

CLIENT ALERT

Agency's Corrective Action Based Upon GAO Recommendation Reasonable

Mar.06.2009

In *ASRC Research & Tech. Solutions, LLC* (Aug. 21, 2008), GAO determined that NASA conducted flawed technical and past performance evaluations and recommended a limited re-evaluation that ultimately led to a contract award to the protester (represented by C&M). The awardee in the first competition fought to turn the tables on ARTS in a subsequent protest before the CFC, but ARTS successfully defended the award in *SP Systems, Inc. v. United States* (Feb. 11, 2009), in which the Court found that, although NASA could have taken other corrective actions, NASA's decision to follow GAO's recommendation strictly was reasonable.

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

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