

matters to GAO, GSBCA, or the courts if the contracting officer decides against the firm. The primary advantage of contracting officer protests is their informality. They consist of a short letter of complaint to the contracting officer. Contracting officer protests are inexpensive to pursue because of their informality. Many contracting officers want to avoid errors or rectify problems. An informal protest to the contracting officer may nip a problem in the bud.

A disadvantage of contracting officer protests is that few rules govern the filing, prosecution and decision making of the contracting officer. Additionally, it forces you to tip your hand to the agency before you can proceed with a more formal review. In some cases, this preliminary review will give the agency time to better present their case in a subsequent GAO or GSBCA protest.

Filing a contracting officer protest prior to award may stop the contracting process until the matter is resolved. The FAR prohibits a contracting officer from awarding a contract when a pre-award protest is filed. Contracting officer protests filed after award generally will not stop the contracting process unless:

- the contracting officer finds substantial merit in the protest, and
- the suspension would not harm government interests.

The contracting officer enjoys broad authority to decide the merits of a protest and to award relief when it is found appropriate. Depending on the circumstances, he or she can reopen a competition, re-award a contract, or provide virtually any remedy suitable to the situation.

GAO authority is very broad. GAO is the oldest, most well established protest forum. GAO derived its protest authority from its jurisdiction to settle government accounts. GAO's authority and stature as a protest forum expanded in 1984 upon enactment of the Competition in Contracting Act (CICA). That statute, for the first time, gave GAO explicit authority to decide protests. GAO proceedings are usually conducted through written submissions and with limited discovery.

GAO authority to order final relief is as broad as GAO decides is necessary to rectify a matter that violates the rules. Among other remedies, GAO can advise an agency to pay a contractor its bid and proposal preparation costs. It can direct an agency to refrain from exercising an option, or to terminate a contract, or to recompile a contract. GAO can also demand that an agency issue a new solicitation, or award a contract in a manner consistent with GAO's decision.