

CLIENT ALERT

Mitigation Plan Doesn't Always Heal OCI

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In *Alion Science & Technology Corp.* (Jan. 9, 2006, <http://www.gao.gov/decisions/bidpro/297342.pdf>), GAO found an impaired objectivity organizational conflict of interest in the award of a contract to provide electromagnetic spectrum engineering services to a manufacturer of electromagnetic spectrum-dependent products, because performance of the contract would involve many different kinds of subjective judgments that might affect the sale or use of such products of the contractor, its competitors, or its customers. A mitigation plan based upon assignment of all work involving such judgments to a subcontractor was rejected because it was based upon erroneous, understated assessments of the conflict potential presented by multiple tasks in the solicitation, and because the agency had not considered the impact on the technical evaluation scoring of a shift of so much of the work from the prime contractor to the subcontractor.

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

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