

HQ AMC-Level Protest Program

The Headquarters, U.S. Army Materiel Command (HQAMC)-Level Protest Program is managed by the HQAMC Command Counsel. There is a mandatory clause for all AMC solicitations and contracts that makes bidders and offerors aware of this program.

A HQAMC protest is a “protest to the agency,” within the meaning of FAR § 33.103. The HQAMC-Level Protest Program is intended to encourage interested parties to seek resolution of their concerns within AMC as an alternative dispute resolution forum, rather than filing a protest with Government Accountability Office (GAO) or other external forum.

HQAMC-Level protests can be filed with the contracting officer or (other official at the contracting command designated to receive protests) or they can be filed directly with the HQAMC Command Counsel. If the AMC-level protest is filed within GAO's automatic stay period, the contracting officer must suspend performance, unless an override of the automatic stay is granted by HQ AMC, based on the best interests of the United States. Because decisions in AMC-level protests are issued so quickly, *HQ AMC has never lifted a stop-work order in the history of the program.*

The advantages to the protester of filing a protest under the HQAMC-Level Protest Program are: (1) AMC applies the *same rules* that apply in GAO protests, including the requirement to issue a stop-work order until the protest is resolved, (2) AMC will issue a decision within **35 days** of filing whereas the GAO has 100 days to issue a decision, (3) there is virtually *no cost* associated with filing a protest with AMC since the bidder or offeror does not need to hire an attorney and can file a protest by email, and (4) AMC provides the *same remedies* that are available at the GAO. If AMC decides a protest has merit, the subordinate contracting office is required to take corrective action. Even if AMC denies or dismisses the protest, AMC's decision will address the merits of the protest so the protester fully understands the basis for the decision. Moreover, if the protester is not satisfied with AMC's decision in the protest, a subsequent protest can still be filed with the GAO or the U.S. Court of Federal Claims.

In 2003, the U.S. Office of Federal Procurement Policy formally recognized the AMC-Level Protest Program as an Outstanding Acquisition ADR Program in the Federal Government for its innovation and effectiveness. Since then, the Program has successfully resolved several hundred protests, with an average 85 percent staying at the AMC level rather than going to GAO or COFC. Protesters like the program because it affords all the remedies of the GAO, in much less time and at much less cost. AMC leadership, program managers and contracting officers like it because it keeps decision-making in house, yields decisions quickly, and produces finality in the large majority of cases.

For more information on HQAMC-Level Protests, go to the AMC Command Counsel's website at: <http://www.amc.army.mil/amc/commandcounsel.html>.