

11239

Page II

GAO

United States General Accounting Office  
Washington, DC 20548

Office of  
General Counsel

In Reply  
Refer to:

B-195444

AUG 21 1979

Major Norman L. Corbin  
Staff Judge Advocate  
Department of the Air Force  
San Antonio Contracting Center (ATC) DLG 02637  
Post Office Box 8218  
San Antonio, Texas 78208

Dear Major Corbin:

You requested an advance decision whether a certificate of deposit (CD) issued by a federally insured bank and assigned to the Government may be submitted in lieu of a bid, performance, or payment bond. You raised the question on behalf of a potential bidder or offeror.

As you know, this Office is not required to provide advance decisions unless requested to do so by disbursing or certifying officers having vouchers before them for payment or certification, or by the heads of Executive departments and establishments having any question involving payments to be made by their agencies. See 31 U.S.C. §§ 74, 82d (1976). However, we will consider a request by a contracting officer or a head of a procuring activity for an opinion concerning the proper resolution of a question affecting the award of a specific contract when the prompt resolution of such question is necessary or desirable prior to making the award. 36 Comp. Gen. 513 (1957). In other words, we will consider a request from a contracting officer or a head of a procuring activity when in the course of his or her official duties a question arises which affects the award of a specific contract.

Your question does not meet these prerequisites since you are neither a contracting officer nor a head of a procuring activity. Furthermore, your question does not appear to affect a specific contract.

Under the circumstances we must decline to render an advance decision. Nonetheless, for your information



006364  
[Submission of CERTIFICATE of DEPOSIT  
IN LIEU of Bid]

we refer you to 50 Comp. Gen. 712, 717 (1971), where we discuss certificates of deposit in general, to 39 Comp. Gen. 619 (1960), where we recognized that a letter of credit substantially complied with the requirement for a bid bond, and to B-145861, May 29, 1961, copy enclosed, which permitted the submission of a bank money order made to the order of the cognizant procuring activity.

Sincerely yours,

Henry R. Venn Cleve

For:

Milton J. Socolar  
General Counsel

Enclosure