

concert, to acquire voting shares of Cherokee Bancshares, Inc., St. Paul, Minnesota, and thereby indirectly acquire Cherokee State Bank of St. Paul, St. Paul, Minnesota.

Board of Governors of the Federal Reserve System, June 9, 2003.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

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**BILLING CODE 6210-01-S**

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 8, 2003.

**A. Federal Reserve Bank of Kansas City** (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *AllNations Bancorporation, Inc.*, Shawnee, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Calumet, Calumet, Oklahoma.

**B. Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *The Ginger Murchison Foundation*, Athens, Texas; to become a bank holding company by acquiring 85.9 percent of the voting shares of The First National Bank of Athens, Athens, Texas.

**C. Federal Reserve Bank of San Francisco** (Maria Villanueva, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105-1579:

1. *Eggemeyer Advisory Corp.*, WJR Corp., Castle Creek Capital LLC, Castle Creek Capital Partners Fund I, LP, Castle Creek Capital Partners Fund IIa, LP, and Castle Creek Capital Partners Fund IIb, all of Rancho Santa Fe, California; to acquire directly and indirectly more than 25 percent of State National Bancshares, Inc., Lubbock, Texas, State National Bancshares of Delaware, Inc., Dover, Delaware, Independent Bankshares, Inc., Lubbock, Texas, Independent Financial Corporation, Dover, Delaware, and State National Bank, Lubbock, Texas.

In connection with these applications, the Applicants also have applied to acquire, directly and indirectly, ANB Financial Corporation, Arlington, Texas, ANB Delaware Financial Corporation, Dover, Delaware, and Arlington National Bank, Arlington, Texas.

Board of Governors of the Federal Reserve System, June 9, 2003.

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## GENERAL ACCOUNTING OFFICE

### Administrative Practice and Procedure; Bid Protest Regulations, Government Contracts

**AGENCY:** General Accounting Office.

**ACTION:** Notice.

**SUMMARY:** The Office of Management and Budget (OMB) recently announced major revisions to Circular A-76, which governs how Federal agencies determine whether to transfer performance of commercial activities from the public to the private sector, or vice versa. Performance of Commercial Activities, 68 FR 32134 (May 29, 2003). As relevant here, the revisions would make competitions involving in-house government competitors more similar to private/private competitions conducted under the Federal Acquisition Regulation (FAR) than has been the case with the competitive sourcing process. This notice solicits comments regarding

two key legal questions, namely, whether the revisions made to the Circular affect the standing of an in-house entity to file a bid protest at the General Accounting Office (GAO), and who would have the representational capacity to file such a protest. This notice also solicits comments on other procedural issues raised by the Circular's revisions.

**DATES:** Comments should be submitted on or before July 16, 2003.

**ADDRESSES:** Comments concerning these matters may be submitted by e-mail at [A76Comments@gao.gov](mailto:A76Comments@gao.gov), or by facsimile at 202-512-9749. Due to delivery delays, submission by regular mail is discouraged. Comments may be sent by Federal Express or United Parcel Service to: Michael R. Golden, Assistant General Counsel, General Accounting Office, 441 G Street, NW., Washington, DC 20548.

### FOR FURTHER INFORMATION CONTACT:

Daniel I. Gordon (Managing Associate General Counsel), Michael R. Golden (Assistant General Counsel) or Linda S. Lebowitz (Senior Attorney); all three can be reached on 202-512-9732.

**SUPPLEMENTARY INFORMATION:** GAO's statutory authority to hear bid protests is found in the Competition in Contracting Act of 1984 (CICA), 31 U.S.C. 3551-56 (2000). CICA establishes the standard for standing to file a protest by stating that a protest may be filed by an "interested party," which is defined in the statute as "an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract." 31 U.S.C. 3551(2); *see also* Bid Protest Regulations, 4 CFR 21.0(a) (2003).

Under this definition, GAO hears bid protests filed by private-sector firms that have participated in A-76 cost comparisons, since a private firm that participated in an A-76 cost comparison is an actual offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract. Over the past three years, private firms have filed more than 50 protests at GAO challenging the conduct of A-76 competitions.

In contrast, GAO consistently has found that Federal employees and their unions cannot protest any aspect of the A-76 competition, because they do not meet CICA's definition of an "interested party," so that, as a matter of law, GAO lacks authority to consider their protests. In *American Fed'n of Gov't Employees, AFL-CIO et al.*, B-282904.2, June 7, 2000, 2000 CPD ¶ 87 at 3-4, GAO identified a number of reasons for