

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON

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APR 5

Major U. S. Grant, 3rd,
Executive and Disbursing Officer,
Arlington Memorial Bridge Commission.

SIR:

Receipt is acknowledged of your letter of March 15, 1926, requesting a decision whether your Commission may legally hold a form of competition along the lines of the program submitted with your request with a view to securing the best and most suitable design for the bascule for the draw span of the Arlington Memorial Bridge. The proposed procedure contemplates invitations to six firms of movable bridge specialists to submit designs according to the requirements outlined in the invitation, each design accepted by the contracting officer to be purchased for \$2,000, the designs and all accompanying data and papers to become the property of the United States, and the name of the person or firm submitting what is determined to be the best and most suitable design will be properly announced, but said designer will receive no additional compensation, award, or benefit other than the possible expectation of being employed thereafter in the capacity

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engineer for the bascule span, such employment, however, is left to subsequent agreement or contract. Competitors are not limited in the number of designs submitted but will be paid except the amount offered for one design. It is noted that you have estimated that the \$2,000 to be paid for suitable designs will be slightly less than the cost to the competitor of preparing the same, and the following explanation of the necessity for such a competition is given:

"In the present, and as yet not fully developed state of the bridge work, several well known types are designed and used by various firms specializing in this work. Most of the outstanding features of each type are patented, and consequently cannot be used in any design other than one prepared by the patentee. Each of these types has its peculiarities and claims of superiority; and it is not manifest to what extent each may be adapted to the present special case. Furthermore, because of the rapid advances which are constantly being made in this kind of work, each type is in a more or less untried condition; so that any particular design, made for a particular bridge, cannot be taken as a measure of or a criterion for the suitability of the same design for any other bridge. It is, consequently, impracticable to make a decision in advance as to which of these various types is most suitable for the Arlington Memorial Bridge. Finally, a choice of type by the design office, without having the design of all makes to choose from, might very well result in an unnecessarily high cost.

"The draw span of the Arlington Memorial Bridge is an unusual and a very difficult problem in bascule work, and it would be prudent to decide in favor of one type without studying all types and without exhausting every other possible source of information. The only alternative and much less conclusive

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means of securing accurate information, other than by the competition proposed, would be for this Commission to send its engineers to examine practically all of the more important bascule bridges now in operation. These bridges are widely scattered throughout the country, and are sometimes difficult of access. This procedure would, therefore, not only fail to ensure the best solution to our problem, but would be practically as costly as a competition and would require more time than can properly be allowed to elapse before making a decision, since after that, it would still be necessary to make theoretical adaptations and reductions of these bridges to the case of the Arlington Memorial Bridge. Such adaptations and reductions will necessarily be made by men who are not entirely familiar with the details of the various bridges and who could not therefore be expected to make them with the same degree of perfection as would be done by the designers of each type themselves. It is also to be remembered that since the time these existing bridges were built, many improvements in bascule design have been made, and the effect of these improvements as applied to a certain bridge would be no more than a matter of conjecture.

"As the most reliable means for collecting data upon which dependable comparisons may be made, a competition presents itself as being singularly fitted. It will insure that the designs submitted embody all modern improvements and that they will be developed and presented by men who are professionally and financially interested in their excellence and success. Also, each type will be especially prepared for and adapted to the Arlington Memorial Bridge, and thereby reduced to a common basis, not otherwise available, for deliberate, parallel, and comparative study. And it is, in the final analysis, not so much the selection of a type in which this Commission is interested, as obtaining the best adaptation to our particular case."

A prize competition was held unauthorized in decision of February 18, 1926. 5 Comp. Gen. 640. However, the present proposition as submitted does not suggest a competition in the

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ordinary sense, for the reason that each one of the competitors submitting a satisfactory design will be paid for such design a purchase price estimated to be sufficient only to cover the reasonable cost of producing the design. The transaction, therefore, would appear to involve a direct purchase of the satisfactory designs with a right in the United States to apply them where and as it may see fit in the final determination and construction of a bascule for the draw span of the bridge. Considering the question from this standpoint, and having regard to the terms of the appropriation involved, the fact that this particular bridge is intended, not merely for utility purposes, but as a memorial in which the artistic features are a major, if not the primary, consideration, and the statement in your submission that "The competition contemplated is not unusual in ordinary engineering practice and appears to be the only way in which the Government can obtain a fair comparison of various types for a complicated and unusual structure," this office would appear justified in making no objection to the procurement of the designs in the manner and for the uses stated.

Respectfully,

J. K. Mott
Comptroller General
of the United States.