



19865
LEVER

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON D.C. 20548

October 19, 1981

B-200266

The Honorable Donald E. Sowle
Administrator for
Federal Procurement Policy
Office of Management and Budget
Executive Office of the President

Dear Mr. Sowle:

You invited comments on proposed Policy Letter 81-4, which provides guidance concerning Government-wide bid protest procedures. The Policy Letter states that "[a]gencies are responsible for deciding or otherwise resolving bid protests" and establishes procedures for agencies to follow when protests are filed with them. The Policy Letter also recognizes that bid protests may be filed with our Office in accordance with our Bid Protest Procedures, 4 C.F.R. Part 21 (1981), and sets forth procedures for agencies to follow when a protest has been filed with our Office.

We agree that there is a need for establishing Government-wide procedures for handling bid protests. We also generally favor the major role established for procuring agencies in considering bid protests. In fact, our Bid Protest Procedures urge protesters to seek initial resolution of their complaints with the procuring agency. See 4 C.F.R. § 21.1(a). Although our experience is that many contractors do not file protests directly with agencies, we hope the establishment of uniform agency protest procedures will strengthen this aspect of the protest process.

We have two suggestions which we think will improve the proposed Policy Letter. First, on several occasions we have been told by protesters who did not meet our timeliness requirements that they had been unaware of the opportunity to protest to GAO earlier and they expressed

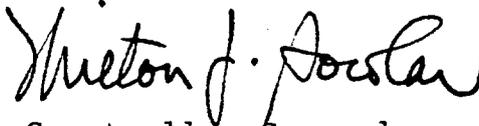
019020

B-200266

concern that the procuring agency had not provided that information to them. We think it would be a simple matter for agencies to so inform all potential bidders through a notice to that effect in the solicitation. Therefore, we suggest that the Policy Letter include language requiring agencies to include such a notice in their solicitations. Second, in recognition of existing practice, we believe that agencies should be instructed to advise us of the action they take in response to a recommendation for corrective action made by this Office in response to a protest.

We appreciate the opportunity to comment.

Sincerely yours,

for 
Comptroller General
of the United States