



## Procurement law

We advise public and private principals from all our offices on structuring, designing and developing procurement processes that are legally secure and in line with market requirements – always with the necessary foresight and creativity. For every project we develop the best procurement strategy. In doing so, we ensure that the requirements of European and national legislation are fulfilled and that regional public procurement laws are observed, while making the most of any flexibility available to our clients. In the event of public funding, we keep careful track of all associated requirements. On request, we can also take on the comprehensive management of a procurement process as an external issuing agency.

We support companies in the proper legal submission of applications and offerings and review procurement documents for any possible infringements of procurement law as well as advising on the best course of action if an infringement has been identified. It goes without saying that we regularly represent public principals as well as bidders in review and submission procedures before public procurement tribunals, the German courts and the European Court of Justice.

**„Kapellmann does everything in a timely manner; The team is composed of different specialists available to support topics which are not in the original focus; The lawyers are always keen to find a solution and are very knowledgeable and up to date with the legal situation.“**

Chambers Europe 2024

**„Leading law firm for public procurement law; 'As a client, you are always in good hands with Kapellmann und Partner. They not only explain the legal context, but also offer pragmatic solutions. They think along with their clients and empathise with them. If there are any queries about the billing, the client is listened to and taken seriously. The invoices are absolutely fair and transparent.'“**

Legal 500 Germany 2025

**„While it once played a pioneering role in methods such as BIM, today it has more extensive expertise in innovative contract models than only a few competitors. expertise in innovative contract models, such as integrated project management.' - 'A favoured address in both civil and military federal construction as well as for important infrastructure projects (transport, energy, bridges).“**

JUVE Handbook 2023/24 and 2024/25

**„Leading law firm for procurement law 2025“**

WirtschaftsWoche Top-Kanzleien 2025

## OUR SECTOR EXPERTISE

### Construction, supply and service provision

Our practice advises on all possible types of procurement procedures. We develop the best possible procurement strategy which we structure in collaboration with our clients. Preparing and implementing complex procurement procedures are part of our day-to-day business. We always take a holistic approach to giving advice.

This means that we provide comprehensive support for our clients in all stages of a procurement procedure. The structuring and implementation of procurement procedures in a legally secure manner are a given – but we also know the market and generate competition for you, which pays off, particularly in special procedures such as negotiation proceedings and competitive dialogue or in the conclusion of framework contracts.

If you would like us to, we can create all the necessary procurement and contractual documentation for your project, tailored to your individual needs, in order to guarantee the best possible outcome.

#### **Selected references**

- Municipal IT service provider: support in the procurement of framework agreements on IT provision for a number of municipal associations
- Advising on procurement of cleaning and waste disposal services, surveillance services, reception services, post, etc.
- Advising on planning and construction procurement for municipal new build and redevelopment projects

### Architectural services and expert planning

The design and implementation of proceedings for the procurement of architectural or expert planning services is one of our core competencies. We approach construction projects in an integrated manner and can provide a set of inter-dependent contracts for all parties involved.

We also support clients in planning competitions and in the integration of architects competitions into innovative procurement strategies.

#### **Selected references**

- Berlin-Brandenburg International Airport: support in various EU Utilities Directive procurement procedures and review procedures
- Energy supply company: comprehensive advice on the construction of an offshore wind park
- WSW mobil GmbH: procurement and contract law advice regarding the acquisition of new vehicles as well as a new operating system for the Wuppertaler Schwebebahn (suspension railway)

### Health sector – planning, construction, medical technology and pharmaceuticals

Our clients include principals, industry associations and companies in the health sector. We have worked on a

very wide range of matters from the provision of support in the purchase of medical products (capital goods and consumer goods), pharmaceuticals and medical aids and a diverse range of services to the provision of comprehensive advice on the new build of hospitals and university clinics.

We have brought together our construction expertise in the health sector in an interdisciplinary **► Sector Group**. In this manner we can advise our clients on all the relevant legal issues from a single source.

