

# THE JOURNAL OF FEDERAL AGENCY ACTION

## **Editor’s Note: A Practical Guide**

*Victoria Prussen Spears*

## **Understanding Federal Bid Protest Deadlines: A Practical Guide**

*Amy L. Fuentes, David S. Black, and Gregory R. Hallmark*

## **Don’t Wait for the Knock: Right-Sizing Compliance in a Shifting U.S. Enforcement Landscape**

*Vasu Muthyala, Celeste Koeleveld, Daniel Silver, Glen Donath, Joshua Berman, Megan Gordon, and Jan van der Kuijp*

## **America’s New Commercial Spectrum Pipeline: NTIA and FCC Reveal First Steps Toward 800-Megahertz Goal**

*Ambia Harper, J. Ryan Thompson, Ari Q. Fitzgerald, Michele C. Farquhar, and George V. John*

## **EKRA Heats Up: What U.S. Laboratories and Investors Need to Know**

*Jennifer Csik Hutchens, Mara Cusker Gonzalez, Sozi Pedro Tulante, Clare Putnam Pozos, and Lindsay N. Zanello*

## **United States Patent and Trademark Office’s Proposed Regulations Would Limit Availability of Inter Partes Review**

*Christopher K. Larus, William E. Manske, Jeffrey C. Metzcar, and James Rollins*

## **Environmental Protection Agency Adopts New Enforcement Approach Prioritizing Compliance Assistance and Communication**

*Matthew Z. Leopold, Andy Emerson, Ashley T.K. Phillips, Alexandra E. Ward, and Maggie P. Pahl*

## **Department of Energy Directs Federal Energy Regulatory Commission to Address Large Load Interconnection Procedures**

*William Scherman, Jeffrey Jakubiak, Jason Fleischer, C.J. Polito, Melinda Warner, and Ankush Joshi*

## **Two Regulators, One Direction: Key Takeaways from the Securities and Exchange Commission–Commodity Futures Trading Commission Joint Statements on Crypto Markets**

*Kyrsten Sinema, J. Nicholas Hoover, Alex Parkhouse, and Haebin Lee*

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# The Journal of Federal Agency Action

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- 69 Editor’s Note: A Practical Guide**  
Victoria Prussen Spears
- 73 Understanding Federal Bid Protest Deadlines: A Practical Guide**  
Amy L. Fuentes, David S. Black, and Gregory R. Hallmark
- 89 Don’t Wait for the Knock: Right-Sizing Compliance in a Shifting U.S. Enforcement Landscape**  
Vasu Muthyala, Celeste Koeleveld, Daniel Silver, Glen Donath, Joshua Berman, Megan Gordon, and Jan van der Kuijp
- 99 America’s New Commercial Spectrum Pipeline: NTIA and FCC Reveal First Steps Toward 800-Megahertz Goal**  
Ambia Harper, J. Ryan Thompson, Ari Q. Fitzgerald, Michele C. Farquhar, and George V. John
- 107 EKRA Heats Up: What U.S. Laboratories and Investors Need to Know**  
Jennifer Csik Hutchens, Mara Cusker Gonzalez, Sozi Pedro Tulante, Clare Putnam Pozos, and Lindsay N. Zanello
- 115 United States Patent and Trademark Office’s Proposed Regulations Would Limit Availability of Inter Partes Review**  
Christopher K. Larus, William E. Manske, Jeffrey C. Metzcar, and James Rollins
- 121 Environmental Protection Agency Adopts New Enforcement Approach Prioritizing Compliance Assistance and Communication**  
Matthew Z. Leopold, Andy Emerson, Ashley T.K. Phillips, Alexandra E. Ward, and Maggie P. Pahl
- 127 Department of Energy Directs Federal Energy Regulatory Commission to Address Large Load Interconnection Procedures**  
William Scherman, Jeffrey Jakubiak, Jason Fleischer, C.J. Polito, Melinda Warner, and Ankush Joshi
- 133 Two Regulators, One Direction: Key Takeaways from the Securities and Exchange Commission–Commodity Futures Trading Commission Joint Statements on Crypto Markets**  
Kyrsten Sinema, J. Nicholas Hoover, Alex Parkhouse, and Haebin Lee

