

CLIENT ALERT

GAO Introduces New Exception to Timeliness Rules

February 10, 2014

In *Motorola Solutions, Inc.* (Jan. 28, 2014), GAO created an exception to the longstanding rule that information provided to protester's counsel under a protective order creates attributable knowledge to the protester itself, starting the 10-day clock to file a protest. GAO held that, because there was significant evidence that the protester diligently pursued the information during and after the debriefing, protester's lawyers diligently sought release of the non-confidential information from under the protective so they could consult with their client, and these efforts were impeded by unwarranted agency delay, the timeliness of a supplemental protest should be measured from the time of disclosure to the client because GAO will not allow the agency to "unfairly to benefit from its own dilatory behavior" and effectively run out the clock on prospective supplemental protest grounds.

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

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