

## 'Arbitrary' GSA Decision Would Bar \$500M Bid: Contractor

By **Michael Lipkin**

*Law360, Los Angeles (April 28, 2014, 4:02 PM ET)* -- Information technology government contractor Analytical Services Inc. hit the U.S. General Services Administration with a complaint Friday in the Court of Federal Claims, alleging the GSA's decision to "off ramp" the company is arbitrary and would prevent it from winning a \$500 million contract with the Army Corps of Engineers.

Analytical Services claims it was awarded a five-year contract in a \$50 billion government project called Alliant in 2009, with the option to extend the period for another five years. Analytical Services is a finalist for a \$500 million bid to modernize Army Corps of Engineers systems as part of the Alliant program, but it would be ineligible for it if the GSA does not extend the Alliant contract, according to the company.

The GSA told Analytical Services that it would off-ramp the company by not extending the contract when it expires at the end of April, claiming that the company had not generated enough task order bids for Alliant, according to the complaint.

"GSA's decision to off ramp Analytical Services while its bid is pending for the Army procurement lacks a rational basis, is arbitrary and capricious, constitutes an abuse of discretion and is otherwise not in accordance with law," the complaint said.

Analytical Services alleges that it has submitted three proposals under Alliant, but none were successful. It's fourth proposal, still pending, is the \$500 million contract, which the Army has called "competitive" and one that is considered one of the most highly rated bids, according to the company.

Off-ramping Analytical Services will disqualify it from winning the contract, according to the suit, which is seeking an injunction preventing the GSA from doing so until a final decision is reached on the Army contract. That decision will probably come in the next few weeks, Analytical Services said.

Analytical Services claims there is no rational basis to decide that it has not participated in the ordering process because even submitting unsuccessful bids provides needed competition for other contractors. The company had a reasonable expectation that it would not be off-ramped while it was in the running for a contract and spent \$400,000 working on its proposals, the complaint said.

Representatives for the parties did not immediately respond Monday to requests for comment.

Analytical Services is represented by Todd R. Steggerda and Brad Fagg of Morgan Lewis & Bockius LLP.

The government is represented by Katy Marie Bartelma of the Department of Justice.

The case is Analytical Services Inc. v. U.S., case number 1:14-cv-00349, in the U.S. Court of Federal Claims.

--Editing by Christine Chun.

---

All Content © 2003-2014, Portfolio Media, Inc.