

CLIENT ALERT

Size Matters: Past Performance Rating Not Supported by Small Task Orders

May.13.2015

In sustaining the contractor's protest filed by C&M against the Air Force's \$110 million award for F-15 support services, GAO held that the agency erred by (1) giving the awardee the highest past performance rating for prior delivery orders worth "only approximately 0.14 percent of the estimated value of the effort required by the RFP" and (2) failing to document how the awardee's other "\$5.36 billion portfolio" bore any relevance to the services being solicited. In rejecting the agency's reliance upon tiny delivery orders and *post hoc* litigation arguments, GAO relied heavily upon its 2009 precedent in *Health Net Fed. Services, LLC* (also a C&M case), in which the agency attempted to defend its past performance evaluation based upon the awardee's general industry experience without any discussion of how that performance related to the services specified under the RFP.

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

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