



## Nena M. Lenz

OFFICER

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### Services

Government Contracts & Grants

Mergers & Acquisitions

Construction

Corporate Sustainability & Social Responsibility

Environmental Law

Nonprofit & Tax Exempt Organizations

**Nena's practice focuses primarily on government contracts and grants. She also practices in the areas of public-private partnerships and Native American law.**

Nena's government contracting experience spans virtually every aspect of the dynamic, complex and heavily-regulated government contracts and grants process. Nena helps clients win, negotiate and comply with federal, state and local contracts and grants.

### Government Contracting

#### Contracts

Nena represents clients in a diverse array of industries that are in contractual relationships with dozens of federal, state and local public agencies. Nena helps clients on all sides of the procurement process draft and reply to solicitations and negotiate public contracts of all types. Nena also aids clients in mergers and acquisitions of government contractors.

#### Compliance

Nena helps clients navigate regulations unique to government contracts, such as those related to intellectual property, employment, cost accounting, and domestic preferences. Nena prepares related compliance training materials and conducts training for client legal departments, executives and employees.

#### Enforcement

Nena also advises clients in administrative disputes with agencies and contract disputes with other government contractors. Her experience includes handling bid protests, size protests, wage and hour violations, domestic preference violations, and disputes regarding audit findings.

### Public-Private Partnerships

Drawing from her public contracting, land use and public finance experience, Nena helps companies and public entities secure government incentives and partner to accomplish complex development, redevelopment and infrastructure goals. Nena

has experience drafting and negotiating agreements related to land use, public finance and government incentives.

### Indian Law & Native American Law

In her Indian Law practice, Nena helps companies and tribes comply with federal acts and regulations applicable to tribes, particularly BIA regulations, and identify and secure awards using Indian Preference and Tribal Preference policies. In her Native American Law practice, Nena negotiates agreements and helps companies and tribes navigate tribal regulations applicable to activities on Tribal Land.

## Experience

### Government Contracts & Grants

#### Contracts

- Represented construction company in contract negotiations with National Laboratory for construction of a new facility funded by the U.S. Department of Energy (DOE). Drafted and negotiated subcontracts and assisted company with all applicable federal compliance obligations, such as Federal Acquisition Regulations (FAR) requirements.
- Represented health care company in acquisition of government contractor with dozens of contracts with local, state and federal prisons and correctional institutions, including contracts with the Federal Court System and the Department of Justice (DOJ) Federal Bureau of Prisons.
- Obtained contract novation and advised on project financing under federal contracts for clients, including construction company, utility company, international information technology company, and international laboratory technology company.
- Helped clients evaluate the risks of contracting with the government and pursue new contracting opportunities, including assisting Fortune 100 health care company, international packaging company, and small medical laboratory construction company. Conduct related compliance training for in-house counsel and company executives.

#### Compliance

- Led internal compliance review of disadvantaged business entity (DBE) compliance for multi-billion-dollar construction company and 30 of its subsidiaries, evaluating compliance with local, state and federal preference requirements on over 500 contracts subject to over 50 different regulatory standards.
- Helped international medical device company pursue, negotiate and comply with five awards under the Defense Advanced Research Projects Agency (DARPA) that were regulated by the Defense Grant and Agreement Regulations

(DoDGARS). Developed internal compliance programs, including financial systems policies and procedures. Advised client during audits from the Defense Contract Audit Agency (DCAA) and Defense Contract Management Agency (DCMA). Negotiated awards, contracts, and cooperative agreements with DARPA and universities, with particular attention to intellectual property terms subject federal requirements for computer software, technical data and patents under the Bayh-Dole Act.

