



Fluet

Navigating the Bid Protest Process for Government Contractors

WHAT TO CONSIDER WHEN PURSUING A BID PROTEST

Bid protests are **complex**. The stakes are **high**. Timing is **critical**.

This helpful guide highlights 10 key considerations for evaluating whether (and how) to pursue a bid protest.

1

DEBRIEF + DISCOVER

Use debriefings and other available sources to gather key information about the procurement, including the evaluation process, award decision, and potential grounds for protest.

2

EVALUATE + DECIDE

Assess the business case, identify potential protest grounds, and weigh the legal, financial, and practical considerations before making a go/no-go decision.

3

CHOOSE THE RIGHT FORUM

Consider the differences between GAO, the Court of Federal Claims, and agency-level protests, including jurisdiction, timing, discovery, confidentiality, cost, and available relief, when determining the appropriate forum.

4

FILE ON TIME + STAY AHEAD

Understand and track all applicable protest deadlines, including deadlines that may affect the availability of an automatic stay of contract award or performance.

5

BUILD A STRONG CASE

Develop well-supported protest grounds based on the facts, the procurement record, and applicable law, with particular attention to demonstrating competitive prejudice.

6

PROTECT WHAT MATTERS

Understand the rules governing protective orders and confidential information to ensure sensitive data is appropriately handled throughout the protest process.

7

ADVOCATE PERSUASIVELY

Present focused, well-supported arguments to the appropriate decisionmaker at the agency, GAO, or the Court of Federal Claims, consistent with the selected protest forum and requested relief.

8

DRIVE CORRECTIVE ACTION

Pursue meaningful corrective action that addresses the error and preserves the opportunity for a fair competition.

9

MANAGE EVERY STEP

Understand the potential forms of corrective action and how they may address procurement errors and affect the opportunity for fair competition.

10

STAY FOCUSED ON YOUR RESULTS

Consider how the outcome of a bid protest may affect the immediate procurement opportunity as well as the company's broader business objectives and future competitive position.

**KNOW THE DIFFERENCE.
KNOW THE ADVANTAGE.**



AGENCY PROTESTS

- Cost-effective
- Opportunity for business resolution
- More limited record
- May preserve rights for later GAO protest

GAO PROTESTS

- 100-day decision goal
- Automatic stay of award or performance
- Confidential process
- May pursue subsequent COFC protest

COFC PROTESTS

- Broader discovery potential
- More flexible deadlines in some cases
- Injunctive relief available
- Higher cost + complexity

**This guide provides general information only and is not exhaustive. It does not constitute legal advice. For guidance on your specific situation, please consult with qualified legal counsel.*