

Overview

International government contracting and public procurement activities span a spectrum starting with marketing, through contract formation and performance issues, to successfully managing disputes. The legal challenges relating to this spectrum include Foreign Corrupt Practices Act and US export control support (which continues throughout contract performance); foreign representative/consultant and foreign procurement law guidance; assistance with business structure and foreign tax issues; and negotiation of issues as they arise during performance of the international contract so as to minimize cost growth due to, for example, customer-demanded performance of out-of-scope work.

Finally, most international government contract disputes that cannot be resolved by negotiation are resolved by final and binding international commercial arbitration. Over many decades, Dentons has represented numerous companies in international commercial arbitrations involving foreign governments as claimant or respondent, with a distinguished track record of victories and favorable settlements.

Turn to our government contracts and public procurement lawyers in numerous countries for our wide experience in providing assistance across this spectrum on issues relating to:

- Export controls
- Foreign corrupt practices
- International government contract counseling
- Foreign ownership and control of US businesses
- International claims and disputes
- International presence

Recent representative engagements include:

- Numerous voluntary disclosures to both the State and Commerce Departments under International Traffic in Arms Regulation, Export Administration Regulations and sanctions programs administered by the Office of Foreign Asset Control
- Internal investigations and disclosures concerning transfers of technical data to dual national employees of US multinational corporations
- The first FCPA criminal prosecution to be dismissed by a federal court before submission to jury
- Testimony on behalf of the American Bar Association on the 1988 FCPA amendments, in particular concerning the deletion of the "reason to know" requirement
- The first full Committee on Foreign Investment in the United States investigation, representing the US divestor
- The first Commerce Department Office of Antiboycott Compliance voluntary disclosure of numerous failures to report that resulted in no sanctions imposed

- Many foreign military sales and direct commercial contract cases over many years
- Lead counsel in the first foreign military financing criminal fraud case brought by the Department of Justice
- Lead counsel in the first US federal court case to enforce a foreign-sited arbitral award despite its having been voided in the foreign court; other leading arbitral award enforcement cases that made law

Your Key Contacts

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