

*Mejía, Guízar y Kargl, S.C.* was incorporated in the year 2004 with the purpose of being a strictly specialized firm in administrative matters, with particular emphasis on public sector procurement, health law and administrative and constitutional litigation.

The firm constantly participates in publications related with its specialty in public procurement (e.g., Chambers and Partners every year as of 2018) and has recently been acknowledged as one of the top firms in Mexico in the administrative law field (Tops Mexico).

The policy of the firm comes from three interrelated areas of special importance such as: i) Specialization in administrative matters (in general and with specialty in its main branches, such as public procurement, in the areas of health care and antitrust law of administrative law), which has made us one of the first firms in the country focused exclusively on such matters; ii) *Compliance*, since the administrative matters require a steady relationship and involvement with government authorities from both our clients and their consultants, which makes necessary a consulting and performance in strict compliance with national legal regulations (National Anticorruption System, Federal Anticorruption Law on Government Procurement, Codes of Ethics of the industry and public officers), as well as the international ones (FCPA, UK Bribery Act) and the standards of corporate governance and internal control of our clients; and, iii) Understanding the business needs of our clients, for which we intend to act not only as contingencies prevention advisors or containment thereof via consulting or litigation, but to intervene proactively in business strategies under a consulting, training and guidance in strict compliance with the legal framework, highlighting the opportunities and preventing contingencies.

## **I. AREAS OF EXPERIENCE AND EXPERTISE.**

### **GENERAL ADMINISTRATIVE LAW**

The firm specializes in constitutional and administrative litigation before all kinds of authorities and courts of the Federal, State or Municipal level, such as:

- i. Filing the writ of amparo against laws, regulations and other general provisions damaging to individual rights recognized in the Constitution;
- ii. Filing of constitutional claims and actions of unconstitutionality under the terms of Article 105 of the Constitution;
- iii. Analysis and opinion on the constitutionality or legality of laws, regulations and acts of authority and discretion confirmations regarding the interpretation and application of the general administrative provisions as well as the applications and proceedings of regulated by the various administrative laws;

- iv. Advice and, where appropriate, defense in administrative proceedings such as compliance inspections, requests of all kinds, protection of private information – classified or confidential- held by the Public Administration or administrative proceedings for the imposition of penalties, among others;
- v. Filing proceedings for annulment before the Federal Court of Fiscal and Administrative Justice and before the Administrative Courts of the States or the Federal District against acts of administrative authorities of all kinds;
- vi. Filing of administrative appeals in terms of the Federal Administrative Procedures Act and those set forth in the various special laws -as well as the corresponding ones in the State level-
- vii. Everything related to the liability of the state and the administrative responsibility of public servants;
- viii. Counseling, advocacy and necessary steps for obtaining licenses, permits and all kind of authorizations regulated by the various administrative framework laws;
- ix. Advice on gaming and lotteries;
- x. Lobbying legislative and administrative authorities;
- xi. Protection of personal data; and,
- xii. In general, advice on everything related to acts of both federal and local administrative authorities in matters of consumer protection, intellectual property, expropriations, mining law, land use, regulation of commercial establishments, etc.

### **PUBLIC CONTRACTS**

The specialized nature of our firm has allowed us to represent both national and international clients in major procurement procedures in Mexico such as:

- i. Legal advice in the recruitment process and compliance during the duration of the administrative contract for the implementation of one of the first projects to provide long-term services (*PPS*) in Mexico;
- ii. Planning various proposals for long-term administrative contracts before federal authorities (various strategies to obtain new contracts or new projects with authorities under approaches of innovation and administrative efficiency were implemented);
- iii. Participation every year in major consolidated procurement procedures of the public

sector (relevant procurement because of their volume, quantity or importance of the input, where various authorities are grouped) made by the Mexican Social Security Institute;

- iv. Participation in major public procurement procedures in strategic matters (substantive productive activities) of Petroleos Mexicanos and its subsidiary productive companies.
- v. Participation in procedures for complaints, proceedings for annulment and writs of amparo that have created precedents for the field of public procurement.

