

CLIENT ALERT

CORRECTION: Congress to Vote on Radically Altering CFC's Bid Protest Timeliness Rules

May 15, 2012

Yesterday we erroneously reported that a provision to amend the Tucker Act with respect to the timeliness rules of Court of Federal Claims protests had been included in the 2013 National Defense Authorization Act reported by the House Armed Services Committee. We have learned that this proposed legislation from the Department of Defense was ultimately not included in the bill, as reported, perhaps because such amendments to Title 28 of the U.S. Code are within the jurisdiction of the Judiciary Committee, but we will continue to track this proposed legislation.

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REVISED -- see above. Late last week, the House Armed Services Committee passed a committee mark version of the 2013 National Defense Authorization Act that includes a provision that would amend the Tucker Act to adopt all of the GAO's timeliness rules for bid protests. If the bill is signed into law in its current form, protesters would no longer be able to file Court of Federal Claims bid protests after an unsuccessful effort at the GAO, but would be required to select one forum or the other.

[Click here for a more detailed analysis of this proposed legislation at our government contracts blog, The Government Contracts Legal Forum.](#)

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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