

GAO OCI Cases From 2001-2011

	Type of OCI			Category of OCI	Result	Outcome as to Contracting Officer Action	Mitigation Plan	Procurement Subject to a Special OCI Process	Purpose Served	Purchasing Agency	ID/IQ Contract	Protest Brought by Small Business	(Reserved)
	Impaired Objectivity	Biased Ground Rules	Unequal Access										
↓ CASES DECIDED IN 2011 ↓													
CACI, Inc. Federal, B-403064.2, Jan. 28, 2011, 2011 CPD ¶	X		X	Potential	OCI Asserted/Rejected	<p>Not Discussed</p> <p>Protester no longer argues that awardee has an impaired objectivity OCI where after filing its initial protest the agency took corrective action and amended the task order which resolved the protester's concerns regarding the potential OCI.</p> <p>CO Action Sustained</p> <p>GAO determined that the agency reasonably determined that no unequal access type OCI existed where the awardee, through its performance of a task order was given access to information that the protester claims is proprietary, where the agency concludes that the protester furnished the information without restrictions on its use. Further, the GAO determined that the CO performed a thorough and well documented review of potential OCIs and reasonably determined that the awardees allegations were baseless.</p>	Not Discussed	NO	Protect Fair Competition	DoD	NO	NO	
↓ CASES DECIDED IN 2010 ↓													
Valdez International Corp., B-402256.3, Dec. 29, 2010, 2010 CPD ¶	X			Potential	OCI Asserted/Rejected	<p>CO Action Sustained</p> <p>GAO determined that the agency's determination that the awardee did not have an impaired objectivity type OCI was reasonable where the agency performed a comprehensive and well documented review of the facts involved and obtained the advice and assistance of technical experts.</p>	Not Discussed	NO	Performance of Contractor (Perform Unimpaired)	Air Force	YES	YES	

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	Impaired Objectivity	Biased Ground Rules	Unequal Access										
Serco, Inc., B-404033 et. al., Dec. 27, 2010, 20 CPD ¶ 1	X			Potential	OCI Asserted/Rejected	CO Action Sustained Absence of factual predicate to demonstrate a potential impaired objectivity OCI – Agency was under no obligation to evaluate whether the awardee had such an OCI or to decide whether it could be avoided, neutralized, or mitigated.	Not Discussed	NO	Performance of Contractor (Perform Unimpaired)	Army	YES	NO	
Ellwood National Forge Co., B-402089.3, Oct. 22, 2010, 2010 CPD ¶ 1			X	Potential	OCI Asserted/Rejected	CO Action Sustained After receiving notice from protester of potential OCI CO investigated the potential OCI and determined that there was no evidence that an OCI existed.	Not Discussed	NO	Protect Fair Competition	Air Force	Not Specified	NO	
CIGNA Gov't Solutions, B-401068.4 et. al., Sept. 9, 2010, 2010 CPD ¶ 230	X	X	X	Potential & Actual	OCI Asserted/Rejected	CO Action Sustained The agency “followed the FAR direction to consider the particular facts involved, including the nature of the contracts at issue, and to obtain the advice of counsel and the assistance of technical specialist before exercising her sound discretion.” <i>Id.</i> at 12. Additionally, agency’s decision to execute a waiver in regards to the alleged impaired objectivity OCI was reasonable & within the CO’s discretion.	Plan Not Sufficient Initially; later, the CO determined that the OCI was not significant and requested it be waived.	YES – Solicitation required offerors to submit conflict of interest/ compliance program proposals that were to be evaluated to determine if an offeror was free to the greatest extent possible of all conflicts of interest.	Protect Fair Competition Performance of Contractor (Perform Unimpaired)	DHHS	NO	NO	

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MCR Federal, LLC, B-401954.2, Aug. 17, 2010, 2010 CPD ¶ 196.	X			Actual	OCI Asserted/Rejected	CO Action Sustained The Source Selection Authority analyzed the OCI concern with both offerors and “the potential effect if not avoided, neutralized or mitigated; and the government’s interest in allowing the offerors to compete for the award notwithstanding the OCI concerns.” <i>Id.</i> at 5. The agency acted in accordance with FAR § 9.504 and the protester provided no basis to object to the waiver.	Not Discussed	YES – Solicitation provided that if an offeror was currently providing similar services either as a prime or subcontractor for another member of the intelligence community than it had an OCI and could not participate in the competition.	Performance of Contractor (Perform Unimpaired)	CIA	NO	NO	
ITT Corp.-Electronic Systems, B-402808, Aug. 6, 2010, 2010 CPD ¶ 178.			X	Actual	OCI Asserted/Rejected	Not Discussed GAO determined that no unequal access OCI exists where the parties all had access to the same information. The protester is not prejudiced where both it and the awardee had access to the same information.	Not Discussed	NO	Protect Fair Competition	Navy	NO	NO	
CapRock Gov’t Solutions, Inc., B-402490 et. al., May 11, 2010, 2010 CPD ¶ 124.			X	Potential	OCI Asserted/Rejected	Not Discussed GAO determined that the facts did not give rise to an OCI, within the meaning of FAR part 9.5.	Not Discussed	NO	Protect Fair Competition	DoD	YES	NO	
Energy Systems Group, B-402324, Feb. 26, 2010, 2010 CPD ¶ 73.		X		Actual	Exclusion Challenged/Rejected	CO Action Sustained The agency acted reasonably in determining that an OCI existed due to the offerors potential ability to shape the current competition due to its work under a previous contract. Also, the agency acted reasonably when it concluded that the OCI could not be mitigated.	Not Discussed	NO	Protect Fair Competition	Navy	YES	NO	

