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April 21, 2008

VIA EMAIL

Ralph O. White
Assistant General Counsel
Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548

**Re: Government Accountability Office, Administrative Practice and
Procedure, Bid Protests, Government Contracts, 73 Fed. Reg. 15098
(Mar. 21, 2008).**

Dear Mr. White:

On behalf of the Section of Public Contract Law of the American Bar Association ("the Section"), I am submitting comments on the above-referenced proposed amendments to the Government Accountability Office ("GAO") Bid Protest Regulations. The Section consists of attorneys and associated professionals in private practice, industry, and Government service. The Section's governing Council and substantive committees contain members representing these three segments to ensure that all points of view are considered. By presenting their consensus view, the Section seeks to improve the process of public contracting for needed supplies, services, and public works.¹

The Section is authorized to submit comments on acquisition regulations under special authority granted by the Association's Board of Governors. The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, therefore, should not be construed as representing the policy of the American Bar Association.²

The Section affirmatively endorses GAO's proposed amendments to the definition of "Intervenor" in 4 C.F.R § 21.0 to implement Section 326 of the National Defense Authorization Act for Fiscal Year 2008, Public Law No. 110-181. The Section believes that GAO's proposed amendments are consistent with

¹ Mary Ellen Coster Williams, the Section of Public Contract Law's representative to the ABA House of Delegates, and Jeri K. Somers and Sharon L. Larkin, members of the Section Council, did not participate in the consideration of these comments and abstained from voting to approve and send this letter.

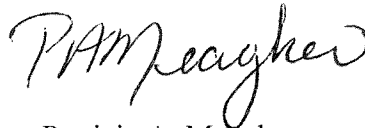
² This letter is available in pdf format at <http://www.abanet.org/contract/federal/regsgcomm/home.html> under the topic "Bid Protests."

Ralph O. White
Assistant General Counsel
Government Accountability Office
April 21, 2008
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Congress's intent to expand the protest rights of Federal employees in an A-76 competition. In addition, the Section commends GAO on taking proactive steps to clarify its regulations with respect to the various administrative matters identified in the Federal Register Notice. These amendments provide appropriate clarifications and changes to ensure consistency between current GAO practice and GAO rules. The Section believes that these clarifications and rule amendments will assist both those practitioners who routinely participate in bid protests before GAO and, more importantly, those who do not. Given the expedited nature of bid protests, clarifications that will streamline protests and eliminate disputes are welcomed.

The Section appreciates GAO's efforts and is available to provide additional information or assistance as you may require.

Sincerely,



Patricia A. Meagher
Chair, Section of Public Contract Law

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