

# CLIENT ALERT

## Agency Must Discuss Evaluated Weaknesses

September 14, 2004

In defending its award decision before the GAO in Cygnus Corp., Inc. (Dec. 30, 2003), the National Institutes of Health ("NIH") cited a number of weaknesses in the protester's proposal, but had failed to raise those same weaknesses with the protester during discussions. NIH compounded this error by suggesting in discussions that the protester had adequately resolved a number of other problems also cited by the agency as a basis for the award decision, and the GAO recommended another round of discussions, offers, and a reevaluation.

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

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