

CLIENT ALERT

Court Dumps CICA Stay Override

September 5, 2007

Continuing a trend at the Court of Federal Claims to give close scrutiny to agency overrides of CICA stays during a GAO protest, Judge Lettow in *Superior Helicopter LLC v. U.S.* (Aug. 30, 2007) found the Forest Service's override determination for firefighting helicopters deficient because it did not explain adequately why existing contracts could not suffice during the protest. More dubious, however, was Judge Lettow's then taking testimony and doing a balancing of the interests based on that additional evidence, although he still found the agency's amplified explanations wanting in this instance.

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

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