BERGER SINGERMAN
FLORIDA'S BUSINESS LAW FIRM

STATE & LOCAL GOVERNMENT LAW

Our State and Local Government Law practice group applies legal expertise and the benefits of professional relationships developed in the course of successful public sector careers to assist clients with their government needs. Many of our attorneys joined this practice group after serving in governmental capacities, and so gained the inside perspective and relationships with government personnel required to guide clients through the maze of government processes at the state, county, city, school board or special district levels. Our team members give our clients the benefits of longstanding working relationships with key regulators and officials that they have built over the years. We have earned the respect of state and local government agencies that only consistent and lengthy displays of intelligence and integrity can generate. Whether our clients are appearing before a governmental agency, requesting legislative change, pursuing a public contract, or seeking board approval, our team's lawyers have the skill and experience needed to achieve our clients' objectives, including with respect to:

Contract Advice and Negotiation

Contracting with state and local government agencies presents challenges not typically encountered in the business world. These agencies enjoy long histories in leveraging their superior bargaining position into one-sided contracts favoring their position. In addition to bargaining leverage, many of these agencies can exploit their regulatory powers to enhance contractual advantages. Over the life of the contract, unfavorable terms and regulatory overlay can place our clients' businesses in financial jeopardy or at competitive disadvantages. Our Team brings years of experience to advising its clients on government contracts, and understands how to work with the agency to reach mutually agreeable terms.

The Team's government contract experience includes:

- Subcontracting Requirements, including Minority or Woman-owned Business Entities and Disadvantaged Business Entities
- Requirements Addressing Agency Ability to Legislate Contract Terms
- Agency Attempts to Convert Legal Requirements into Contract Terms
- Incorporation of Laws, Rules and Ordinances into Contracts
- Piggybacking on Existing Contracts
- Termination for Convenience
- Change Order Terms
- Contract Extension or Renewal
- Living Wage Laws
- Contingency Contracts
- Appropriation pre-conditions to payment

Contract Performance and Compliance

After being selected by a government agency to furnish products and services, and negotiating the contract, it's time to get down to performing the agreement and earning its rewards. Our Team's attorneys are your trusted advisor in contract performance.

Our Government Law practice group attorneys provide counsel on the following contract performance and compliance issues:

- Audits
- Reporting Requirements
- Minority or Woman-owned Business Entities and Disadvantaged Business Entities Compliance
- Deadlines and Guarantees
- Change Orders and Directives
- Effect of Legislative Changes
- Corporate Ethics
- Minimum Annual Guarantees
- Living Wage Requirements

Legislative Services

As our economy changes, so do the business needs that government regulations address. Whether legislation no longer reflects current conditions, regulatory regimes have become outdated, or a facet of the governmental process no longer serves its intended purpose, the resulting hardship on affected businesses may require action. Berger Singerman's Government lawyers stand ready to provide needed representation before legislative bodies to fight for the change necessary to allow businesses to succeed.

The Government Law practice group's attorneys:

- Advise Clients of Proposed Legislative or Regulatory Changes
- Lobby Members of Legislative Bodies on Behalf of Clients' Interests
- Build Community Consensus Against Proposed Regulations
- Inform Agency Staff of Client Issues
- Work With Agency Staff to Develop Legislation and Regulations

Procurement

Recent trends towards privatization and outsourcing have provided fertile ground for clients seeking to sell their goods and services to state and local government agencies. Success in this field, however, requires both a depth of knowledge and experience in the procurement process and a respect for the political and business needs of both the client and the agency. Our Team provides clients with the knowledge, experience and political savvy necessary for success in working with state and local governments.

The Government Law practice group's attorneys provide the following procurement services:

- Educate State and Local Government Agencies on Client Products and Services
- Assist Clients With Efforts to Obtain and Maintain Government Contracts
- Identify Procurement Opportunities for Clients
- Review and Analyze Terms of Solicitations
- Advise Clients on Single Source and Emergency Procurement Requirements
- Advise Clients on Confidentiality Requirements
- Advise Clients on Contract Requirements Incorporated into Solicitation
- Advise Clients on Federal, State and Local Laws Incorporated into Solicitation
- Seek Clarification of Solicitation Terms
- Consult With State and Local Government Agencies Regarding Needs
- Prepare Bids, Proposals, Statements of Qualifications, and Letters of Interest
- Represent Clients at Bid Presentations
- Defend the Award of Contract(s) to Clients
- Represent Clients in Bid Protests

The Government Law practice group's attorneys have successfully performed procurement services in the following industries:

- Aviation and Airport Goods and Services
- Port Goods and Services
- Solid Waste Services
- Venue Management
- Construction Services
- Disadvantaged Businesses

State and Local Taxation and Assessment

The power to tax forms one of the Government's most formidable powers, and as such, well-defined legal principles constrain that power. Successfully navigating through the dozens of state and local taxes that may apply to your business or property can make the difference between profit and loss. Careful review and analysis of these different taxes and the requirements associated therewith can provide an opportunity for substantial tax savings. We understand these taxes, and the specific constraints that apply to each. The attorneys of the Government Law practice group, in collaboration with our Tax Team, help clients to minimize their state and local tax burdens, and when necessary, to challenge these taxes in court.

The Government Law practice group assists clients with the following taxes:

- Sales & Use; Real Property; Tangible Personal Property
- Nonrecurring Taxes on Intangible Property
- Estate; Business Tax Receipts
- Communication Services
- Gross Receipts
- Excise
- Motor Vehicle
- Fuel
- Tobacco Products
- Tourist Development
- Special Assessments

Sunshine Laws

Florida requires state agencies and local governments to conduct their business with transparency. This requirement affords private citizens the means to obtain valuable information and public records. Our Government Law practice group lawyers understand how to use Sunshine Laws effectively to serve their clients needs.

Our Government Law practice group attorneys provide the following Sunshine Laws related services:

- Advise Clients on Meeting Notice Requirements
- Preserve Records of Public Meetings for Challenge of Agency Decision
- Gather Information through Meeting Minutes and Recordings
- Advise Clients Regarding Public Records Requirements
- Draft Public Records Requests
- Perform Public Records Inspections
- Assist in keeping proprietary or trade secret information confidential