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# Understanding Federal Bid Protest Deadlines: A Practical Guide

Amy L. Fuentes, David S. Black, and Gregory R. Hallmark\*

*In this article, the authors break down key timelines and requirements for filing bid protests at the U.S. Government Accountability Office, U.S. Court of Federal Claims, Federal Aviation Administration's Office of Dispute Resolution for Acquisition, and U.S. Postal Service, as well as at contracting agencies themselves. The authors designed this article to help offerors navigate the complex protest landscape and to safeguard their rights in a highly competitive environment.*

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Bid protests are a critical tool for contractors seeking to challenge federal procurement actions.

As federal agencies reduce procurement opportunities under the Trump administration's Department of Government Efficiency (DOGE) initiative, the stakes for offerors have never been higher. With DOGE's aggressive push to streamline government spending and reduce contract awards, every solicitation counts—and the decision to protest can be pivotal to a contractor's business prospects.

Further, awardees are permitted to participate in a protest as intervenors. Intervening in a bid protest is critical for awardees seeking to safeguard their hard-won contract awards. By participating as an intervenor, the successful contractor can actively defend the agency's award decision, present its own arguments, and respond to the protester's claims, which may challenge the intervenor's fitness for award. The awardee's involvement as an intervenor can be decisive in protecting the award from being overturned or subjected to corrective action.

In this environment, understanding the precise timelines and requirements for filing a bid protest is not just important—it is essential. Missing a deadline or misunderstanding a forum's rules can mean forfeiting your right to protest. Strategic awareness of protest procedures is therefore a critical advantage for contractors navigating today's leaner federal marketplace. However, the

deadlines for filing protests are strict and vary by forum, procurement type, and issue.

One common, and important, theme between the protest forums is the critical distinction between (1) protests challenging problems with the solicitation, and (2) all other protests, which most often challenge the agency's evaluation or award decision. Problems with the solicitation or other ground rules for the competition generally may be protested only before the deadline for submission of proposals. Would-be protesters often have complaints about ambiguities, unfairness, or illegalities in the solicitation after learning they did not win the award. But by that point, it is too late to protest such issues if the problems were evident on the face of the solicitation. It is therefore important that offerors be in contact with their protest counsel during the proposal process to discuss ways to resolve problems with the solicitation before submitting the proposal.

This article breaks down key timelines and requirements for filing bid protests at the U.S. Government Accountability Office (GAO), U.S. Court of Federal Claims (COFC), Federal Aviation Administration's (FAA) Office of Dispute Resolution for Acquisition (ODRA), and U.S. Postal Service (USPS), as well as at contracting agencies themselves. This article is designed to help offerors navigate the complex protest landscape and safeguard their rights in a highly competitive environment.

## **Summary of GAO Bid Protests and Filing Deadlines**

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GAO is the most common forum for federal bid protests. Protests may be filed against procurement actions by most federal agencies.<sup>1</sup> Congress gave this authority to GAO under the Competition in Contracting Act of 1984 (CICA).<sup>2</sup> GAO protests are filed through GAO's Electronic Protest Docketing System (EPDS).

Timeliness is governed by 4 C.F.R. § 21.2 and varies depending on the nature of the protest and whether a debriefing is required. Table 1 sets out the timeliness rules for different protest scenarios.

<b>Table 1. Key Deadlines</b>		
<b>Protest Type</b>	<b>Deadline to File</b>	<b>Notes</b>
Pre-award (solicitation)	Before bid opening/ receipt of initial proposals. 4 C.F.R. § 21.2(a)(1).	Apparent improprieties must be protested before proposals are due. Notice of a pre-award protest at GAO requires the procuring agency to delay the award.
Pre-award (offeror eliminated from the competitive range)	<i>Federal Acquisition Regulation (FAR) Part 15 Procurement</i> . Must request a debriefing within three days after receiving notice of exclusion to obtain a "required debriefing." The protest must be filed within 10 days of the debriefing date offered to the protester. 4 C.F.R. § 21.2(a)(2).	Notice of a pre-award protest at GAO requires the procuring agency to delay the award.
Post-award (general)	Within 10 days of when protester knew or should have known of grounds.  <i>FAR Part 8 and 13 (Debriefings Not Required)</i> . Not later than 10 days after the basis of protest is known or should have been known. 4 C.F.R. § 21.2(a)(2).	Applies unless a required debriefing is requested. An automatic CICA stay applies if the protest is filed within 10 days of contract award.

