

Burkard



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Fodrea Land Surveys

File: B-236413

Date: October 19, 1989

DIGEST

In view of the revised definition of architectural and engineering services contained in amendments to Brooks Act, traditional surveying and mapping services must be acquired under Brooks Act procedures.

DECISION

Fodrea Land Surveys protests the use by the Forest Service, Department of Agriculture, of specialized procedures set forth in the Brooks Act, 40 U.S.C. §§ 541-544 (1982), as amended by Pub. L. No. 100-656, § 742, 102 Stat. 3853 (1988) and Pub. L. No. 100-679, § 8, 102 Stat. 4055 (1988) (1988 amendments), to secure cadastral land surveying services for project R1-17-89-2. The protester contends that the required surveying work should be performed using standard competitive procedures.

The project, for five cadastral surveys on the Nez Perce National Forest, was synopsized in the Commerce Business Daily in March 1989 as an architectural and engineering project. While the Brooks Act requires that contracts be awarded at fair and reasonable prices on the basis of demonstrated competence and qualifications, the Brooks Act procedures effectively eliminate price competition for these professional services.

Essentially, Fodrea argues that the definition of architectural and engineering services does not include cadastral surveying and therefore does not require use of the Brooks Act procedures. However, in a recent decision specifically addressing the applicability of the Brooks Act to cadastral surveying, we explained that in light of the revised definition of architectural and engineering services contained in the 1988 amendments, surveying and mapping services traditionally performed by members of the architectural and engineering professions (and individuals in their employ) are clearly subject to the Brooks Act procedures.

046838/139826

White Shield, Inc., B-235522, Sept. 21, 1989, 68 Comp.
Gen. ___, 89-2 CPD ¶ ___. Since there is no indication that
the surveying and mapping services involved here are not
traditional architectural-engineering services, the same
result applies here.

The protest is denied.

James F. Hinchman
for James F. Hinchman
General Counsel