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	Impaired Objectivity	Biased Ground Rules	Unequal Access										
Dayton T. Brown, Inc., B-402256, Feb. 24, 2010, 2010 CPD ¶ 72.		X	X	Potential	OCI Asserted/Rejected	CO Action Sustained GAO determined that any unfair competitive advantage that the awardee may have due to its development of the protocols is minimal given that the agency released the protocols to potential offerors to mitigate the potential OCI.	Not Discussed	NO	Protect Fair Competition	Air Force	YES	YES	
B.L. Harbert-Brasfield & Gorrie, JV, B-402229, Feb. 16, 2010, 2010 CPD ¶ 69.		X	X	Actual	OCI Asserted/Found	CO Action Rejected The agency cannot rely upon a de facto mitigation plan. Here, the agency did not exercise sound judgment where the agency failed to independently investigate the circumstances giving rise to the possible OCI and failed to institute the proper measures to mitigate or avoid the OCI.	Plan Not Sufficient	NO	Integrity	Army	NO	NO	
McCarthy/Hunt, JV, B-402229.2, Feb. 16, 2010, 2010 CPD ¶ 68.	X	X	X	Actual, Apparent, & Potential	OCI Asserted/Found – Biased Ground Rules & Unequal Access OCI Asserted/Rejected – Impaired Objectivity	CO Action Rejected The agency lacked a reasonable basis for its determination that there was no biased ground rules OCI or unequal access OCI where the awardee was in fact in a position to receive unequal access to competitively useful information and where the awardee’s subcontractor participated in the development of the current solicitation. CO Action Sustained Agency was correct in its determination that the protester was not prejudiced where the allegedly conflicted entity is more critical of the firm that it is presumed to have favored.	Plan Not Sufficient	NO	Integrity	Army	NO	NO	

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C2C Solutions, Inc., B-401106.5 et. al., Jan. 25, 2010, 2010 CPD ¶ 38.	X			Potential	OCI Asserted/Found	CO Action Rejected The agency's original assessment of the awardee's potential impaired objectivity OCI was reasonable where the agency determined that the awardee's proposed mitigation strategies were inadequate. Specifically, the agency exercised deliberate care in analyzing and documenting her initial review. In conducting her subsequent review of the awardee's "amended" mitigation plan, however, the agency accepted the plan without adequate consideration or documentation.	Plan Not Sufficient	YES – Solicitation required offerors to submit an Organizational Conflicts of Interest Certificate identifying all known or potential conflicts and a strategy to mitigate the conflicts.	Integrity	DHHS	YES	NO	
↓ CASES DECIDED IN 2009 ↓													
The Analysis Group, B-401726 et. al., Nov. 13, 2009, 2009 CPD ¶ 237.	X			Potential	OCI Asserted/Found	CO Action Rejected The record demonstrates that the agency failed to adequately consider the possibility of an impaired objectivity OCI or whether such a potential OCI could be avoided, neutralized or mitigated.	OCI Statement Not Sufficient	NO	Integrity	GSA on behalf of the Air Force	NO	NO	
Software Engineering Services, Inc., B-401645, Oct. 23, 2009, 2009 CPD ¶ 150.	X			Potential	OCI Asserted/Rejected	CO Action Sustained Where the solicitation specifically provides that a subcontractor's involvement in both phases of the program no impaired objectivity OCI arises. Further, the record reflects that the agency considered whether a potential conflict of interest was created by the awardee's choice of subcontractor and concluded that it did not.	Not Discussed	YES – Solicitation provided that contractors who participated in phase one of the procurement had an OCI and could not participate in the current phase of the procurement.	Protect Fair Competition	DHHS	NO	YES	

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L-3 Services, Inc., B-400134.11, et. al., Sept. 3, 2009, 2009, CPD ¶ 171.	X	X	X	Actual	<p>OCI Asserted/Found – Biased Ground Rules & Unequal Access</p> <p>OCI Asserted/Rejected – Impaired Objectivity</p>	<p>CO's Action Rejected</p> <p>In assessing whether a biased ground rules OCI existed the agency failed to appreciate the way in which performance of one phase of the program shaped the statement of work for the next phase covered by the current task order. Indeed, the agency falsely relied upon the notion that there was a clean break between the phases of the program and unreasonably awarded the task order to the awardee where the awardee's subcontractor provided procurement development services under the earlier phase.</p> <p>In assessing whether an unequal access OCI existed the agency failed to adequately investigate and reasonably determine the extent and type of information to which the awardee had access to or the efficacy of the awardee's mitigation plan.</p> <p>CO Action Sustained</p> <p>There is no evidence that the agency acted unreasonably in finding that the facts of the case do not give rise to an impaired objectivity OCI where the parties in questions relationship is too attenuated and dissimilar.</p>	Plan Not Sufficient	YES – Solicitation provided that contractors who participated in the planning phase of the procurement could not participate in the current phase of the procurement.	Integrity	Air Force	YES	NO	

