

BID PROTESTS

Husch Blackwell has deep experience with the fast-paced field of bid protests. Under short deadlines, our bid protest attorneys assess the legal and factual merits of possible bid protests and advise clients on whether litigation advances their business objectives. We also defend government contractors against third-party bid protests targeting previously awarded contracts.

Our bid protest attorneys draw on their deep understanding of the complex federal and state laws and regulations that support government contracts. On the federal level, we have extensive experience litigating bid protests before the Government Accountability Office (GAO), U.S. Court of Federal Claims, U.S. Court of Appeals and federal administrative agencies. We also guide clients in bid protests involving state agencies.

Representative Experience

Represented technical professional services firm in bid protest challenging the Federal Aviation Administration's award of a \$1.7 billion ten-year IDIQ services contract known as the national Airspace System Integration Support Contract (NISC IV). At the conclusion, the FAA announced that it would be taking voluntary corrective action to address the issues in the protest, re-evaluating proposals and making a new award decision.

Defended technical professional services firm in its award of



Ninety percent of the work that we do is for the U.S. government, and we needed boots on the ground in D.C. to help us out. [Husch Blackwell professionals] in the D.C. office are making the contacts and helping us develop relationships. They have opened so many doors. The outcomes have been tremendous.

— Reachel Beichley,
General Counsel &
Corporate Secretary,
MRIGlobal —

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a \$385-million IDIQ contract for base operations support services at Kings Bay Naval Submarine Base in Kings Bay, Georgia, awarded by the Naval Facilities Engineering Command in Jacksonville, Florida.

Represented healthcare provider in defending against a GAO bid protest challenging the Federal Bureau of Prisons' award of a contract to the client for substance use and mental health treatment services.

Represented design-builder in a GAO bid protest regarding the award of an \$800 million multiple award contract for the Department of the Army's Total Engineering and Integration Services IV Program.

Represented NEIE Medical Waste Services in successful pre-award and post-award GAO protests of solicitations issued and awards made by the Veterans Administration with respect to regulated medical waste pick up, removal, and transportation contracts for various VA healthcare facilities throughout the U.S.

Served as co-counsel for government contractor's bid protest before the Court of Federal Claims involving classified information.

Successfully defended Massachusetts public agencies in dozens of public contracting bid protests.

Obtained dismissal of lawsuit that challenged the awarding of Missouri's Medicaid managed-care contract, worth more than \$1 billion annually. Client HealthCare USA of Missouri was a bidder. A competitor and unsuccessful bidder

challenged the contract award in state court.

Represented PBM client in bid protest to defend award of a multi-billion dollar state contract for pharmacy benefit management services to healthcare client. After client was awarded the contract, the incumbent in-state contractor initiated a bid protest to dispute the award on numerous grounds. Following extensive briefing and a two-week hearing, the Maryland Board of Contract Appeals affirmed the award in its entirety. In re Appeal Catalyst Rx, Nos. MSBCA 2759, 2762, 2768, 2780, and 2784 (Jan. 2012)

Represented technical, professional and scientific services company in multiple GAO bid protests challenging award of Air Force contract for technical support services. Actively participated in drafting and presentation of expert testimony supporting challenge to agency's technical evaluation and corrective action.

Successfully defended awardee in GAO bid protests seeking to overturn award of \$480 million contract for interoperability testing and certification services with Defense Logistics Agency.

Represented successful offeror in defending three GAO bid protests challenging award of \$350 million Corps of Engineers contract for remediation of nuclear waste.

Defended the award of the Privatization of Army Lodging (Group A) Project against two separate Government Accountability Office (GAO) bid protests. The project involved the privatization of 3,225 transient housing units at 12 military installations under the Military Housing

Privatization Initiative.

Represented a design-builder in a GAO bid protest and a latent subsurface conditions claim on a privatization project for military family housing at Elmendorf Air Force Base in Alaska under the Military Housing Privatization Initiative. The GAO protest was favorably settled with the client receiving the award of the project, and the latent subsurface condition claim was resolved with the client recovering 90 percent of the claimed amount.

Represented long-time concessions operator at BWI Thurgood Marshall Airport in a protest against a Request for Proposal process and the resulting contract award to a politically connected startup. Unusually, for administrative reasons, the Maryland state bid protest was required to be filed in Maryland state court, resulting in withdrawal of original RFP and a redo of the entire procurement.

Won construction bid protest against WMATA (Washington Metropolitan Area Transit Authority).

Won on behalf of military defense contractor U.S. Government Accountability Office (GAO) preaward bid protest, which was filed against Defense Logistics Agency (contracting on behalf of Army, Navy, and Air Force) and concerned lease of multi-function copiers throughout Republic of Korea.

Represented Job Corps Center operators in pre-award bid protests in Federal Circuit and Court of Federal Claims challenging U.S. Department of Labor's decision to preclude large businesses from solicitations for operator contracts.

Advised successful offeror on multiple GAO bid protest matters arising from award of \$778 million Defense Department task order for information technology support services.

Represented successful offeror in GAO bid protests seeking to overturn award of \$480 million contract for interoperability testing and certification services.