



## Public Procurement

Kaplan Kirsch & Rockwell counsels public- and private-sector clients on compliance with the complex procurement rules relating to projects supported by federal funding or permits. We frequently advise clients on how to draft procurement documents and select consultants and contractors in conformance with these requirements, including:

- Brooks Act. The selection of engineering and architecture firms for federally assisted projects must be conducted through a competitive process based upon the firms' competency, qualifications, and experience rather than price. We assist clients in structuring the procurement of project design consulting services to conform to Brooks Act requirements.
- Buy America/Buy American. The proponents of federally assisted projects are required to incorporate domestically manufactured products in the completed construction work under various "Buy America" and "Buy American" programs. We assist clients in structuring their procurement of construction services and materials to conform to these rigorous federal rules, which contain unique requirements for each of the federal modal transportation agencies.
- Airport Concession Disadvantaged Business Enterprise (AC/DBE). We work with public sector clients, including airports, on structuring their DBE/Minority Business Enterprise (MBE)/Woman Business Enterprise (WBE) programs to comply with federal requirements for construction projects and concession programs.

### Representative Experience

- Prepared the suite of federally compliant procurement documents for the master developer of a complex, multi-phased project involving a mix of private financing and federal grant funding. Work product included a federal procurement handbook for the developer's project team.
- Counseled a municipally owned airport in retroactively demonstrating compliance with Federal Aviation Administration's (FAA) domestic content requirements for a significant terminal improvement project.
- Counseled the City of Denver regarding multiple aspects of the Denver International Airport Concessions Program, including local geographic preference and concentration of ownership policies that implicate AC/DBE requirements under 49 C.F.R. Part 23.
- Represented the Wichita Airport Authority (Kansas) on the DBE requirements of 49 C.F.R. Part 26 in connection with a bid challenge to a terminal construction project at the Wichita Airport.