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
- [www.ndia.org](http://www.ndia.org)
- [www.arnet.gov](http://www.arnet.gov)