



X

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

353

Released

B-207938

July 13, 1982

Association of Soil and Foundation
Engineers
8811 Colesville Road
Suite 225
Silver Spring, Maryland 20910

Attention: John C. Regan
President

Gentlemen:

This responds to your June 11, 1982 letter regarding our decision in Ninneman Engineering--reconsideration B-184770, March 9, 1977, 77-1 CPD 171, and subsequent decisions by our Office, with respect to the Federal Government's procurement of architectural and engineering (A-E) services under the Brooks Act, 40 U.S.C. § 541 et seq. (1976). You request a meeting to discuss what you believe to be errors of fact and law in our application of the Brooks Act.

The matters you wish to discuss concern issues that we already have resolved in response to bid protests that you filed, or that we currently are considering in the bid protest context. In either case, our decisions have followed and will continue to follow in-depth consideration of the Brooks Act and its legislative history, and are reached only after affording you full opportunity to present your position in writing and in an informal conference pursuant to the conference provisions at section 21.7 of our Bid Protest Procedures, 4 C.F.R. part 21 (1982). While we appreciate your concerns, because there are divergent interests involved in these cases we believe that it would be inappropriate to meet with you as requested except as provided for in our Bid Protest Procedures. I therefore recommend that if you desire to discuss the application of the Brooks Act and our decisions to a particular procurement being protested, you contact the staff attorney handling the protest to schedule a conference under section 21.7.

Sincerely yours,

for *Shelton J. Avon*
Comptroller General
of the United States