

Government Contracts Blog

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Making Amends: Countdown To May 27, 2011

By Marko W. Kipa

Over the past three years, government contractors have been able to pursue bid protests at the Government Accountability Office (the “GAO”) challenging awards of defense and civilian task and delivery orders valued at over \$10 million. This expanded jurisdiction, however, is set to expire on May 27, 2011. Congress appeared to have addressed the issue in the National Defense Authorization Act for Fiscal Year 2011 (the “Act”) by including a provision extending the GAO’s expanded jurisdiction until September 30, 2016, but, for whatever reason, the Act captured only defense task and delivery order awards. This omission not only was strange, but it also seemed to run counter to the spirit of the original grant of task/delivery order jurisdiction. We analyzed the Act’s legislative history [here](#) and concluded that it did not provide a basis for only partially extending the GAO’s expanded jurisdiction. Shortly thereafter, the U.S. House of Representatives (the “House”) and the U.S. Senate (the “Senate”) introduced bills targeted at extending the GAO’s jurisdiction over civilian task and delivery order bid protests. See H.R. 899; see *also* S. 498.

While the bills have not yet been voted on by either the full House or the Senate, they continue to make their way through the legislative process. The bills ideally should become law prior to the sunset date (May 27, 2011) to avoid a break in the GAO’s jurisdiction over civilian task and delivery order bid protests. However, even the best intentions can go awry. Stay tuned as the countdown continues.

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