GAO

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

Office of the General Counsel

B-224023

December 23, 1986

Bryan, Cave, McPheeters & McRoberts
Counsel for Superior Engineering and
Electronics Co., Inc.
500 North Broadway
St. Louis, Missouri 63102-2186

Attn:

Gentlemen:

We refer to your letter dated December 10, 1986, in which you express concern that our Office may not have maintained an "objective and impartial posture" during consideration of the protest by Superior Engineering and Electronics Co., Inc. under request for proposals (RFP) No. N00189-85-R-0378. Your concern is apparently based on statements in court of Mr. Barry Shillito, counsel for the interested party-awardee, Jonathan Corporation, indicating that Mr. Pogany, the General Accounting Office (GAO) attorney assigned to this case, informed Mr. Shillito that "he intends to have a decision hopefully this week" (week of December 1, 1986). Mr. Shillito also stated in court that he anticipated a GAO decision denying Superior's protest.

Under our Office policy, the assigned attorney is permitted to offer his own best estimate of the timeframe within which a decision will be issued to any party that requests that information, and Mr. Pogany did indeed provide Mr. Shillito with his estimate of when a decision could be issued. However, there was no communication with Mr. Shillito on any substantive matter by any member of our Office.

Please be assured that our practice of avoiding ex parte communications on substantive matters was followed strictly in this case, and that the decision was reached after a

complete, impartial and objective review of the record and the applicable law.

Sincerely yours,

Ronald Berger

Ronald Berger
Deputy Associate
General Counsel