

CHAPTER FIVE: PROCUREMENT

Article 514: Bid Protest Procedures - Federal Government

1. This Article applies to complaints regarding procurement by the Federal Government.
2. In order to promote fair, open and impartial procurement procedures, the Federal Government shall adopt and maintain bid protest procedures for procurement covered by this Chapter that:
 - (a) allow suppliers to submit bid protests concerning any aspect of the procurement process, which for the purposes of this Article begins after an entity has decided on its procurement requirement and continues through to the awarding of the contract;
 - (b) encourage suppliers to seek a resolution of any complaint with the entity concerned prior to initiating a bid protest;
 - (c) ensure that its entities accord fair and timely consideration to any complaint regarding procurement covered by this Chapter;
 - (d) limit the period within which a supplier may initiate a bid protest, provided that the period is at least 10 business days from the time when the basis of the complaint became known or reasonably should have become known to the supplier;
 - (e) permit a supplier that does not achieve a successful resolution of its complaint to bring the matter to the attention of an authority, with no substantial interest in the outcome, to receive and consider the complaint and make appropriate findings and recommendations with respect to the complaint;
 - (f) require the reviewing authority to provide its findings and recommendations in writing and in a timely manner and make them available to the Parties; and
 - (g) require the reviewing authority to specify its bid protest procedures in writing and make them generally available.
3. The reviewing authority may:
 - (a) recommend, where appropriate, a delay in awarding a proposed contract pending the resolution of the bid protest;
 - (b) issue a recommendation to resolve the bid protest, which may include directing the entity to re-evaluate offers or terminate or re-compete the contract in question;
 - (c) recommend, where appropriate, the award of compensation for lost profit or the costs associated with filing the complaint and preparing the bid; and
 - (d) make, where appropriate, written recommendations to the entity concerning practices that the reviewing authority considers to be inconsistent with this Chapter.