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MS. Rogers

GAO

United States General Accounting Office
Washington, DC 20548

Office of
General Counsel

In Reply
Refer to:

B-196016

JAN 2 1980

The Honorable Don J. Walgren
House of Representatives

Dear Mr. Walgren:

Your letter of September 5, 1979, requested that we inquire into the circumstances surrounding the award of a contract for the replacement of windows at the Oakland Veterans Administration (VA) Hospital in Pittsburgh, Pennsylvania. Your constituents, Robert P. Randall of Three Rivers Aluminum Company, Inc. and Richard P. Macurak of D-M Products Inc., have objected to the fact that Three Rivers' windows were not used for the VA project and that Three Rivers did not have an opportunity to present its proposal to VA.

In response to our request for a report from VA, we received the following information. The window replacement contract was awarded to the Small Business Administration which in turn subcontracted the work to Beacon Construction Company under the 8(a) program. It was Beacon who chose the window to be used in the project--not VA. According to VA, Beacon never presented Three Rivers' windows for consideration. VA states that "VA officials in no way influenced [Beacon] as to the final manufacturer of the windows to be installed."

This Office has consistently recognized that the practices and procedures employed by contractors, such as Beacon, in the award of subcontracts are generally not subject to the statutory and regulatory requirements governing procurements by the Federal government. Therefore, we have no basis for objecting to the conduct of this procurement.

We hope we have answered your questions concerning this matter.

Sincerely yours,

MILTON SOCOLAR

Milton J. Socolar
General Counsel