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Raydar & Associates, Inc., B-401447, Sept. 1, 2009, 2009 CPD ¶ 180.				Potential	OCI Asserted/Rejected	Not Discussed GAO found protester's allegation that the awardee had an OCI due to one of its employees drafting portions of the RFP was untimely because the protester waited until after award to file the protest where the protester was aware of the facts giving rise to the potential OCI, and the protester had been advised by the agency that the offeror was eligible for award. Additionally, GAO found no basis to find that an OCI did in fact exist.	Not Discussed	NO	Protect Fair Competition	Navy	YES	YES	
First Coast Service Options, Inc., B-401429, July 31, 2009, 2009 CPD ¶ 6.	X			Actual	Exclusion Challenged/Rejected	CO Action Sustained The agency acted reasonably in determining that the protester's mitigation plan was inadequate and did not sufficiently mitigate the OCI where the protester offered to perform conflicted requirements by relying on a "firewalled subcontractor" but failed to meaningfully address the cost and technical impacts associated with the proposal revision.	Plan Not Sufficient	YES – Solicitation required offerors to submit an Organizational Conflict of Interest Certificate which required offerors to identify all actual or potential OCIs and a plan to mitigate those OCIs.	Integrity	DHHS	YES	NO	
Honeywell Technology Solutions, Inc., B-400771 et. al., Jan. 27, 2009, 2009 CPD ¶ 240.			X	Actual	OCI Asserted/Rejected	Not Discussed GAO determined that protester's allegation was untimely because the protester was aware, prior to the solicitation's closing date, of the facts necessary to argue that the awardee had an impermissible OCI and was required to file the protest prior to the closing time for receipt of proposals.	Not Discussed	NO	Protect Fair Competition	NASA	YES	NO	

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Marinette Marine Corp., B-400697, et. al., Jan. 12, 2009, 2009 CPD 16.	X			Apparent	OCI Asserted/Rejected	CO Action Sustained The agency acted reasonably in determining that there was no OCI that had to be avoided, neutralized, or mitigated, where the protester, during the proposal preparation process, also sought advice from the entity that assisted the agency in the evaluation of proposals and the record reflects there was no reasonable possibility of prejudice to the protester.	Not Discussed	NO	Protect Fair Competition	DHS/Coast Guard	NO	NO	
↓ CASES DECIDED IN 2008 ↓													
Nortel Gov't Solutions, Inc., B-299522.5 et al., Dec. 30, 2008, 200 CPD ¶ 10.	X			Potential	OCI Asserted/Found	CO Action Rejected In assessing whether an impaired objectivity OCI existed the agency failed to give meaningful consideration to the whether the awardee, by virtue of its performance of another contract, would be in a position to evaluate or assess its own work under the challenged procurement. Further, the GAO provided that the awardee's mitigation plan to use a firewall to manage the two contracts was insufficient to avoid or mitigate an impaired objectivity type OCI.	Plan Not Sufficient	NO	Integrity	DEA	NO	NO	
Detica, B-400523 et. al., Dec. 2, 2008, 2008 CPD ¶ 217.		X		Apparent	OCI Asserted/Rejected	Not Discussed GAO determined that the record demonstrated that the protester's allegations were unfounded and that the individual they claim participated in the planning of the subject acquisition and aided in identifying funds for the acquisition prior to joining the awardee in fact did not any work related to the procurement while at the procuring agency.	Not Discussed	NO	Protect Fair Competition	DHS/FEMA	NO	NO	

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AT&T Gov't Solutions, Inc., B-400216, Aug. 28, 2008, 2008 CPD ¶ 170.	X			Potential	Exclusion Challenged/Sustained	CO Action Rejected In assessing whether an impaired objectivity OCI existed the agency failed to consider whether the protester would in fact be in a position to evaluate its own products, failed to consider the protester's mitigation plan, and failed to give the protester notice of and an opportunity to respond to the agency's OCI findings prior to the protester's disqualification from the competition.	Agency Improperly Failed to Consider Protester's Mitigation Plan.	YES – Solicitation provided that offerors with even an appearance of an OCI would be rejected. To aid offerors in determining whether they had an actual or apparent OCI the solicitation included a list of equipment and products that would be used in performance of the contract to help identify possible areas of conflict.	Integrity	Navy	YES	NO	
DRS C3 Systems, LLC, B-310825 et. al., Feb. 26, 2008, 2008 CPD ¶ 103.		X	X	Actual	OCI Asserted/Rejected	Not Discussed GAO Determined that there was no merit to the allegation that the awardee helped to shape the standards that applied to the current procurement or that the awardee had unequal access to information and accordingly the agency had no duty to neutralize any alleged OCI.	Not Discussed	NO	Protect Fair Competition	Navy	NO	NO	
Karrar Systems Corp., B-310661 et. al., Jan. 3, 2008, 2008 CPD ¶ 51.	X			Potential	OCI Asserted/Rejected	CO Action Sustained The agency reasonably concluded that the alleged OCI did not preclude the awardee from award where the awardee provided that it would end its relationship that created the potential OCI by withdrawing from all teaming arrangements with the company.	Formal Written Plan Not Discussed – Oral Mitigation Plan Found to be Sufficient	NO	Performance of Contractor (Perform Unimpaired)	Army	YES	YES	

