



UNITED STATES GENERAL ACCOUNTING OFFICE  
WASHINGTON, D.C. 20548

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OFFICE OF GENERAL COUNSEL

B-200123.4

November 4, 1981

E.J.P. Tierney  
S.A.F.E Export Corporation  
c/o SAFE OHG  
Box 800 826  
D-6230 Frankfurt/Main 80  
Federal Republic of Germany

Dear Mr. Tierney:

In your letter of August 3, 1981, concerning this protest, you stated that you had understood from my letter of June 16 that I had "reluctantly agreed" with you that the file on the protest had been closed improperly, and that Mr. Mitchell of my staff has appeared to take a position inconsistent with mine in his subsequent letter of July 23. Your understanding of my June 16 letter is incorrect: I agree with Mr. Mitchell that the file was properly closed.

You have again asked whether there is an agency which resolves bid protests involving nonappropriated funds. We are aware of no independent agency which resolves bid protests concerning nonappropriated funds. If such a protest cannot be resolved with the procuring agency concerned, the aggrieved party's only recourse would be to file suit in a court of competent jurisdiction.

Sincerely yours,

Harry R. Van Cleve  
Acting General Counsel

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