

## CLIENT ALERT

### Unequal Price Discussions Sink Award

Feb.06.2006

In *Sytronics, Inc.* (Dec. 29, 2005, <http://www.gao.gov/decisions/bidpro/297346.pdf>), GAO held that a discussion question to the awardee labeling the proposed price as “excessive” sent a stronger message than one to the protester labeling its proposed price as “high.” Prejudice occurred because, for its final proposal revision, the awardee reduced its already-lower proposed price by a greater percentage than the protester, which allowed it to prevail in a cost-technical tradeoff despite the protester's superior technical proposal.

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

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