

CLIENT ALERT

CMS Loses Medicare Protest Under New Competitive Procedures

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In one of the first procurements to use competitive procedures for the selection of Medicare carrier and fiscal intermediary contracts, GAO sustained the protest in *CIGNA Gov't Services, LLC* (May 4, 2006, <http://www.gao.gov/decisions/bidpro/2979152.htm>) because CMS had allowed the awardee to make multiple changes to its proposal after the deadline for final proposal revisions (FPR), but had not reopened discussions for the protester. The agency had not revealed these post-FPR communications, which were by email, with the initial agency report, and many were produced only after GAO noticed the case for hearing.

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

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