

If you wait until after you have found out you have lost the contract to protest the steel or the specification, it is too late. All other protests (for example, asserting that your company was found unfairly to be nonresponsive) must be filed within 10 working days of your learning the basis for the protest. Typically, the protest clock starts to run from the day you are debriefed on why you lost. Again, failing to protest on time prevents you from ever protesting the contract award.

There are several advantages to filing protests with GAO. The GAO protest process is very simple. It is no exaggeration to say that all you need to protest is paper and the cost of postage. Many contractors file protests without the help of lawyers. It is so easy to protest to GAO that contracting officers generally believe that there are too many protests filed.

Another advantage is that many protests are successful. Figures vary from year to year, but the general belief of government contractors is that your chances of getting some GAO help as a result of protesting is between 25 and 30 percent.

The down side of protesting, however, is that protesting is a difficult business decision. The government employees who must prepare the government's response to a protest will generally be the same ones who make the contract award decision. Many companies hesitate to protest because they do not want to get on the bad side of the contracting personnel.

An alternative to protesting to the GAO is to protest to the agency itself. Often, protests as to the terms of the IFB are filed at the agency first before going to GAO. In fact, some agencies are grateful to learn from vendors that the government did not clearly write the IFB. On the other hand, protests after losing the bid typically do not go to the agencies. Most companies believe the government treated them unfairly during the process, so there is no sense in going back to the same agency, asking it to reconsider its decision.

GSBCA provides an alternative protest forum. GSBCA has limited protest authority. The Brooks Act gave GSBCA jurisdiction to decide protests involving automated data processing equipment (ADPE) procurements. The Brooks Act defines ADPE as computers, ancillary equipment, software, firmware, and support services. GSBCA decisions have held that the GSBCA has authority over procurements involving these types of ADPE, even if the procurement also involves many other items. GSBCA decisions have also stated that the GSBCA can decide protest involving the performances of any services that make "significant" use of computer equipment. GSBCA is not a mandatory forum. Protestors also may