

ASSISTANT MAJORITY WHIP

MICHAEL D. BARNES

8TH DISTRICT, MARYLAND

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FEDERAL GOVERNMENT SERVICE
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WASHINGTON, DC 20515
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Congress of the United States
House of Representatives

Washington, DC 20515

May 24, 1985

COMMITTEE ON THE BUDGET

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SECURITY AND SCIENCE

MEMBER, ASIAN AND
PACIFIC AFFAIRS

Honorable Nunzio J. Palladino
Chairman
Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D. C. 20555

RE: Vicki R. Satern
Employment Perspectives

Dear Mr. Palladino:

Enclosed is a copy of a recent communication from one
of my constituents, which I think should be brought to
your attention.

I would therefore appreciate your reviewing the
contents of the letter and advising me of your conclusions
in the matter.

Thank you for your consideration of this request.

Sincerely,

Mike Barnes
Michael D. Barnes

MDB/aa
Enclosure

8510010418 850904
PDR FOIA
DEZUBE85-564 PDR

18

Employment Perspectives
1730 M Street, N.W., Washington, D.C. 20036
(202) 659-0818

New Address: Box 6626
Silver Spring, MD 20906

May 8, 1985

Congressman Michael Barnes
House of Representatives
Washington, D.C.

MAY 10 '85
WASHINGTON OFFICE
CONG. MICHAEL D. BARNES

Dear Congressman Barnes:

At the recommendation of Bob Hoenig, with whom I worked on your behalf on the Montgomery County Task Force on the Needs of the Newly Unemployed, I am writing to inquire about two issues related to Federal agency handling of requests under the Freedom of Information Act and related to Federal agency and GAO handling of bid protests.

On March 14 we filed a bid protest with GAO against a contract awarded by the Nuclear Regulatory Commission which we feel was awarded unlawfully. On March 15 we filed a Freedom of Information Act with the Commission regarding information related to the awarding of that particular contract from 1976 to present in that the contract has been awarded to the same firm since 1976. The Commission did not acknowledge receipt of our FOIA request until April 8. Further, the Commission never requested an extension of deadline from us. And, to date, they have not furnished the requested information.

We have learned that our only recourse to securing this information is to go to Court, which is not feasible. First, it costs a small fortune to proceed through the Courts to secure information. Second, by the time we proceed through the Courts, the need for that information will have ceased to exist, since the GAO would have made a decision on that matter.

Secondly, the Commission has furnished to the GAO some--not all--of the information related to the procurement process. Based on conversations with the GAO, we understand that we will not be allowed to view the information furnished to the GAO as it relates to the process in general, nor to the evaluation of our proposals. Further, if the GAO requests additional information from the agency, the agency has the authority to deny that request, even if our firm or the GAO feels it is important to the decision-making process.

These are just two more examples which are consistent with the Commission's attitude and conduct toward due process and full and open disclosure. Needless to say, their posture on these issues defeats the processes of full and open competition and filing of bid protests.

Please advise us of the alternatives available to us and how you might assist us and other small business and contractors in general who are seeking to live within the intent of Congress and participated in the government contracting procedure, trusting that they would be given fair and just consideration.

Sincerely,

Vicki R. Satern
Vicki R. Satern