Protest Type	Deadline to File	Notes
Post-award (with required debriefing)	<p>Within 10 days after the debriefing date offered by the agency. 4 C.F.R. § 21.2(a)(2).</p> <p><i>Defense Agencies Enhanced Debriefing.</i> The offeror may submit additional written questions related to the debriefing within two business days after receiving the initial debriefing. The debriefing remains open until the agency responds to these questions. DFARS 215.506-70. The protest deadline is then five days after the agency's response, potentially extending the protest window.</p>	<p>Debriefing must be requested within three days of notice of award. An automatic CICA stay applies if the protest is filed within five days of a "requested and required" debriefing or 10 days after award, whichever is later.</p>
Task order protests	<p>Within 10 days of debriefing or the date the offeror knew or should have known of the grounds for the protest.</p>	<p>Jurisdictional minimums apply</p> <ul style="list-style-type: none"> <li>• Defense agencies, NASA, U.S. Coast Guard: &gt;\$35 million</li> <li>• Civilian agencies: &gt;\$10 million</li> </ul> <p>An automatic CICA stay applies if the protest is filed within five days of a "requested and required" debriefing or 10 days after award, whichever is later.</p>

Under GAO's regulations, "days" means "calendar days."<sup>3</sup> In the event a deadline falls on a weekend, federal holiday or other day when GAO is closed, the deadline is extended to the next business

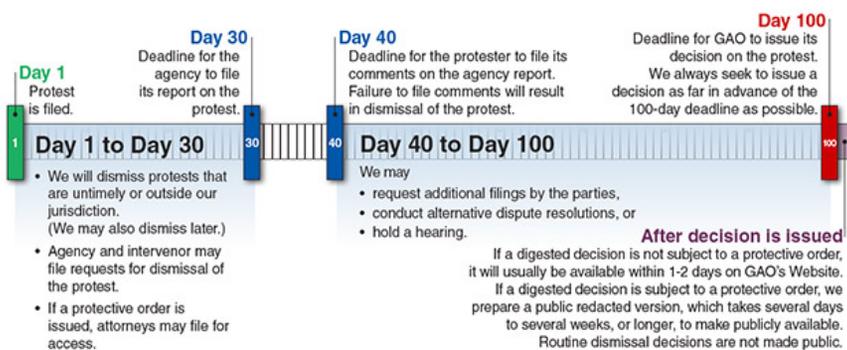
day.<sup>4</sup> A document is filed on a particular day when it is received in EPDS by 5:30 p.m. EST.<sup>5</sup>

Only an “interested party” can file a protest at GAO.<sup>6</sup> An interested party is an actual<sup>7</sup> or prospective bidder<sup>8</sup> or offeror whose direct economic interest would be affected by the award or failure to award a contract.<sup>9</sup> This rule excludes protests from proposed subcontractors, for instance. To qualify, the protester must demonstrate that they were prejudiced by an agency’s action, meaning they would have a substantial chance of receiving the award if the protest were successful.

One of the most significant and immediate consequences of filing a bid protest at the GAO is the automatic stay of contract award or performance mandated by CICA.<sup>10</sup> This statutory protection is designed to preserve the status quo while the protest is adjudicated, ensuring that offerors have a meaningful opportunity to challenge procurement decisions before irreversible steps are taken.<sup>11</sup>

The entire GAO bid protest process is completed within 100 days. The process includes disclosure of relevant procurement records to the protester’s counsel admitted under the protective order, as well as the ability to refine the protest grounds based on those records. Figure 1, from GAO’s website,<sup>12</sup> provides a summary of the bid protest process.