Our services in public procurement matters include:

- i. Consultancy and advice in the implementation and interpretation of the regulations of public procurement both Federal and State;
- ii. Training on best practices of interaction with public officers (*compliance*) and anti-corruption practices;
- iii. Training on best business strategies in public tenders;
- iv. Intervention and monitoring the submission of bids (including review of proposals and preparation of questions for clarification meetings); and,
- v. Filing of legal remedies (complaints, contentious administrative proceedings and writs of amparo).

### HEALTH LAW

On sanitary and regulatory matters, the Firm provides its clients with consulting and litigation services, including among others, the following:

- i. Consultancy in the case of the compliance of the General Health Act and its various Regulations and official Mexican standards and other general binding provisions;
- ii. Audits on compliance with regulations on the matter;
- iii. Assistance on proceedings before the Federal Commission for the Protection against Sanitary Risks; and,
- iv. Legality and constitutionality litigation in this area.

The firm has specialists in the field, including professionals with extensive knowledge of the

pharmaceutical branch.

## ECONOMIC COMPETITION

With our expertise in consulting and litigation in this area, as well as our expertise in administrative law, we intend to respond to the counseling and litigation needs on economic competition in areas and sectors related to administrative law (particularly in fields of the strategic sector, government procurement and telecommunications).

Our participation in such matters is to assist our clients to both prevent and correct contingencies, seeking to establish strategies to carry out their activities safely against the administrative authority and its competitors, within the regulatory framework for economic competition in relevant areas of administrative regulation. Among the activities and advice we provide there are:

- i. Compliance programs of economic competition legislation, developed in a personalized way and include the training of the company staff to enable them to identify and reduce potential risks in their daily activity and detect any behavior that possibly violates the law on this matter, by third parties, whether competitors or not;
- ii. Consulting and auditing to determine the legality of the policies and actions to be implemented in the business activities of our clients as well as regarding its relations with competitors, customers, suppliers, franchisees and distributors;
- iii. Analysis of business operations to determine the need to report it to the Federal Commission of Competition, as well as advice on the handling of the notification procedure in the case of mergers, and the analysis of mergers of third parties that may generate negative consequences to our clients as well as the reporting of such mergers;
- iv. Advice on administrative steps and procedures in this field; and,
- v. Advice and handling procedures to investigate and penalize anti-competitive practices in the administrative stage, and challenge them before the judicial bodies of determinations of the Federal Commission of Competition.

## II. OUR PARTNERS.

The firm includes four partners plus a team of lawyers and technical specialists in various matters related to our practice. Our partners are:

### MARIO MEJÍA Y GUIZAR

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Lawyer by the *Escuela Libre de Derecho* [Free School of Law] (1965-1969); with a diploma on Human Rights from the *Universidad Iberoamericana* [Latin-American University] (1993).

Within the public sector (where he served for 30 years and until 2000) taking, among other positions, as Director of Litigation, First Deputy Tax Attorney of the Federation, Federal Deputy Tax Attorney for Investigations, all of them of the Office of the Attorney General For Fiscal Matters of the Secretariat of Treasury and Public Credit, General Technical and International Negotiations Director of the Undersecretariat of Revenue of the Secretariat of Treasury and Public Credit, General Manager of the Federal Tax Audit of the Tax Administration Service, Legal Director of the Secretariat of Communications and Transportation, General Director of Regulations of the National Banking and Securities Commission, in addition to being outside counsel on taxation of the legal Office of the Mexican Social Security Institute, and outsourced legal counsel of the General Directorate of Audit and Prerogatives of Political Parties of the Federal Electoral Institute.

He was recognized with the award for Grand Cross of Honor to Merit in Public Administration from the Mexican Bar, Bar Association (1999).

He has taught the tax law procedural course for public servants in the Secretariat of Treasury and Public Credit, and the training course for public servants on crime and inspection powers in the Mexican Social Security Institute.

He has published several articles in national magazines, and the books entitled "Crimes in the Social Security Act" and "Procedures Manual for the Prosecution of Crimes regulated by the Social Security Act".

He chaired in 2009 and 2010 the Tax Commission of the Confederation of Industrial Chambers of the United Mexican States (CONCAMIN).

