



United States
General Accounting Office
Washington, D.C. 20548

Office of the General Counsel

B-231514

May 27, 1988

Anderson and Anderson, APC
11755 Wilshire Blvd. #1840
Los Angeles, California 90025

Dear Mr. Anderson:

This responds to your letter of May 14, 1988, regarding employee assistance contracting. You express concern that "there is something irregular operating in this field which should be investigated" and refer to two procurements in which your firm and another minority firm did not receive contract awards.

You state that generally "federal contracts are awarded to the lowest bidder assuming that the technical proposal is acceptable." In fact, when negotiation procedures are used, contracting agencies need not award on the basis of low cost, provided that the solicitation sets forth all the evaluation factors and their relative weights that will be used for evaluation of proposals and determining the awardee.

With respect to the particular procurement in which you were involved, if you believed the award was made improperly, you could have protested the award either to the agency or to this Office. Our Bid Protest Regulations provide that a protest, to be timely, must be filed within 10 working days of when the protester learns of the basis for protest. It appears from the correspondence you submitted that a protest at this point would not be timely.

For your future reference, I am enclosing the new edition of our booklet "Bid Protests at GAO: A Descriptive Guide," which sets forth and explains the various provisions of our

protest regulations. Please feel free to contact me if you have any questions or if we can be of further assistance.

Sincerely yours,

A handwritten signature in cursive script that reads "Ronald Berger". The signature is written in dark ink and is positioned above the typed name.

Ronald Berger
Deputy Associate
General Counsel

Enclosure