#### **Selected references**

- Statutory health insurance: support in various tendering procedures
- Purchasing groups for municipal hospitals: comprehensive support in the purchase of hospital materials, rescue vehicles, etc.
- Two top-level organisations: continuing advice in connection with, among other things, services for cost-benefit assessments

#### Procurement in the utilities sector – transport, drinking water and energy

We support principals in the utilities sector such as public utilities, energy producers, ports, airports and transport service providers on all questions of procurement and contract law. In doing so, we identify any additional flexibility available to the utilities sector under procurement law and design a procurement process that is both, legally secure and efficient.

#### IT hardware and software procurement

We design both hardware and software procurement for you. When we do, it is standard practice for us to actively contribute to specifications or testing. Where products have a rapid innovation cycle, procurement processes must be designed carefully and with foresight – from the initial concept to implementation through to user workshops. We are happy to share our experience, tailored to your needs, when we first assess your requirements.

#### Sustainable and resource-friendly procurement

Public procurement does not only serve to meet demand in the most favourable way – goals beyond this may and should also increasingly be pursued. We will assist you in designing legally secure and innovative procurement and award criteria so that you may implement a sustainable, resource-friendly and socially responsible procurement.

#### **Selected references**

- State capital Kiel: complete structuring and execution of PFI projects for the new build of three vocational training centres.
- Haan: PFI procurement for a school complex/canteen
- City of Neuss: advice on the construction and maintenance of a multi-functional school building (RomaNEum)

#### Innovative procurement strategies e.g. investor selection processes/procurement of public service

#### concessions/sole contractor procurement

In some cases, the common procurement structures are not suitable for the attainment of our clients' goals. We will think outside the box for you and develop innovative procurement strategies, such as investor selection processes or sole contractor procurements. We will strive to find a cooperative approach where appropriate. The design flexibility allowed within the scope of the law offers many more opportunities and possibilities than you might think. In turn-key construction projects we will include an urban development and an architectonic competition in order to ensure the best possible outcome.

#### Privatisations and partnership models

In some cases, the most economic procurement strategy will be a collaboration between the public sector and the private sector (public-private partnership or PPP) or a privatisation. Also in this area of expertise we have extensive experience, with a wide variety of asset classes and corresponding procedures – whether with school buildings, administrative buildings or single purpose buildings or in the transport sector.

#### Supporting structured bidding procedures

Procurement law only governs the procurement of goods and services, not the sale of goods such as property or company shares. However, in these sales processes a transparent and fair competition may also be legally required or at least sensible. The procedural standards that apply to procurements can be applied here, too. Accordingly, we regularly advise on the preparation and implementation of sales processes on behalf of the public sector.

## DOWNLOADS

 **Factsheet Vergaberecht (mit Referenzen)**

 **Factsheet Vergaberecht (ohne Referenzen)**

**Kapellmann | Infoportal**

Immer auf dem Laufenden mit unseren Praxisinfos und Veranstaltungen!

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## VERANSTALTUNGEN

19.02.2026    Zuwendungsvergaberecht – Wie [› Dr Martin Jansen](#)    #Online  
behalten Zuwendungsempfänger ihre Fördermittel?

Der Umgang mit Fördermitteln – nicht zuletzt im Rahmen der aktuellen EU-Förderprogramme (EFRE, ELER, ESF) – sollte achtsam und stetig kontrolliert werden. Die Förderlandschaft ist vielseitig und bietet zusätzliche finanzielle Spielräume, aber auch Risiken. Diese resultieren aus dem sogenannten „Zuwendungsvergaberecht“ als vergaberechtliche Sondermaterie.

