

Partnering, Teaming and Other Strategic Alliances:

The Counsel's Perspective

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Introduction

- Strategic Alliances As An Important Tool To Target, Compete, Capture, and Perform Government Contracts:
 - Finding Partners
 - Living With Partners.
- The Lawyer as Counsel Perspective.

Finding Partners

- Looking for Mr./Ms. Right:
 - Timing
 - Potential Targets
 - Respective Needs
 - Complementing Capabilities
 - FAR Part 9.1 – Responsibility.



Living With Partners

- Identifying the Right Arrangement
 - Teaming, Joint Venture, Mentor-Protégé, Vendor, SBA Status Issues, etc.
- Including the Right Terms and Conditions
 - Establishing Your Respective Roles, Responsibilities and Costs.
- Looking Ahead to the Future
 - Proposals, Contracts, REAs, Claims, etc.

Lawyer/Counsel Perspective

- Identify Risks Up Front:
 - Proprietary Data Disclosure and Use Restrictions
 - Affiliation Issues
 - Antitrust vs. Covenants Not To Compete
 - FAR and SOX Responsibility Issues
 - Privity, Choice of Law, Dispute Resolution.
- Put Safeguards In Place Upfront.
- Monitor Compliance – Yours and Theirs.
- Enforce Your Agreement.

Summary: Strategic Alliances Are An Important Tool.

- Identify Potential “Partners.”
- Conduct Due Diligence.
- Enter into Appropriate Agreements .
- Implement and Enforce Your Agreements.

- *Consult with Counsel to Identify Risks Early To Avoid Potential/Actual Issues.*

Where to Get More Information

- Buchanan Ingersoll Website Links

http://www.buchananingersoll.com/service_areas.cfm?mode=info&practice_id=20&parent_practice_id=20

- www.ndia.org
- www.arnet.gov
- www.acq.osd.mil/dpap/