

The objective of U.S. federal procurement is to obtain a fair and reasonable price from contractors through full and open competition. Procurement by formal advertising is required in all cases where feasible and practicable. The prescribed methods of publicizing bid invitations include publication of notices in the *Commerce Business Daily*, sending copies to prospective suppliers on Bidders' Mailing Lists, display of invitations at the purchasing office or other appropriate public place, free publicity in magazines, newspapers and trade journals, and paid advertising when authorized.

Government agencies maintain a consolidated list of vendors interested in doing business with the government. Suppliers interested in selling to the government should submit a Bidders' Mailing List Application Form to the appropriate agency's purchasing or ordering offices. However, inclusion of a firm on such a bidders list is not a pre-condition for bidding and does not involve any qualification procedure. These lists are used as a supplementary method of advertising bidding opportunities.

The United States has an extensive bid protest system for government contracts, although it does not include appeals to the courts. A bidder may protest a contract award to the General Accounting Office (GAO)* which is the authority responsible for adjudicating bid protest or to the contracting officer. If a timely written protest is submitted prior to a contract award, no award can be made until the matter is

resolved, unless there is an urgent requirement or if a delay in the award would be contrary to the public interest.

Any disputes that arise out of the provisions of the contract itself or from the actions of the parties in the performance of the contract must be settled under a contract clause common to all types of contracts except architect-engineer contracts. The disputes clause provides for the contracting officer to resolve any dispute over a question of fact. The officer's decision is final unless the contractor, within a set time limit, delivers a written appeal to the contracting officer and to the head of the procuring agency or other designated official. Most agencies have established administrative boards to hear such appeals.

In respect to the bid challenge mechanism under the Free Trade Agreement, the U.S. government will continue to use its existing bid protest system. Canadian suppliers who feel they have not received national treatment for a U.S. government contract that falls under the Free Trade Agreement must seek redress through the bid protest system of the General Accounting Office.