

Protest Timeline

Timeline for decisions on protests filed at GAO?

- **Bid protests must be filed promptly. In general --**
 - Before closing time for submitting a proposal (when protesting terms of competition) – **(Also applies to Agency level protest)**
 - Within 10 days after basis becomes known (when challenging the evaluation, award, or removal from competition) **(Also applies to Agency level protest)**
 - GAO’s filing deadline is 5:30 p.m. Eastern time.
- **Under CICA, GAO has only 100 calendar days after a protest is filed to issue a written decision, although GAO resolves most protests before that deadline.**

What happens after a protest is filed at GAO?

- Once a protest is filed, the agency has 30 calendar days to respond to the protest (this is referred to as an “agency report”). The agency report contains the agency’s defense of its position and all relevant documents.
- After the agency report is filed, the protester has 10 calendar days to respond to the agency report (these are referred to as “comments”).
- **Protest before award** – Contract may not be awarded unless receiving proper authorizations in a written finding that (authorizations as prescribed in the HHSAR):
 - Urgent and compelling circumstances which significantly affect the interest of the US will not permit awaiting the decision of the GAO; and
 - Award is not likely to occur within 30 days of the written finding.
- **Protest after award** – Either suspend or terminate the awarded contract unless CICA stay approved when the agency receives notice of a protest from the GAO **(Also applies to an Agency level protest)** within 10 days after contract award or within 5 days after a debriefing date offered to the protester for any debriefing, whichever is later.

DHHS timelines for GAO protest

- File due to OGC-GLD within five (5) calendar days of receipt of protest (or notice by OGC-GLD) containing all relevant documents except the CO's Statement of Facts and Circumstances (unless an alternative agreement is reached with OGC-GLD).
- CO's Statement of Facts and Circumstances due within 14 calendar days from receipt of protest.

After GAO's decision

- Agency must notify GAO if any of its recommendations (other than costs) have not been followed within 60 days after its decision.
- By the end of the 60 day period, the CO shall notify OGC-GLD of the status of the implementation of the recommendations, and any reasons for any noncompliance.