

28th Annual Ounce of Prevention Seminar

# Welcome

## Predicting the Future: Federal Contracting in an Election Year

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# CROSS-BORDER TRANSACTIONS: Key Issues for U.S. Companies Abroad

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# Overview

- Government Contractor Risks
- International Operational Risks
- Practical Issues

# Government Contractor Risks

- Procurement requirements and procedures
- Mandatory terms and conditions
- Administrative oversight and transparency requirements
- Third party bid protests
- Ongoing regulatory compliance and oversight
- Scope of work, particularly under short-term contract
- Ability to meet requirements
  - Internal limitations
  - Lack of appropriate infrastructure

# International Operational Risks

- Political and economic stability
- Effects of potential changes in government policies
  - Change of government
  - Change in governmental priorities
- General compliance obligations
  - *E.g.*, FCPA/anti-corruption
- Currency exchange and financial risks

# International Operational Risks

- Enforceability of contracts and contractual interpretation
- Protection of IP and other proprietary assets and rights
- Burden of compliance with local laws and legal requirements
- Tax consequences
- Physical security

# Practical Issues

- Cultural and linguistic barriers
- Reconciling legal norms and requirements
- Allocating risks
- Nature and style of agreements