

Client Alert

Congress Clamps Down On OCIs & Competition For DoD Major Systems

May 26, 2009

On May 22, 2009, President Obama signed into law the Weapons Systems Acquisition Reform Act of 2009 (S. 454), which, among other things, requires DoD "to ensure competition" on all major defense acquisition programs at the prime contractor and subcontractor levels using measures such as (i) competitive prototyping; (ii) dual-sourcing; (iii) funding of a second source; (iv) utilization of modular, open architectures; and (v) periodic competitions for subsystem upgrades. DoD must also revise the DFARS to address Organizational Conflicts of Interest in procurements for major systems as follows: (i) DoD must generally receive advice on systems architecture and systems engineering matters from federally funded research and development centers or another source that is independent of the prime contractor; and (ii) subject to a few narrow exceptions, contracts for the performance of systems engineering and technical assistance must contain a provision prohibiting the contractor or any affiliate from participating as the prime contractor or major subcontractor for the development or construction of the system.

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

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