

Winston Defeats \$16.8 Million Gitmo Shipping Supply Award Protest on Behalf of Schuyler Line Navigation Co.

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Winston Maritime attorneys successfully represented Schuyler Line Navigation Co. in the Government Accountability Office's (GAO) review of a protest by TransAtlantic Lines LLC that the U.S. Department of Defense's U.S. Transportation Command misled it into raising its bid price for a contract for shipping supplies between Florida and the Guantanamo Bay naval station.

On June 23, the GAO ruled that TransAtlantic failed to show that Schuyler had not met contract requirements when it was awarded the \$16.8 million shipping contract. The GAO also ruled that the U.S. Department of Defense's U.S. Transportation Command's discussions with both competitors did not fool TransAtlantic into raising its price when the agency voiced concerns that TransAtlantic's proposed pricing was "unbalanced."

"The record reflects that TransAtlantic's rate increases were not connected entirely to the agency's unbalanced pricing concerns," the decision said. "Ultimately, TransAtlantic's decision to revise certain prices upward reflected the exercise of the firm's own business judgment and not improper conduct by the agency."

TransAtlantic's argument that Schuyler should not have been awarded the contract because its vessels could not carry the required volume of containers was also shut down by the GAO.

"According to Transcom, the weight of the cargo that proposed vessels could carry simply was not part of the requirements or evaluation criteria, and TransAtlantic's assertions otherwise are a distortion" of the contract requirements, the decision said.

Finally, the GAO also rejected TransAtlantic's challenge to Schuyler's submission of two proposed shipping schedules, finding that Schuyler's submission of "sample schedules" was allowed by the contract.

"That TransAtlantic argues for a more restrictive interpretation ... does not demonstrate that the agency's evaluation was flawed," the decision said.

Schuyler is represented by Washington, D.C.-based Maritime partner Bryant Gardner.

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