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

B-186313

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Sellers, Conner & Cuneo  
Attorneys & Counselors  
1625 K Street, N.W.  
Washington, D.C. 20006

Attention: Raymond S.E. Pushkar, Esq.  
Counsel for Burroughs Corporation

Gentlemen:

We refer to our letter of October 3, 1978, and prior correspondence concerning our decisions of December 9, 1976, Burroughs Corporation, 56 Comp. Gen. 142 (1976), 76-2 CPD 472, and April 13, 1977, Honeywell Information Systems, Inc., 56 Comp. Gen. 505 (1977), 77-1 CPD 256. Both of these decisions sustained Burroughs' protest against an award of a contract for an automatic data processing system to Honeywell by the Mine Enforcement and Safety Administration of the Department of Interior (now the Mine Safety and Health Administration (MSHA) of the Department of Labor). Incident to these decisions we also recommended that the automatic data processing requirements be repro-cured in a competition limited to the two companies.

CMG 451

CMG 436

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By letter of July 6, 1978, to the Secretary of Labor we reaffirmed our prior decisions notwithstanding objections raised by MSHA that its ADP needs had changed to such an extent that a new procurement open to all interested companies was in order rather than a repro-curement limited to Honeywell and Burroughs. The conclusion in our July 6 letter was based on a GAO audit which indicated that a repro-curement limited to Honeywell and Burroughs was still appropriate.

[REaffirmment of Prior Decision]

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Letter  
attached

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By letters of August 3 and August 25, 1978, MSHA furnished additional information concerning its alleged ADP needs changes and stated that it was "presently impossible to comply" with our prior letter and decisions. Because of these letters we again reviewed the validity and magnitude of the changes so as to decide whether MSHA's "present impossibility" statement was justified.

We conclude as a result of our audit review that, based on the recent MSHA correspondence, MSHA should "be permitted to enter into a new fully competitive procurement to meet its expanding data processing needs." Because of this conclusion, we are informing the Secretary of Labor, by letter of today, copy enclosed, that our prior recommendations regarding a restricted reprourement are withdrawn.

Sincerely yours,

**R.F.KELLER**

Deputy Comptroller General  
of the United States

Enclosure