tram Train.
	Assistance of regional public authorities in the conclusion and monitoring of the performance of concession contracts agonizing on the operation of a number of airport hubs, commercial ports (concession of lands and tools) or high- and very-high-speed telecommunications network (FTTH).
	Assistance of several public healthcare institutions in the signing and monitoring of the execution of hospital long-term administrative leases or PPPs regarding facilities and equipment (medical units, cancer treatment centre, psychiatric units, logistics centres, etc).
<b>Public-Private Partnerships</b>	Assistance of a public financial institution in the cession of its bank subsidiaries: analysis of the legal regime applicable, negotiation of contracts, concentration law.
	Assistance and counsel of an operator in the context of the acquisition of holdings in the capital of a public delegated company for the conduct of studies, the financing, building and operation of an environmental multi-channel waste processing platform: risk analysis, negotiation of contracts, public subsidies...
	Assistance of public corporations in the valuation of their real estate property: complex financial packages, foundation of landholding corporations, site cleanup.
	Assistance of a consortium of public and private operators in the implementation of a number of competitive clusters: intellectual property, corporate structuring...
<b>Litigation</b>	Assistance and representation of a municipal heating company in the context of a pre-contractual interim proceeding, an appeal for compensation and a "Tropic" appeal to challenge the procedure of public service delegation initiated by a city and which resulted in appointing unduly another company.
	Assistance of a local authority before and during a litigation regarding the major dysfunctions in the execution of a public service market related to the deployment of subsidies for the purchase of school books in the context of a local aid plan for the start of the new school year.
	Assistance and representation of a mobile phone operator before the Conseil d'Etat after other operators requested the withdrawal of the fourth 3G mobile telephony license attributed to our client.

## • CONTACT

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