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**Centre's Victory Reinforces Axioms of Post-Award Bid Protest Law**

VIENNA, Va. — On December 21, 2011, the United States Court of Federal Claims upheld a contract award valued at \$164 million made by the United States Marshals Service for court security services for the Fourth Judicial Circuit. In its decision, the Court denied each of the incumbent contractor's claims and sustained the significant contract award to Centre Law's client.

On behalf of the awardee/intervenor, Metropolitan Security Services, Inc. d/b/a Walden Security ("Walden"), Centre Law successfully established that the procuring agency acted reasonably in determining that Walden was a responsible offer or notwithstanding the protestor's claims that Walden had not performed a federal contract of this magnitude. The Court further agreed with Centre Law that the procuring agency had properly found Walden to be responsible, noting that the protestor's attempt to convert an administrative dispute arising under a separate federal contract into a responsibility issue must fail given that such disputes by their very nature were not indicative of a contractor's capacity as a responsible source of supply. It also found that the contracting officer was effectively aware of the dispute and had acted within his discretion in determining the information necessary to make an informed responsibility decision.

The Court also agreed with Centre Law that the source selection decision reflected the independent judgment of the source selection authority. The protestor had contended that because the source selection authority had simply signed his name next to the word "approved" on the contracting officer's award recommendation, the agency violated FAR 15.308 because this limited action constituted a "conclusory statement" and failed to demonstrate that the source selection authority had independently analyzed the agency's evaluations. In denying this argument, the Court adopted Centre's position that the source selection authority was not required to provide his own detailed justification of an award decision and could base his judgment upon the evaluation and ratings of others.

Finally, in dismissing the protestor's argument that the agency should have adjusted point scores so that the protestor received a higher technical rating, the Court reinforced agencies' enormous discretion in conducting technical evaluations. As it stated, "understandably, [courts have] declined to venture too far into the weeds of most bid protests that are factually driven." While a protestor may disagree with an agency's scoring of proposals, unless a protestor can show that the agency acted arbitrarily, capriciously, or abused its discretion, a court will not re-score proposals.

The full decision in Akal Security, Inc. v. United States, No. 11-562C can be downloaded at <http://www.uscfc.uscourts.gov/sites/default/files/BRADEN.AKAL122911.pdf>

Before venturing into a post-award bid protest at the Court of Federal Claims or the Government Accountability Office (GAO), it is important that contractors understand the basic legal framework that governs resolution of the relevant claims and arguments, as well as issues that can arise during the proceedings. This will enable contractors to form reasonable expectations of outcomes and make informed, rational decisions regarding the pursuit or defense of protests. For more information on this case and related issues, contact Jim Phillips at [jphillips@centreconsult.com](mailto:jphillips@centreconsult.com) or (703) 288-2800, ext. 223.

#### **About Centre Law LLC**

Centre Consulting, Inc. with its sister company Centre Law Group and the Federal Contracting Institute (FCI), is the only company that provides integrated legal, training and consulting services to both government and industry clients. Centre's attorneys and consultants offer expert services in GSA/VASchedules, federal market analysis, legal services, acquisition support services, and training. Through Centre Law Group, our experienced government contract attorneys win protests at GAO, successfully litigate claims and provide legal advice to federal contractors. Centre's nationally known Federal Contracting Institute offers a full range of federal contracts and acquisition training services in-house or through public seminar offerings. Our trainers and courseware are consistently rated the best in the industry. Centre is a single solution for your legal, training, and consulting needs. Centre is a small, woman owned business located in Vienna, VA. For more information visit: [www.centreconsult.com](http://www.centreconsult.com) and [www.centrelawgroup.com](http://www.centrelawgroup.com).