### **MARIO MEJÍA KARGL**

Law Degree from the *La Salle, A.C. University* (2000-2005) graduated with recognition of outstanding academic performance certified by the National Evaluation Center for Higher Education Evaluation, Civil Non-Profit Association (CENEVAL), Master on Public Administration from the School of Law at the *Anahuac del Norte, A.C. University* (2007)

In the public sector was Head of Department at the General Coordination of Advisors of the Undersecretariat of Revenue of the Secretariat of Treasury and Public Credit.

In the private sector he served in the firm *Hamdán, Manzanero y Asociados, S.C.* in the consulting and administrative litigation area, as well as in the firm *Basham, Ringe y Correa, S.C.*, where he was responsible for the area of administrative litigation and public procurement.

Tenured Lecturer on the subjects of Amparo and Forensic Practice of Amparo at the *La Salle* University, Mexico City Campus, a member of the Mexican Bar, Bar Association, seminarian and speaker in various forums (focused on the amparo matters, anti-corruption practices and public procurement), and he has participated in various activities in the media and publications based on his activities and the litigation cases which has sponsored.

His professional practice includes participating in major public procurement procedures in the country in various sectors (health, energy, public works and procurement of goods and services in general), both in strategic litigation and in proceedings for annulment as well as in the writ of amparo and as technical and legal advisor in the promulgation of laws, rules and secondary sector regulations.

His experience in the field of Administrative Law comprises the branches of public sector procurement, *compliance*, antitrust, health law, human rights and litigation (administrative litigious trials and amparo).

#### **FERNANDO MEJÍA MÉNDEZ**

Law degree from the *Instituto Tecnológico Autónomo de México* [Autonomous Technological Institute of Mexico] "ITAM," (1992-1996), he has studies on public procurement by the *Instituto Nacional de Administración Pública* [National Institute of Public Administration] (INAP). He has served as professor of civil law at the *Anahuac* University, Cancun campus, and associate professor of the subject "Settlement of International Disputes", taught at the *Universidad Iberoamericana* [Latin-American University] and as a speaker at the Fifth and Sixth Seminars on International Commercial Arbitration, organized by the Arbitration Commission of the Mexican Chapter of the International Chamber of Commerce and the *Escuela Libre de Derecho* [Free School of Law], on the Diploma Course on "Business Law", organized by the *ENEP* [National School of Professional Studies] Aragon (1999), in the Mining Tax Seminar organized by Mining Chamber of Mexico (1999-2002), at the Seminar "Liability for product", organized by the Mexican Chapter of the International Chamber of Commerce (2004) and in various forums on government procurement (IMEF, National Chamber of Construction Industry, among others).

Since July 1996, his professional practice includes litigation and consultancy in administrative matters, mainly in the matters of procurement and public works, gaming and lotteries, health, urban and environmental development (including national waters) in the firms *Miranda, Estavillo y Hernández, S.C.*, and *Basham, Ringe, y Correa, S.C.*

In the tenders area he has participated in projects related to the matter, in both the Federal and State level, advising companies on projects related to various entities such as the Secretariat of Communications and Transportation, the Secretariat of Treasury and Public

Credit, the Ministry of Health, the Mexican Social Security Institute, the Institute for Security and Social Services for State Workers, the Federal Electoral Institute, Petroleos Mexicanos, Subsidiary Entities and majority state-owned companies of such entities and the Federal Electricity Commission, as well as in local entities, including, among others, the Ministry of Works of the Federal District Government, the Public Transport System (*Metro*) of Mexico City, and Water Administration Agencies at State and Municipal level, the Sports Institute of the State of Jalisco, and local health institutions, to name a few.

### **III. MEMBERSHIPS.**

The firm is an affiliate of the British Chamber of Commerce in Mexico. It has also served as an advisor to pharmaceutical associations in economic competition and compliance.

### **IV. ALLIANCES AT HOME AND ABROAD.**

The firm has allied firms in several Latin American countries (Peru, Ecuador, Venezuela) as well as in the United States acting in strategic alliance with *Caicedos Holguines* Lawyers in Cali, Colombia.

Also, the firm is Headlinks member with whom it provides specialized services in health care matter (strategies to enter into the pharmaceutical market and regulatory technical advice).

### **V. PRO-BONO LITIGATION**

The firm is actively involved in the defense (via litigation) of the human rights of vulnerable groups, or for the creation of relevant legal rulings through strategic litigation.