

GAO POST-AWARD PROTEST TIMELINE



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Protests must be filed within 10 days of award, or within 5 days of a requested and required debriefing, to obtain a stay of contract performance. A redacted copy of the protest must be provided within one day of filing.

The agency's letter also states whether protester-requested documents exist and whether there are any grounds for withholding documents. Protester must raise any objections within 2 days.

The protester's comments focus on rebutting the agency's explanations and providing additional information from the record to support the original grounds. The protester will also raise any new protest grounds revealed in the record.

GAO rarely misses its 100-day deadline to issue a protest decision. However, GAO's decisions are non-binding, and agencies occasionally decline to follow the decision, which often leads to additional litigation in federal court.



Protest filed; GAO informs agency; stop-work order issued



Awardee joins as intervenor; protective order issuance and admissions; dismissal motions



Agency identifies what documents from the record it intends to produce



Agency report due; includes legal memo and Contracting Officer's statement of facts, proposals, and evaluation record



Protester and intervenor comments due; supplemental protests based on agency report due

Supplemental agency reports and comments; status conference; hearing preparations and hearing; post-hearing comments; outcome prediction



Decision and recommendation



Protest deadlines may shift based on timing of agency report

GAO strives to adhere to the 100-day deadline

Awardees may, but are not required to, intervene in the protest to assist in defending the agency's award. Agencies and intervenors may file motions to dismiss, which typically raise issues with standing or timeliness or argue that the protest does not state a valid basis for relief.

Only those admitted under the protective order, i.e., the attorneys and expert consultants, will have access to information in the record, including the agency's filings.

The agency must produce a supplemental report in response to any supplemental protest grounds raised by the protester. Hearings are very rare in bid protests and only a few are held each year.

Although initial protest deadlines are rigid, timelines for supplemental briefing are flexible at the discretion of the assigned GAO attorneys. Additional briefing may take weeks or be compressed into a matter of days.