

THOUGHT LEADERSHIP

NEWS RELEASES

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Husch Blackwell Guides Jacobs Technology to Success in GAO Protests of Contracts Totaling \$1.3 Billion

Husch Blackwell's Washington, D.C.-based Government Contracts practice group represented Jacobs Technology, Inc. in three recent Government Accounting Office (GAO) bid protests challenging the award of contracts valued at more than \$1.3 billion. GAO denied the protests in January 2018.

Two protests challenged the award of a \$778-million task order issued by the United States Special Operations Command (SOCOM) for worldwide IT support services. The protests were filed by CACI, Inc.-Federal (CACI) and General Dynamics One Source, LLC (GDOS). Jacobs was one of several incumbent contractors under the SITEC I program, as were CACI and GDOS. SOCOM's award to Jacobs consolidates the majority of the SITEC I requirements into a single enterprise operations and management (EO&M) contract.

The primary basis for protest asserted by both CACI and GDOS was that Jacobs had not adequately disclosed and mitigated organizational conflicts of interest (OCI). Since SOCOM had exercised its authority to waive rules governing organizational conflicts of interest, both CACI and GDOS sought to have GAO second-guess the OCI waiver. GAO rejected their arguments, finding that SOCOM's OCI waivers met all of the applicable criteria.

In a separate matter, American Systems Corporation protested the award of a \$480 million indefinite delivery/indefinite quantity (IDIQ) contract with the Defense Information Systems Agency (DISA) for test, evaluation, and certification services in support of DISA's Joint Interoperability Test Command. American Systems was the incumbent contractor. The protest

challenged the agency's evaluation of proposals and its approach to a series of organizational conflicts of interest arising from Jacobs' other contracts and business relationships. The protest also pointed to the statutory requirement that limits the use of single-award IDIQ contracts over \$112 million. GAO dismissed the single-award argument as untimely and denied the remainder of the protest grounds.

The Husch Blackwell team representing Jacobs in all of these protests was led by Brian Waagner and included Hal Perloff, Steve Neeley, and Emily Constantine.