

# CLIENT ALERT

## Clean Energy Award Polluted

February 26, 2013

In *Nexant, Inc (Jan. 30, 2013)*, GAO sustained the protest of Nexant, Inc., represented by Crowell & Moring, to the award of a clean energy consulting contract by USAID, finding that USAID engaged in misleading discussions, based its evaluation on a flawed methodology that led to numerous unreasonable evaluation conclusions, and did not reasonably explain its basis for choosing the awardee's higher cost proposal. While GAO ultimately declined to rule on the issue of what weight it should afford to a source selection decision document (SSDD) drafted after both contract award and the filing of a protest, it did note that there is "a reasonable concern" whether such an after-the-fact SSDD can accurately represent the fair and considered judgment of the agency.

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

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