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MEMORANDUM

TO: Patricia H. Wittie
Chair, Section of Public Contract Law

FROM: David F. Dowd, Co-Chair
Thomas P. Humphrey, Co-Chair
John P. Janecek, Co-Chair
Bid Protest Committee

DATE: October 8, 2004

SUBJECT: Quarterly Report of the Bid Protest Committee

The Bid Protest Committee respectfully submits this quarterly report for the Fall Council meeting. All items in the report are informational.

MONTHLY COMMITTEE MEETINGS

The Committee regularly meets on the third Tuesday of each month. The Committee's monthly meetings have been very well attended, with an average of roughly 35-40 attendees. Each meeting has featured full and informative briefings regarding topics of interest to practitioners in the bid protest area.

September: The Committee held its traditional “Back to School” presentation, during which the Committee discusses recent cases relevant to bid protests in the U.S. General Accounting Office, U.S. Court of Federal Claims, and the Court of Appeals for the Federal Circuit. The presenters were: Claude Goddard of Wickwire Gavin; Dean Grayson of Avaya; and Mark Colley of Holland & Knight.

October: The topic for this meeting is “GAO Protest Resolution Procedures.” Our panelists will be: Sharon Larkin, Senior Attorney from the U.S. General Accounting Office; Paul Khoury from Wiley Rein & Fielding LLP; and Jeff Kessler from the U.S. Army Materiel Command. The panelists will discuss various perspectives on techniques for resolving protests short of decisions, including outcome prediction and other practices.