

CLIENT ALERT

Government Considers On-Line Public Access To Contracts And Task/Delivery Orders

May.13.2010

On May 13, 2010, the FAR Councils published an advance notice of proposed rulemaking, FAR Case 2009-004, Enhancing Contract Transparency, seeking industry input on amending the FAR to enable public posting of "the text of contracts and task and delivery orders . . . without violating statutory and regulatory prohibitions against disclosing protected information belonging to the Government or contractors." The ANPR observes that (i) "it may not be practical to apply FOIA procedures before posting in every case"; (ii) the "Councils are looking into methods for identifying the types of information that should not be posted or released to the public, as well as means for electronic processing and posting, and development of provision or clause requirements for successful offerors to provide a redacted copy of the contract"; and (iii) the "Councils are also requesting suggestions for how best to protect the types of information through redacting, locating all such information in a standard place in the contract, or other possible methods to be considered."

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

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