



IN REPLY  
REFER TO

**DEFENSE LOGISTICS AGENCY**  
DEFENSE ENERGY SUPPORT CENTER  
8725 JOHN J. KINGMAN ROAD, SUITE 4950  
FORT BELVOIR, VA 22060-6222

DEC 03 1999

DESC-CPA (D. Baker)

CONTRACTING INSTRUCTION (CI): 99-25  
MEMORANDUM FOR CI Distribution

SUBJECT: Alternative Agency Protest Procedures

In accordance with DLAD 33.103, Protests to the agency, and PROCLTR 99-12, dated 5 Oct 99; this CI is issued to provide that protests annotated as "Agency Level" under Executive Order 12979 be forwarded to the Chief of the Contracting Office (CCO). In those cases where the CCO has had previous personal involvement with the protested procurement, the decision-maker shall be the Deputy Commander.

For clarification purposes, the CCO is understood to mean the Center Senior Procurement Official (CSPO) at DESC.

Previously, the DESC clause L5.01 stated that agency level protests under Executive Order 12979 would be forwarded to the DESC Director of the appropriate commodity business unit for a decision.

DESC clause L5.01 is hereby deleted; and DEPI coverage previously found at 33.103, Protest to the agency, is hereby rescinded. Therefore, the following new DLAD clause L5.01-1 shall be inserted in all solicitations:

**L5.01-1 AGENCY PROTESTS (DEC 1999)**

Companies protesting this procurement may file a protest 1) with the contracting officer, 2) with the General Accounting Office, or 3) pursuant to Executive Order No. 12979, with the Agency for a decision by the Activity's Chief of the Contracting Office. Protests filed with the agency should clearly state that they are an "Agency Level Protest under Executive Order No. 12979." (Note: DLA procedures for Agency Level Protests filed under Executive Order No. 12979 allow for a higher level decision on the initial protest than would occur with a protest to the contracting officer; this process is not an appellate review of a contracting officer's decision on a protest previously filed with the contracting officer.) Absent a clear indication of the intent to file an agency level protest, protests will be presumed to be protests to the contracting officer.

(DLAD 52.233-9000)



This CI is effective immediately and expires upon dissemination. Point of contact is Ms. D. Baker, telephone 767-8602.

A handwritten signature in black ink, appearing to read "Sharon L. Murphy". The signature is fluid and cursive, with the first name "Sharon" and last name "Murphy" clearly distinguishable.

SHARON L. MURPHY

Center Senior Procurement Official