

Section 4: Bid Protests and Appeals

Bid Protest and Appeals

1. Define what a bid protest is and list its consequences.
2. Formulate alternatives available to the C.O. so that work may proceed.

Bid Protests and Appeals

I. Introduction

The controversy has been resolved - it's ok to have Comp. Gen. order us around.



Section 4: Bid Protests and Appeals

Bid Protests and Appeals

(Continued)

II. Bid Protest

- A. To the agency - can we get him to withdraw? District has no authority to deny
- B. To the comptroller general, GAO. In this subchapter -- "Protest" means a written objection by an interested party to:
 - 1. A solicitation or request for offers
 - 2. Cancellation of Solicitation or other request
 - 3. An award or proposed award of a contract
 - 4. Termination or cancellation of an award
- C. Parties - who may protest --

Bid Protests And Appeals

(Continued)

D. What may be protested?

- Any non-discretionary decision by the C.O.
- Specifications unclear
- Other bidder's responsiveness
- Fraud -- by anyone!
- Cancellation of the solicitation



Section 4: Bid Protests and Appeals

Bid Protests And Appeals

(Continued)

E. What may not be protested?

- Type of contract or contracting method.
- Size of contract.
- Restrictive specifications -- except restrictions to sole source.
- Affirmative finding of responsibility of low bidder.

F. Timing

Bid Protests And Appeals

(Continued)

III. After A Protest Is Received

A. Wait 125 days - unless 65 day express option

B. Award in the face of protest -- OCE

Public Safety?

Public Health?

Vastly increased cost/without corresponding benefit

Other urgent and compelling reasons



Section 4: Bid Protests and Appeals

Bid Protest And Appeals

(Continued)

IV. Results Of A Protest

- A. Prior to bid opening?
- B. Prior to award?
- C. Within 10 days after award?
- D. Beyond 10 days after award?

Court Action?

Bid Protests And Appeals

(Continued)

V. What Can Be Done?

- A. Wait.
- B. Extend the previous contract.
- C. Purchase orders.
- D. Government labor.
- E. Award in the face of protest.



Section 4: Bid Protests and Appeals

Bid Protests And Appeals

(Continued)

VI. Summary

Timing is important - date stamp everything and save envelopes.

