



CAPABILITIES / GOVERNMENT CONTRACTING

Bid Protests

We help clients successfully assert and defend bid protests, maximizing their contract award opportunities, and ensuring that they are given every opportunity – and dollar of revenue – that they are entitled to.

OVERVIEW

“We give our clients a voice in a process that feels (to them) largely out of their control.”

— Maria L. Panichelli

Our Government Contracting team recognizes that our clients’ primary goal is to maximize contract award opportunities. In today’s competitive environment, that means successfully asserting, and successfully defending against, bid protests. Obermayer’s experienced attorneys help our clients do just that.

We ensure that our clients are both treated fairly by the federal government when competing for lucrative prime contracts, and vigorously defended against illegitimate challenges to contract awards brought by competitors. The Obermayer team has successfully litigated pre- and post-award protests, based on, among other things, unduly restrictive solicitations, “Rule of Two” set-aside issues, unstated evaluation criteria, unreasonable evaluations, unequal discussions with offerors, failure to conduct proper price analyses, and flaws in the best value or tradeoff decision. We know the territory well, and can seamlessly guide clients through it.

Our Value

Bid protest litigation is unlike any other type of litigation. The timelines are extremely condensed, the deadlines strict, and the issues wholly unique. Procedures vary from agency to agency, or depend on what type of procurement is at issue. Because even minor errors can be catastrophic, working with an attorney who understands bid protest litigation is critical.

The Obermayer team is intimately familiar with both the procedural and substantive law governing the bid protest process. We know how to navigate the complex and strict procedural requirements, and we know how to win. In the midst of a source selection process that often feels out of a contractor’s control, we help take back the power.

Our Clients

Obermayer represents contractors who depend on federal contracts for a substantial portion of their

revenue. For these clients, maximizing contract opportunities is essential to success. Losing out on a contract – whether because of an agency’s flawed source selection decision, or because of a competitor’s unjustified bid protest – is not acceptable. We work with our clients to solve these problems, ensure the maximum number of contract awards, and increase revenue.

Our Focus

We counsel clients in the strategic aspects of bid protests as well as the tactical. We ensure that our clients understand not only the basis they have to challenge an award, but also the likelihood of protest success, potential costs, and the best-case scenario if corrective action is taken or the protest is successful. This allows our clients to make an informed decision about whether a protest is – or is not – likely to improve their bottom line.

EXPERIENCE

- Obtained corrective action, and was awarded attorneys’ fees at GAO, and obtained voluntary corrective action at COFC, in connection with a bid protest challenging a multi-million-dollar Department of Education procurement.
- Forced corrective action, and was awarded attorneys’ fees, in connection with a consolidated pre-award bid protest against the Department of Health and Human Services Centers for Medicare and Medicaid Services, challenging a client’s exclusion from the competitive range in connection with the SPARC program.
- Obtained corrective action in connection with a post-award bid protest, challenging the award of a \$10 million+ task order issued by the Air Force under GSA OASIS.
- Secured corrective action in connection with two simultaneous post-award bid protests, relating to two multi-million-dollar international Air Force construction projects.

ATTORNEYS

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