

# Nicole Tersigni is **All In.**

Congratulations to Nicole Tersigni of the Construction Practice Group for her successful bid protest before the U.S. General Accountability Office on behalf of firm client Daniels Building Company (“DBC”). DBC, a service-disabled veteran-owned small business, was blocked from bidding on a multi-million dollar U.S. Department of Veterans Affairs (“VA”) contract opportunity for construction services in Ann Arbor, Battle Creek, Detroit, and Saginaw, Michigan, due to ineffective publishing of the contract solicitation by the VA.

This protest offered significant challenges to achieve the client’s objectives. Under prior GAO precedence, all potential offerors for federal contracts are deemed to have constructive notice of any solicitation posted on the Government’s FedBizOpps website. In addition, the U.S. Court of Federal Claims has held that such constructive notice cannot be rebutted. With guidance and assistance from Bret Wacker of the Government & Public Affairs Practice Group, Nicole crafted an argument that the VA’s publishing of the solicitation on Fed BizOpps was so flawed that it was legally invalid from the start. Nicole submitted evidence that the VA knew of the flaws, which it attempted to mitigate by selectively mailing copies of the solicitation to certain favored contractors in direct contravention of the Competition in Contracting Act and the Federal Acquisition Regulations. Upon receipt of the protest, rather than risk an adverse decision with potentially widespread impact, the VA chose to take corrective action by re-opening the procurement, allowing DBC to compete for this valuable opportunity.