

## What is a Bid Protest?

### Bid Protest

A **bid protest** is a challenge to the government's proposed contract award for the procurement of goods and services, or a challenge to the terms of a solicitation for such a contract. A bid protest at the federal level is typically heard at the Government Accountability Office ([GAO](#)) but can also be directed to the procuring federal agency, and in certain instances, to the Court of Federal Claims ([COFC](#)). Since there are strict timelines for filing a bid protest, it is imperative to consult with counsel. See [4 C.F.R. § 21.2](#); see also [Bid Protests At GAO: A Descriptive Guide \(Ninth Edition, 2009\)](#). A bid protest is further described at [Federal Acquisition Regulation \(FAR\) 33.103](#); [33.104](#); and [33.105](#).

As forecasted, to retain your rights to contest the government's contract award determination, or solicitation term/s, you must file a *timely* bid protest. With few exceptions, a protest challenging the terms of a solicitation, otherwise known as a pre-award bid protest, must be filed *before* the time for receipt of initial proposals, or quotes. A protest challenging the award of a contract award, known as a post-award bid protest, must be filed within *10 days* of when a protester (i.e., an offeror not selected for award) knows or should have known of the basis of the protest. Slightly nuanced rules apply if the protester timely requests and thus receives a *required debriefing*. See [FAR 15.506](#); see also [16.505](#). In those cases, an offeror has *5 days post-debriefing* to file a bid protest so to obtain an automatic stay of contract performance.

Bid protests are one of the few avenues available to contest a government procurement decision. Due to the often difficult substantive and procedural issues associated with the bid protest process, it requires specific expertise.

*The Winston Team has extensive bid protest experience from all parties' perspectives and utilizes that knowledge and expertise to realize unparalleled results for its clients.*

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