

State and Local Procurement Law

With clients throughout the country, Wiley is well-positioned to identify and react to national trends in state and local procurement. We advise clients on every step of state procurement processes, including identification of legal risks in solicitations, pre- and post-award bid protests, contract compliance, and contract claims and disputes (including negotiation of change orders). In addition to state and local procurements, we also advise clients on multi-state consortium and cooperative purchases, including multi-state contracts and “piggy-backing” arrangements.

Representative state and local procurement experience includes:

- Litigating a bid protest of an award of a major technology update project in Nebraska.
- Counseling on contract negotiations with political subdivisions throughout New York.
- Counseling on intellectual property ownership terms under Maryland procurement regulations.
- Advising on Illinois and Miami-Dade County “piggy-backing” requirements.
- Assisting in navigating small and minority owned/women owned business (MBE/WBE) qualifications in California.
- Counseling on “Pay to Play” laws in New Jersey.
- Researching ethics regulations applicable to Philadelphia municipal procurements.
- Counseling on Florida conflicts of interest rules applicable to local procurements.
- Assisting contractors with protecting their proprietary and confidential information sought under various states’ Freedom of Information Acts and Laws (FOIA/FOIL).
- Conducting due diligence for the purchase of a company with state and local food services contracts across the United States.
- Preparing protests of awards for audit services contract in West Virginia.

The influence of federal law on state procurements continues to grow. Countless state and local contracts incorporate federal statutory and regulatory obligations, primarily as the result of the procuring entity using federal funds.

Given the numerous ways that state and local procurements may be impacted by federal requirements, Wiley’s recognized federal contracting and grant expertise significantly benefits those contractors operating in the state and local procurement markets.

One significant intersection between federal and state procurement law is in cooperative purchasing arrangements. For example, numerous states and municipalities have the authority to purchase goods and services from the federal government-wide General Services Administration (GSA) Schedule contracts. Wiley's expertise in GSA Schedules can assist clients new to GSA contracting and experienced GSA Schedule holders facing compliance issues.