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Page 11

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United States General Accounting Office
Washington, DC 20548

Office of
General Counsel

In Reply
Refer to: B-196641

February 27, 1980

Mr. Philip G. Read
Director, Federal Procurement
Regulations Directorate
Office of Acquisition Policy
General Services Administration

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Dear Mr. Read:

You requested our comments on proposed amendments to FPR, Subparts 1-1.10, Publicizing Procurement Actions and 1-4.10, Architect-Engineer Services. The proposed amendments relate to the publication of notices for architect-engineer services in the Commerce Business Daily (CBD) and the selection of architect-engineer firms by use of design competition including total economic life cycle cost projections.

FPR § 1-1003-7(b)(9)

The amendment sets forth information which is required to be placed by the "contracting officer" in notices in the CBD for architect-engineer services. Since "agency heads" are responsible under FPR § 1-4.1005-1 for the negotiation of contracts for architect-engineer services, unless such responsibility has been delegated, we believe references by the amendment to the "contracting officer" should be changed to "the agency head or authorized representative."

FPR § 1-4.1001 (a)

The proposed amendment revises the wording and organization of the existing provisions of section 1-4.1001 and inserts the word "related" between the words "negotiate" and "contracts." We do not understand why this change has been made in the existing provisions which restated the policy contained in Public Law 92-582, October 27, 1972. We therefore recommend that the existing provisions of FPR § 1-4.1001 be retained and designated subsection (a).



B-196541

FPR § 1-4.1001 (b)

We find the wording of the proposed amendment to be cumbersome and somewhat confusing. Additionally, we believe the reference to contracting officers is inappropriate for the reasons given above. Accordingly, we suggest the amendment be changed to read as follows:

"The agency head or authorized representative may use a design competition in the selection process and may pay each architect - engineer firm invited to submit a conceptual design a specific dollar amount when deemed appropriate. Payments may be appropriate when substantial work is required to submit a conceptual design, including total economic (life cycle) cost (see also § 1-1.1003-7) or unusual design and engineering problems are expected."

We have no further comments to offer.

Sincerely yours,

Henry R. Van Cleave

for Milton J. Socolar
General Counsel