

Federal Acquisition Regulation

33.102

or a provision substantially the same; and

(2) For sealed bid solicitations, the contracting officer shall amend 52.232-38 to ensure that a bidder's EFT information—

(i) Is not a part of the bid to be opened at the public opening; and

(ii) May not be released to members of the general public who request a copy of the bid.

PART 33—PROTESTS, DISPUTES, AND APPEALS

Sec.
33.000 Scope of part.

Subpart 33.1—Protests

33.101 Definitions.
33.102 General.
33.103 Protests to the agency.
33.104 Protests to GAO.
33.105 [Reserved]
33.106 Solicitation provision and contract clause.

Subpart 33.2—Disputes and Appeals

33.201 Definitions.
33.202 Contract Disputes Act of 1978.
33.203 Applicability.
33.204 Policy.
33.205 Relationship of the Act to Pub. L. 85-804.
33.206 Initiation of a claim.
33.207 Contractor certification.
33.208 Interest on claims.
33.209 Suspected fraudulent claims.
33.210 Contracting officer's authority.
33.211 Contracting officer's decision.
33.212 Contracting officer's duties upon appeal.
33.213 Obligation to continue performance.
33.214 Alternative dispute resolution (ADR).
33.215 Contract clause.

AUTHORITY: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

33.000 Scope of part.

This part prescribes policies and procedures for filing protests and for processing contract disputes and appeals.

[50 FR 2270, Jan. 15, 1985]

Subpart 33.1—Protests

33.101 Definitions.

As used in this subpart—

Day means a calendar day, unless otherwise specified. In the computation of any period—

(1) The day of the act, event, or default from which the designated period of time begins to run is not included; and

(2) The last day after the act, event, or default is included unless—

(i) The last day is a Saturday, Sunday, or Federal holiday; or

(ii) In the case of a filing of a paper at any appropriate administrative forum, the last day is a day on which weather or other conditions cause the closing of the forum for all or part of the day, in which event the next day on which the appropriate administrative forum is open is included.

Filed means the complete receipt of any document by an agency before its close of business. Documents received after close of business are considered filed as of the next day. Unless otherwise stated, the agency close of business is presumed to be 4:30 p.m., local time.

Interested Party for the purpose of filing a protest means an actual or prospective offeror whose direct economic interest would be affected by the award of a contract or by the failure to award a contract.

Protest means a written objection by an interested party to any of the following:

(1) A solicitation or other request by an agency for offers for a contract for the procurement of property or services.

(2) The cancellation of the solicitation or other request.

(3) An award or proposed award of the contract.

(4) A termination or cancellation of an award of the contract, if the written objection contains an allegation that the termination or cancellation is based in whole or in part on improprieties concerning the award of the contract.

[50 FR 2270, Jan. 15, 1985, as amended at 53 FR 43391, Oct. 26, 1988; 54 FR 19827, May 8, 1989; 60 FR 48225, Sept. 18, 1995; 62 FR 64933, Dec. 9, 1997; 66 FR 2132, Jan. 10, 2001]

33.102 General.

(a) Contracting officers shall consider all protests and seek legal advice,