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↓ CASES DECIDED IN 2007 ↓													
Pemco Aeroplex, Inc., B-310372, Dec. 27, 2007, 2007 CPD ¶ 2.		x		Actual	OCI Asserted/Rejected	Not Discussed GAO will not sustain a protest based on allegations which are not supported by evidence.	Not Discussed	NO	Protect Fair Competition	Air Force	NO	NO	
VRC, Inc., B-310100, Nov. 2, 2007, 2007 CPD ¶ 202.			X	Apparent	Exclusion Challenged/Rejected	CO Action Sustained The agency acted reasonably in determining that the protester had an impermissible unequal access to information OCI due to the fact that an individual employed by a company with ownership ties to the protester was assigned to work in the procuring agency's contracting office in connection with the procurement at issue.	Not Sufficient	NO	Integrity	National Guard Bureau	Not Specified	YES	
Integrated Concepts & Research Corp., B-309803, Oct. 15, 2007, 2007 CPD ¶ 117.			X	Potential	OCI Asserted/Rejected	Not Discussed GAO will not sustain a protest where the protester furnishes no basis upon which to question the award. GAO further provided that the mere existence of a prior or current contractual relationship between a contracting agency and a firm does not by itself create an OCI.	Not Discussed	NO	Protect Fair Competition	Air Force	YES	NO	
Chenega Federal Systems, LLC, B-299310.2, Sept. 28, 2007, 2007 CPD ¶ 196.			X	Potential	OCI Asserted/Rejected	CO Action Sustained There is no evidence that the agency acted unreasonably in determining that no OCI existed where the agency conducted a detailed investigation of the alleged OCI and the protester offered no evidence in support of its position. Specifically, the GAO held that the agency reasonably determined that the awardee did not have an equal access to information OCI where the awardee hired an individual who had worked as a contracting officer's technical representative at the agency because the individual did not have access to procurement sensitive data and if the individual did have access to the data the individual lacked the technical expertise to interpret the data.	Not Discussed	NO	Protect Fair Competition	Army	YES	YES	

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MASAI Tech. Corp., B-298880.3 et. al., Sept. 10, 2007, 2007 CPD ¶ 179.			X	Potential	OCI Asserted/Rejected	CO Action Sustained There is no evidence that the agency acted unreasonably in determining that the awardee did not have an unequal access to information OCI where the agency performed a well documented and thorough review of the awardee's and the awardee's subcontractors prior contracts and concluded that the awardee did not have an unfair competitive advantage in this procurement due to its or its subcontractors prior government contract performance.	Not Discussed	YES – After initial protest the agency took corrective action and amended the solicitation to require all offerors to provide a certification regarding potential OCIs	Protect Fair Competition	Army	Not Specified	YES	
Council for Audit & Experiential Learning, B-299798.2, Aug. 28, 2007, 2007 CPD ¶ 151.			X	Apparent	OCI Asserted/Rejected	Not Discussed GAO provided that the protester's arguments that the information that the awardee had access to (due to its prior experience under a contract with the agency) should have been made available to them in the solicitation is untimely where the protester failed to raise the issues until after award.	Not Discussed	NO	Protect Fair Competition	Army	YES	NO	
Business Consulting Assoc., LLC, B-299758.2, Aug. 1, 2007, 2007 CPD ¶ 134.	X			Potential	OCI Asserted/Rejected	CO Action Sustained The agency's determination that the awardee's mitigation plan was adequate to mitigate any impaired objectivity OCI was reasonable where the agency thoroughly considered the awardee's mitigation plan and determined that it adequately neutralized the potential OCI by proposing to transfer the conflicted work to a separate entity and establish a firewall around the impaired entity.	Plan Sufficient	NO	Integrity	HUD	NO	YES	
Axiom Resource Management, Inc., B-298870.3 et. al., July 12, 2007, 2007 CPD ¶ 117.			X	Potential	OCI Asserted/Rejected	CO Action Sustained The record reflects that the agency gave meaningful consideration to potential conflicts of interest and reasonably determined that the awardee's mitigation plan adequately neutralized any potential unequal access to information OCI.	Plan Sufficient	YES – RFQ for task order provided extensive guidelines regarding potential OCIs. Specifically, the RFQ provided that the underlying program would include orders under three categories and that participation in more than one category would give rise to an OCI.	Protect Fair Competition	DoD	NO	NO	

