

CLIENT ALERT

CFC Gives CICA Its Bite

Nov.03.2008

In declaring invalid the override of a Competition in Contracting Act stay in *Nortel Gov't Solutions, Inc. v. U.S.* (Oct. 10, 2008), a case litigated by C&M, the Court of Federal Claims rejected the government's "urgent and compelling" basis for the override given that it (1) failed to establish the adverse consequences of maintaining the *status quo*, (2) did not consider whether reasonable alternatives to the override exist, (3) afforded "unacceptably brief treatment" to the potential costs and risks to the government if GAO recommended sustaining the protest, and (4) did not "consider the impact of its override decision on competition at all." The Court also rejected the claim that the override served the "best interests" of the government, finding that a "strong preference" for a "new" or a "more cost effective" contract is insufficient to justify the override.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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