

CLIENT ALERT

Challenge To OCI Waiver Falls Short

Sep.09.2010

In *MCR Fed., LLC* (Aug. 17, 2010) GAO denied the protester's challenge to the agency's decision, in the context of taking corrective action, to waive organizational conflicts of interest for two offerors to facilitate competition, noting that, "[w]here a procurement decision -- such as whether an OCI should be waived -- is committed by statute or regulation to the discretion of agency officials, our Office will not make an independent determination of the matter." GAO found that the agency complied with FAR 9.503, including approval by the agency head's designee and a written determination setting forth (i) the extent of the conflict and (ii) explanation for why application of the OCI rules would not be in the government's interests in the particular procurement.

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

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