

CLIENT ALERT

Non-Offeree Has Standing, and FAR Part 12 Commercial Item Restrictions Apply to GSA Schedule Procurements

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In *CGI Fed. Inc. v. U.S.* (Mar. 10, 2015), the Federal Circuit held that CGI was a "prospective offeror" and therefore had standing to pursue its preaward protest, despite the fact that CGI did not submit a proposal, which was due after CGI filed at GAO but before CGI filed at the CFC. The Federal Circuit also reversed the CFC on the merits, holding that the proscription in FAR part 12 of terms that are inconsistent with customary commercial practice does apply to solicitations for orders under FAR 8.4 (Federal Supply Schedule) contracts.

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