1.1 **Purpose.** This policy establishes the requirements to report a protest filed against Indian Affairs (IA) to the Head of the Contracting Activity (HCA) and the Bureau Procurement Chief (BPC). The HCA and the BPC must be informed of all protest actions to determine the impact on IA operations and allows for a unified course of action.

1.2 **Scope.** This policy applies to all IA headquarters, field, and program staff under the authority of the Assistant Secretary – Indian Affairs (AS-IA), including the Bureau of Indian Affairs (BIA) and the Bureau of Indian Education (BIE).

1.3 **Policy.** It is the policy of IA to report all protests filed against IA, according to the reporting procedures in Section 1.7 of this policy, through the Supervisory Contract Specialist (SCS) to the BPC and the HCA before an official response is prepared. The HCA and BPC, or designee, will review the protest and provide guidance to Contracting Officers (COs) while recommending a unified course of action.

1.4 **Authority.**

A. **Statutes and Regulations.**

   1) 48 CFR Subpart 33.1, Protests (Federal Acquisition Regulation (FAR) System)
   2) 48 CFR Chapter 14, Department of the Interior (FAR System)

1.5 **Responsibilities.**

A. **Deputy Assistant Secretary- Indian Affairs (Management) (DAS-M)** oversees the acquisition management program through the Office of the Chief Financial Officer (OCFO) and ensures it is in compliance with all applicable laws, regulations, policies, and procedures.

B. **Chief Financial Officer (CFO)** is responsible for the management, administration, and oversight of IA acquisition policies and procedures. The CFO is the Senior Acquisition Official and Head of Contracting Activity (HCA) for IA.

C. **HCA** is responsible for the overall management of IA’s contracting activity.

D. **BPC** is responsible for establishing acquisition policy, guidance and oversight through the Division of Acquisition Management and is responsible for providing IA policy and guidance to acquisition personnel.

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E. SCS is responsible for providing oversight to the Contract Specialists (including regional Contract Specialists) and ensuring that acquisition personnel adhere to IA policies.

F. CO is the individual with the authority to enter into, administer, or terminate contracts. The CO is responsible for ensuring performance of all necessary actions for effective contracting, ensuring compliance with the terms of the contract, and safeguarding the interests of the United States in its contractual relationships and is responsible for adherence and application of this policy.

G. Contract Specialist (CS) monitors and administers contracts, supports contracting leadership and is responsible for adherence and application of this policy.

H. Contracting Offices are responsible for reporting all protested actions related to contracting as described in this policy.

1.6 Definitions.

A. Protest means a written objection by an interested party to any of the following:
   1) A solicitation or other request by an agency for offers for a contract for the procurement of property or services.
   2) The cancellation of the solicitation or other request.
   3) An award or proposed award of the contract.
   4) A termination or cancellation of an award of the contract, if the written objection contains an allegation that the termination or cancellation is based in whole or in part on improprieties concerning the award of the contract.

1.7 Reporting Procedures.

A. Upon receipt of the protest, the CO or CS must notify the SCS within one (1) business day and, within two (2) business days, provide the HCA and the BPC notification through e-mail (electronic mail) or facsimile of receipt of the protest.

   1) The CO or CS must provide the following with the notification:
      a. Copy of the written protest.
      b. The circumstances of the protest, including issues that may negatively impact or affect daily operations, halt significant operations, have bureau-wide implications, and/or any other significant issues.
B. Upon completing their review, the HCA and BPC, or designee, will provide guidance and/or instruction to the CO or CS on how to proceed within five (5) business days after receipt of the notification with all relevant documents and information on the specified protest.

Approval

James N. Burckman
Acting Deputy Assistant Secretary – Indian Affairs (Management)

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