**Figure 1**



The process and decision-making that these deadlines dictate are anything but straightforward and contain traps for the unwary. The GAO’s bid protest system is marked by procedural intricacies, exceptions, and evolving interpretations—ranging from the impact of required debriefings and enhanced debriefings, to jurisdictional

limits for task order protests and the interplay with automatic stays. Even minor missteps in timing or documentation can result in dismissal, and the agency's approach to issues such as supplemental protests, protective orders, and agency overrides adds further layers of complexity. For contractors navigating this environment, a nuanced understanding of the rules—and how they apply to the specific facts of each procurement—is essential. Experienced counsel can help anticipate potential pitfalls, leverage strategic opportunities, and ensure that every procedural requirement is met, maximizing the likelihood of a successful protest outcome in a highly competitive federal marketplace.

## COFC Deadlines

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COFC serves as a specialized forum for federal bid protests, particularly those involving complex procurement issues, multiple award environments, or matters requiring a more robust factual record. The Tucker Act<sup>13</sup> establishes COFC's jurisdiction as the exclusive judicial forum for bid protests and authorizes the court to review pre- and post-award challenges to federal procurement actions. Importantly, COFC's bid protest jurisdiction is slightly broader than other forums in some ways because, in addition to traditional protests, the Tucker Act permits protests of "any alleged violation of statute or regulation in connection with a procurement or a proposed procurement."<sup>14</sup> On the other hand, COFC lacks jurisdiction to hear protests of task order procurements conducted under multiple award contracts (other than the General Services Administration's Multiple Award Schedule contracts).

The court's procedures allow for more extensive discovery, evidentiary hearings, and the development of a comprehensive administrative record. These advantages are particularly valuable when the protest grounds are fact-intensive or require a deeper exploration of agency decision-making.

Notably, COFC does not provide an automatic stay. Protesters may seek a preliminary injunction against the agency moving ahead with the procurement, which requires that protesters meet a four-factor test: likelihood of success, irreparable harm, public interest, and balance of hardships. Alternatively, the agency may voluntarily stay the procurement for the duration of the protest.

Another distinguishing feature of COFC protests is the involvement of the U.S. Department of Justice (DOJ) as counsel for the government. This introduces an additional party into the litigation, which can be advantageous for offerors seeking a balanced review of the procurement process, as opposed to engaging solely with agency counsel defending the agency's actions. The DOJ's participation can facilitate more objective consideration of legal and factual issues, especially in high-stakes or precedent-setting cases.

Unlike GAO, COFC does not impose rigid, statutory filing deadlines for post-award protests beyond the Tucker Act's standard six-year statute of limitations. This results in some protesters filing a bid protest at COFC after an unsuccessful protest at GAO, along with some protesters filing initially at COFC because they did not prepare their initial protests in time for GAO's deadline. However, while the timeliness requirements are more relaxed at COFC, filing promptly is still critical to winning a bid protest and achieving a meaningful remedy. Pre-award protests based on "patent" errors in the solicitation—errors that are obvious on their face—must be filed before the deadline for receipt of proposals.<sup>15</sup> The timeliness of post-award protests—including protests of "latent," non-obvious solicitation errors—are governed by equitable principles, namely, the doctrine of laches.<sup>16</sup> This means that while there is flexibility, undue delay in filing can result in dismissal if the delay prejudices the government or other parties. Promptness remains critical, especially when seeking injunctive relief to halt contract performance.

Table 2 shows the COFC's deadlines.

<b>Protest Type</b>	<b>Deadline to File</b>	<b>Notes</b>
Pre-award	Before bid opening/ receipt of proposals.	Patent solicitation errors must be protested before proposals are due ( <i>Blue &amp; Gold</i> doctrine).
Post-award	Six years, <sup>17</sup> but should be "prompt."	Delay may result in dismissal under laches or a lost chance for an injunction against the award; prompt action is essential.

It is important to recognize that pursuing a protest at COFC generally requires a greater investment of time and resources compared to other forums. The process is more formal, with comprehensive briefing, potential for oral argument and, in some cases, evidentiary hearings. While this can result in higher litigation costs, it also provides the opportunity for broader remedies, including injunctive relief and, in certain circumstances, recovery of bid preparation and proposal costs.

