

Timeline of a GAO Bid Protest

Days 0: Protest Filed

- * Protest filing deadlines at 4 C.F.R. § 21.2
- * Deadline depends on type of protest.
- * Most post-award protests must be filed within 10 days after the basis of protest is known or should have been known, or within 10 days after a requested and required debriefing for procurements conducted on the basis of competitive proposals.
- * Most protests challenging solicitation issues must be filed before the next closing time for proposals.
- * Shorter filing deadlines for obtaining an automatic stay of award/performance - no later than 10 days after date of award or 5 days after a requested and required debriefing.



Days 1-29

- * GAO attorney (the protest judge) is assigned to the protest.
- * Awardee can intervene.
- * Protective Order issued -- Outside Counsel/Consultants (and in rare cases In-House Counsel) apply for admission.
- * Agency or Intervener may file Requests for Summary Dismissal.
- * 5 days before the Agency Report is filed, the Agency must file its list of documents it intends to produce/withhold, Protester then has 2 days to object to proposed withholdings.

Day 30: Agency Report Due

- * The Agency Report (AR) is the Gov't's Response to the protest, and contains:
 - Contracting Officer's Statement of Facts;
 - Agency's legal arguments in response to the protest;
 - Source selection documents relevant to protest grounds.



Key Decision Time for the Protester:
After the Agency Report is filed, the Protester must quickly review and decide whether to press on, file a supplemental protest, or withdraw.

Supplemental Agency Report

- * The Gov't's Response to the Supplemental Protest - same three-part composition as Agency Report.
- * GAO will set deadline on case-by-case basis.

If the Protester identifies new protest arguments based on documents/information in the Supp. Agency Report, then Protester has 10 days to file an additional supplemental protest, starting this cycle over again.

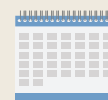


Supplemental Protest

- * Protester's may file a supplemental protest(s).
- * Supplemental protests are due within 10 days of when Protester knew or should have known of the basis for the supplemental protest.
- * Supplemental protests grounds discovered based on information first disclosed in the Agency Report are due 10 days after receiving the Agency Report.

AR + 10 Days: Comments on the Agency Report

- * Comments on the Agency Report are the Protester's and Intervener's reply brief to the Agency Report.
- * Due 10 days after Agency Report.
- * Protester's Comments must address all protest arguments or arguments are deemed abandoned.



Comments on the Supplemental Agency Report

- * Same content requirements as Comments on the Agency Report.
- * Protester must file, Intervener may file.
- * GAO will set deadline on case-by-case basis.



Hearing

- * After all arguments are briefed, GAO may elect to hold a hearing.
- * Formal hearings are extremely rare (0.51% of cases in FY2018), but informal telephonic hearings where GAO asks the parties questions and requests arguments on discrete issues are more common.

NLT Day 100: Decision

- * GAO must issue the decision on the protest by Day 100.
- * GAO will either Sustain, Deny or Dismiss the protest (or some combination thereof).
- * If GAO sustains the protest, the decision will contain a recommendation for corrective action, and a recommendation that the Agency reimburse the protester's costs of filing and pursuing the protest.