

CLIENT ALERT

GAO Protest Jurisdiction Covers Concession Contracts

Mar.22.2004

In *Shields & Dean Concessions, Inc.* (Feb. 23, 2004), GAO took jurisdiction over the protest of a concessions contract awarded by the National Parks Service ("NPS"), stating that, because the concession contract at issue involved the delivery of goods and services to the government, as well as certain groundskeeping and construction services, the contract was a "procurement" within the meaning of CICA, and, therefore, was within GAO's bid protest jurisdiction. Notwithstanding its reliance on CICA to assume jurisdiction, GAO noted that, pursuant to statute, for concession contracts NPS is not bound by the provisions of CICA and the FAR that govern the conduct of procurements, and GAO therefore reviewed the award decision to determine whether it was consistent with the specific statute and regulation governing NPS concession contract and the terms of the solicitation and otherwise reasonable, and sustained the protest.

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

Thomas P. Humphrey

Senior Counsel – Washington, D.C.

Phone: +1 202.624.2633

Email: thumphrey@crowell.com

Daniel R. Forman

Partner – Washington, D.C.

Phone: +1 202.624.2504

Email: dforman@crowell.com