

Index

AGENCY PROTESTS

- Generally, § 3:1 to 3:11
- Advantages and disadvantages, § 3:11
- Executive Order 12979, agency procurement protests, **App. C**
- Filing
 - what constitutes filing, § 3:6
 - when to file, § 3:7
 - where to send or file protest, § 3:5
- Practice tips, suspension of contract performance, § 3:9
- Procedures
 - generally, § 3:2 to 3:7
 - protest document, § 3:3
 - what constitutes filing, § 3:6
 - when to file, § 3:7
 - where to send or file protest, § 3:5
 - who can pursue agency protest, § 3:4
- Processing protests, § 3:10
- Protest document, § 3:3
- Suspension of contract performance
 - generally, § 3:8
 - practice tips, § 3:9
- Timeliness concerns, 3:12
- Where to send or file protest, § 3:5
- Who can pursue agency protest, § 3:4

ALTERNATIVE DISPUTE RESOLUTION

- GAO bid protests, **4:102 et seq.**

APPELLATE REVIEW

- Court of Federal Claims bid protests, § 5:34

ATTORNEY'S FEES

- Court of Federal Claims bid protests, § 5:31

BURDEN OF PROOF

- Court of Federal Claims bid protests, § 5:21

CICA STAY

- GAO bid protests, **4:44, 4:45**
- Litigation, **5:7**

COMPETITION IN CONTRACTING ACT

- Generally, **App. A**

COSTS

- Court of Federal Claims, bid and proposal costs, § 5:30
- GAO Bid Protests, this index

COURT OF FEDERAL CLAIMS BID PROTEST

- Filing protest
 - reconsideration, § 5:33
- Reconsideration, § 5:33

COURT OF FEDERAL CLAIMS BID PROTESTS

- Generally, § 5:1 to 5:36
- Administrative record
 - generally, § 5:25
 - motions for judgment on administrative record, § 5:26
- Appellate review, § 5:34
- Attorney's fees and other relief, § 5:31
- Bid and proposal costs, § 5:30
- Burden of proof, § 5:23
- Complaint, filing, § 5:9
- Declaratory relief, § 5:29
- Filing protest
 - generally, § 5:2 to 5:36
 - administrative record, § 5:25, 5:26
 - after protest is filed
 - generally, § 5:24
 - administrative record, § 5:25, 5:26
 - motions for judgment on administrative record, § 5:26
 - status conference, § 5:24
 - appellate review, § 5:34
 - burden of proof, § 5:23
 - complaint, filing, § 5:9
 - GAO decision, protesting at COFC
 - after, § 5:32
 - how to file, § 5:8, 5:9
 - injunctive relief, below
 - intervenors, § 5:4

COURT OF FEDERAL CLAIMS BID PROTESTS—Cont'd

Filing protest—Cont'd
 judgment on administrative record, motion for, § 5:26
 prefiling notification, § 5:8
 relief available, below
 rules and procedures, COFC, § 5:2
 standard of review, § 5:23
 status conference, § 5:24
 when to protest, § 5:5
 who may protest, § 5:3
 GAO protest decision, protesting at COFC after, § 5:32
 Injunctive relief
 generally, § 5:6, 5:29
 filing papers, § 5:9
 Intervenors, § 5:4
 Judgment on administrative record, motion for, § 5:26
 Jurisdiction
 generally, § 5:1, 5:12 to 5:23
 agency corrective action, § 5:20
 cancellation of solicitation, § 5:18
 federal agency, protests against, § 5:12
 history, § 5:1
 maritime procurements, § 5:16
 nonappropriated fund instrumentalities, § 5:17
 procurement or in connection with procurement, § 5:13
 schedule contracts, § 5:14
 termination of award, § 5:19
 Motions for judgment on administrative record, § 5:26
 Prefiling notification, § 5:8
 Relief available
 generally, § 5:28 to 5:31
 attorney's fees and other relief, § 5:31
 bid and proposal costs, § 5:30
 declaratory relief, § 5:29
 injunctive relief, above
 Rules and procedures (COFC), § 5:2
 Standard of review, § 5:23
 Status conference, § 5:24
 Stay litigation, § 5:7
 When to protest, § 5:5

COURTS

Court of Federal Claims Bid Protests, this index

COURTS—Cont'd

Forum Selection, this index

DEBRIEFINGS

Preparing for Bid Protest, this index

DECLARATORY RELIEF

Court of Federal Claims bid protests, § 5:29

DOCUMENT PRODUCTION

GAO Bid Protests, this index

ENHANCED POSTAWARD DEBRIEFING RIGHTS

Generally, App. H

EXECUTIVE ORDER 12979

Agency procurement protests, App. C

FEDERAL ACQUISITION REGULATION (FAR)

