

CLIENT ALERT

Base And Option Years Unit Pricing Not Releasable Under FOIA

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In *Canadian Commercial Corp. v. Dept. of Air Force*, Judge Bates, despite rejecting the contractor's argument that the disclosure of the base and option year prices would likely cause substantial competitive harm in future procurements, reversed the Air Force's decisions to release that data from its contract for the maintenance and repair of J85 turbojet engines. The court found that the pricing information was involuntarily submitted but that substantial competitive harm would result from the release of all but the labor rates for the over and above work, based solely on the conclusion that the release would harm the contractor by providing its competitors information that they could use to convince the Air Force not to exercise the contract options.

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

John E. McCarthy Jr.

Partner – Washington, D.C.

Phone: +1 202.624.2579

Email: jmccarthy@crowell.com