

CLIENT ALERT

For Iraq War Items Sole Source Award, COFC Grants Limited Injunctive Relief Despite OCI And CICA Violations

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In *Filtration Dev. Co. LLC v. U.S.* (April 27, 2004), the Court of Federal Claims found (1) that a sole source award for filtration kits (to protect helicopters in Iraq from sand damage) that included a directed subcontract violated organizational conflict of interest (OCI) prohibitions because, even though it had performed no work on that system, the subcontractor held a Systems Engineering and Technical Assistance (SETA) contract for the system, and (2) that the urgent and compelling circumstances justification and approval (J&A) for the sole source action, despite explicitly authorizing procurement of a larger number of kits than already ordered by the prime from the designated subcontractor, was limited by the scope of the current emergency to the smaller order already placed. The court granted injunctive relief, but only to preclude further contracts or orders without a new J&A, and declined to enjoin the government from including the directed subcontractor in future competitions or contracting actions because, inter alia, the OCI could be waived.

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

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