## **Agency-Level Protest Deadlines Governed by the FAR**

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Agency-level protests provide contractors with a direct mechanism to challenge procurement actions at the contracting agency itself before escalating to external forums. Governed by FAR 33.103 (to be changed to 33.104 under the FAR overhaul), these protests can be filed against both pre-award actions and awards with strict deadlines: Pre-award protests must be filed before bid opening or the closing date for receipt of proposals, and post-award protests must be filed no later than 10 calendar days after the protester knew or should have known of the basis for protest (FAR 33.103(e), pre-FAR overhaul). Table 3 shows deadlines governed by the FAR.

<b>Table 3. FAR Key Deadlines</b>		
<b>Protest Type</b>	<b>Deadline to File</b>	<b>Notes</b>
Pre-award (solicitation)	Before bid opening/ receipt of proposals.	Apparent improprieties must be protested before proposals are due.
Post-award (general)	Within 10 days after protester knew or should have known of grounds. (Note: This is subject to change under the FAR overhaul, which has been adopted by some, but not all, agencies. The new FAR 33.104-3, if adopted, eliminates the “knew or should have known” standard and contemplates that filing within 10 days from contract award or five days from a required debriefing will generally trigger a suspension of performance.)	Whichever is earlier.

The FAR instructs agencies to their “best efforts” to resolve agency-level protests within 35 days. This is possible because there is little or no disclosure of procurement records to the protester and little or no opportunity for further briefing by the protester.<sup>18</sup>

While agency-level protests are the fastest, least costly, and perhaps least intrusive bid protest option, there are some key structural differences from other protest forums that can impact their effectiveness. The agency-level process is less independent compared to GAO and COFC. Even when review is requested at a level above the contracting officer, the core challenge lies in the fact that the agency is being asked to review and potentially overturn its own procurement decisions. This absence of an independent review outside the organization whose decision is the subject of the protest can limit the perceived likelihood of meaningful corrective action, especially in cases involving complex or contentious issues. And, unlike GAO or COFC, the agency typically does not disclose all relevant procurement records. Contractors should be aware

that although the process is designed to be expedient, agencies sometimes delay issuing decisions on protests, which can prolong uncertainty and impact business planning. These delays may be due to internal review processes, competing priorities, or a reluctance to revisit prior determinations.

Due to the quick and direct nature of agency-level protests, protesters can file an agency-level protest before submitting a protest to GAO or COFC. Accordingly, it is important to understand the interplay between an agency-level protest and these forums.

First, a subsequent protest to GAO is timely if it is within 10 days of “initial adverse agency action” on the agency-level protest. As a result, an agency-level pre-award protest may be timely followed by subsequent protest to GAO even though the subsequent protest to GAO was filed after the receipt of proposals.

Second and similarly, a timely agency-level pre-award protest satisfies COFC’s *Blue & Gold* requirement and preserves the opportunity for a formal pre-award protest at COFC following an unsuccessful agency protest.<sup>19</sup> But note that an agency-level post-award protest does not extend the time for filing at GAO to trigger the automatic CICA stay.

Also note that determining when the agency has taken “initial adverse agency action” on the protest can be tricky; even routine occurrences such as the agency’s acceptance of proposals following a pre-award protest can constitute “initial adverse agency action.” Failing to perceive that the agency has taken “initial adverse agency action” can cost the protester its right to take the protest to GAO.

Remedies at the agency level are generally limited to voluntary corrective action such as a solicitation amendment followed by proposal revisions or reevaluation of existing proposals; broader relief such as an injunction is not available. Additionally, while timely protests can trigger an automatic stay of award or performance<sup>20</sup> (pre-FAR overhaul) as at GAO, agencies retain the authority to override the stay in rare circumstances, further complicating the protest landscape.

Moreover, the FAR Council has proposed to reform some aspects of agency-level protest as part of the larger Revolutionary FAR Overhaul (RFO) effort. As currently proposed, solicitations must notify offerors whether independent review of agency-level protest at a level above the contracting officer is available either as an alternative to review by the contracting officer or as an appeal. More importantly, the RFO proposes to provide protesters with a

redacted copy of a source selection decision when the protester requests an independent review. Protesters then may submit a supplemental statement based on the redacted source selection decision. These reforms give agency-level protests more substance, potentially making them more attractive for contractors post-RFO.

