

CLIENT ALERT

Absent Formal Elimination, Offerors Have Standing to Pursue Size Protests

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In granting an appeal filed by Crowell & Moring, the SBA's Office of Hearings and Appeals overturned an underlying area office decision dismissing a company's challenge to the eligibility of an awardee in a DoE set-aside procurement. Rejecting the area office's grounds that the company "would not have a reasonable chance" to be selected for award even if it prevailed in its size protest, OHA held that the company had standing to protest because its low technical ratings did not render its proposal unacceptable and the agency had made no finding that it was otherwise ineligible for award.

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

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