

CLIENT ALERT

DoD Renews Its Request to Limit CFC Bid Protest Jurisdiction Dramatically

April 22, 2016

In its [legislative proposal package sent to Congress on April 12, 2016](#), the DoD is again seeking to curtail the CFC's bid protest jurisdiction significantly by importing nearly all of GAO's rigid timeliness rules into the Tucker Act, 28 U.S.C. § 1491(b), with the stated goals of "reducing the time to decide bid protests by avoiding unnecessarily repetitive protests" and eliminating an "unintended forum shopping practice that has arisen under the existing bid protest system[.]" For a detailed review of the similar DoD legislative proposal in 2012, see [this post](#), where we explain why the proposed change, among other things, (1) will not fully address DoD's "second bite at the apple" concerns, (2) will deny many prospective protesters a "first bite," and (3) may have a significant effect on the types and numbers of protests filed in the GAO and the CFC.

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

John E. McCarthy Jr.

Partner – Washington, D.C.

Phone: +1.202.624.2579

Email: jmccarthy@crowell.com

James G. Peyster

Counsel – Washington, D.C.

Phone: +1.202.624.2603

Email: jpeyster@crowell.com