

CLIENT ALERT

Reliance on Supplier's Country of Origin Certification Reasonable

September 4, 2014

On August 29, 2014, the D.C. Circuit affirmed the grant of summary judgment for the contractor in a *qui tam* FCA case alleging Govplace had violated the Trade Agreements Act (TAA) by unreasonably relying on the distributor's country of origin certification and selling IT hardware that allegedly failed to comply with the TAA. The court concluded not only that Govplace could reasonably rely on the distributor's certification (a practice it had disclosed to GSA during Contractor Administrator Visits), but also that, because the hardware was generally manufactured in both TAA-designated countries and in non-designated countries, neither an email from the manufacturer's employee nor a competitor's price list suggesting conflicting country of origin information undermined Govplace's continued reliance on the distributor's certification.

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

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