

CLIENT ALERT

Protestor Bags Redo and B&P Costs, Too

October 15, 2008

In *Alabama Aircraft Indus., Inc. v. U.S.* (Oct. 7, 2008), the Court of Federal Claims disagreed with a prior protest denial by GAO by holding that the price realism evaluation of the Air Force's multiyear maintenance contract for its KC-135 fleet was fatally flawed because it relied on the unrealistic assumption of a non-aging fleet without adequately informing the offerors of that assumption. In addition to ordering a complete resolicitation, Judge Lettow granted the protestor its bid and proposal costs "because of the lengthy process involved with the procurement."

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