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Apptis, Inc., B-299457 et. al., May 23, 2007, 2007 CPD ¶ 49.	X			Potential	OCI Asserted/Rejected	Not Discussed GAO determined that the protester's allegation that the awardee had an impermissible OCI was untimely where the protester was aware of the factual basis of the alleged OCI prior to the closing of the solicitation.	Not Discussed	NO	Protect Fair Competition	DISA	YES	NO	
Philadelphia Produce Market Wholesalers, LLC, B-298751.5, May 1, 2007, 2007, CPD ¶ 87.		X		Potential	OCI Asserted/Rejected	Not Discussed GAO determined that there is no support for the protester's allegation that the awardee has a biased ground rules type OCI due to its performance of contracts for similar work where there is no evidence that the awardee participated in drafting the performance requirements for the current procurement.	Not Discussed	NO	Protect Fair Competition	Defense Commissary Agency	NO	YES	
Greenleaf Construction Co., Inc., B-293105.21 et. al., Apr. 4, 2007, 2007 CPD ¶ 84.	X			Potential	OCI Asserted/Rejected	CO Action Sustained The agency acted reasonably in determining that any potential impaired objectivity type OCI had been neutralized where the agency determined that there was no continuing relationship between the awardee and another contractor whose activities the awardee will oversee under the contract.	Not Discussed	YES – Solicitation provided that contractors may not serve as contractors or subcontractors that perform contract monitoring, oversight or other services related to any of the tasks in the solicitation's performance work statement.	Performance of Contractor (Perform Unimpaired)	HUD	YES	YES	
Operational Resource Consultants, Inc., B-299131.1 et. al., Feb. 16, 2007, 2007 CPD ¶ 38.		X	X	Potential	OCI Asserted/Rejected	Not Discussed GAO determined that the record does not support the protester's allegations that the awardee participated in the drafting of the statement of work for the procurement at issue or that the protester had access to non-public information that would have given the protester a competitive advantage in the procurement.	Not Discussed	NO	Protect Fair Competition	GSA on behalf of the Federal Public Key Infrastructure Architecture	Not Specified	YES	

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OK Produce; Coast Citrus Distributors, B-299058 et. al., Feb. 2, 2007, 2007 CPD ¶ 31.		X		Potential	OCI Asserted/Rejected	Not Discussed GAO determined that there is no support for the protester's allegation that the awardee obtained an unfair competitive advantage by hiring a former government employee that had acted as an evaluator on prior procurements where the record reflects that the individual did not assist in the preparation of the solicitation in the procurement at issue.	Not Discussed	NO	Protect Fair Competition	Defense Commissary Agency	NO	YES	
↓ CASES DECIDED IN 2006 ↓													
Philadelphia Produce Market Wholesalers, LLC, B-298751, Dec. 8, 2006, 2006 CPD ¶ 193.			X	Potential	OCI Asserted/Rejected	Not Discussed GAO determined that that the protester did not have an unfair competitive advantage due to its employment of a former government employee that had served as a technical evaluator where the record demonstrates that the individual did not assist in the preparation of the current solicitation and the protester has not submitted any evidence that the individual shared inside information with the awardee.	Not Discussed	NO	Protect Fair Competition	Defense Commissary Agency	NO	YES	
Leader Communications, Inc., B-298734 et. al., Dec. 7, 2006, 2006 CPD ¶ 192.	X	X		Potential	OCI Asserted/Rejected	Not Discussed – Biased Ground Rules GAO determined that the protester's allegation that the awardee had a biased ground rules OCI was meritless where the awardee had no opportunity to participate in the acquisition planning, drafting of the specifications, work statements or any other facet of the acquisition and the protester failed to provide any evidence in support of its allegation. CO Action Sustained – Impaired Objectivity OCI The agency reasonably determined that the awardee did not have an impaired objectivity type OCI where the agency considered the possibility of the OCI and determined that no OCI was created by awarding a contract for business support services to a firm currently performing a contract for acquisition support services for the same agency.	Not Discussed	NO	Protect Fair Competition	Air Force	YES	YES	

