Subpart 5333.1 – PROTESTS

Parent topic: Part 5333 - Protests, Disputes, and Appeals

5333.102 General

(a) The contracting officer must inform the SSA prior to rendering a decision to take corrective action or to settle a protest in any other manner before submitting its recommendation to the GAO, courts, or the arbitrator.

(b)(3)(ii) See MP5301.601(a)(i).

5333.103 Protests to the Agency

(d)(4) When an agency protest is denied, an offeror may request an independent review by the SCO. See Agency Level Protest Summary Dismissal template.

(h) The contracting officer must prepare the protest file following an agency protest (including a protest of a non-appropriated funds procurement) regardless of the level at which the protest is filed. The contracting officer must request guidance from the cognizant HCA for any protest likely to generate significant Congressional interest. The decision to deny a protest must be made at a level no lower than that at which the protest was filed. Protests may be sustained at any level in the review process, with the concurrence of the cognizant legal office.

5333.104 Protests to GAO

(a) The Air Force Commercial Litigation Field Support Center (AF/JACQ) serves as agency counsel before the GAO and defends Department of the Air Force interests (see MP5333.104)**.**

(b) *Protests before award*

(1) Forward the determination and finding through the SCO to AF/JACQ and, for approval, to the cognizant HCA workflow within seven days of the protest notification (see MP5301.601(a)(i)).

(c) *Protests after award*

(2) Forward the determination and finding through the SCO to AF/JACQ and, for approval, to the cognizant HCA workflow within seven days of the protest notification (see MP5301.601(a)(i)).

(g) *Notice to GAO*

Forward the report through the SCO to AF/JACQ and to the cognizant HCA for signature and submission to GAO within fifty-five days of date of receipt of the GAO recommendations (see MP5301.601(a)(i)). Provide a copy of the report submission to the SAF/AQC Workflow.

(h) For purposes of post-award stay of contract awards under broad agency announcements,

commercial solution openings, the Small Business Innovation Research (SBIR) program, and the Small Business Technology Transfer (STTR) program, each proposal received by the agency constitutes a separate procurement, provided funding is available to the government to award the contract to the protester in consequence of sustained protest or the government's corrective action.

5333.105 Protests to the United States Court of Federal Claims (COFC)

The Air Force Commercial Litigation Field Support Center (AF/JACQ) serves as the Department of the Air Force agency counsel to the Department of Justice (DoJ) for protests at the COFC and assists the assigned DoJ attorney in defending Department of the Air Force interests. The contracting officer must inform AF/JACQ of any notice of protest at the COFC and provide support as requested by AF/JACQ. The contracting officer must also notify the SCO and its supporting legal office/local attorney who provides contract law advice.

5333.170 Briefing Requirement for Protested Acquisitions Valued at $1B or More

Within seven (7) days of the filing of the protest, forward the briefing slide deck through the SCO and cognizant HCA to AF/JACQ and the SAF/AQC Workflow for DAS(C) review and processing to OUSD(A&S)/DPCAP. See the tailorableDPCAP Protest Briefing template for acquisitions valued at $1B or more.