## **FAA ODRA**

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The FAA's ODRA offers a specialized forum for contractors seeking to challenge FAA procurement actions. Unlike most federal agencies, the FAA operates under its own Acquisition Management System (AMS), not the FAR, and ODRA's procedures reflect this distinct regulatory environment. ODRA has exclusive jurisdiction over both pre-award and post-award protests involving FAA contracts, but the process diverges significantly from traditional protest venues.

From a practical standpoint, contractors should be aware that ODRA almost never grants stays of award or contract performance (called suspensions), even though it has the discretion to do so under the AMS. In contrast to the automatic stay available at GAO or the agency level, ODRA's reluctance to suspend performance means that in many cases, the contract will proceed while the protest is pending.

ODRA's process is also distinguished by its strong emphasis on alternative dispute resolution (ADR). The tribunal actively encourages mediation, facilitated negotiations, and other collaborative techniques, often convening an initial status conference to promote ADR and clarify procedural matters. Many protests are resolved through ADR before reaching formal adjudication, and the process is generally more streamlined and less formal than litigation at GAO or COFC. Discovery is limited, briefing is focused, and hearings are rare but possible.

Table 4 shows deadlines for the FAA's ODRA.

<b>Table 4. ODRA Key Deadlines</b>		
<b>Protest Type</b>	<b>Deadline to File</b>	<b>Notes</b>
Pre-award (solicitation)	Before closing date for receipt of proposals.	Apparent improprieties must be protested before proposals are due.
Post-award (general)	Within seven business days after protester knew or should have known of grounds.	Strictly enforced, unless the debriefing exception below applies.
Post-award (with debriefing)	Within five business days after debriefing.	If a post-award debriefing is requested.

While ODRA's procedures can offer a contractor-accessible and efficient path to relief, the forum's unique features—including the lack of a reliable stay, AMS-specific legal framework, and ADR-centric approach—require careful strategic consideration. Contractors should be prepared for a process that prioritizes collaboration over adversarial litigation and should tailor their arguments to the AMS rather than the FAR.

## USPS

Like the FAA, USPS is not bound by the FAR. Instead, USPS bid protest and dispute resolution procedures can be found in USPS regulations.<sup>21</sup> USPS adopted these procedures, which replaced the previous USPS Purchasing Manual, to create a more expedited and business-like system focused on dispute resolution.

USPS procedures, which refer to protests as “disagreements,” utilize a two-step process. First, under 39 C.F.R. § 601.107, a protestor must file a disagreement with the contracting officer either before the receipt of proposals or within 10 days of an award or debriefing. Following the receipt of the disagreement, the contracting officer has 10 days to provide a written communication stating their resolution of the disagreement. Alternatively, the protestor and contracting officer may resolve the disagreement through ADR, which suspends the 10-day deadline.

If the contracting officer fails to resolve the disagreement or the protestor is unsatisfied with the resolution, the protestor then may file a disagreement with a Supplier Disagreement Resolution Officer (SDRO) under 39 C.F.R. § 601.108. A dispute with an SDRO must

be filed either within 10 days of the contracting officer's resolution or, if the contracting officer fails to resolve the disagreement, within 20 days of the filing of the initial disagreement. After the receipt of a disagreement, the SDRO gathers information from the protestor, contracting officer and other interested parties and issues a decision with 30 calendar days. The SDRO's decision then serves as the final USPS decision on the disagreement.

Table 5 shows key USPS deadlines.

<b>Table 5. USPS Key Deadlines</b>		
<b>Protest Type</b>	<b>Deadline to File</b>	<b>Notes</b>
Pre-award (solicitation)	Before closing date for receipt of proposals.	Apparent improprieties must be protested before proposals are due.
Post-award (general)	Within 10 days after protestor knew or should have known of grounds.	Strictly enforced.
Post-award (with debriefing)	Within 10 days after debriefing.	If a post-award debriefing is requested.
Appeal to SDRO (contracting officer issues written resolution)	Within 10 days of receipt of resolution.	May request an extension from SDRO.
Appeal to SDRO (no resolution)	Within 20 days of date disagreement was initially lodged with contracting officer.	May request an extension from SDRO.
Appeal to SDRO (no resolution)	Within 10 days of when the protestor knew the matter was not resolved.	May request an extension from SDRO.

