

## CLIENT ALERT

### GAO Sends Agency Back To The Drawing Board -- Again

Jan.13.2009

When Nortel, represented by C&M, challenged DEA's award of an IT services contract based on a possible OCI, DEA decided to take corrective action after GAO's "outcome prediction" alternative dispute resolution conference. DEA reaffirmed its selection, and in round two in *Nortel Gov't Solutions, Inc. (Dec. 30, 2008)*, GAO found that DEA had (1) still failed to determine the extent of the awardee's OCI and (2) unreasonably concluded that the awardee's mitigation plan was acceptable when the awardee would be required to review and provide input on designs it proposed under a separate contract with DEA.

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

**James J. Regan**

Partner – Washington, D.C., London

Phone: +1 202.624.2930 , +44.20.7413.0011

Email: [jregan@crowell.com](mailto:jregan@crowell.com)

**Daniel R. Forman**

Partner – Washington, D.C.

Phone: +1 202.624.2504

Email: [dforman@crowell.com](mailto:dforman@crowell.com)