

CLIENT ALERT

Protest of Private Subcontract Solicitation Has Teeth

Feb.13.2013

In *Orion Tech. Resources, LLC v. Los Alamos Nat'l Sec., LLC* (Aug. 6, 2012), the New Mexico Court of Appeals held that, while, in a private context, an unsuccessful offeror generally has no right to complain, when the issuer made representations as to how the offers would be considered that it then violated and on which the offeror relied, there was an implied contract under the common law. Moreover, the court ruled that the offeror in appropriate circumstances could obtain injunctive relief or damages, including lost profits if it can prove it would have won the award if the stated rules had been followed.

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

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