

GAO

United States
General Accounting Office
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Office of the General Counsel

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Professor Michael P. Cox
College of Law
University of Oklahoma
300 Timberdell Road
Norman, Oklahoma 73019

Dear Professor Cox:

We refer to your letter of May 9, 1988, in which you requested a copy of the practice and procedural rules for any oral fact finding hearings provided by the General Accounting Office (GAO).

For a number of years, GAO has provided a relatively informal and expeditious forum for interested parties to protest solicitations issued by or for a federal agency for the procurement of property or services, or the proposed award or the award of such contracts. In keeping with the informal character of the forum, we did not provide for oral fact finding hearings, but instead decided protests on the basis of written submissions from the contracting agency and interested parties. Recently, however, we have amended our Bid Protest Regulations to provide that in protests filed on or after January 15, 1988, a fact finding conference may, at the discretion of our Office, be held to resolve a specific factual dispute essential to the resolution of the protest which cannot otherwise be resolved on the written record. 4 C.F.R. § 21.5(b) (1988). Witnesses testify under oath or affirmation, and a transcript of the proceeding is made. As provided for in both our Bid Protest Regulations and our preliminary guidelines for fact finding conferences, and in keeping with the informal character of our forum, fact finding conferences generally are conducted in as informal a manner as is reasonable and appropriate to insure fairness under the circumstances.

We have enclosed copies of the most recent edition of "Bid Protests at GAO: A Descriptive Guide," our Bid Protest Regulations, and our guidelines for fact finding conferences. We emphasize that these latter guidelines are only preliminary and that we expect to revise them based upon further experience with fact finding conferences.

In addition, we have enclosed a copy of the procedures governing formal hearings before GAO's Personnel Appeals Board concerning claims by GAO employees of discrimination or adverse action or inaction by GAO. We note, however, that the Board may revise these procedures in the near future. For further information regarding the personnel appeals process, you may contact Robert Murphy, Assistant General Counsel for Personnel Law Matters, at

Sincerely yours,



Seymour Efros
Associate General Counsel

Enclosures