PART 3033—PROTESTS, DISPUTES, AND APPEALS

Authority: 5 U.S.C. 301-302, 41 U.S.C. 1303, 41 U.S.C. 1707, 41 U.S.C. 1702, and 48 CFR subpart 1.3.

Source: 68 FR 67871, Dec. 4, 2003, unless otherwise noted.

Subpart 3033.1—Protests

3033.102 General.

3033.102-90 Protests on classified solicitations (OSA).

Subpart 3033.2—Disputes and Appeals

3033.201 Definitions.

3033.211 Contracting officer's decision.

3033.214 Alternative dispute resolution (ADR).

Parent topic: SUBCHAPTER E—GENERAL CONTRACTING REQUIREMENTS

Subpart 3033.1—Protests

Source: 77 FR 50635, Aug. 22, 2012, unless otherwise noted.

3033.102 General.

3033.102-90 Protests on classified solicitations (OSA).

To ensure that classified information is protected and appropriate security measures are coordinated as required, protests involving classified solicitations issued by the Office of Selective Acquisitions (OSA) shall be submitted directly to the contracting officer for further transmission to the GAO, the United States Court of Federal Claims, or for internal resolution in the case of agency protests. Specific instructions will be provided in Section L of the solicitation.

Subpart 3033.2—Disputes and Appeals

3033.201 Definitions.

Agency Board of Contract Appeals means the Civilian Board of Contract Appeals (CBCA).

3033.211 Contracting officer's decision.

For DHS contracts, the Board of Contract Appeals (BCA) noted in (FAR) 48 CFR 33.211 is the Civilian Board of Contract Appeals (CBCA). The Board's address for each method of filing is as follows:

(a) *For e-file: cbca.efile@cbca.gov.*

(b) *U.S. Postal Service Mail:* 1800 F Street NW, Washington, DC 20405.

(c) *Overnight or Courier Delivery:* 1800 M Street NW, Room 600 South, Washington, DC 20036.

3033.214 Alternative dispute resolution (ADR).

(c) The Administrative Dispute Resolution Act (ADRA) of 1996, as amended, 5 U.S.C. 571, *et seq.,* authorizes and encourages agencies to use mediation, conciliation, arbitration, and other techniques for the prompt and informal resolution of disputes, and for other purposes. CBCA guidance on ADR may be obtained at *http://www.gsbca.gsa.gov/CBCA-17712-v1-CBCA_ADR_INFORMATION.pdf* or from the CBCA upon request. ADR procedures may be used—

(1) When there is mutual consent by the parties to participate in the ADR process (with consent being obtained either before or after an issue in controversy has arisen);

(2) Prior to the submission of a claim; and

(3) In resolution of a formal claim.