Excerpts, App. B

Information sharing encouraged, § 2:2

FEDERAL CLAIMS COURT

Court of Federal Claims Protests, this index

FILING PROTEST

Agency Protests, this index

Court of Federal Claims Bid Protests, this index

GAO Bid Protests, this index

FORUM SELECTION

Generally, § 6:1 to 6:10

Cost/expense of litigation, § 6:3

Decision, effect of and options after, § 6:6

Discovery, entitlement to, § 6:4

Expertise or background of adjudicator, § 6:5

Other strategic considerations, § 6:10

Section 809 panel recommendations, § 6:9

Statistics and trends, § 6:8

Timeliness, § 6:2

GAO BID PROTESTS

Generally, 4:1 et seq.

Acknowledgment, 4:80

Additional information, 4:89

Additional requests for documents, 4:86

After protest is filed

CICA stay, below

INDEX

GAO BID PROTESTS—Cont'd

- Agency report, **4:87**
- Alternative dispute resolution, **4:102 et seq.**
- Bid and proposal preparation costs, **4:111**
- CICA stay, **4:44 to 4:45**
- Comments, **4:88**
- Conference calls, **4:91**
- Corrective action, **4:106**
- Costs, generally, **4:116**
- Costs. Bid and proposal preparation and protest costs, above
- Court of Federal Claims protest after GAO protest decision, § **5:32**
- Culmination of protest
 - generally, **4:101 to 4:108**
 - alternative dispute resolution, **4:102 et seq.**
 - corrective action, **4:106**
 - decision, **4:107**
 - litigation risk assessment, **4:105**
 - negotiation assistance, **4:104**
 - outcome prediction, **4:103**
 - redemption, **4:108**
 - withdrawal, **4:101**
- Decision, **4:107**
 - protesting at Court of Federal Claims after GAO decision, § **5:32**
- Dismissal request, **4:82**
- Docketing system, **App. E to App.G**
- Document production, **4:85 et seq.**
- Documents
 - production of documents, below
- Electronic protest docketing system, **4:10**
- Federal agency, protest does not involve.
 - Summary dismissals, below
- Filed defined, **4:8**
- Filing protest
 - generally, **4:2 et seq.**
 - after protest is filed, above
 - Alternative dispute resolution, above
 - CICA stay, **4:44, 4:45**
 - corrective action and withdrawals
 - alternative dispute resolution, above
 - document production, above
 - electronic protest docketing system, **4:10**
 - filed defined, **4:8**
 - hearings, below
 - how to file, **4:4**

GAO BID PROTESTS—Cont'd

- Filing protest—Cont'd
 - how to file protest, below
 - intervention, **4:19 et seq.**
 - preparation of protest, **4:2, 4:3**
 - protective orders, below
 - public version of protest, **4:15**
 - remedies, below
 - service on agency, **4:14**
 - summary dismissal, below
 - what to protest to avoid dismissal, **4:47 et seq.**
 - when to protest, **4:27 et seq.**
 - when to protest, below
 - who may protest, **4:16 to 4:20**
 - who may protest, below
- Five-day letter, **4:83 et seq.**
- Hearings, **4:92 et seq.**
 - witnesses, below
- How to file, **4:4**
- Intervention, **4:19 et seq.**
- Jurisdiction, **4:1**
- Litigation of protest
 - generally, **4:80 et seq.**
 - acknowledgment, **4:80**
 - additional information, **4:89**
 - additional requests for documents, **4:86**
 - agency report, **4:87**
 - comments, **4:88**
 - conference calls, **4:91**
 - dismissal request, **4:82**
 - document production, **4:85**
 - five-day letter, **4:83 et seq.**
 - hearings, **4:92**
 - notice to contracting agency, **4:81**
 - objection to five-day letter, **4:84**
 - post-hearing comments, **4:94**
 - supplemental protests, **4:90**
- Litigation risk assessment, **4:105**
- Monetary relief, **4:110**
- Negotiation assistance, **4:104**
- Notice to contracting agency, **4:81**
- Notice to contracting agency. CICA stay, above
- Objection to five-day letter, **4:84**
- Outcome prediction, **4:103**
- Post-hearing comments, **4:94**
- Practice tips
 - when to protest, below
- Preparation of protest, **4:2 to 4:3**

