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

In not available to public reading

June 3, 1980

B-198893

The Honorable Richard S. Schweiker
United States Senate

Dear Senator Schweiker:

We refer to your letter to our Office dated May 19, 1980, with which you enclosed correspondence from Standard Steel (Standard) concerning the Salt-Gila Aqueduct.

Standard's correspondence indicates that a solicitation has been issued and various companies are in the process of preparing their respective bids. Standard advises that it will benefit as a "sub-tier supplier if the results are favorable to Western States Construction Company, Incorporated and Allis-Chalmers Corporation." In addition, Standard expresses its concern that "a fair and equitable bidding will be made and that foreign dumping practices will not be tolerated."

It is not evident from Standard's letter that the agency proposes to be unfair, inequitable, or tolerate foreign dumping. Moreover, there appears to have been neither action nor proposed action by the procuring activity adverse to Standard's interest. Accordingly, Standard's letter, if viewed as a protest, would be premature. See Imperial Products Company, Incorporated, B-188297, May 12, 1977, 77-1 CPD 340.

Furthermore, we note that Standard is a potential subcontractor. Standard is primarily concerned with the procurement as it pertains to Allis-Chalmers and Western States. Under these circumstances, we believe that Standard would not be characterized as an interested party under our Bid Protest Procedures since the legitimate, recognizable interests would be adequately protected by the

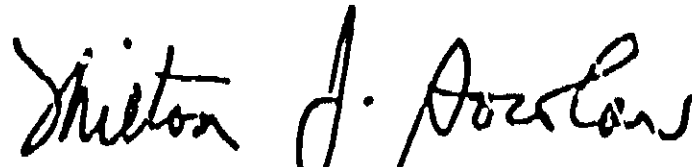
parties submitting bids. In these circumstances, it does not appear we would review any protest by Standard concerning the award or proposed award under the solicitation since there would be no need to expand the potential protesters beyond the bidders. See Photonics Technology, Inc., B-196437, November 7, 1979, 79-2 CPD 337.

Whether a foreign company may be guilty of dumping (i.e., selling at prices lower in the United States than in its own country) under the Antidumping Act of 1921, as amended, 19 U.S.C. § 160, et seq. (1976), is a matter within the jurisdiction of the Secretary of the Treasury and the United States International Trade Commission, not GAO. See Westinghouse Electric Corporation, B-194530, September 25, 1979, 79-2 CPD 221.

We trust that this is responsive to your letter.

We enclose, as requested, a duplicate of our views and your memo plus enclosure.

Sincerely yours,



For the Comptroller General
of the United States

Enclosures - 3