

CLIENT ALERT

GAO Rules that DoD May Not Require a Small Business Joint Venture Itself to Hold Facility Clearance

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In *InfoPoint LLC*, the Government Accountability Office ruled that the Department of Defense could not require a small business joint venture offeror to itself hold a facility clearance when the individual joint venture members themselves both hold the necessary facility clearances. GAO ruled that the National Defense Authorization Act for Fiscal Year 2020, implemented in the Small Business Administration's regulations at 13 C.F.R. § 121.103(h)(4), unambiguously prohibits the DoD from requiring that a joint venture hold a facility clearance if the members do. Read more about this decision [here](#).

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

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