

## CLIENT ALERT

### Only Significant OCIs Require Mitigation

Aug.18.2010

On August 5, 2010, the Federal Circuit in *PAI Corp. v. U.S.* affirmed the lower court's determination that contracting officers have an obligation to mitigate "significant" OCIs, but that the FAR does not require "mitigation of other types of conflicts, such as apparent or potential non-significant conflicts." The Federal Circuit also held that contracting officers have broad discretion to determine whether an OCI is "significant" and that FAR 9.504(a) does not require that contracting officers document their initial identification and evaluation of potential conflicts.

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

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