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<p>Overlook Systems Technologies, Inc., B-298099.4 et. al., Nov. 28, 2006, 2006 CPD ¶ 185.</p>	<p>X</p>			<p>Actual</p>	<p>OCI Asserted/Rejected</p>	<p>CO Action Sustained GAO determined that the agency gave meaningful consideration of the potential conflicts of interest and that the protester failed to provide any reason to question the reasonableness of the agency's determination. Further, the GAO provided that the CO acted appropriately in mitigating the risk of an impaired objectivity OCI where the CO requested a detailed OCI mitigation plan and performed a detailed analysis of the plan together with steps to increase agency oversight.</p>	<p>Plan Sufficient Once Modified & When Coupled With Gov't Oversight</p>	<p>YES – Solicitation provided that certain potential offerors may have an OCI due to their involvement with other efforts and required offerors to notify the CO of any possible OCI prior to submitting initial proposals.</p>	<p>Performance of Contractor (Perform Unimpaired)</p>	<p>Air Force</p>	<p>NO</p>	<p>YES</p>	
<p>Maden Technologies, B-298543.2, Oct. 30, 2006, 2006 CPD ¶ 167.</p>			<p>X</p>	<p>Potential</p>	<p>OCI Asserted/Rejected</p>	<p>CO Action Sustained The agency's determination that the potential for an unequal access to information OCI stemming from the awardee's proposed use of a subcontractor that had served as an evaluator for the agency in a previous procurement was adequately neutralized where the individual signed a non-disclosure agreement in connection with her performance under the previous procurement and did not aid the awardee in preparing its proposal in the procurement at issue.</p>	<p>Not Discussed</p>	<p>NO</p>	<p>Protect Fair Competition</p>	<p>DARPA</p>	<p>NO</p>	<p>YES</p>	
<p>Alion Science & Tech. Co., B-297022.4 et. al. Sept. 26, 2006, 2006 CPD ¶ 146.</p>	<p>X</p>			<p>Potential</p>	<p>OCI Asserted/Rejected</p>	<p>CO Action Sustained The agency's corrective action adequately assessed and addressed the potential for an impaired objectivity OCI where the agency completed a thorough review of the products and services produced by the awardee and considered the impact that performance of the contract requirements may have on the awardee's related interest, and reasonably concluded that the awardee's plan to perform conflicted portions of the contract through the use of "firewalled" subcontractors adequately avoided, neutralized, or mitigated, the potential OCI.</p>	<p>Initial Plan Rejected – Plan Submitted After Corrective Action Accepted</p>	<p>NO</p>	<p>Integrity</p>	<p>DISA</p>	<p>Not Specified</p>	<p>NO</p>	

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Greenleaf Construction Co., Inc., B-293105.18 et. al., Jan. 17, 2006, 2006 CPD ¶ 19.	X			Potential	OCI Asserted/Found	CO Action Rejected GAO determined that the agency failed to consider and evaluate the awardee's potential impaired objectivity type OCI resulting from the owner of the awardee receiving payments from another contractor whose activities the awardee will oversee under the contract.	Not Discussed	YES – Solicitation provided that contractors may not serve as contractors or subcontractors that perform contract monitoring, oversight or other services related to any of the tasks in the solicitation's performance work statement.	Performance of Contractor (Perform Unimpaired)	HUD	YES	YES	
Alion Science & Tech. Corp., B-297342, Jan. 9, 2006, 2006 CPD ¶ 1.	X			Potential	OCI Asserted/Found	CO Action Rejected GAO determined that the record does not support the agency's conclusion that none of the work anticipated in the performance work statement created any potential impaired objectivity type OCI where the record is devoid of any meaningful analysis of the products and services produced by the awardee and the impact that performance of the contract requirements may have on the awardee's related interest.	Mitigation Plan Rejected – Not Properly Considered	NO	Integrity	DISA	Not Specified	NO	
↓ CASES DECIDED IN 2005 ↓													
Government Scrap Sales, B-295585, Mar. 11, 2005, 2005 CPD ¶ 60.	X		X	Potential	OCI Asserted/Rejected	Not Discussed Protester's allegation amounts to an allegation that the awardee may potentially engage in bad faith in its performance of the contract but does not establish an OCI.	Not Discussed	NO	Protect Fair Competition	DoD	NO	NO	

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Lucent Technologies World Services, Inc., B-295462, Mar. 2, 2005, 2005 CPD ¶ 55.		X		Actual	Exclusion Challenged/Rejected	CO Action Sustained GAO held that the agency reasonably determined that the protester had a biased ground rules type OCI arising from its preparation of technical specifications used by the agency in the solicitation.	Protester Did Not Submit a Mitigation Plan	NO	Protect Fair Competition	Army	YES	NO	
↓ CASES DECIDED IN 2004 ↓													
Science Applications International Corp., B-293601.5 et. al., Sept. 21, 2004, 2004 CPD ¶ 201.		X		Potential	OCI Asserted/Rejected	CO Action Sustained GAO determined that the agency's corrective action adequately remedies the prior procurement flaws where the agency performed a thorough and documented review of the potential OCIs and has developed a means to assess potential OCIs between each task order's requirements.	Not Discussed	NO	Protect Fair Competition	EPA	YES	NO	
PURVIS Systems, Inc., B-293807.3 et. al., Aug. 16, 2004, 2004 CPD ¶ 177.		X		Potential	OCI Asserted/Found	CO Action Rejected GAO determined that the agency failed to reasonably consider or evaluate potential OCIs resulting from the awardee's involvement in evaluating its systems and the systems of the other offerors. Further the GAO determined that the awardee's mitigation plan lacks a reasonable understanding of situations that create an impaired objectivity OCI and the agency's evaluation of the plan lacks a reasonable basis.	Rejected – Not Properly Considered	NO	Performance of Contractor (Perform Unimpaired)	Navy	Not Specified	YES	
Abt Associates, Inc., B-294130, Aug. 11, 2004, 2004 CPD ¶ 174.			X	Potential	OCI Asserted/Dismissed	Not Discussed GAO dismissed the protest as untimely where the protester waited until after award to protest although the solicitation was issued on an unrestricted basis, the protester knew the awardee was participating in the procurement prior to award, and prior to award the protester the agency informed the protester that it did not believe the awardee had an impermissible OCI.	Not Discussed	NO	Integrity	Agency for International Development	Not Specified	NO	

