

CLIENT ALERT

Pre-Award Key Personnel Departure Creates Catch-22 – Do I Tell or Not?

Dec.24.2015

In *Pioneering Evolution, LLC* (Dec. 8, 2015), GAO agreed with the Navy's rejection of an offer as technically unacceptable for failure to satisfy a material solicitation requirement when the protester had notified the Navy after submission of final proposal revisions (FPRs) but before award that one of its proposed key personnel had accepted another position and was no longer available to perform. GAO asserted that the protestor was required to notify the Navy but that it had no right to substitute a qualified replacement, confirming that offerors are at risk if they inform an agency of key personnel departures post-FPR.

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

John E. McCarthy Jr.

Partner – Washington, D.C.

Phone: +1 202.624.2579

Email: jmccarthy@crowell.com