

PART 233 - Protests, Disputes, and Appeals

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SUBPART 233.1--PROTESTS

(Revised May 31, 2019)

233.102 General.

If the Government exercises the authority provided in [239.7305\(d\)](#) to limit disclosure of information, no action undertaken by the Government under such authority shall be subject to review in a bid protest before the Government Accountability Office or in any Federal court (see subpart [239.73](#)).

233.170 Briefing requirement for protested acquisitions valued at \$1 billion or more.

Follow the procedures at [PGI 233.170](#) for briefing protested acquisitions valued at \$1 billion or more.

233.171 Reporting requirement for protests of solicitations or awards.

Follow the procedures at [PGI 233.171](#) for reporting information on protests involving the same contract award or proposed award that have been filed at both the Government Accountability Office and the United States Court of Federal Claims.

SUBPART 233.2--DISPUTES AND APPEALS

(Revised June 15, 2012)

233.204-70 Limitations on payment.

See 10 U.S.C. 2410(b) for limitations on Congressionally directed payment of a claim under 41 U.S.C. chapter 71 (Contract Disputes), a request for equitable adjustment to contract terms, or a request for relief under Pub. L. 85-804.

233.210 Contracting officer's authority.

See [PGI 233.210](#) for guidance on reviewing a contractor's claim.

233.215 Contract clause.

Use Alternate I of the clause at FAR 52.233-1, Disputes, when—

- (1) The acquisition is for—
 - (i) Aircraft
 - (ii) Spacecraft and launch vehicles
 - (iii) Naval vessels
 - (iv) Missile systems
 - (v) Tracked combat vehicles
 - (vi) Related electronic systems;
- (2) The contracting officer determines that continued performance is—
 - (i) Vital to the national security, or
 - (ii) Vital to the public health and welfare; or
- (3) The head of the contracting activity determines that continued performance is necessary pending resolution of any claim that might arise under or be related to the contract.

233.215-70 Additional contract clause.

Use the clause at [252.233-7001](#), Choice of Law (Overseas), in solicitations and contracts when contract performance will be outside the United States and its outlying areas, unless otherwise provided for in a government-to-government agreement.