

CLIENT ALERT

Awardee's Reliance on Incumbent Employee Who Had Never Been Contacted Constitutes a Material Misrepresentation of Proposed Staff

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In *T3I So/ls., LLC*, GAO sustained a post-award protest challenging an Air Force award for courseware and training services finding that the awardee materially misrepresented its available workforce by proposing an incumbent employee without contacting that employee in advance of proposal submission or obtaining permission to include him as part of the awardee's proposed team. The agency relied on the awardee's representations regarding this employee and his qualifications in finding the awardee technically acceptable. GAO rejected the argument that there was no misrepresentation because the solicitation did not require commitment letters or employee representations. GAO further explained that the awardee's "hope or belief" that it would be able to offer incumbent employees was not sufficient to represent commitment without more.

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

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