A key distinction from ODRA's process is that a USPS protest may be filed at COFC following the exhaustion of USPS procedures. Additionally, while USPS regulations mandate that contractors utilize its dispute process, there is no statutory requirement for the exhaustion of remedies at USPS. Accordingly, in urgent circumstances, a protestor may go straight to COFC for injunctive relief. However, this comes at the risk that, in non-urgent circumstances, the court may rely on the USPS regulatory mandate to dismiss the case.

Although it is possible that USPS stays the procurement during the resolution of disagreement, there is no required automatic stay in USPS regulations like there is for GAO and agency-level protests. Just like other aspects of the USPS system, whether the performance of the contract is stayed is just one process in a larger negotiation.

The USPS dispute resolution process is designed to be informal and flexible in order to reach a resolution that satisfies both USPS and the protestor. There are no limits on how a contracting officer may resolve an initial disagreement. Similarly, the SDRO can use a range of remedies to resolve a disagreement, including directing the contracting officer to revise the solicitation or terminate the current award. Accordingly, contractors should be prepared to take a flexible and collaborative approach as they navigate this process.

## Notes

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1. GAO explains that “[p]rotests may not be filed against procurement actions by nonfederal government agencies, such as state, local, or foreign governments, or actions by certain exempted federal agencies, such as the Postal Service.” See <https://www.gao.gov/legal/bid-protests/faqs>. GAO has a helpful descriptive guide describing the bid protest process and requirements in more details. See <https://www.gao.gov/assets/gao-09-471sp.pdf>.

2. 31 U.S.C. §§ 3551-3557.

3. 4 C.F.R. § 21.0(d).

4. See *id.*

5. GAO regulations expressly state that “[d]elivery of a protest or other document by means other than those set forth in the online EPDS instructions does not constitute a filing. Filing a document in EPDS constitutes notice to all parties of that filing.” 4 C.F.R. § 21.0(g).

6. 4 C.F.R. § 21.1(a).

7. “Actual bidders” are interested parties if they were the unsuccessful offeror and would be next in line for the award if the protest were sustained.

8. “Prospective bidders” are interested parties if they were ready to submit a bid but for an alleged government error in the solicitation.

9. See *id.*

10. 31 U.S.C. §§ 3551-3557.

11. In rare circumstances, agencies may override the statutory stay imposed by CICA, and challenges to that override decision must be brought to COFC.

12. <https://www.gao.gov/infographic/timeline-bid-protest-process>.
13. 28 U.S.C. § 1491(b).
14. 28 U.S.C. § 1491(b)(1).
15. *Blue & Gold Fleet, L.P. v. United States*, [492 F.3d 1308](#) (Fed. Cir. 2007).
16. “Laches” is an equitable doctrine that bars a claimant from receiving relief where the claimant’s delay in pursuing the claim has harmed the opposing party. See, e.g., *Wit Assoc.’s, Inc. v. United States*, 62 Fed.Cl. 657 (2004).
17. COFC’s six-year deadline to file a post-award bid protest derives from the statute of limitations for all claims arising under the Tucker Act. 28 U.S.C. § 2501 (“Every claim of which the United States Court of Federal Claims has jurisdiction shall be barred unless the petition thereon is filed within six years after such claim first accrues.”). See also, e.g., *VS2, LLC. v. United States*, 155 Fed. Cl. 738, 753 (2021) (applying the Tucker Act’s six-year statute of limitations to a post-award bid protest); *L-3 Commc’ns Integrated Sys., L.P. v. United States*, 79 Fed. Cl. 453, 460-61 (2007) (same).
18. Traditionally, most pre-award protests involve no disclosure of records by the agency and no opportunity for further briefing by the protester. However, the FAR overhaul contemplates a very limited disclosure and an opportunity to submit a supplemental statement thereafter in some circumstances.
19. Filing a timely GAO pre-award protest also satisfies COFC’s Blue & Gold requirement.
20. See FAR 33.103(f).
21. 39 C.F.R. §§ 601.100-113.