

## CLIENT ALERT

### "Piggy-Backer" Falls at GAO

June 1, 2005

In *VSE Corp; Johnson Controls World Svcs. Inc.* (May 23, 2005 <http://www.gao.gov/decisions/bidpro/2904523.pdf>), GAO held that Johnson Controls could not circumvent GAO's strict timeliness rules by "piggy-backing" an untimely protest of a sole source award by the Department of Homeland Security onto a timely protest previously filed by VSE. Nonetheless, GAO found the sole source bridge construction contract was improper because DHS failed to prepare a required written justification and approval, and it expressly held that Johnson Controls, as well as VSE, must be given an opportunity to demonstrate an ability to satisfy DHS' requirement.

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

**Daniel R. Forman**

Partner – Washington, D.C.

Phone: +1.202.624.2504

Email: [dforman@crowell.com](mailto:dforman@crowell.com)