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# GAO: No bid protest jurisdiction over USPTO's use of a request for information to limit participation in future procurement

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*Contractors responding to a request for information ("RFI") issued pursuant to the U.S. Patent and Trademark Office's ("USPTO") Alternative Competition Method may be surprised to learn that they may have no opportunity to challenge the agency's decision to exclude them from bidding on a future procurement.*

*Such was the case in a recent Government Accountability Office (GAO) bid protest decision, CGI Federal, Inc; Ascendant Servs., LLC, B-418807.1; B-418807.2, 2020 WL 4901733 (Comp. Gen. Aug. 18, 2020).*

Shaun Kennedy and Thomas Morales co-authored an article for Westlaw Today titled, "GAO: No bid protest jurisdiction over USPTO's use of a request for information to limit participation in future procurement." The authors review a GAO bid protest decision that exposes a potential jurisdictional void regarding and the opportunity for government contractors to challenge competitive decisions under the USPTO's Alternative Competition Method.

Please click [here](#) to read the full article: GAO: No bid protest jurisdiction over USPTO's use of a request for information to limit participation in future procurement.

### **About the Authors:**

Shaun Kennedy is of counsel with the Government Contracts Practice Group at Holland & Hart LLP. He brings broad expertise to federal and state government contracts, guiding clients in bid protests and claims litigation, general counseling, and internal investigations. Thomas Morales is an associate with the firm's Government Contracts and Construction practice groups. He joined the firm after working as a project and operations manager for an electrical subcontractor and now uses his industry.

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