- Represented construction company on compliance matters and contract negotiations for design-build contract funded by the U.S. Department of the Interior (DOI) and administered by the Bureau of Indian Affairs (BIA) for construction of a school campus for use by an Indian Tribe on Tribal land. Defended company against allegations of Indian Preference violations in subcontracting and compliance with the Tribal Employment Rights Ordinance (TERO).
- Provided comprehensive compliance advice to national housing non-profit with funding from several Housing and Urban Development (HUD) programs, including from the Office of Public and Indian Housing and Community Planning and Economic Development, and U.S. Department of Agriculture (USDA) economic development programs. Advised housing organization and other federal grantees on compliance with Office of Management and Budget's new OMB Super Circular.
- Provided comprehensive federal contract compliance guidance and related training for clients performing under contracts regulated by the FAR, Defense Federal Acquisition Regulations (DFARS) and other agency-specific regulations including the VAAR and GSARS. Clients included companies such as architecture and engineering firm under contracts with VA and Department of Defense (DOD), medical device company holding a Federal Supply Schedule (FSS) with VA, lighting company under General Services Administration (GSA) FSS contract and blanket purchase agreements (BPAs) with U.S. Coast Guard.

#### **Enforcement**

- Helped construction company resolve Buy American Act (BAA) country of origin violations under federal contract for redevelopment of high-tech research laboratory that was jointly funded by state university funding and an American Recovery and Reinvestment Act of 2009 (ARRA) grant administered by the National Science Foundation (NSF).
- Represented construction company in administrative dispute with regional government agency alleging violations of federal and state requirements to subcontract with Disadvantaged Business Entities (DBEs) under engineering contract for wastewater treatment plant. Advised same client with DBE compliance efforts under subsequent publicly funded construction projects.
- Defended engineering firm specializing in aerodynamic testing of aircraft facing bid protest challenging sole source procurements from U.S. Air Force (USAF), helped client pursue allegations of intellectual property violations against protestor.

- Defended non-profit paratransit provider facing contract termination and debarment by regional government agency and the Federal Transportation Administration (FTA) based on audit results. Represented client in bid protest challenging award of contracts to competitor.

#### **State & Local Contracts**

- Represented national emergency medical services buying group with public procurement compliance, including drafting requests for bids and awarding contracts.
- Represented road construction company in dispute with Minnesota Department of Transportation (MNDOT) and the St. Paul Department of Human Rights & Equal Economic Opportunity for alleged wage and hour violations under state and city prevailing wage laws.
- Defended Managed Care Organization (MCO) in administrative dispute facing allegations of noncompliance with state contract requirements.
- Represented construction company in administrative dispute with regional government agency alleging violations of federal and state requirements to subcontract with Disadvantaged Business Entities (DBEs) under engineering contract for wastewater treatment plant. Advised same client with DBE compliance efforts under subsequent publicly funded construction projects.
- Defended roofing company accused of bid rigging using proprietary specifications in procurement contracts with school districts.
- Drafted procurement documents and related policies for public entities, including school districts, regional government agency, cities, economic development associations (EDAs), housing and redevelopment authorities (HRAs), job development authority (JDA) and other quasi-governmental organizations.
- Represented national telecommunications firm in contract negotiations with Hennepin County.

#### **Public Private Partnerships**

- Represented Minnesota city and HRA through successful negotiation and regulatory approval of redevelopment project with senior housing developer for a \$250 million mixed-use senior complex. Drafted redevelopment agreement, with tax increment financing (TIF), assisted with condemnation efforts, park dedication, special assessments and environmental issues related to the development.
- Represented health care facilities developer in Minnesota through subdivision, zoning and related land use approvals for hospital.
- Represented Wisconsin city and HRA through successful negotiation and regulatory approval a mixed-use project, including housing funded through Low-Income Housing Tax Credits (LIHTC). The project was jointly developed by the Federal Transportation Authority (FTA) and the Wisconsin Department of Transportation (WisDOT).

- Represented city in Iowa through successful negotiation of mixed-use development for medical office building and surrounding retail.
- Represented airline through subdivision of corporate headquarters property for purchase and use by federal government entity.
- Helped Fortune 100 health care company obtain public incentives for job creation resulting from new facility construction in Texas and Connecticut.
- Assisted an international infrastructure construction company with public private partnership strategy under state laws.
- Represented developer pursuing 32-acre mixed-use urban redevelopment and seeking public incentives, including TIF and tax abatement.

