



United States
General Accounting Office
Washington, D.C. 20548

Office of the General Counsel

B-226447

March 26, 1987

James B. McDaniel
Deputy Corporation Counsel, D.C.
Office of the Corporation Counsel
2000 14th Street, N.W.
Washington, D.C. 20009

Dear Mr. McDaniel:

This responds to your letter of March 3, 1987, in which you advise that the District of Columbia's Procurement Practices Act of 1985, D.C. Law 6-85, requires the District to use the procedures specified in 40 U.S.C. § 541-544 (1982), the Brooks Act, for the award of federal contracts to architects and engineers. You state that in your experience, construction management and consulting firms employing architects and engineers frequently seek to be considered for District work awarded under these procedures, even though they are organized as general corporations. You request this Office's informal advice as to whether awards under Brooks Act procedures are restricted to professional architectural and engineering firms in these circumstances, or whether general corporations that only employ architects and engineers may also be considered for award.

The Brooks Act provides that architect and engineer contracts may be awarded to:

" . . . any individual, firm, partnership, corporation or other legal entity permitted by law to practice the professions of architecture or engineering."

Given the Act's broad language, any entity authorized to provide architect or engineering services under District law would be eligible for consideration when applying the federal procedures for contracting with architects and engineers.

Interpreting the laws regulating the practice of architecture and engineering within the District is, of course, a matter within the province of your office. However, on its face,

District law appears to restrict the performance of architect and engineering services to either properly registered individuals, 2 D.C. Code Ann. §§ 2-216 and 2-2302 (1981), or professional corporations composed of such individuals. 6 D.C. Code Ann. § 29-602(2). It follows that consideration for award under Brooks Act procedures would also be limited to either individual registered architects and engineers or professional corporations composed of such individuals.

In this connection, you may find it useful to review this Office's cases dealing with the degree of discretion accorded federal agencies when determining whether a particular assignment should be classified as architect or engineer work subject to the Brooks Act. Generally, only those services associated with an architectural project, i.e., the design and construction of a building or other public work, must be procured under these procedures. See, for example, Mounts Engineering, B-223650 et al., Sept. 12, 1986, 86-2 CPD ¶ 293 (copy enclosed).

I trust the above will prove useful to you.

Sincerely yours,

Harry R. Van Cleve

Harry R. Van Cleve
General Counsel

Enclosure