

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D. C. 20548

FILE: B-184627

DATE: September 14, 1976

MATTER OF: G. A. Braun, Incorporated (Request for reconsideration by Pellerin Milnor Corporation)

DIGEST:

Prior decision holding that contracting officer's findings did not support sole-source procurement is affirmed where no evidence is produced to show proper basis in record for contracting officer's sole-source determination.

Pellerin Milnor Corporation (Pellerin) requests reconsideration of our decision in G. A. Braun, Incorporated, B-184627, August 6, 1976, in which we held that the Veterans Administration erred in purchasing laundry equipment from Pellerin under contract V797P-2123A on a sole-source basis where the contracting officer's findings indicated that several manufacturers could satisfy the Government's needs and the record did not support negotiation for research and development purposes under 41 U.S.C. § 252(c)(11) (1970). The instant request for reconsideration is based on Pellerin's contention that the original protesting concern, G. A. Braun, Inc., could not have competed because it does not manufacture a system meeting the Government's specifications.

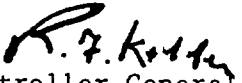
Our earlier decision held that the contracting officer's findings did not support his decision to proceed on a sole-source basis. Section 2.b. of his findings referred to the fact that there are three manufacturers of "shellless" laundry systems capable of satisfying the Government's needs. Pellerin has produced no evidence to rebut this finding. In fact, in its request for reconsideration, Pellerin acknowledges the existence of competition:

"None of the three USA manufacturers who do offer 'Shellless' machines (only two of whom actively participate in VA bids) have uttered any protest whatsoever against the award of the contract to us."

Both the Veterans Administration and Pellerin recognize the existence of alternative sources of acceptable machinery which, under the Government's own findings, should have required procurement on a competitive basis. Thus, the issue presented

for reconsideration--whether G. A. Braun is an acceptable alternative source--is of purely academic interest at this time. Furthermore, notwithstanding the improprieties noted, we did not recommend that the contract awarded to Pellerin be terminated.

Consequently, our decision in G. A. Braun, Incorporated, supra, is affirmed.


Deputy Comptroller General
of the United States