

Client Alert: Unavailable Key Personnel: CoFC Splits from GAO and Finds No Duty for an Offeror to Disclose

Publications

February 9, 2022

Government contractors are often faced with the dilemma of their proposed key personnel becoming unavailable for contract performance, through no fault of their own, at a point *after* proposal submission but *prior* to contract award. In such cases, the Government Accountability Office (GAO) has espoused a rule that obligates offerors to advise contracting agencies of material changes in proposed staffing, even after proposal submission. *See, e.g., AttainX, Inc.*, B-419306, B-419306.2, Jan. 12, 2021, 2021 CPD ¶ 21. But a recent decision by the Court of Federal Claims (CoFC) challenges this rule, casting doubt on its basis in law or regulation.

[Read the full article here.](#)

Related Attorneys



Noah B. Bleicher

Partner

nbleicher@jenner.com

+1 202 639 6063



Moshe B. Broder

Partner

mbroder@jenner.com

+1 202 637 6334



Sati Harutyunyan

Partner

sharutyunyan@jenner.com

+1 213 239 2229

Related Capabilities

Government Contractor Litigation and Compliance

Related Locations

Washington, DC

© 2026 Jenner & Block LLP. Attorney Advertising. Jenner & Block LLP is an Illinois Limited Liability Partnership including professional corporations. This publication, presentation, or event is not intended to provide legal advice but to provide information on legal matters and/or firm news of interest to our clients and colleagues. Readers or attendees should seek specific legal advice before taking any action with respect to matters mentioned in this publication or at this event. The attorney responsible for this communication is Brent E. Kidwell, Jenner & Block LLP, 353 N. Clark Street, Chicago, IL 60654-3456. Prior results do not guarantee a similar outcome. Jenner & Block London LLP, an affiliate of Jenner & Block LLP, is a limited liability partnership established under the laws of the State of Delaware, USA and is authorised and regulated by the Solicitors Regulation Authority with SRA number 615729. Information regarding the data we collect and the rights you have over your data can be found in our Privacy Notice. For further inquiries, please contact dataprotection@jenner.com.

Stay Informed

