Subpart 5633.1 - PROTESTS

Parent topic: Part 5633 - PROTESTS, DISPUTES AND APPEALS

5633.102 General.

(Revised December 2015)

(a)

(1) Upon receipt of a protest or notification of an upcoming protest, either before or after an award and whether filed directly with the agency, the Government Accountability Office (GAO), the Small Business Administration (SBA)/Office of Hearing and Appeals (OHA), or the courts, contracting officers must immediately email notification to their LNO. The LNO will notify the Director of Procurement, the Deputy Director of Procurement, Chief SOF AT&L-KM, KX, or KB as appropriate, SOJA-AQ, and the Requiring Activity Official (RAO). The format for the notification email shall include:

(i) Summary: Description of supplies or services, RFP release date, periods of performance. Provide type of protest (e.g. agency or to GAO); pre or post award protest, and general basis for the protest.

(ii) Unit Impact: Describe the impact to the requiring activity (e.g. loss of continuing service, delay in new equipment or services). In general, address how the requiring activity is affected by any delays or actions associated with the protest.

(iii) GAO or Agency Decision Timeline: Date decision is expected or the protest is otherwise resolved.

(2) See the DCG for the responsibilities for recording and tracking protests.

5633.103 Protests to the Agency.

(Revised November 2018)

(d)

(3) Agency protest decisions shall be made by the Contracting Officer.

(A) When the contract requires contract clearance review by SOF AT&L-KM, KX, or KB as appropriate, include the protest with the contract award documentation forwarded for review.

(B) When the contact requires contract clearance review by SOF AT&L-KM, KX, or KB as appropriate, and a protest is received while the contract is being reviewed for clearance, immediately forward the protest to SOF AT&L-KM, KX, or KB as appropriate for inclusion in the contract award documentation.

(C) If the protest is received prior to award, contracting officers shall suspend award IAW FAR 33.103(f) (see f(1) below regarding override decisions).

(4)

(A) Within 10 calendar days of receipt of a request for independent review IAW FAR 33.103(d)(4) , the Contracting Officer shall forward to their assigned SOF AT&L-KM, KX, or KB LNO all the supporting documentation required using the D&F format to issue a decision. All decisions and recommended actions issued as the result of an independent review shall be approved at two (2) levels above the KO.

(B) Changes in the status of the protest that are deemed significant by the contracting officer, such as the filing of a protest with GAO, the withdrawal of a protest with GAO, or denial of a protest, shall be promptly disseminated to the offices that received the initial protest alert. Electronic transmittal is acceptable.

(f)(1) The Director of Procurement (DOP) shall make the determination to proceed with award prior to resolution of protest.

(Added November 2007)

Follow the procedures in the DCG for Preparing Automatic Stay Override Determination and Findings.

5633.104 Protests to GAO.

(Revised December 2013)

(a)(2) SOJA-AQ will coordinate filing the agency response and other protest matters through the Commercial Litigation Field Support Center within the Air Force Legal Operations Agency to GAO.

5633.106 Solicitation Provisions and Contract Clauses.

(Revised November 2018)

Contracting Officers shall insert clause 5652.233-9000 , Independent Review of Agency Protest Decision, in all solicitations.