

## CLIENT ALERT

### When Does An Oral Presentation Become A "Discussion"?

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GAO ruled that an offeror's oral presentation and the ensuing question and answer session did not become "discussions" that would trigger other offerors' rights to revise their proposals, upholding a huge military health services contract award in *Sierra Military Health Services* (Dec. 5, 2003) — a protest in which Crowell & Moring represented the awardee. Tackling a difficult issue with a fact-bound decision, GAO held that an offeror's presentation and the Q&A session constitute "discussions" only if agency personnel gave that offeror a chance to revise its proposal in, for example, the answers to the evaluators' questions.

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

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