

## Client Alert

### Following GAO Recommendation Doesn't Insulate Agency's Action After Protest

**August 18, 2011**

The Federal Circuit in *Turner Constr. Co. v. U.S.* held that the Army should not have followed the recommendation of a GAO bid protest decision to disqualify an awardee based upon alleged organizational conflicts of interest ("OCIs") because the GAO decision failed to identify "hard facts" supporting the existence of an OCI and, therefore, "lacked a rational basis." Upholding the CFC decision and citing that court's authority to "award any relief that [it] considers proper," the Federal Circuit also let stand an order enjoining reprocurement and reinstating the awardee's contract, which the Army had terminated in response to the GAO decision. For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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