Hinsichtlich ihrer mittelgebundenen Auftragsvergaben haben öffentliche und private Zuwendungsempfänger dem Zuwendungsgeber, bzw. weiteren Prüfbehörden, im Rahmen des Verwendungsnachweises sorgfältig zu dokumentieren, dass sie die ihnen zuwendungsrechtlich aufgegebene Vergabeauflage eingehalten haben. Ansonsten drohen schmerzliche Rückforderungsszenarien mit Sanktionen („Finanzkorrekturen“). Wie Du das vermeiden kannst, um am Ende weder den Erfolg des Förderprojektes noch das eigene Haushaltsbudget nachhaltig zu gefährden, erfährst Du in diesem Webinar.

Nähere Informationen finden Sie [► hier](#).

Competencies: Procurement law

Organizer: eVergabe

Address: #Online

26.02.2026      Fachkraft Fördermittelmanagement in der öffentlichen Verwaltung      [► Dr Martin Jansen](#)      #Online

[► Dr. Martin Jansen](#) (Berlin) wird am 26. Februar 2026 ein Webinar zum Thema “Vergaberecht in der Förderung” (Modul 4) halten.

Mit der angebotenen Fortbildung haben Sie die Möglichkeit, sich individuell Wissen für Ihr vielfältiges Aufgabenfeld anzueignen.

Diese berufsbegleitende Weiterbildung bietet die Chance, sich für sachbearbeitende Tätigkeiten zu qualifizieren und ein entsprechendes Zertifikat zu erhalten.

Der Fokus dieser Veranstaltung liegt auf Ihrem Lernerfolg und dem praktischen Bezug zur täglichen Arbeit, sodass Sie das Gelernte direkt in der Praxis umsetzen können.

Nähere Informationen finden Sie [► hier](#).

Competencies: Procurement law

Organizer: vhw - Bundesverband für Wohnen und Stadtentwicklung e.V.

Address: #Online

27.02.2026      16. bdla-Wirtschaftsforum      [► Dr Martin Jansen](#)      München

[► Dr. Martin Jansen](#) (Berlin) wird am 27.02.2026 einen Vortrag zum Thema “Vergabetransformation in Bund und Ländern: Vergabebeschleunigungsgesetz des Bundes, Unterschwellenreform NRW & Co. - und was bei der Akquise öffentlicher Planungsaufträge künftig zu beachten ist.”

Nähere Informationen finden Sie [► hier](#).

Competencies: Procurement law

Organizer: bdla - Bund Deutscher Landschaftsarchitekt.innen

Address: München

[► Show all events](#)

## BEITRÄGE ZUM THEMA VERGABERECHT



> **Referentenentwurf zum Vergabebeschleunigungsgesetz: Was wird die Reform bringen? Eine Übersicht über die wesentlichen aktuell vorgesehenen Inhalte**



> **Keine „versteckten“ Garantiepflichten im Bauvertrag: EuGH stärkt Gleichbehandlungsgrundsatz und Transparenzgebot bei unionsweiten (Bau-)Vergaben mit europäischen Bieterkreis**



> **Ersatzbaustoffverordnung tritt am 01.08.2023 in Kraft!**



> **Das Vergabetransformationspaket - 2023 unter dem Weihnachtsbaum?**



> **Stolperfalle beim Ausschluss von Bietern wegen vorangegangener Schlechtleistung**

## NACHRICHTEN ZUM THEMA VERGABERECHT



> **Unser Team steht in den Startlöchern - Kape Ilman bald auch in Leipzig**



> **Handelsblatt-Ranking: Kape Ilman gehört zu Deutschlands besten Kanzleien**



> **Wirtschaftswocche: Kape Ilman als Top-Kanzlei für Vergaberecht ausgezeichnet**



> **Handelsblatt / Best Lawyers: Die besten Anwälte Deutschlands 2025**



> **Kape Ilman im brand eins Ranking 2025 erneut in der Spitzengruppe**



> **Kape Ilman im JUVE - Ranking zum Verkehrssektor**



> **9. Auflage des Kape Ilman / Messerschmidt erschienen**



> **azur100 Top-Arbeitgeber 2025: 5 von 5 Sternen von unseren Associates**



> **Vierte Auflage des Beck'schen Vergaberechtskommentars erschienen**