

CLIENT ALERT

GAO Faults USTRANSCOM's Past Performance Evaluation of Awardee's "Miniscule" Past Work

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In *XPO Logistics Worldwide Gov't Servs., LLC* (released Mar. 21, 2017), in which C&M co-represented XPO, GAO sustained a protest challenging the awardee's past performance rating, setting aside USTRANSCOM's award of a \$3B freight services contract. GAO found that the value of the awardee's past efforts are extremely small relative to the value of the requirement, that the contemporaneous record did not explain the basis for the agency's determination that these tiny past efforts were somewhat relevant under the solicitation, and that the agency's post hoc reevaluation during the protest was unreasonable. GAO recommended that the agency reevaluate the awardee's past performance and then make a new award decision. For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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