

CLIENT ALERT

Competitive Range Of One Gets Close Scrutiny

Sep.25.2008

Reviewing the law that an agency's narrowing the competitive range to one results in close scrutiny, the CFC in *L-3 Communications Eotech, Inc. v. U.S.* (Sept. 23, 2008, http://www.crowell.com/pdf/L3-Communications_v_US-AimPoint_08-515.pdf) proceeded to set aside such a determination when the agency disqualified the protestor based on a failed functional test that it relaxed for the favored offeror. The court, after seeing a live demonstration of the hardware involved, also found irrational the agency's failure to seek clarifications when the protestor's perceived testing problem could have been corrected relatively easily.

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

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