

CLIENT ALERT

All Similar Past Performance Scores Are Not Comparable

December 21, 2005

In Clean Harbors Environmental Services, Inc., (Dec. 9, 2005, <http://www.gao.gov/decisions/bidpro/2961762.pdf>), GAO overturned an award because the agency evaluated only the numerical past performance scores resulting from responses to past performance questionnaires and did not consider the comparative relevance of the offerors' past performance despite an RFP provision that such an analysis would be performed. Because the protester was the incumbent contractor with consequent highly relevant experience and the awardee's comparable numerical scores were attributable to contracts that were significantly smaller and less complex, GAO found that protester had suffered competitive prejudice from the agency's failure to follow the RFP.

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

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