

Department of Veterans Affairs VA Directive 7433.2

Washington, DC 20420 Transmittal Sheet

March 18, 1997

BID PROTEST DECISION LETTER

1. **REASON FOR ISSUE.** To incorporate internal agency guidance, removed from codified coverage at Department of Veterans Affairs Acquisition Regulation 833.103(c), into the VA Directives Management System.

2. **SUMMARY OF CONTENTS.** This directive contains revised policy on the content of the letter used by the contracting officer when denying a bid protest and advising the protester of its appeal rights. The revision changes the appeal time frame from 14 calendar days to 10 calendar days to correspond with General Accounting Office regulations.

3. **RESPONSIBLE OFFICE.** Office of the Deputy Assistant Secretary for Acquisition and Materiel Management, Acquisition Policy Team.

4. **RELATED HANDBOOK:** None

5. **RESCISSION:** None

**CERTIFIED BY: BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS**

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Deputy Assistant Secretary for Assistant Secretary for
Information Resources Management Management

Distribution: RPC 7029

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BID PROTEST DECISION LETTER

1. PURPOSE. This directive provides Department-wide policy on the content of the protest decision letter used by the contracting officer to inform protesters that their protests have been denied and to advise protesters of their appeal rights.

1. POLICY

a. When a protest has been filed with the contracting officer and has been subsequently denied by the contracting officer, the letter to the protester, along with copies to interested parties, shall detail the contracting officer's reasons for denying the bid protest (ref. Federal Acquisition Regulation (FAR) 33.103(h)) and shall conclude with the following statement:

Should you disagree with this decision, you may file an appeal with the Deputy Assistant Secretary for Acquisition and Materiel Management (95B), Acquisition Administration Team, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, or, for solicitations issued by the Office of Facilities Management, the Chief Facilities Management Officer (18), Office of Facilities Management, 810 Vermont Avenue, NW, Washington, DC 20420. Any such appeal must be received within 10 calendar days after receipt of this letter. In the alternative, you may file an appeal with the General Accounting Office (GAO) at the following address: General Counsel, General Accounting Office, 441 G Street, NW, Washington, DC 20548, ATTN: Procurement Law Control Group. Any GAO appeal must be filed within 10 calendar days of this formal notification of, or actual or constructive knowledge of, an initial adverse agency action (as determined in 4 Code of Federal Regulations 21.0(f)). If you file an appeal with the Deputy Assistant Secretary for Acquisition and Materiel Management or the Chief Facilities Management Officer, Office of Facilities Management, you may waive your right of further appeal to the Comptroller General at a later date.

b. Procedures for protests to GAO are found at 4 Code of Federal Regulations (CFR) Part 21 (GAO Bid Protest Regulations). In the event the guidance above concerning protest time frames (i.e., 10 calendar days) conflicts with 4 CFR Part 21, 4 CFR Part 21 governs.

c. For initial bid protests to the Department filed with the Deputy Assistant Secretary for Acquisition and Materiel Management or the Chief Facilities Management Officer, Office of Facilities Management, in accordance with Department of Veterans Affairs Acquisition Regulation (VAAR) 833.103(a)(2)(ii) or (iii), a modified version of the above statement shall be used by those officials when replying to the protester.

3. RESPONSIBILITIES. Each delegated VA contracting officer is responsible for responding to bid protests to the Department directed to the contracting officer and for including the above statement in the bid protest decision letter issued to the protester.

4. REFERENCES.

a. FAR Subpart 33.103

b. VAAR Subpart 833.103

c. 4 CFR Part 21