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Science Applications International Corp., B-93601 et. al., May 3, 2004, 2004 CPD ¶ 201.	X			Potential	OCI Asserted/Found	CO Action Rejected GAO determined that the agency failed to comply with the FAR requirement that the agency identify and evaluate potential OCIs where the agency acknowledged the awardee's involvement in certain activities may create an OCI but failed to consider the potential impact of the awardee's potential OCI on the procurement.	Not Discussed	NO	Protect Fair Competition	EPA	YES	NO	
CDR Enterprises, B-293557, Mar. 26, 2004, 2004 CPD ¶ 46.	X			Actual	OCI Asserted/Rejected	Not Discussed GAO determined that the protester's allegation that the awardee had an impaired objectivity type OCI was baseless where the awardee did not participate in the creation of the Statement of Work and the solicitation was not derived from the materials furnished to the agency under a previous contract by the awardee.	Not Discussed	NO	Protect Fair Competition	Defense Logistics Agency	NO	YES	
↓ CASES DECIDED IN 2003 ↓													
Mechanical Equipment Company, Inc.; Highland Engineering, Inc.; Etnyre International, Ltd.; Kara Aerospace, Inc., B-292789.2 et. al., Dec. 15, 2003, 200 CPD ¶ 192.		X	X	Potential	OCI Asserted/Rejected	CO Action Sustained GAO determined that the agency acted reasonably in determining that the awardee did not have a significant OCI due to its subcontractor's work in support of a services contract for the agency where there was no evidence in the record that the subcontractor had an unfair competitive advantage resulting from access to the proprietary information of competitors.	Not Discussed	NO	Protect Fair Competition	Army	NO	YES	
Computers Universal Inc., B-292794, Nov. 18, 2003, 2003 CPD ¶ 201.	X			Potential	OCI Asserted/Rejected	Not Discussed GAO determined that the awardee did not have an impaired objectivity type OCI where the awardee would be required under the awarded contract to perform quality assurance of its own work under an existing contract but performance of the quality assurance would not entail a subjective evaluation of its own performance under the existing contract.	Not Discussed	NO	Performance of Contractor (Perform Unimpaired)	DoD	Not Specified	YES	

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<p>TDS, Inc., B-292674, Nov. 12, 2003, 2003 CPD ¶ 204.</p>	<p>X</p>			<p>Potential</p>	<p>OCI Asserted/Rejected</p>	<p>Not Discussed GAO provided that there is nothing inherently improper in a firm monitoring the activities of a team member and monitoring alone does not necessarily create the potential for an impaired objectivity type OCI. Without additional evidence, there is no basis to find that the awardee or its subcontractor has an OCI.</p>	<p>Not Discussed</p>	<p>NO</p>	<p>Performance of Contractor (Perform Unimpaired)</p>	<p>DOJ</p>	<p>NO</p>	<p>NO</p>	
<p>American Artisan Productions, Inc., B-292559 et. al., Oct. 7, 2003, 2003 CPD ¶ 176.</p>		<p>X</p>		<p>Potential</p>	<p>OCI Asserted/Rejected</p>	<p>CO Action Sustained GAO determined that the agency acted reasonably in determining that the awardee's use of a subcontractor who had participated in the development of the solicitation did not create an impermissible OCI where the subcontractor had worked only on design aspects and the subcontractor was not in a position to draft specifications favoring its products.</p>	<p>Not Discussed</p>	<p>NO</p>	<p>Protect Fair Competition</p>	<p>National Park Service, Department of Interior</p>	<p>NO</p>	<p>YES</p>	
<p>The LEADS Corp., B-292465, Sept. 26, 2003, 2003 CPD ¶ 197.</p>		<p>No Form of OCI Alleged</p>		<p>Potential</p>	<p>OCI Asserted/Rejected</p>	<p>CO Action Sustained GAO determined that the agency reasonably determined that the awardee's mitigation plan was acceptable where the agency concluded that any potential OCI could be avoided by the careful assignment of work under the contract to ensure that the awardee's contracting specialists do not handle matters in which the awardee has an interest.</p>	<p>Plan Sufficient</p>	<p>YES – Solicitation provided that the contractor awarded the contract is explicitly prohibited from providing any management, design, development, integration, training, operations, or maintenance tasks or contracts with any DCC-Washington entity for the completion of the task. Also, contractors were invited to submit a mitigation plan to address the support the contractor is providing to agencies supported by the DCC-W.</p>	<p>Integrity</p>	<p>Defense Contracting Command</p>	<p>NO</p>	<p>NO</p>	

