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LEGAL CONSIDERATIONS WHEN DOING BUSINESS OVERSEAS

Peak Series CIO Breakfast
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WHO IS YOUR CUSTOMER?



 **U.S. Government**

 **A Foreign Government**

 **A Prime Contractor**



U.S. GOVERNMENT CUSTOMER



- **Foreign Assistance Act**
- **Federal Acquisition Regulations**
- **Agency Specific Regulations
(e.g., USAID)**



FOREIGN GOVERNMENT CUSTOMER



- **National Laws**
 - ◀ Labor, Non-Competition, Intellectual Property, etc.
- **Procurement Laws and Regulations**
- **Construction Standards**
- **Protests, Remedies and Disputes**
- **International Treaties**



A PRIME CONTRACTOR AS CUSTOMER



- **What Is the Applicable Law?**
- **How and Where Will Disputes Be Resolved?**
- **What Are Your Remedies?**



MINIMIZING RISK



Insurance

Defense Base Act Clause

- FAR 52.228-3
- Broader Scope of Coverage
(e.g. Disability, Medical, & Death)
- Other Insurance

Indemnification

Third-Party Liability



EXPORT CONTROLS



 **Export Administration
Regulations**

 **International Traffic in Arms
Regulations**



FOREIGN CORRUPT PRACTICES ACT



- **Prohibits Bribery of Foreign Officials**
- **Due Diligence of Subcontractors**
- **Foreign Nationals Laws**



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QUESTIONS?



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