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UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

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OFFICE OF GENERAL COUNSEL

B-192912

Mr. Philip G. Read
Director of Federal
Procurement Regulations
Federal Supply Service
General Services Administration
Washington, D.C. 20405

OCT 17 1978

Dear Mr. Read:

By letter dated September 13, 1978, you transmitted for our comment proposed changes to Federal Procurement Regulations (FPR) 1-1.1003-3, 1-1.1003-6, 1-1.1004 and 1-2.202-1. You indicate that the intent of these proposed changes is to make the FPR uniform and consistent in its requirements for the publicizing of procurement information with the Defense Acquisition Regulation (DAR).

Under the proposed change to FPR 1-1.1003-3(a) the publication of advance notice of an agency's interest in a given field of research and development in the Commerce Business Daily (CBD) would be discretionary. The proposed regulation states if the contracting officer considers the existing bidder's mailing list to include a sufficient number of concerns to obtain adequate competition, he need not consider publicizing the agency's interest.

This does not appear to accomplish the objective of making FPR consistent with DAR as DAR 1-1003-4(a) requires the publication of notices in the CBD and there is no indication that the DAR provision will be changed.

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In the interest of maximizing competition, we believe that advance notices of an agency's interest in a given field of research and development should always be published in the CBD unless national security considerations prohibit such publication. We do not believe the decision to publicize should be affected by the size of the existing bidder's mailing list.

We have no objection to the remaining changes as proposed.

Sincerely yours,

Paul G. Dembling

Paul G. Dembling
General Counsel