### Indian Law

- Represented international wind developer in negotiation of Wind Resource Leases and related agreements with six Indian Tribes for wind development project.
- Represented tribally-owned renewable energy company in negotiations with GSA for sale of power under the federal Tribal Renewable Energy Preference program.
- Represented non-profit American Indian-owned housing complex in efforts to expand funding for public Section 8 housing projects offering Native Preference.

## Credentials

### Education

- University of Minnesota Law School, J.D., 2006, *magna cum laude*
- University of Minnesota, B.A., Global Studies and Philosophy, 2001

### Admissions

- Minnesota

## Recognition

- North Star Lawyer, Minnesota State Bar Association, 2015-2016
- Rising Star, *Minnesota Super Lawyers*
- The (REAL) Power 50 Award, *Minnesota Business Magazine*, 2013
- Progress Minnesota Award, *Finance & Commerce*, 2013
- 40 Under 40, *Minneapolis/St. Paul Business Journal*, 2013
- Woman to Watch, *Minneapolis-St. Paul Business Journal*, 2010
- Lockhart Award for Scholarship, Leadership and Service, University of Minnesota, 2005

## Civic & Professional

### Professional Activities

- LawPAC Board of Trustees, Political Committee of the Minnesota State Bar Association, Chair, 2011-2013
- MSBA Legislative Committee, Member, 2011-2013
- MSBA Assembly, Delegate, 2008-2013
- University of Minnesota Law School, Adjunct Professor of Law, *Local Economic Development*, Spring Semesters 2008, 2009 & 2010
- MSBA Operations Committee, Member, 2008-2011
- Civic Education Committee, Co-Chair, MSBA 2007-2009

### Community

- Citizens League, Board Chair, 2010-2012
- University of Minnesota Law Alumni Association
- Minneapolis FBI Citizens Academy Alumni Association, 2008-2010

## Legal Updates

Legal Update | 04.29.2022

Where Will It Rain? Project Opportunities Created by the 2021 Infrastructure Investment and Jobs Act

Legal Update | 12.01.2021

Vaccine Mandate FAQs for Health Care Organizations: Understanding How the OSHA Emergency Standards and the CMS Vaccine Mandate Work Together (Updated)

Legal Update | 02.17.2016

FirstNet Issues RFP for Deployment of Nationwide Public Safety Broadband Network, Creating Significant Contract Opportunities for All Telecommunications Companies

Legal Update | 02.02.2016

New EEO-1 Compensation Reporting/Equal Pay Initiative

## Publications & Presentations

Co-Presenter, *Government Contracts and Grants During COVID-19*, Iowa State Bar Association Annual Meeting, May 22, 2020

Co-Presenter, *The Federal Government as a Large Customer—Update on the Obama Administration’s Clean Power Initiative*, Eighth Annual Renewable Energy in the Midwest Conference, October 2016

Presenter, *Demand Drivers for New Renewable Resources*, Law Seminar International’s Eighth Annual Renewable Energy in the Midwest Conference, 2015 & 2016

Co-Author with Anne Radolinski and Mary Krakow, “New EEO-1 Compensation Reporting/Equal Pay Initiative,” *FredNEWS: Employment & Labor*, February 2016

Panelist, Citizen Lawyer, CLE discussion on the civic role of lawyers and the legal profession hosted by University of Minnesota Law School and MSBA, April 2009

## **Blog Posts**

The Construction Counselor | 10.17.2023

New Davis-Bacon Act Rules Start October 23, 2023—Is Your Business Ready? – Part 3: How the New DBA Rule Raises Rates and Sets New Hurdles for Fringe Benefit Credit

The Construction Counselor | 10.13.2023

New Davis-Bacon Act Rules Start October 23, 2023—Is Your Business Ready? – Part 2: How the New DBA Rule Raises the Stakes and Likelihood of Noncompliance

The Construction Counselor | 10.10.2023

New Davis-Bacon Act Rules Start October 23, 2023—Is Your Business Ready? – Part 1: How the New DBA Rule Reaches New Workers, Worksites and Projects

The Construction Counselor | 04.29.2022

Where Will It Rain? Project Opportunities Created by the 2021 Infrastructure Investment and Jobs Act