

CLIENT ALERT

Section 809 Panel Proposes Significant Curtailing of Pre-Award and GAO/COFC Protest Process for Commercial-Item Acquisitions

Mar.18.2019

Much that has been written about the bid protest reforms in the Section 809 Panel's final report has focused on Recommendations 66-69, which expressly address (and propose changes to) the protest process at the GAO and the COFC. But the 809 Panel's most impactful recommended changes to the protest process actually may be contained in Recommendation 35. There, in the context of a discussion of "updating" the DoD's process for the acquisition of commercial and related items and services, the 809 Panel proposes to eliminate entirely GAO/COFC protests for such acquisitions valued at less than \$15 million (and likely many above that threshold as well).

The implementation of Recommendation 35 may have unstated consequences that could ripple across both DoD and civilian agency acquisitions.

Read more [here](#).

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

Anuj Vohra

Partner – Washington, D.C.
Phone: +1 202.624.2502
Email: avohra@crowell.com

Christian N. Curran

Counsel – Washington, D.C.
Phone: +1 202.624.2543
Email: ccurran@crowell.com

G. Meredith Parnell

Associate – Washington, D.C.
Phone: +1 202.688.3427
Email: mparnell@crowell.com