

CLIENT ALERT

GAO Rejects Navy's Blind-Eye Approach to Awardee's Whitewash of Adverse Performance Information

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In a recent decision, *Qi Tech, LLC*, GAO sustained (again) a post-award protest challenging the Navy's technical evaluation and award decision in a "long and contentious" procurement for administrative and clerical support services for the Naval Surface Warfare Center Dahlgren Division. Under the most important factor, the solicitation required the Navy to evaluate offerors' plans and historical metrics for recruitment and retention of Service Contract Act (SCA) covered personnel. In its earlier evaluation, the agency had assigned a significant weakness for the awardee's "high turnover rate" of 32% on the incumbent contract, but the agency's final evaluation removed the significant weakness because the awardee's final proposal revision "removed all verbiage" related to the incumbent turnover rate and substituted a 17% "average" turnover rate across multiple contracts. GAO found the agency's evaluation unreasonable where it ignored the known, undisputed, and unchanged historical performance data simply because the awardee removed the language from its proposal.

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

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