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

B-200814

August 3, 1981

The Honorable James G. Watt
The Secretary of the Interior

Dear Mr. Secretary:

Enclosed is a copy of our decision of today sustaining the protest by Law Engineering Testing Company against the award of a contract under Bureau of Indian Affairs request for proposals (RFP) BIA-M00-80-47. We have sustained the protest because the RFP failed to state the relative weight of cost versus technical factors. Please also note our observation with respect to the applicability of the Brooks Act, 41 U.S.C. § 541 et seq. (1976), to the procurement.

As the decision indicates, the extent of performance under the contract precludes a recommendation for corrective action with regard to this procurement. We recommend, however, that action be taken consistent with our decision regarding future procurements.

In addition, we direct your attention to that part of the decision where we discuss the extraordinary delay we encountered in receiving a report on the protest from BIA. Pursuant to section 20.3 of our Bid Protest Procedures, 4 C.F.R. part 20 (1980), we anticipate that an agency will submit a report on a protest within 25 working days. As we stated in the decision, that section reflects both what we consider to be a sufficient period for the preparation of a report, and our concern that the expeditious handling of a protest is indispensable to the orderly process of Government procurement and to the protection of protesters and other parties. See also Federal Procurement Regulations § 1-2.407-8(a)(4) (1964 ed.).

We believe that the circumstances indicate a need for review of your agency's procedures for furnishing these reports in order to assure that similar problems do not

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occur in the future. We recently advised you to the same effect in a May 29, 1981, letter in connection with our decision in Vallie Enterprises, B-200339, May 29, 1981, 81-1 CPD 423.

Please advise us of the actions taken.

Sincerely yours,

Hilton J. Acosta

Acting Comptroller General
of the United States

Enclosure