

FAQ: Can I challenge a decision by an agency to deny my bid or to award a contract to someone else?

The federal government has a robust system for challenging and appealing procurement decisions, but it is subject to many strict rules and procedures. Firms that do not win an award can file bid protests challenging the winner's eligibility for a set-aside contract under the applicable size standard, requirements that the firm be disadvantaged, or other relevant conditions. However, the statute of limitations on a bid protest is extremely short – usually just days after the award is issued. As such, a firm considering a protest needs to act extremely quickly.

When filing a bid protest, a firm needs standing. In other words, it needs to have actually been harmed by the agency's decision to award a contract to someone else. If a firm did not at least submit a bid and attempt to compete for that contract, it likely will not have standing to protest the award.

The protestor also needs to have a good faith basis for challenging the award. It is not enough to make vague allegations, or to argue that you *think* the awardee may not meet the size standard even though you have no evidence to support your belief. Usually an unsuccessful bidder is entitled to a debriefing from the agency within a certain number of days after the award is issued, and firms can sometimes use this process to learn if they have a reasonable basis for a bid protest. The debriefing is an opportunity to learn how and why the agency's decision was made, but a firm must be careful to request the debriefing in a timely fashion.

Bid protests can usually be filed with either the contracting agency or the Government Accountability Office (GAO). It is generally recommended that protests be filed with the GAO, because they are a more neutral party to the contracting decision that is in dispute, and because GAO has substantial expertise in processing bid protests, whereas the contracting agency may not.