

DOCUMENT RESUME

02348 - [A1332297]

[Applicability of the Brooks Bill to the Procurement of Mapping Services]. B-~~184770~~. May 6, 1977. 2 pp.

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Decision by Paul G. Dembling, Acting Comptroller General.

Issue Area: Federal Procurement of Goods and Services (1900).
Contact: Office of the General Counsel: Procurement Law II.
Budget Function: General Government: Other General Government (806).

Organization Concerned: Geological Survey.

Authority: Federal Policy and Administrative Service Act of 1949, as amended; Brooks Bill (P.L. 92-582, sec. 902; 86 Stat. 1279; 40 U.S.C. 541 et seq. (Supp. V)). F.P.R. 1-3.210(13). B-184770 (1977).

The Geological Survey requested a decision concerning the applicability of the Brooks Bill to the procurement of mapping services. Mapping services which may be adequately performed by other than architectural/engineering (A-E) firms and are not related to any known procurement of A-E services may be procured in open competition without violation of law.
(Author/DJM)

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DECISION



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

*Boorman
Pitt*

FILE: B-118676

DATE: *May* 6, 1977

MATTER OF: United States Geological Survey

DIGEST:

Mapping services which may be adequately and properly performed by other than architectural/engineering firms and which are not related to any known procurement of A-E services may be procured in open competition without violating Brooks Bill, 40 U.S.C. § 541 et seq. (Supp. V, 1975).

The United States Geological Survey (USGS), Department of the Interior, requests our decision concerning the applicability of the Brooks Bill, 40 U.S.C. § 541 et seq. (Supp. V, 1975) to the procurement of certain mapping services.

USGS indicates that, in the past, most contracts for these services have been competitively negotiated in accordance with Federal Procurement Regulations § 1-3.210(13), entitled "Impracticable to Secure Competition by Formal Advertising." USGS anticipates, however, that it will soon have specifications adequate to permit procurement of mapping services by formal advertising. Because many potential suppliers have questioned USGS as to the propriety of procuring mapping services by other than Brooks Bill negotiation procedures, USGS has requested our advance decision in this matter.

The purpose of the Brooks Bill is stated in section 542 as follows:

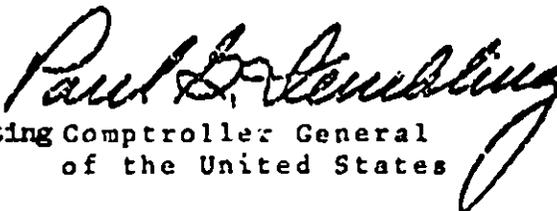
"The Congress hereby declares it to be the policy of the Federal Government to publicly announce all requirements for architectural and engineering services, and to negotiate contracts for architectural and engineering services on the

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basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices."

In this case, we have been called upon to decide whether a service, for which licensing as a professional architectural or engineering (A-E) firm is not required and which may in fact be performed by an A-E firm as well as by an entity not so licensed, must be procured in accordance with the Brooks Bill procedures. That law (40 U.S.C. § 541(3)) defines A-E services as including "incidental services that members of these professions and those in their employ may logically or justifiably perform." In the recent case of Ninneman Engineering - reconsideration, E-184770, March 9, 1977, 77-1 CPD 171, our Office considered the applicability of the Brooks Bill to the procurement of cadastral (land) surveys. In that case, we held, in part, that cadastral surveys which could adequately and properly be performed by other than A-E firms and which were not related to any procurement of A-E services could be procured in open competition.

In the instant case, USGS advises us that the work involved may be adequately and properly performed by other than A-E firms. Furthermore, USGS indicates that the mapping services are not to be obtained in connection with any known A-E project. Consequently, in view of our holding in Ninneman Engineering, *supra*, we conclude that the Brooks Bill would not apply to procurement of the described mapping services and we find no basis for objecting to their procurement in open competition.


Acting Comptroller General
of the United States