



**PREP ASSIGNMENT**  
**SEASON 2023, EPISODE NINETEEN**  
**FAR PART 33:**  
**PROTESTS, DISPUTES, & APPEALS**

Preparation Assignment (20 points each)

**Fill In the Blank Questions:**

1. Without regard to the protest venue, contracting officers shall consider all protests and seek legal advice, whether protests are submitted before or after award and whether filed directly with the agency, the Government Accountability Office (GAO), or the U.S. Court of Federal Claims.  
[Hint: Check out **FAR 33.102**]
2. Agencies shall make their best efforts to resolve agency protests within 35 days after the protest is filed. To the extent permitted by law and regulation, the parties may exchange relevant information.  
[Hint: Check out **FAR 33.103**]
3. Issue in controversy means a material disagreement between the Government and the contractor that- (1) May result in a claim; or (2) Is all or part of an existing claim.  
[Hint: Check out **FAR 33.201**]
4. Contractor claims shall be submitted, in writing, to the contracting officer for a decision within 6 years after accrual of a claim, unless the contracting parties agreed to a shorter time period. The contracting officer shall document the contract file with evidence of the date of receipt of any submission from the contractor deemed to be a claim by the contracting officer.  
[Hint: Check out **FAR 33.206**]
5. The objective of using ADR procedures is to increase the opportunity for relatively inexpensive and expeditious resolution of issues in controversy. Essential elements of ADR include-  
(1) Existence of an issue in controversy;  
(2) A voluntary election by both parties to participate in the ADR process;  
(3) An agreement on alternative procedures and terms to be used in lieu of formal litigation; and  
(4) Participation in the process by officials of both parties who have the authority to resolve the issue in controversy.  
[Hint: Check out **FAR 33.214**]

**“Look ‘Em Ups”** (Enter the FAR cite and Answer)

1. What are the statutory deadlines imposed on contracting officers for responding to a contractor’s certified claim valued in excess of \$100,000?

**33.211**

(c) The contracting officer shall issue the decision within the following statutory time limitations:

(1) For claims of \$100,000 or less, 60 days after receiving a written request from the contractor that a decision be rendered within that period, or within a reasonable time after receipt of the claim if the contractor does not make such a request.

(2) For claims over \$100,000, 60 days after receiving a certified claim; provided, however, that if a decision will not be issued within 60 days, the contracting officer shall notify the contractor, within that period, of the time within which a decision will be issued.

(d) The contracting officer shall issue a decision within a reasonable time, taking into account-

- (1) The size and complexity of the claim;
- (2) The adequacy of the contractor’s supporting data; and
- (3) Any other relevant factors.

2. Following receipt of a GAO bid protest filed by a disappointed offeror, what seven (7) things must a contracting officer prepare/collect and include in the agency’s “protest file” (in addition to an index)?

- (A) The protest;
- (B) The offer submitted by the protester;
- (C) The offer being considered for award or being protested;
- (D) All relevant evaluation documents;
- (E) The solicitation, including the specifications or portions relevant to the protest;
- (F) The abstract of offers or relevant portions; and
- (G) Any other documents that the agency determines are relevant to the protest, including documents specifically requested by the protester.

**Extra Credit:** According to the “Disputes Statute”, prior to the entry of a “final judgment”, all contractor claims are required to include a proper “certification”. What is the proper certification that **MUST** be used **AND** who within the contractor organization is deemed “proper” to make such a certification?

**FAR 33.207**

The certification shall state as follows:

I certify that the claim is made in good faith; that the supporting data are accurate and complete to the best of my knowledge and belief; that the amount requested accurately reflects the contract adjustment for which the contractor believes the Government is liable; and that I am duly authorized to certify the claim on behalf of the contractor.

The certification may be executed by any person authorized to bind the contractor with respect to the claim.

**FUN Question:** Speaking of “proper”, one of my favorite Broadway musicals involves a noted “professor” of phonetics who has been challenged to turn a lowly London “flower girl” into a “proper lady”. What is the name of that Broadway musical. For an additional twenty (20) “fun” points tell me who starred in the role of the flower girl on the show’s opening night.

My Fair Lady

Julie Andrews