

CLIENT ALERT

Sole-Source Protest Win Nets Only Protest Costs

Dec.08.2005

In Europe Displays, Inc. (Dec. 5, 2005, <http://www.gao.gov/decisions/bidpro/297099.pdf>), GAO sustained a protest challenging a sole-source award under Simplified Acquisition Procedures because the agency's justification was not objectively reasonable based on the information reasonably available to the agency, regardless of whether the agency had acted in good faith. However, because the contract had been fully performed by the time of the GAO decision, GAO awarded the protester only its protest costs, reasoning that the cost of responding to a FedBizOpps announcement of a proposed sole-source award, including preparation of a capability statement, is not a "proposal" cost for which GAO can recommend reimbursement.

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

Thomas P. Humphrey

Senior Counsel – Washington, D.C.

Phone: +1 202.624.2633

Email: thumphrey@crowell.com