

Client Alert

Presolicitation Statements Not Dispositive Of Whether Mod Is Beyond Scope

December 28, 2005

An agency's presolicitation statement that it did not initially intend a contract to include certain work did not bar the agency from later adding that work, according to the Court of Federal Claims in *HDM Corp. v. United States* (Dec. 14, 2005). Whether a contract was amended beyond its scope depends upon the breadth of the stated objectives of the solicitation, whether bidders were told that work could be added, and the nature of the added work, so early agency statements are not dispositive, the court held in this case successfully litigated by Crowell & Moring.

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

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