

# Individual project 3 essay example

[Business](#), [Management](#)



The FAR Part 15 is perceived as a tool that provides the policies, guidelines and the procedures that are used for negotiating the government contracts, either by the government organizations or by the non-governmental (private) organizations. The procedures and guidelines aim at protecting and safeguarding these organizations which submits their proposals for contemplation and consideration regardless of whether it is a competitive or non-competitive proposal.

This is aided by filling of the bid protests with the GAO (Government Accountability Office) which is responsible for hearing protests with inclusion of the contracting agencies and the Court of Federal Claims. GAO is responsible for claims directed to illegalities in solicitation, those that are related to cancellation of solicitations and proposed awards of contracts. Nonetheless, GAO is prohibited from hearing specific issues especially those that are related to challenges associated with small business sized certifications (Government Contracting, 2012).

### **Details of FAR Part 15 Incorporating the GAO Protest**

The Federal Acquisition Regulation targets at considering the issues that affects a bid protests filled by an organization intending to be involved in a contract in the sense that it gives the procedures to be used in determining the best contracting agency with the government contracts. There are three main phases that are involved in the contracting process namely need recognition and acquisition process, contract formation and contract administration and it's the obligation of FAR System to regulate and control the activities of the federal personnel in administering the named operations in the process. According to FAR Part 15, with incorporation of GAO allows

individuals to define the guidelines that are effective for eliminating some proposals and rewarding some organizations government contracts (Government Contracting, 2012). They aid in answering multiple questions that the bidding organization have upon their filing of bid protests to the GAO, contracting agencies and the Court of Federal Claims. Discussed below are some of the details fostered by FAR Part 15 with incorporation of the Government Accountability Office.

It contains the bids, which are the written objections forwarded by an interested organization or party to the government procurement activity such as supplying goods and services for the state. Bid protest must declare that the federal government went against the procurement law by performing a certain action related to assigning or denying contracts to interested parties with respect to the procedures and guidelines fostered by FAR (Vernon, 2003).

FAR Part 15 defines the parties who are alleged to file a bid protest. According to the procedures, the protesting party must be an interested organization with defined economic interest from the results of the protest. In case the protest is pre-award protest, the protesting party must be an actual or prospective bidder. However, in post-award protest, the protesting party must have direct economic interest that would be influenced or affected by the award (Government Contracting, 2012).

FAR Part 15 also outline details of where to file a bid protest. For instance, it clearly states the three non-exclusive options with inclusion of the advantages and disadvantages of each option. It has Agency Level Protest

where the protesting party submits the protest to the contracting officer, to whom one is protesting against. Some of the advantages of this bid protest are that it is relatively inexpensive, quick and does not involve the lawyer.

However, they are less successful but loss of the protest can be appealed to the GAO. The other option of protest is the GAO Protest, which is an inexpensive place and the chances of success are high if one has a knowledgeable and committed lawyer. However, they take a longer time of approximately 100 days upon filling the protest (Joseph, 2012). The last option is the Court of Federal Claims Protest which is very expensive and it requires an attorney. It takes about eight to ten weeks to resolve the claims, but sometimes it takes a longer duration.

According to the procedures presented in the FAR Part 15, there are several benefits accrued from using the GAO protests over others. They are inexpensive and have higher probability to success if one is knowledgeable of the consequences of the action (Government Contracting, 2012). In order to trigger a stay of new performance, it is the responsibility of GAO to notify the agency of the protest within 10 days of contract award as briefed under FAR Part 15.

## **Possible Grounds of Protest**

There are several grounds for a protest but the major aim is to accuse the federal government procurement departments for illegal and in just practices in assigning contracts to organizations interested. One of the greatest reasons for bid protest is improper technical and pricing evaluation (Vernon, 2003). This is followed by a series of issues such as relaxation of the

RFP/RFQ requirements, inability to follow the evaluation grounds provided in the contracting procedures, inclusion of an undisclosed evaluation grounds, improper and insufficient discussions and organizational conflict of interest.

### **Protests that are not taken into consideration**

GAO does not allow protests filled by subcontractors and the protests that raise contract administration issues as this causes huge predicaments to the contract and may lead to termination or cancellation of the contract. Bid protests that are as a result of small business issues and also the untimely protests, which are subjected or filled after several days of contract signing (Government Contracting, 2012). GAO does not accommodate protests that challenge an affirmative findings of responsibility posted under FAR Part 9.

### **Similar Cases whereby Contract Award is protested**

- When there are several or numerous brand names
- When the contract has ambiguous statements
- When the contract is too restrictive
- When it is too detailed, like 38 pages of SOW

Generally, there are regulations contained in the FAR Part 15 that enable parties to protest when they feel that the means used in giving governmental contracts in the United State are not just (Vernon, 2003).

These regulations help the protesting companies to seek resolution from the GAO among other areas where the bid protests are subjected. It is outlined in the FAR Part 15 in alignment with the GAO that any party may protest against a contract provided the conditions discussed above have not been violated. Some of these issues can be summarized as procurement integrity,

little business administration issues, untimely protests, and subcontract protests among others.

## **References**

Government Contracting. (2012). Your Right To Protest and Dispute a Government Decision Regarding a Contract. Retrieved on 23rd January 2013 from: <http://www.bizfilings.com/toolkit/sbg/run-a-business/govt-contracts/right-to-protest-dispute-govt-contract-decision.aspx>

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