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**06186 - [B1386399] (Restricted)**

**[Review of Two Procurements for Cadastral Surveys and Mapping Services]. B-184770; B-118678. May 10, 1978. 4 pp.**

**Letter to Rep. Jack Brooks, Chairman, House Committee on Government Operations; by Elmer B. Staats, Comptroller General.**

**Contact: Office of the General Counsel: Procurement Law I.**

**Organization Concerned: Forest Service; Geological Survey.**

**Congressional Relevance: House Committee on Government**

**Operations. Rep. Jack Brooks.**

**Authority: Brooks Bill (40 U.S.C. 541).**



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

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MAY 10 1978

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The Honorable Jack Brooks  
Chairman, Committee on  
Government Operations  
House of Representatives

Dear Mr. Chairman:

We refer to your letter dated February 14, 1978, concerning our decisions in Kinneman Engineering-reconsideration, B-184770, March 9, 1977, 77-1 CPD 71, and United States Geological Survey, B-118678, May 6, 1977, 77-1 CPD 314 (copies enclosed). In the March 9, 1977, decision, we considered whether cadastral surveys must be procured in accordance with the Brooks Bill, 40 U.S.C. § 541 et seq. (Supp. V, 1975), which states the Federal Government's policy in the procurement of architect-engineer (A-E) services. Our findings therein served as the basis for the May 6, 1977, decision, which involved certain mapping services.

We stated in each decision that we had been advised by the contracting agency concerned that the services were not unique to professional A-E firms, although they were often performed by such firms, and were not incidental to an A-E project. On that basis, and in view of the language and legislative history of the Brooks Bill, we concluded that the cadastral survey and the mapping services could be procured under competitive statutes and regulations.

In your letter, you request that we initiate a review to obtain all the facts surrounding the two procurements, particularly the purposes to which the services involved were ultimately put. We interviewed the appropriate Forest Service and USGS officials. We also reviewed the subject contracts. The information obtained is summarized below.

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Winneman Engineering - reconsideration, supra:

The contract was for the "Lower O'Brien Cadastral Survey" in Kootenai National Forest, Libby, Montana. The procurement was conducted under Forest Service procurement regulations intended to comply with the Brooks Bill method. However, in our decision in Winneman Engineering, B-184770, May 11, 1976, 76-1 CPD 307, copy enclosed, we determined that the procurement procedures did not so comply. Nevertheless, since the contract had been substantially, and apparently satisfactorily, completed, we did not recommend that it be terminated. We advised the Secretary of Agriculture of our decision and recommended that Forest Service Regulations be amended to comply with the Brooks Bill.

Our decision in Winneman Engineering-reconsideration, supra, was issued when the Forest Service, in requesting reconsideration of our May 11, 1976, decision, questioned what it considered an implication therein that cadastral surveys must be procured in the manner set forth in the Brooks Bill.

With regard to the service procured under the contract, the cadastral survey involved a plot plan to define National Forest and private party boundaries. Surveys of the area were originally performed by the Bureau of Land Management (BLM). However, much of that work was done 50 to 100 years ago, and since then boundary markers have aged, and some are missing or are illegible. The contract work was basically a retracing of the earlier surveys (the surveying was procured by the Forest Service because it was considered too extensive for BLM).

The contract describes the work as follows:

"The surveyor will make a dependent resurvey to recover or restore all public land survey corner monuments

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in their original position, provide for section subdivision survey to delineate Federal and private lands within the sections described and prepare and record a 'Certificate of Survey.'

In addition, the "SCHEDULE OF ITEMS" included:  
"Corner Search and Retracement Survey; Corner Monumentation; Mark and Post; Records, Plats, and Computations; Traverse to Outside Controlling Corners; and Monumentation (Controlling)."

The survey results are on file in the county courthouse in Missoula, Montana.

United States Geological Survey, supra:

A request for proposals (RFP) for the mapping services was issued on November 23, 1977, to 58 firms. Of the 20 proposals received in response, six were evaluated as technically acceptable. Negotiations were conducted and best and final offers submitted. Award was made to American Geodetic Survey Company, the highest-evaluated, as well as the lowest-priced, responsible offeror.

The mapping services concerned involved flood plain mapping, in which cross sections of flood plains are taken and the probable future height of water levels is estimated. The work includes air photography and ground surveys, and the resulting maps are turned over to the Department of Housing and Urban Development for the computation of flood insurance rates. In this connection, the contract describes the work as follows:

"Provide information required for administration of the Federal Flood Insurance Study in Nelson County Kentucky, as described in ART CLE I STATEMENT OF WORK."

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We have enclosed a copy of "ARTICLE I STATEMENT OF WORK" for your information.

Thus, it appears that the services involved in the two contracts were not unique to professional A-E firms and were not incidental to any A-E projects. Therefore, it was not necessary to follow Brooks Bill procedures in their procurement.

We trust that the above serves the purpose of your inquiry.

Sincerely yours,

(Signed) Elmer B. Stone

Comptroller General  
of the United States

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