

CLIENT ALERT

TINA Threshold Raised but Broader Data Requests Likely

October 5, 2010

Effective October 1, a "clarified" FAR regulation regarding compliance with the Truth in Negotiations Act raises the threshold for providing certified cost or pricing data from \$650,000 to \$700,000 for covered contract and subcontract awards and modifications. The new regulation, which the Civilian Agency Acquisition and Defense Acquisition Regulations Councils say merely contains clarifications and "neither expands nor diminishes the existing right of contracting officers to request cost or pricing data whether certified or other than certified" appears likely to precipitate expanded and more aggressive contracting officer requests for non-certified judgmental data, even when certified cost or pricing data are required, and, particularly with respect to "excepted" procurements for commercial items and services, for (non-certified) cost data.

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

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