

Client Alert

Offerors Beware: Exceptions to Data Rights Requirements May Prove Fatal

February 3, 2016

In *Deloitte Consulting, LLP* (released Jan. 14, 2016), GAO held that, because the awardee's proposal had taken exception to a solicitation provision that granted the government broader rights in materials (including software source code) than the rights conveyed by the FAR's standard data rights clause, it was unacceptable. This case serves as a reminder that the time for objecting to solicitation provisions, including those relating to technical data and computer software rights, is prior to proposal submission.

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

John E. McCarthy Jr.

Partner – Washington, D.C.

Phone: +1.202.624.2579

Email: jmccarthy@crowell.com

Jonathan M. Baker

Partner – Washington, D.C.

Phone: +1.202.624.2641

Email: jbaker@crowell.com