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Computer Universal Inc., B-291890 et. al., Apr. 8, 2003, 2003 CPD ¶ 81.		No Form of OCI Alleged		Potential	OCI Asserted/Rejected	Not Discussed GAO determined that contrary to the protester's allegations the incumbent offeror did not gain a "significant advantage" over the other offerors due to its incumbent status because incumbent status alone does not give rise to unfair competition.	Not Discussed	NO	Protect Fair Competition	Dept. of Veterans Affairs	NO	YES
Vantage Associates, Inc., B-290802.2, Feb. 3, 2003, 2003 CPD ¶ 32.			X	Potential	OCI Asserted/Rejected	Not Discussed GAO determined that protester's allegation was untimely where the protester learned of the potential OCI at its initial debriefing but failed to raise the issue until after the agency took corrective action on an unrelated issue.	Not Discussed	NO	Protect Fair Competition	Navy	NO	NO
↓ CASES DECIDED IN 2002 ↓												
USA Information Systems, Inc., B-291417, Dec. 30, 2002, 2003 CPD ¶ 224.		X		Potential	OCI Asserted/Rejected	Not Discussed GAO determined that protester's allegation was untimely where the protester waited until after award to challenge provisions in the Statement of Work.	Not Discussed	NO	Protect Fair Competition	Army	Not Specified	YES
Snell Enterprises, Inc., B-290113 et. al., June 10, 2002, 2002 CPD ¶ 115.		X	X	Potential	OCI Asserted/Rejected	CO Action Sustained GAO provided that it will not second guess an agency's determination regarding the existence of a biased ground rules type OCI where the protester's allegations are based entirely on inference and suspicion, not substantial facts or hard evidence. Further, in regards to the alleged unequal access OCI, GAO determined that the agency acted reasonably in determining that there was no unequal access type OCI where the information gained by the awardee was simply a result of a prior contract with the agency and did not create an unfair competitive advantage.	Not Discussed	NO	Protect Fair Competition	Television-Audio Support Activity, DoD	NO	YES

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E.F. Felt Co., Inc., B-289295, Feb. 6, 2002, 2002 CPD ¶ 37.	No Form of OCI Alleged		Potential	OCI Asserted/Rejected	Not Discussed GAO dismissed protester's allegation that an offeror had an impermissible OCI where the protester was determined to be nonresponsible and not eligible for award.	Not Discussed	NO	Protect Fair Competition	Air Force	Not Specified	YES	
↓ CASES DECIDED IN 2001 ↓												
Wyle Laboratories, Inc., B-288892 et. al., Dec. 19, 2001, 200 CPD ¶ 12.	X		Potential	OCI Asserted/Rejected	CO Action Sustained GAO determined that the agency reasonably determined that the awardee did not have an impermissible impaired objectivity type OCI where the agency considered whether an OCI existed and determined that the awardees operation of both the agency's highest calibration laboratory and its lowest calibration laboratory would not constitute an OCI because government personnel are responsible for monitoring and measuring the awardee's performance under both contracts.	Not Discussed	NO	Performance of Contractor (Perform Unimpaired)	Air Force	NO	NO	
M&W Construction Corp., B-288649.2, Dec. 17, 2001, 200 CPD ¶ 30.		X	Potential	OCI Asserted/Rejected	Not Discussed GAO determined that the record reflects that contrary to the protester's allegation the awardee did not prepare the Statement of Work for the procurement at issue but rather it was prepared by the agency and thus no OCI is present.	Not Discussed	NO	Protect Fair Competition	Defense Logistics Agency	NO	NO	
Deutsche Bank, B-289111, Dec. 12, 2001, 2001 CPD ¶ 210.	X		X	Potential	OCI Asserted/Rejected	CO Action Sustained GAO determined that the agency acted reasonably where the record demonstrates that the agency performed a reasonable and documented review of the alleged potential OCI and determined that the awardee adequately mitigated any OCI through the use of a subcontractor to perform the conflicted activities.	Plan Sufficient	NO	Performance of Contractor (Perform Unimpaired)	HUD	NO	NO

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Johnson Controls World Services, Inc., B-286714.3, Aug. 20, 2001, 2001 CPD ¶ 145.	X	X	Apparent	OCI Asserted/Rejected	CO Action Sustained GAO determined that agency's corrective action to address the awardee's potential OCIs was reasonable where the agency required the awardee to terminate its relationship with its subcontractor to avoid any potential OCI arising from the subcontractor gaining and providing information to the awardee as a result of the subcontractor's performance of another contract.	Plan Sufficient	NO	Protect Fair Competition	Army	NO	NO	
Government Business Services Group, B-287052 et. al., Mar. 27, 2001, 2001 CPD ¶ 58.	X		Potential	OCI Asserted/Rejected	Not Discussed GAO determined that the agency had not made a final determination concerning the offerors alleged OCI and accordingly the protester's allegation is premature where the protester is challenging the restrictiveness of the solicitation.	Not Discussed	NO	Performance of Contractor (Perform Unimpaired)	OPM	YES	NO	
Johnson Controls World Services, Inc., B-286714.2, Feb. 13, 2001, 2001 CPD ¶ 20.	X	X	Apparent	OCI Asserted/Found	CO Action Rejected GAO determined that the agency failed to comply with the FAR requirement that the agency identify and evaluate potential OCIs where the agency did not review the awardee's apparent OCIs and consider whether they could be avoided, neutralized, or mitigated.	Rejected – Not Properly Considered	NO	Protect Fair Competition	Army	NO	NO	