

PUBLIC CONTRACTS | FRANCE

Over these past few years, the practice of public contracts in France has undergone profound change. The characteristic complexity of concessions and public-private partnerships now also applies to public contracts, public land lease agreements, and urban development operations. Slow growth and pressure on public finances lead to harsher competition between economic operators. Disputes concerning public contracts are therefore on the rise, particularly during the execution stage.

Gide set up a team dedicated to public contracts 25 years ago. It numbers 20 lawyers and includes several former judges who work with companies and public bodies alike.

Our clients appreciate our in-depth knowledge of public sector and administrative court operation, our creativity and pragmatism in the field of contractual engineering – very far removed from the inflexibility sometimes associated with public law – as well as our availability and unfailing determination in the service of their projects.

Some recent representative cases

- **Fédération Française de Tennis:** dispute pertaining to the Roland Garros stadium occupancy agreement
- **Bouygues Construction:** dispute arising from the awarding of the partnership contract with the City of Bordeaux
- **Ministère des transports:** revival of the CDG Express project between Paris and the Roissy-CDG airport
- **Agence des participations de l'Etat:** privatisation of the Lyon and Nice airports
- **SFIL and Dexia Crédit Local:** dispute arising from structured loans taken out by local authorities
- **Cofely:** precontractual summary proceedings on the awarding of a multiservice contract in 24 French prisons
- **Paris Saint Germain:** negotiation of the lease for the official store at the Jean Bouin stadium
- **SNCF Mobilités:** negotiation of rail transport service operation agreements in the greater Paris region
- **VNF:** awarding of the partnership contract for the rebuilding of 30 dams on the Aisne and Meuse rivers
- **Viparis:** awarding of an administrative long-term lease (*bail emphytéotique administratif*) and works concession for the renovation of the Porte de Versailles exhibition centre
- **SNI:** optimisation of social housing construction operations in greater Paris
- **Sabena Technics:** dispute concerning the execution of government contracts for the maintenance of military aircraft
- **Extérieur Média:** dispute relating to the tender procedure for the management of newspaper kiosks in the City of Paris
- **IBM:** precontractual summary proceedings for an IT equipment contract
- **CNRS (French National Scientific Research Institute):** structuring the design and build contract, financed using in-kind sources, to redevelop the Meudon site
- **Université Paris XIII:** tender procedure for the construction and operation of university buildings
- **Avineon:** claim in the context of a tender for the digitisation of the French National Geographic Institute's geographical data

ALGIERS

BEIJING

BRUSSELS

CAIRO

CASABLANCA

ISTANBUL

LONDON

NEW YORK

PARIS <

SHANGHAI

TUNIS

WARSAW

Our skills

- Public contracts and supervision of public works
- Public-private concessions and partnerships
- Improving public property and town planning

Our services

- Structuring contractual arrangements and project financing
- Contractual audits and risk analysis
- Externalisation and privatisation of public assets
- Designing and implementing competitive tendering procedures
- Drafting and negotiating contracts
- Resolving public contract-related administrative, civil and criminal disputes
- Handling claims, expert assessments and settlements

Our fields of intervention

Town planning

- Real estate development concession agreements
- Transfer of public property and property charges
- Contractual town planning taxes

Defence

- Aircrafts
- Shipbuilding
- Military satellites

Education

- University buildings
- Primary and secondary schools

Events

- Conference centres
- Mass catering
- International summits
- Stadia and sports arenas

Infrastructure

- Airports (privatisations and concessions)
- Rail (structures and services)
- River (canals and dams)
- Multimodal platforms
- Ports
- Roads and road transport

IP-TMT

- Software and hardware
- Very high speed broadband networks

Networks

- Urban heating
- Street lighting
- Water supply and sanitation

Health

- Hospital structures
- Healthcare management

Public services

- Administrative buildings
- Correctional institutions
- Social housing

Financial services

- Financing of local authorities
- Securitisation of public debt

“Top-tier firm for administrative law mandates, benefiting from a large team of specialists in energy, environment and urban planning. Has strong experience in the negotiation or restructuring of concession contracts, including high-profile mandates that facilitate the development of major rail infrastructure projects. Assists clients with proceedings before the administrative courts and the Conseil d’État, seeking to challenge aspects of public policy or the outcome of individual public tender processes.”

Chambers Europe 2018

“Gide Loyrette Nouel A.A.R.P.I. has one of the market’s largest teams for a full-service firm with some 21 lawyers involved. The practice is especially strong on public contracts. It is regularly retained to advise on large infrastructure projects and also handles litigation. The team also advises on regulatory and urban planning law matters. Energy is also a key area of expertise. [...] The ‘formidable’ Thomas Courtel is highly regarded for infrastructure projects. Also highly recommended are Bénédicte Mazel, Michel Guénaire, Emmanuel Vital-Durand and Alexandre Gauthier.”

Legal 500 EMEA 2018

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