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PART 2933—PROTESTS, DISPUTES, AND APPEALS

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c); E.O. 12979, 60 FR 55171, 3 CFR, 1995 Comp., p. 417.

Source: 89 FR 66618, Aug. 16, 2024, unless otherwise noted.

Subpart 2933.1—Protests

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Parent topic: SUBCHAPTER E—GENERAL CONTRACTING REQUIREMENTS

Subpart 2933.1—Protests

2933.102 General.

(c)

(1) The relevant contracting officer coordinates DOL's response to procurement protests filed with the U.S. Government Accountability Office (GAO), in consultation with DOL legal counsel at the Office of the Solicitor.

(2) The authority of the Agency Head under FAR 33.102(b) to determine that a solicitation, proposed award, or award does not comply with the requirements of law or regulation is delegated to the HCA.

2933.103 Protests to the agency.

(a) The relevant contracting officer will be the point of contact for agency-level protests. Upon receipt of an agency level protest, the contracting officer immediately notifies the Director of Strategy and Administration within the OSPE and the Office of the Solicitor of the protest.

(b) OSPE's Director of Strategy and Administration is the Agency Protest Official.

2933.104 Protests to GAO.

(a) *Protests before award.* The authority of the relevant HCA under FAR 33.104(b) to authorize a contract award when the agency has received notice from the GAO of a protest filed directly with the GAO is nondelegable. In coordination with the Office of the Solicitor, the HCA prepares the written finding with the information required by FAR 33.104(b)(1).

(b) *Protests after award.* The authority of the HCA under FAR 33.104(c) to authorize contract performance when the agency has received notice from the GAO of a protest filed directly with the GAO is nondelegable. In coordination with the Office of the Solicitor, the HCA prepares and provides to the GAO the written finding with the information required by FAR 33.104(c)(2).

(c) *Notice to the GAO.* The authority of the HCA under FAR 33.104(g), to report to the GAO the failure to fully implement the GAO recommendations with respect to a solicitation for a contract or an award or a proposed award of a contract within 60 days of receiving the GAO recommendations, is nondelegable. The written notice must be coordinated with the Office of the Solicitor.

Subpart 2933.2—Disputes and Appeals

2933.203 Applicability.

The authority of the Agency Head for action under FAR subpart 33.2 is delegated to the SPE.

2933.209 Suspected fraudulent claims.

The contracting officer must refer all matters relating to suspected fraudulent claims by a contractor under the conditions in FAR 33.209 to the Office of the Inspector General for further action or investigation.

2933.212 Contracting officer's duties upon appeal.

(a) When a notice of appeal to the Civilian Board of Contract Appeals has been received, the contracting officer must record the date of mailing (or the date of receipt if the notice was not mailed). The contracting officer must also immediately notify the Office of the Solicitor of the appeal.

(b) The contracting officer should prepare and transmit the administrative file to the Office of the Solicitor and assist the Office of the Solicitor in the defense of the appeal and related matters.