GAO BID PROTESTS—Cont'd

Procurement, protest does not involve.
 Summary dismissals, below
 Protective orders, **4:95 to 4:100**
 Protest costs, **4:112**
 Public version of protest, **4:15**
 Redactions, **4:98**
 Redecision, **4:108**
 Regulations (4 C.F.R. Part 21), **App. D**
 Remedies
 generally, **4:109 to 4:116**
 bid and proposal preparation costs,
 4:111
 costs, generally, **4:116**
 monetary relief, **4:110**
 protest costs, **4:112**
 Service on agency, **4:14**
 Stay, CICA, **4:44, 4:45**
 Substantive development of protest
 hearings, above
 Supplemental protests, **4:90**
 What to protest to avoid dismissal, **4:47 et seq.**
 When to protest, **4:27 et seq.**
 Who may protest, **4:16 to 4:20**
 Withdrawal, **4:101**

HEARINGS

GAO Bid Protests, this index

INFORMATION EXCHANGES, PREPROPOSAL

Preparing for Bid Protest, this index

INJUNCTIVE RELIEF

Court of Federal Claims Bid Protests, this index

INTERVENTION

Court of Federal Claims bid protests,
 intervenors, **§ 5:4**
 GAO bid protests, **4:19 et seq.**

INTRODUCTION

Generally, **§ 1:1**

JURISDICTION

Court of Federal Claims Bid Protests, this index

NOTICE OF AWARD AND DEBRIEFINGS

Preparing for Bid Protest, below

PARTIES

GAO Bid Protests, this index
 Interested party, Court of Federal Claims
 protest, **§ 5:3**

PRACTICE TIPS

Debriefings, requesting, **§ 2:10**
 GAO Bid Protests, this index
 Preproposal information exchanges, **§ 2:6**
 Suspension of contract performance, **§ 3:9**

PREPARING FOR BID PROTEST

Generally, **§ 2:1 to 2:16**
 Debriefings. Notice of award and debriefings, below
 Deciding whether to protest, **§ 2:16**
 Enhanced debriefings, **§ 2:16**
 Information exchanges, preproposal
 generally, **§ 2:2 to 2:6**
 FAR encourages information sharing,
 § 2:2
 planning and communication,
 presolicitation, **§ 2:4**
 questions and answers
 presolicitation, **§ 2:5**
 Q & A content practice tips, **§ 2:6**
 restrictions on information sharing,
 § 2:3

Notice of award and debriefings
 generally, **§ 2:7 to 2:14**
 debriefings
 challenges, **§ 2:14**
 enhanced, **§ 2:15**
 format and participation, **§ 2:13**
 notice triggering debriefing requirements, **§ 2:8**
 requesting, **§ 2:9, 2:10**
 information disclosure requirements
 and restrictions, **§ 2:12**
 notice triggering debriefing requirements, **§ 2:8**
 practice tips, requesting debriefings,
 § 2:10
 time restrictions
 conducting debriefings, **§ 2:11**
 requesting debriefings, **§ 2:9**
 Planning and communication, presolicitation, **§ 2:4**
 Practice tips, requesting debriefings,
 § 2:10
 Presolicitation
 planning and communication, **§ 2:4**

INDEX

PREPARING FOR BID PROTEST

—Cont'd

- Presolicitation—Cont'd
 - questions and answers, § 2:5
- Protest considerations, § 2:16
- Time restrictions
 - conducting debriefings, § 2:11
 - requesting debriefings, § 2:9

PROTECTIVE ORDERS

- GAO Bid Protests, this index

RECONSIDERATION

- Court of Federal Claims bid protests, § 5:33

REDACTIONS

- GAO Guide, **App. J**

RULES

- Court of Federal Claims, **App. K**

STANDARD OF REVIEW

- Court of Federal Claims bid protests, § 5:23

STATISTICS

- Forum selection, § 6:8

SUSPENSION OF CONTRACT PERFORMANCE

- Generally, § 3:8
- Practice tips, § 3:9

TIME RESTRICTIONS

- Agency protest, when to file, § 3:7
- Court of Federal Claims, when to protest, § 5:5
- Debriefings
 - conducting, § 2:11
 - requesting, § 2:9
- GAO protest, when to file. GAO Bid Protests, this index

TUCKER ACT

- Generally, **App. I**

WHO CAN PROTEST

- Agency protests, § 3:4
- Court of Federal Claims protests, § 5:3