

GOVERNMENT OF THE DISTRICT OF COLUMBIA
CONTRACT APPEALS BOARD

APPEAL/PROTEST OF:)
)
) CAB No. _____
Solicitation/Contract No.)
)
Agency:)

**APPLICATION FOR ACCESS TO MATERIALS
UNDER PROTECTIVE ORDER
FOR IN-HOUSE COUNSEL**

1. I, _____ hereby apply for access to protected materials covered by the protective order issued in connection with this appeal/protest.
2. I am in-house counsel for _____, a party to this appeal/protest.
3. I am a member of the bar(s) of _____ membership number(s) is/are _____. (Bar Number)
4. My professional relationship with the party I represent in this appeal/protest and its personnel is strictly one of legal counsel. I am not involved in competitive decision making as discussed in *U.S. Steel Corp. v. United States*, 730 F.2d 1465 (Fed. Cir. 1984), for or on behalf of the party I represent, any entity that is an interested party to this appeal/protest, or for any other firm that might gain a competitive advantage from access to the material disclosed under the protective order. I do not provide advice or participate in any decisions of such parties in matter involving similar or corresponding information about a competitor. This means that I do not, for example, provide advise concerning or participate in decisions about marketing or advertising strategies, product research and development, product design or competitive structuring and composition of bids, offers, or proposals with respect to which the use of protected material could provide a competitive advantage.
5. I have attached a detailed narrative providing the following information:
 - (a) my position and responsibilities as in-house counsel, including my role in providing advice in procurement-related matters;
 - (b) the person(s) to whom I report to, and their position(s) and responsibilities;
 - (c) the number of in-house counsel at the office in which I work, and their involvement, if any, in competitive decision making and in providing advice in procurement-related matters;

- (d) my relationship to the nearest person involved in competitive decision making (both in terms of physical proximity and corporate structure); and
- (e) measures taken to isolate me from competitive decision-making and to protect against the inadvertent disclosure of protected material to persons not admitted under the protective order.

6. I identify here (by writing “none” or listing names, positions, and responsibilities) any member of my immediate family who is an officer or holds a management position with an interested party in the appeal/protest or with any other firm that might gain a competitive advantage from access to the material disclosed under the protective order:

7. I identify here (by writing “none” or identifying the name of the forum, case number, date, and circumstances) instances in which I have been denied admission to a protective order, or had admission revoked, or been found to have violated a protective order issued by DCCAB or by an administrative or judicial tribunal:

8. I identify here (by writing “none” or listing the protest name and file number) any pending application for admission to a protective order issued by DCCAB:

9. I have read the protective order issued by DCCAB in this appeal/protest, and I will comply in all respects with that protective order and will abide by its terms and conditions in handling any protected material filed or produced in connection with the protest.

10. I acknowledge that any violation of the terms of the protective order may result in the imposition of sanctions as DCCAB deems appropriate, including but not limited to referral of the violation to appropriate bar associations or other disciplinary bodies, and restricting any practice before DCCAB. I further acknowledge that a party whose protected information is improperly disclosed shall be entitled to all remedies under law or equity, including breach of contract.

CERTIFICATION:

By my signature, I certify, that, to the best of my knowledge, the representations set forth above (including any attached statement) are true and correct. I recognize that knowingly making a false statement on this application could render me liable to a \$1,000 fine or 180 days imprisonment, or both, pursuant to D.C. Code § 22-2514.

Signature, Title

Date Executed